



## **AGENDA**

### **REGULAR CITY COMMISSION MEETING MONDAY, JANUARY 8, 2024, AT 6:00 P.M.**

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

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#### **NOTICE TO THE PUBLIC**

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

#### **RULES OF CIVILITY FOR PUBLIC PARTICIPATION**

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

**"Politeness costs so little." – ABRAHAM LINCOLN**

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **SWEARING IN OF MAYOR AND VICE MAYOR FOR 2024**
  - Mayor Dylan Rumrell
  - Vice Mayor Beth Sweeny
- V. **APPROVAL OF MINUTES OF THE COMMISSION MEETING ON DECEMBER 4, 2023**
- VI. **ADDITIONS OR DELETIONS OF THE AGENDA**
- VII. **CHANGES TO THE ORDER OF TOPICS ON THE AGENDA**
- VIII. **PRESENTATIONS**
- IX. **PUBLIC COMMENTS**

X. COMMISSIONER COMMENTS

XI. PUBLIC HEARINGS

1. Ordinance 23-10, First Reading, to Adopt the 2023 Florida Building Code (Presenter: Brian Law, Building Official)

XII. 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)

XIII. OLD BUSINESS

2. Parking Improvements between A and 1<sup>st</sup> Streets, West Side of A1A Beach Boulevard: Request to Un-Table the Item, Review Proposal and Consideration of Budget Resolution 24-01 (Presenter: Jason Sparks, City Engineer)
3. Magnolia Dunes/Atlantic Oaks Circle Drainage Improvements: Request for City Commission to Approve Direction Requested by Staff (Presenter: Jason Sparks, City Engineer)
4. Stormwater Utility Fee: Request for Commission to Approve Increase in the Contract Amount for Development of the Fee and to Pay for Increase by Reducing Expenditures by \$14,572 (Presenter: Jason Sparks, City Engineer)

XIV. NEW BUSINESS

5. City Budget: Review of Trends for Fiscal Year 2025 Budget (Presenter: Patricia Douylliez, Finance Director)
6. Approval to Negotiate Contracts with Companies for Continuing Contracts for the Following Services: Architectural, Surveying, Environmental, GIS and General Civil Engineering (Presenter: Jason Sparks, City Engineer)
7. Discussion of Commissioner Assignments for 2024 (Presenter: Mayor Rumrell)
8. 2024 Florida Legislative Session: Discussion of Whether to Have Policy to Support or Oppose Proposed Bills (Presenter: Max Royle, City Manager)

XV. STAFF COMMENTS

XVI. ADJOURNMENT

**NOTICES TO THE PUBLIC**

1. **CHARTER REVIEW COMMITTEE**. It will meet on Wednesday, January 10, 2024, at 6:00 p.m. in the Commission meeting room at City Hall.
2. **SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE**. It will meet on Thursday, January 11, 2024, at 6:00 p.m. in the Commission meeting room.
3. **RON PARKER MEMORIAL CEREMONY**. It will be held on Friday, January 12, 2024, at 10:00 p.m., at Ron Parker Park, Old Beach Road, and Pope Road, to honor the memory of City Deputy Marshall Ron Parker, who was killed in the line of duty in 1975.

4. **CITY HOLIDAY.** It is Dr. Martin Luther King, Jr. Day, Monday, January 15, 2024. CITY OFFICES CLOSED. The change to the pickup of household waste will be: No pickup on Monday. Monday's pickup will be done on Tuesday, January 16<sup>th</sup>, along with Tuesday's pickup.
5. **COMPREHENSIVE PLANNING AND ZONING BOARD.** It will hold its monthly meeting on Tuesday, January 16, 2024, at 6:00 p.m. in the Commission meeting room. Topics on the agenda may include: a) election of Chair and Vice Chair for 2024; b) request for variance at 56 Willow Drive to exceed by 15 feet the allowable width of a residential driveway and to allow an increase of the impervious surface ratio from 40 percent to 45.7 percent; c) to discuss decreasing the number of required parking spaces for businesses holding special sale events; d) to schedule the Board's March meeting on the fourth Tuesday, March 26, 2024, because the meeting room will be used for voting for the Presidential Preference Primary on the third Tuesday, March 19<sup>th</sup>; and e) request for approval to remove a 36-inch diameter oak tree for construction of a new residence at 371 Ocean Forest Drive in the Anastasia Dunes subdivision.

**NOTE:**

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

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

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



## MINUTES

### REGULAR CITY COMMISSION MEETING MONDAY, DECEMBER 4, 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 Commander T.G. Harrell, 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 COMMISSION WORKSHOP ON NOVEMBER 13, 2023, AND THE REGULAR COMMISSION MEETING ON NOVEMBER 13, 2023

**Motion:** To approve the minutes of the Commissioner workshop meeting on November 13, 2023, and the regular Commission meeting on November 13, 2023. **Moved by** Commissioner Sweeny, **Seconded by** Commissioner George. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

There were none.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor Samora asked to pull Item XI.3 from the Consent Agenda for discussion.

VII. PRESENTATIONS

- A. Proclamation, to Recognize January 2024 as Human Trafficking Awareness Month (Presenter: Ms. Catherine Altman)

Ms. Catherine Altman, President, St. Augustine Branch of the American Association of University Women, advised that they were founded in 1966. She said that they often partner with the Betty Griffin Center and that Ms. Sheryll Sharp was also here today as their representative, and they also partner with law enforcement and that they appreciated everyone's support and the acknowledgement of Human Trafficking Awareness Month. She also said that she appreciated Commissioner George's sponsorship of their proclamation and hoped that the City would help

them shine a spotlight on this crime, which is often hard to get statistics on. She advised that this year's statistics showed that Florida is number three in the country for human trafficking and number two in labor trafficking. We have A1A, US-1, and the coastline, which are all major transportation routes that facilitate human trafficking along with I-95 and I-10, which have a transient population of people/workers coming in-and-out of Florida.

Mayor Samora thanked Ms. Altman and asked where people could get additional information. Ms. Sharp advised that they could contact the Betty Griffin hotline at 904-824-1555 or their administrative office on Old Moultrie Road at 904-808-8544. Ms. Altman advise that they have also developed a twenty-five-minute slide show program on human trafficking that they could present to anyone that might be interested.

Ms. Sheryll Sharp, Chief Program Officer, Betty Griffin Center, introduced herself and said that she has been very happy to work there for the past nine years and that they do really good work.

Mayor Samora thanked them for bringing the proclamation to the Commission.

**Motion:** To approve the Proclamation to declare January 2024 as Human Trafficking Awareness Month. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora moved on to Item VIII and opened Public Comment. He advised that anyone wishing to address the Commission on non-agenda items should fill out a speaker card, that they would have three minutes to speak, and to state their name and address for the record.

#### VIII. PUBLIC COMMENTS

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, said that he always tries to read the Departmental Monthly Reports and had not seen anything on the status of Ocean Hammock Park Walkway, and he believed that \$25,000 was budgeted for it; there were discussions of hiring a consultant to do an analysis on the life of the walkway and there may be some money left for some repairs; it was mentioned a few months ago about Tourist Development Council (TDC) money for Splash Park and he suggested that staff should do some estimates for different ways to make the surface safer; he said that the Jacksonville Zoo, the County, and the City of St. Augustine may have things that they have used and so you would have that information for the TDC or anyone else you present it to; commended the Mayor for suggesting a mid-year review; the easy way of making a budget is to freeze vacancies and all the benefits that go with it, but maybe not for the Police Department; it puts more burden on the existing staff, but it is one way that the State of New Jersey did it; you may have a thousand positions funded, but you only fill eight hundred; the big blue house near the water, south of the Ocean Hammock Park walkway, had vegetation that was sprayed with pest control, which has gotten worse; with every rain, it slides farther south and someone needs to look at it and talk to either the Florida Wildlife Commission or the St. Johns River Water Management District (SJRWMD).

Mayor Samora closed Public Comment.

Mayor Samora asked the City Manager about the budget for Ocean Hammock Park Walkway. City Manager Royle advised that he would provide an update to Mr. Binder and the Commission. Finance Director Douylliez advised that there is \$25,000 to evaluate it to determine how much work needs to be done.

Mayor Samora said that the City spoke to Carter Environmental, which was the company that did the vegetation spraying/clearing. Commissioner Sweeny advised that SJRWMD looked into it as well. Mayor Samora agreed and said that he believed that it was permitted activity, but we want them to come back and look at it.

Commissioner Sweeny asked the City Manager if the City had many vacant positions. City Manager Royle advised that he had one coming up in his office from an employee retiring.

Mayor Samora asked if the budget review would be on the January agenda. Finance Director Douylliez said yes and that they discussed having a summarized list, a headcount, and a five-year average based on personnel and operating costs, as well as the capital that was proposed in the budget.

Mayor Samora moved on to Item IX.

#### IX. COMMISSIONER COMMENTS

Vice Mayor Rumrell advised that he attended the Florida League of Cities winter conference, which was the final policy meeting, and the League's position on raising sovereign immunity was to hold it where it is. He said that there is a Bill out there for \$400,000 and \$600,000, which he believed would probably happen and may get a little stronger. They are also talking about eliminating the Claims Bill as part of that. He congratulated the St. Augustine High School Yellow Jackets and that they have a State championship game on Thursday, which is a big deal for them.

Commissioner Morgan said that the Jacksonville Jaguars have their first Monday night football game in twelve years. She said that she went to the tree lighting on Saturday, and heard the same questions again this year about the City's holiday lights. Some of them have been repurposed on the palm trees at pier park, which look very nice. She spoke with some Civic Association members, and they suggested that if they cannot go back on the FPL poles, to put them on palm trees along the Boulevard wherever possible. She said that she did not want to see this resource not being put to use because they are special to the City and its residents.

Mayor Samora advised that he asked the City Manager about the holiday lights on Friday, and he asked for an update. City Manager Royle advised that he had a proposed agreement with FPL allowing the City to put the lights back on their poles, but that it is too late for this season and that there are some restrictions. He said that the City had always put the lights on the streetlight poles on the east side of the Boulevard, which have no hardware on them and that he believed that FPL would permit the City to put them up next year. He said that we need to make sure that the lights are in working condition because they are approximately twenty-five years old and that they would start planning with FPL after the current holiday season is over.

Commissioner George said that when we inventoried the holiday lights, some of them were not operational but we might still have the frames and she asked if they could be re-wired with LED lights. Director Gatchell said no. He said that they have rehabbed all of the fixtures about four times over the years and they re-wire them every other year. He said that most of them are too intricate to get LED lights on them. Commissioner George suggested rope lighting. Director Gatchell said that rope lights could be considered. Vice Mayor Rumrell said that there was a vendor at the Florida League of Cities this year that does Christmas lights and they said that it is cheaper to buy new ones rather than try to fix the old ones. He said that he would try to find their business card, otherwise he would get it from them this year. He said that in the meantime, there are companies that will hang the lights and we could also ask the TDC (Tourist Development Council) for funding. Commissioner George advised that the lights are very unique and a signature of the City.

Director Gatchell said that new lights are not durable and that they bought some several years ago for the pier area and they did not even make it through the season. He said that FPL poles that have cross wires/secondary wires could not have a fixture on them, so from Sandpiper Boulevard north to Sea Colony would not have the holiday lights.

Commissioner George wished everyone happy holidays. She said that she liked the new construction on the beach walkovers, which will be a good holiday present for the community.

Commissioner Sweeny advised that she met with a resident that was very excited that 2<sup>nd</sup> Street is now open, which has been a big project.

Mayor Samora moved on to Item XI.

X. PUBLIC HEARINGS

There were none.

XI. CONSENT

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

1. Sustainability and Environmental Planning Advisory Committee: Re-Appointment of Members Lana Bandy, Karen Candler, and Craig Thomson to Another Three-Year Term
2. Resolution 23-08, to Reduce the Number of Regular Members for the Sustainability Environmental Planning Advisory Committee from Seven to Five
3. Award of Bids for Citywide Pipe and Manhole Lining, Renewal and Rehabilitation Services

**This Item was moved to Old Business for further discussion.**

4. Budget Resolution 23-19, to Amend the FY 24 Budget to Appropriate \$24,275 for Surveying and Engineering Work Related to Two Ponds Maintained by the City in the Sea Oaks Subdivision

**Motion:** To approve the Consent Agenda Items 1, 2, and 4. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to Item XII.3.

XII. OLD BUSINESS

3. Award of Bids for Citywide Pipe and Manhole Lining, Renewal and Rehabilitation Services

Mayor Samora said that he had some questions and that he was not sure what the Commission was being asked to approve because it looked like it was a contract with five vendors. Engineering Director Sparks advised that they did "As Needed, Continuing Services" contracts with five vendors. He said that they asked for bids for cameras, cleaning, and lining of pipes, which was spurred on because of 11<sup>th</sup> Street, which is the first project that he would like to begin with. He said that the City has other needs that arise from time to time, and that Public Works has used a camera and cleaned the pipes. He showed a graphic of the submittals that usually have a section for TV and cleaning inspection and that the ones that are highlighted in yellow are a lower cost.

Mayor Samora asked if the Commission was being asked to approve a continuing contract with all five so that he could pick and choose the services. Director Sparks said yes and that he would have five individual contracts, which the City Attorney helped with, that would be a base contract of three years with two one-year renewal options. Mayor Samora said that there is not a total amount and he asked if it was all budgeted work. Director Sparks said yes, it is "as needed". He said that 11<sup>th</sup> Street was specifically called out this budget year, but we have our typical drainage maintenance, which may arise with a road collapse etc., and we would need to get someone with a camera out there.

Commissioner George said that it sounded like a great new way of conducting this type of business so that we are standing ready to work with whoever has the availability when we need it, which would be locked into certain pricing. Director Sparks said that at the end of each year there would be an opportunity to put in a request for whatever the CPI (Consumer Price Index) is or the typical percentage increase.

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

**Motion:** To approve Bid 23-07 and authorize City staff to negotiate contracts. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora moved on to Item XII.5.

5. Parking Improvements between A and 1<sup>st</sup> Streets: Award of Bid (Presenter: Jason Sparks, City Engineer)

Engineering Director Sparks advised that they did everything by the book with design, permitting, etc., which was near the end of the design phase when he came on board, and it had a base of asphalt with concrete curbing. He said that he asked the consultant for three additional design options [Exhibit A] and that he intended to come back to the Commission with four or five bidders and pricing on four design options, but we only received one bid, which exceeded our budget. He recommended that the Commission reject the bid at this time and to re-bid it after the first of the year. If it still exceeds the budget, then we would ask for additional budgeting in FY 2025. He said that we only have \$187,000 this year and the bid came in at \$517,000 from a south Florida company. He said that it was unfortunate that we could not get closer to our bid number, but another option would be if the Commission decided to take the money from the Reserves to build it this year.

Commissioner George advised that we have lived with it like this for so many years and to give it more time. Director Sparks said that it was a timing issue and that it would have been nice to get it done before the busy season started.

Commissioner Morgan asked why there was such a huge disparity in the amount that we are budgeting. She said that she realized that we only received one bid and that the lack of competition makes it tough. Director Sparks advised that it is just the market and environment that we are in, and that ever since the pandemic, things have been turned upside down from how they used to be. He said that maybe it spun off from the private sector with new development and they have more flexibility on what they can spend. He said that he spoke with some local contractors that he had done business with in the past when he was with the County, and that they did not bid because they are too strapped with County and State jobs that they are obligated to do through a continuing services contract. He advised that some factories shut down, granite stopped coming from Canada, and we stopped getting raw material. The supply lines should have started correcting themselves by now, but the prices are out there.

Mayor Samora asked Director Sparks how confident he was that there would be multiple bids in January if the Commission takes his recommendation and rejects this bid. Director Sparks advised that he was not that confident, and it would be hard to tell until the bids come in.

Mayor Samora advised that we have had several projects come back with single bidders and he questioned whether we could expand where we are advertising. Commissioner George suggested keeping it open for a longer amount of time. Director Sparks advised that he had not done anything different.

Vice Mayor Rumrell said that he spoke with Greg Caldwell, St. Johns County Public Works Director, and with Director Sparks about this, and that Mr. Caldwell sent him an email, which he would forward to the City Manager to distribute. He advised that Mr. Caldwell suggested that the City



could start piggy backing on the County's contracts and use some of their reoccurring contractors, which could save the City money.

Mayor Samora opened Public Comment.

Joe Ralph, GRSC, Inc., Neptune Beach, FL, said they recently bought a local company called Sight Solutions and that they were the City's high, low, and only bidder on the project. He advised that they are based out of south Florida, and they have worked with municipalities to try to "value engineer" projects. He said that his recommendation would be to work with his company to see what they could do to value engineer the numbers. Some of the things that drive this are when they work with the engineer to see if there is a change order that becomes acceptable. He said that a design characteristic of this project had one of his workers nervous about the way the drainage was laid out, and what their long-term liability would be for it. He said that there is a maintenance of traffic specification, and that the City could probably help to lower the cost by providing intermittent public safety officers, if necessary. He said that it is a slow time at the beach, and they thought that signs would work. The City is not the first municipality to run into a high bid/only bid situation and they would typically work with the potential awardee to try to value engineer the project and revisit the issue. He said that they would like the opportunity to see what could be trimmed, settle on one design and one material, and go from there.

Mayor Samora thanked Mr. Ralph for his input. He asked Director Sparks for his thoughts on trying to value engineer it and to work with Matthews Design Group on it. Director Sparks advised that it would be worth taking a look at and that he had never had a company offer to do that before. He said that it would take a few weeks to do it and that he would rather get started on it sooner than later. He said that, as Mr. Ralph said, it probably would not come down to our budget number but maybe there could be a combination where half the drainage could be done by a County piggyback contract. He said that it is getting a bit out of his purchasing and legal realm but that he would be open to coordinating with the designer and the bidding firm.

Vice Mayor Rumrell advised that there is a new Port, Waterway, and Beach District member here and he congratulated Mr. Binder. He asked if there could be any funding from the Port and Waterway since this is parking for beach access. Mr. Binder said that he was not able to talk on behalf of the Port and Waterway. Vice Mayor Rumrell asked if Mr. Binder would talk to the other members at their next meeting. Mr. Binder said yes, and he suggested that the City Manager should put something in writing for consideration to get it on the agenda.

Commissioner George asked the City Attorney, from a procedural standpoint, if what the bidder is requesting would essentially keep their bid open during a reevaluation period or would it end, and then these would just be informal discussions. City Attorney Blocker said that his understanding of value bidding is that it would allow some flexibility and that they would meet with staff to try to come up with one plan and collaborate on it. He said that the parameters and the cost would have to be adjusted to fulfill it. Procedurally, he believed that the Commission could give staff support and allow them to move forward and bring it back to the Commission for final action. Director Sparks advised that it would mean involving the design engineer again for an additional cost. City Attorney Blocker said that it would need to be brought back to the Commission again for approval. He said that based on the information that we heard from Mr. Ralph, right now the Commission would give guidance as to whether this is of interest and the bid itself would be adjusted based on the value negotiating.

Commissioner George said that when it comes back to the Commission, it would still be considered part of the same RFP/RFQ, and we would still have the opportunity to either accept it or reject it and then advertise again. She said that, from what she heard, there is a legitimate reason why there is ambiguity and that it might serve us well even if we have to go out for bid in

the future to have that dialogue and understand why the designers/engineers had to leave so much of a gap because of the unknown underground stability that was brought up by Mr. Ralph. She questioned whether there would be a downside for the City such as the designer's cost, staff time, etc. and if it would be a worthy exercise even if we think that we cannot get to an affordable number. Director Sparks said that it is worthy, but less worthy than pursuing a piggyback with the County to see what kind of pricing we could get. Commissioner George asked if their costs would be closer to our budget. Director Sparks advised that he did not know.

Commissioner Sweeny asked what the City had paid for paving other lots and whether \$187,000 is even a reasonable number. Director Sparks advised that it is reasonable based on the cost of asphalt, but it is more of the mobilization and the additional costs that come with the contractor such as the traffic control or the drainage work that some paving contractors do not normally do. Commissioner Sweeny said that when we consider all the factors and not just asphalt, that \$187,000 is not reasonable. Director Sparks said that he believed that it was not a reasonable number because we asked for quite a bit more than that at the beginning of the budget process.

Commissioner Morgan asked the City Attorney if a motion would be needed if the Commission wanted Director Sparks to continue to work on it and what type of motion rather than to reject it. Mayor Samora said that it would be to approve, reject, or table it or whether we could accomplish it without moving on the item at all. City Attorney Blocker advised that the Commission could do all three. He said that through this discussion, it seemed that it was made clear to Director Sparks what to do. He advised that Director Sparks could also reach out to the County to determine the unknowns and the cost. He said that based on Commissioner comments, Director Sparks could make some inquiries to the County and from a practical point he could also continue talking with the one bidder. He advised that there is nothing preventing those discussions from happening and then it could be on a future agenda. Director Sparks had mentioned that he was not hopeful that he would find another potential bidder in three or four months so there is time for staff to work through this and, in that case, it would be tabled and brought back later.

Finance Director Douylliez advised that the City Clerk pulled up the budget, and this project is scheduled to span two years for significantly more than the \$187,000 for this year. She said that since it is going to span two years, then we had already anticipated that the cost would be closer in line to what the bids are, but it is not budgeted to be a finished project in this current budget cycle. Mayor Samora asked what the total would be for two years. Finance Director Douylliez advised that it would be roughly \$500,000. Commissioner George asked if it would be significantly more in the second year. Finance Director Douylliez advised that the second year in FY25 would be approximately \$313,000 and that it would be staged in pieces. She said that she was not sure if the original thought was to do the drainage this year, but that she would assume that the drainage would be done first and the paving next year. She advised that the \$187,000 came strictly from ARPA (American Rescue Plan Act) funds and the other part is City funded and would need to be budgeted from our FY25 revenues.

Commissioner George advised that there are a lot of other projects in competition with this project and that we were hoping to move that money around as needed, not to mention the landscaping, lighting, etc. involved with this project. She said that attempting to budget the whole bid would exceed what we could do. Finance Director Douylliez agreed.

Mayor Samora said that it does not change the course of action at this point, it would still be very beneficial for us to value engineer it and explore other options, but now we know that it is not as far out of our reach as we thought it was. He asked if the Commission wanted to table it and bring it back at a later date.

**Motion:** to table Item XII.5. **Moved by** Commissioner Sweeny, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora advised that Commission direction is for Director Sparks to work with the vendors and other bidders to get the best price.

Mayor Samora moved on to Item XIII.6.

### XIII. NEW BUSINESS

6. Ordinance 23-10, First Reading, to Adopt the 2023 Florida Building Code (Presenter: Brian Law, Building Official)

Building Official Law advised that every three years the State Statute says that the Florida Building Commission must update the Building Code. For the past few cycles since he has been here, they have continued to use the Building Officials Association of Florida (BOAF) Model Chapter 1 Code, which is an attempt to promote unity among the jurisdictions in the State. He said that there is no obligation for him to do this because they have a current one and technical amendments do not sunset in the Florida building world. However, it would be remiss of him not to adopt a new one given all the legislative sessions. He advised that he gave the same exceptions that have been seen in the past given to homeowners and that he added a couple this time to reflect our local Land Development Code such as decks less than twelve inches, not in special flood hazard areas, which is a flood plain rule that he has to tie together, and also sign changes. He said that they are also asking to move from the 2008 International Property Maintenance Code to the 2021 Code. He said that there are almost forty pages of information and that the yellow is legislative and the grey is the BOAF recommended changes. He said that his changes are in red and that these are the same changes with the exception if the wooden decks are less than twelve inches.

Mayor Samora advised that that answered his only question about some of the specifics that looked like the City's existing Code. Building Official Law advised that he tries to keep it the same because Codes take years to disseminate through the residents and the contractors.

Commissioner Sweeny asked if most were required updates. Building Official Law advised that the yellow is already here and we are just putting into Chapter 1 technical amendment. He said that if this is approved next month, it would be transmitted to the Florida Building Commission for their approval.

Mayor Samora asked if the grey areas were optional. Building Official Law advised the grey is the BOAF recommended model code and most of the State will be going through this very same process. Commissioner Sweeny asked if there was anything in it that gave him pause. Building Official Law said that he supported most of the exceptions and has been a big supporter of limiting the amount of government involvement when someone is taking care of their own building and that some of these exceptions came from the County. He said that our City is so small, and we are surrounded by the County, which gets confusing for the contractors and homeowners. He advised that when it is adopted, it would be posted on the State web page under the technical amendments as well as on our web page.

Mayor Samora said that he noticed that there was some verbiage about mobile homes and that he thought they were restricted. Building Official Law advised that you couldn't have mobile homes here based on your land, however, he did not want to modify the recommended version and to keep it as true as possible. He said that we might change the Land Development Code one day because there may be a legislative session that says that we cannot restrict mobile homes and he did not want to go through the Building Code again and recreate the technical amendment.

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

Commissioner George asked if the changes to the sign provisions were in compliance with the City's sign code. Building Official Law said yes, and that the City's sign code actually exempts a sign face change but that we are just changing the insert and not the sign itself, which does not affect building height and that this is simply the Florida Building Code, which will never talk about heights.

Mayor Samora asked if it needed to go through Planning and Zoning. Building Official Law said no and advised that they do not have input on it. Mayor Samora advised that if this passes tonight, that the Commission would see it again in January.

City Attorney Blocker read the preamble.

**Motion:** To approve Ordinance 23-10. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora moved on to Item XIII.7.

7. Scheduling Date in January for Commission's Regular Meeting Because First Monday is New Year's Day (Presenter: Max Royle, City Manager)

Mayor Samora advise that the first Monday in January is a holiday and that the next suggested Commission meeting date is Monday, January 8, 2024. Vice Mayor Rumrell agreed with that date.

Discussion ensued regarding other events happening that same night; that the following Monday is Martin Luther King day; whether January 9<sup>th</sup> would be preferable, etc.

It was the consensus of the Commission to have their next meeting on January 8, 2024, at 6:00 p.m.

Mayor Samora moved on to Item XIII.8.

8. Election of Mayor and Vice Mayor for 2024 (Presenter: Max Royle, City Manager)

Mayor Samora said that he has termed out, that he really enjoyed being Mayor and was grateful to have had the opportunity for the past two years, and that he looked forward to continuing to serve for another three or four years. He said that everyone has been wonderful to work with and every time he leaves a Commission meeting, he is thoroughly impressed with the discussions that we have and how prepared and conscientious everyone has been even if there is a healthy debate. He said that whoever ends up sitting in this seat, the City will be in good hands.

City Manager Royle advised that you could nominate yourself or another Commissioner and seconds are not required, and it could be done by ballot or by voice vote.

Mayor Samora opened up the nominations for Mayor. Commissioner George nominated Vice Mayor Rumrell. There were no other nominations.

Mayor Samora opened up the nominations for Vice Mayor. Vice Mayor Rumrell nominated Commissioner Sweeny. There were no other nominations.

Commissioner George asked Commissioner Sweeny how long she had been on the Commission. Commissioner Sweeny advised that it had been almost two years. Commissioner George said that she would be willing to serve, but if everyone was comfortable with Commissioner Sweeny serving after two years, that would be the will of the Commission.

The Commission selected Dylan Rumrell as Mayor and Beth Sweeny as Vice Mayor for 2024.

Mayor Samora advised that they would be sworn in before the meeting in January.

Mayor Samora moved on to Item XIV.

#### XIV. STAFF COMMENTS

City Attorney Blocker and City Clerk Fitzgerald wished everyone a happy holiday season.

Finance Director Douylliez advised that she would provide a review of the prior year's budget in January. She said that it was also requested that we review the list of upcoming events. The Holiday Market is Saturday December 9<sup>th</sup> at pier park from 3:00 to 7:00 p.m., the Light Up the Night fireworks show is December 31<sup>st</sup> at 8:30 p.m., and the Police Department has Christmas with Cops and Claus on December 13<sup>th</sup> from 5:30 p.m. to 7:30 p.m. She said that Kilo's Presents for Pets kicked off and the boxes are out with one at City Hall this year for anyone that wants to donate to the local pet shelters.

Commander Harrell asked everyone to be safe this holiday season and to enjoy with their families.

Commissioner George asked for an update on Sea Oaks. Director Gatchell advised that he and Assistant Director Adams talked to Ms. Hatin today and went by and looked at what she said was a big gaping hole. There are two or three holes that are probably less than three feet deep, which is where the surveyors had to shoot their instrument across to get the points they needed, which you would have from any survey because they need to get a clear shot. This all ties back in with trying to get the topography for how bad the ponds are right now so that we know what we need to do to restore the ponds. Commissioner George asked if he would keep Ms. Hatin involved with notice of when there would be work going on. Director Gatchell said that they could keep her involved with the notice only. He advised that she claims that we cannot do anything in there, but we have the right to go in there under our easement agreement to do any and all repairs that we have to do. He said that if they need to go in and cut things down to do it, then that is what needs to be done. Commissioner George agreed and said that it is just a matter of being neighborly. Director Gatchell said that he understood that, but the way Ms. Hatin talked on the phone today was that she does not want anyone to go in there without her permission or her being there to supervise them, which she does not have the right to do. Commissioner George said that she understood, but there is a layering here of what is involved and who is responsible. We cannot fulfill our obligations without cutting foliage back and getting in there. She said that she would be happy to be a liaison and communicate what needs to be done or not done. She said that Ms. Hatin is a great member of this community and does a lot for the community and she deserves the respect of being given a heads-up. Director Gatchell advised that they would keep her informed. Commissioner George asked if there were any plans to replace the foliage after the job is complete. Director Gatchell said that at this time he could not say there is a plan to replace the foliage because he has no idea what is going to be done in there, and they may need to bring equipment in and de-muck the whole thing, which would tear a lot of things up.

Mayor Samora said that they have a Homeowners' Association (HOA), and this work was somewhat requested by them, and he asked if Director Gatchell had been communicating with the HOA. Commissioner George advised that Ms. Hatin's husband is on the HOA and signed the letter so there is that tension of wanting us to do the work but not to disrupt things, which is difficult but maybe we could find a happy compromise. Director Gatchell said hopefully.

City Manager Royle read a letter from Mr. Jon Hazel on behalf of Spanish Oaks Homeowners' Association [Exhibit B]. The letter thanked Director Gatchell for his responsiveness and for his department clearing the overgrowth along the White Court right-of-way, which had impeded their emergency access/exit. He went on to say that the clean-up was beautifully done, and the crew even repainted the barricade that protects their emergency gate. City Manager Royle also thanked Mayor Samora for the conversations they had on check signing days through the years.

Mayor Samora asked about the project where cars were driving through and doing something in the City. Director Gatchell advised it was a company called StreetScan that drove through and

scanned all the roads. City Manager Royle advised that it is a Smart City related concept, which would help us plan the repairs of our roads. Mayor Samora asked if Assistant Director Adams would be the project manager. Director Gatchell said yes and advised that he has been in continuous contact with them, and we are waiting to get the data.

Mayor Samora reminded everyone that the Charter Review Committee will meet on December 13<sup>th</sup> at 6:00 p.m., SEPAC meets on December 14<sup>th</sup> at 6:00 p.m., there will be no Planning and Zoning Board meeting this month, and City offices will be closed December 25<sup>th</sup> and 26<sup>th</sup> for the Christmas holiday. He wished everyone a happy holiday and a safe New Year.

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 Sweeny. Motion passed unanimously.

Mayor Samora adjourned the meeting at 7:09 p.m.

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Donald Samora, Mayor


ATTEST:

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Dariana Fitzgerald, City Clerk

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager  mk

**DATE:** December 14, 2023

**SUBJECT:** Ordinance 23-10, Public Hearing and Final Reading: to Adopt 2023 Florida Building Code

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At your December 4<sup>th</sup> meeting, you reviewed this Ordinance with Mr. Law, the Building Official, and approved it on first reading.

The minutes of your December 4<sup>th</sup> discussion concerning the Ordinance are attached along with the Ordinance and the memo Mr. Law prepared for your December 4<sup>th</sup> meeting.

**ACTION REQUESTED**

It is that you hold the public hearing and pass Ordinance 23-10 on its final reading.

**Excerpt from the minutes of the December 4, 2023, regular Commission meeting**

6. Ordinance 23-10, First Reading, to Adopt the 2023 Florida Building Code (Presenter: Brian Law, Building Official)

Building Official Law advised that every three years the State Statute says that the Florida Building Commission must update the Building Code. For the past few cycles since he has been here, they have continued to use the Building Officials Association of Florida (BOAF) Model Chapter 1 Code, which is an attempt to promote unity among the jurisdictions in the State. He said that there is no obligation for him to do this because they have a current one and technical amendments do not sunset in the Florida building world. However, it would be remiss of him not to adopt a new one given all the legislative sessions. He advised that he gave the same exceptions that have been seen in the past given to homeowners and that he added a couple this time to reflect our local Land Development Code such as decks less than twelve inches, not in special flood hazard areas, which is a flood plain rule that he has to tie together, and also sign changes. He said that they are also asking to move from the 2008 International Property Maintenance Code to the 2021 Code. He said that there are almost forty pages of information and that the yellow is legislative and the grey is the BOAF recommended changes. He said that his changes are in red and that these are the same changes with the exception if the wooden decks are less than twelve inches.

Mayor Samora advised that that answered his only question about some of the specifics that looked like the City's existing Code. Building Official Law advised that he tries to keep it the same because Codes take years to disseminate through the residents and the contractors.

Commissioner Sweeny asked if most were required updates. Building Official Law advised that the yellow is already here and we are just putting into Chapter 1 technical amendment. He said that if this is approved next month, it would be transmitted to the Florida Building Commission for their approval.

Mayor Samora asked if the grey areas were optional. Building Official Law advised the grey is the BOAF recommended model code and most of the State will be going through this very same process. Commissioner Sweeny asked if there was anything in it that gave him pause. Building Official Law said that he supported most of the exceptions and has been a big supporter of limiting the amount of government involvement when someone is taking care of their own building and that some of these exceptions came from the County. He said that our City is so small, and we are surrounded by the County, which gets confusing for the contractors and homeowners. He advised that when it is adopted, it would be posted on the State web page under the technical amendments as well as on our web page.

Mayor Samora said that he noticed that there was some verbiage about mobile homes and that he thought they were restricted. Building Official Law advised that you couldn't have mobile homes here based on your land, however, he did not want to modify the recommended version and to keep it as true as possible. He said that we might change the Land Development Code one day because there may be a legislative session that says that we cannot restrict mobile homes and he did not want to go through the Building Code again and recreate the technical amendment.

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

Commissioner George asked if the changes to the sign provisions were in compliance with the City's sign code. Building Official Law said yes, and that the City's sign code actually exempts a sign face change but that we are just changing the insert and not the sign itself, which does not affect building height and that this is simply the Florida Building Code, which will never talk about heights.



**Excerpt from the minutes of the December 4, 2023, regular Commission meeting**

Mayor Samora asked if it needed to go through Planning and Zoning. Building Official Law said no and advised that they do not have input on it. Mayor Samora advised that if this passes tonight, that the Commission would see it again in January.

City Attorney Blocker read the preamble.

**Motion:** To approve Ordinance 23-10. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora moved on to Item XIII.7.



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

**TO: Max Royle**  
**FROM: Brian Law**  
**SUBJECT: 2023 Florida Building Code**  
**DATE: 11-16-2023**

Max

The Florida Building Commission shall update the Florida Building Code every 3 years as per Florida Statute 553.73. The effective date of the 2023 Florida Building Code is December 31, 2023. The Florida Statute allows local jurisdictions to create and implement local amendments to the Florida Building Code. This is accomplished via the ordinance process in the City of St. Augustine Beach. When the ordinance is passed it must be transmitted to the Florida Building Commission within 30 days after enactment. I have utilized the Building Official Association of Florida model chapter 1 code as a base and then updated the proposed code to reflect certain land development codes applicable to this city and continue the exceptions to permitting that the city has had in the previous two code cycles. The yellow highlighted codes reflect the 2023 legislative session changes.

*Brian W Law*

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

## **ORDINANCE NO. 23-10**

### **AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA ADOPTING AN ADMINISTRATIVE SECTION TO THE FLORIDA BUILDING CODE CHAPTER 1 SCOPE AND ADMINISTRATION; PROVIDING FOR VENUE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of Legislature of the State of Florida to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code, to be called the Florida Building Code, which consists of a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities in this state and to the enforcement of such requirements and which will allow effective and reasonable protection for public safety, health, and general welfare for all the people of Florida at the most reasonable cost to the consumer; and

**WHEREAS**, the Florida Building Code shall be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction; and

**WHEREAS**, the Florida Building Code shall provide for flexibility to be exercised in a manner that meets minimum requirements, is affordable, does not inhibit competition, and promotes innovation and new technology; and

**WHEREAS**, the Florida Building Code shall establish minimum standards primarily for public health and life safety, and secondarily for protection of property as appropriate; and

**WHEREAS**, the Florida Building Code, after the effective date of adoption, shall supersede all other building construction codes or ordinances in the state, whether at the local or state level and whether adopted by administrative regulation or by legislative enactment; and

**WHEREAS**, all entities authorized to enforce the Florida Building Code pursuant to section 553.80, Florida Statutes, shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections; and

**WHEREAS**, local governments may adopt amendments to the administrative provisions of the Florida Building Code; and

**WHEREAS**, these local technical amendments shall not sunset; and

**WHEREAS**, for the foregoing reasons, the City of St. Augustine Beach City Commission has determined that it is in the public interest to adopt the 2023 Model Chapter 1 of the Florida Building Code.

**BE IT ORDAINED BY THE PEOPLE OF THE CITY OF ST. AUGUSTINE BEACH:**

**Section 1. Adoption of Model Chapter 1.**

The 2023 edition of BOAF MODEL ADMINISTRATIVE CODE CHAPTER 1 FOR THE 8<sup>TH</sup> Edition (2023) FLORIDA BUILDING CODE of the Florida Building Code, entitled “Scope and Administration”, as modified in attached Exhibit A, is adopted by reference and incorporated herein.

**Section 2. Venue.**

Venue for any legal or administrative action arising under this ordinance shall lie exclusively in St. Johns County, Florida.

**Section 3. Severability.**

If any part of this ordinance is held to be invalid, unconstitutional, or otherwise unenforceable by a court of competent jurisdiction, such part shall be severable and shall not be construed as to render the remainder of this ordinance invalid, unconstitutional, or otherwise unenforceable.

**Section 4. Effective Date.**

This ordinance shall be effective upon a certified copy being filed with the Florida Department of State.

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this 8<sup>th</sup> day of January 2024.

By: \_\_\_\_\_,  
Mayor

ATTEST: Max Royle

\_\_\_\_\_

Max Royle, City Manager



**BOAF MODEL ADMINISTRATIVE CODE CHAPTER 1  
FOR THE 8<sup>th</sup> Edition (2023) FLORIDA BUILDING CODE**

**Approved by the BOAF Board of Directors  
4/28/2023**

**Supplement #1 2023 Legislative Session  
Changes**

BOAF Model Administrative Code – 8<sup>th</sup> Edition (2023)

The Building Officials Association of Florida is proud to present this model document for use by its members as a tool to facilitate the uniform and consistent application of local amendments to the administrative provisions of the Florida Building Code. Every effort has been made to present the amendments in mandatory language format. The language that is shaded represents those text revisions approved by the BOAF Board of Directors.

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**Legend:**

Plain Text is from the FBC 8<sup>th</sup> Edition (2023)

**Shaded Text is BOAF recommendations**

Yellow highlighted text is 2023 Legislative Session Changes

## CHAPTER 1 SCOPE AND ADMINISTRATION

### PART 1—SCOPE AND APPLICATION SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the *Florida Building Code*, hereinafter referred to as “this code.”

**101.2 Scope.** The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

**Exceptions:**

1. Detached one- and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three *stories above grade plane* in height with a separate *means of egress*, and their accessory structures not more than three *stories above grade plane* in height, shall comply with this Code or the *Florida Building Code, Residential*.
2. Code requirements that address snow loads and earthquake protection shall not be utilized or enforced.

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

Florida Building Code-Building

Appendix F-Rodentproofing

**101.2.2 Residential construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.**

**101.3 Intent.** The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, public health and general welfare through structural strength, *means of egress* facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

**101.3.1 Quality control.** Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

**101.3.2 Warranty and Liability.** The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

**101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

**101.4.1 Gas.** The provisions of the *Florida Building Code, Fuel Gas* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**101.4.2 Mechanical.** The provisions of the *Florida Building Code, Mechanical* shall apply to the installation, *alterations, repairs* and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems,

incinerators and other energy related systems.

**101.4.3 Plumbing.** The provisions of the *Florida Building Code, Plumbing* shall apply to the installation, *alteration*, *repair* and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

**101.4.4 Property maintenance.** The provisions of the 2021 *International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**101.4.5 Fire prevention.** For provisions related to fire prevention, refer to the *Florida Fire Prevention Code*. The *Florida Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, *repair*, *alteration* or removal of fire suppression, *automatic sprinkler systems* and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**101.4.6 Energy.** The provisions of the *Florida Building Code, Energy Conservation* shall apply to all matters governing the design and construction of buildings for energy efficiency.

**101.4.7 Existing buildings.** The provisions of the *Florida Building Code, Existing Building* shall apply to matters governing the *repair*, *alteration*, change of occupancy, *addition* to and relocation of existing buildings.

**101.4.8 Accessibility.** For provisions related to accessibility, refer to the *Florida Building Code, Accessibility*.

**101.4.9 Manufactured buildings.** For additional administrative and special code requirements, see Section 458, *Florida Building Code, Building*, and Rule 61-41 F.A.C.

## SECTION 102 APPLICABILITY

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**102.1.1** *The Florida Building Code* does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the *Florida Building Code*. Additionally, a local code enforcement agency may not administer or enforce the *Florida Building Code, Building* to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

**102.2 Building.** The provisions of the *Florida Building Code* shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the *Florida Building Code, Existing Building*. The following buildings, structures and facilities are exempt from the *Florida Building Code* as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.



- (e) Mobile or modular structures used as temporary offices, except that the provisions of Part II (Sections 553.501-553.513, *Florida Statutes*) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. **Permits shall be required for structural support and tie-down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.**
- (f) Those structures or facilities of electric utilities, as defined in Section 366.02, *Florida Statutes*, which are directly involved in the generation, transmission, or distribution of electricity.
- (g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.
- (i) Family mausoleums not exceeding 250 square feet (23 m<sup>2</sup>) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (k) A building or structure having less than 1,000 square feet (93 m<sup>2</sup>) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:
  - 1. Is not rented or leased or used as a principal residence;
  - 2. Is not located within the 100-year flood plain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
  - 3. Is not connected to an off-site electric power or water supply.
- (l) **A drone port as defined in s. 330.41(2).**

**102.2.1** In addition to the requirements of Sections 553.79 and 553.80, *Florida Statutes*, facilities subject to the provisions of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, and the certification requirements of the federal government.

**102.2.2** Residential buildings or structures moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

- 1. The building or structure is structurally sound and in occupiable condition for its intended use;
- 2. The occupancy use classification for the building or structure is not changed as a result of the move;
- 3. The building is not substantially remodeled;
- 4. Current fire code requirements for ingress and egress are met;
- 5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
- 6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the *Florida Building Code, Building* for all residential buildings or structures of the same occupancy class.

**102.2.3** The *building official* shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

**102.2.4** This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned

buildings and boilers.

**102.2.5** Each enforcement district or local enforcement agency shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single family residence one or more exemptions from the *Florida Building Code* relating to:
  - a. Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition, alteration or repair shall not exceed 1,000 square feet (93 m<sup>2</sup>) or the square footage of the primary structure, whichever is less.
  - b. Addition, alteration, or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
  - c. Building plans review and inspection fees.
2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped *flood hazard areas*, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.
3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

**102.2.6** This section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

**Exception:** Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

**102.3 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

**102.4.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**102.4.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

**102.5 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *Florida Building Code*, *Existing Building*, *2021 International Property Maintenance Code* or the *Florida Fire Prevention Code*.

**102.6.1 Buildings not previously occupied.** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *Florida Building Code*, *Building* or *Florida Building Code, Residential*, as applicable, for new construction or with any current *permit* for such occupancy.

**102.6.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the

*Florida Fire Prevention Code, 2021 International Property Maintenance Code* or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

**102.7 Relocation of manufactured buildings.**

- (1) Relocation of an existing manufactured building does not constitute an alteration.
- (2) A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the *Florida Building Code* (on or after March 1, 2002), the wind speed map of the *Florida Building Code* shall be applicable.
- (3) A relocated building shall comply with the *flood hazard area* requirements of the new location, if applicable.

**102.8 Existing mechanical equipment.** An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the *Florida Building Code* except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the *Florida Building Code* relating to roof-mounted mechanical units.

## PART 2—ADMINISTRATION AND ENFORCEMENT

### SECTION 103

#### DEPARTMENT OF BUILDING SAFETY

**103.1 Creation of enforcement agency.** The Department of Building Safety is hereby created and the official in charge thereof shall be known as the *building official*.

**103.2 Appointment.** The *building official* shall be appointed by the chief appointing authority of the jurisdiction.

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy *building official*, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*.

For the maintenance of existing properties, see the 2021 *International Property Maintenance Code*

### SECTION 104

#### DUTIES AND POWERS OF BUILDING OFFICIAL

**104.1 General.** The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**104.2 Applications and permits.** The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection, and *alteration*, demolition and moving of buildings and structures, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

**104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, *repair*, *alteration*, *addition* or other improvement of existing buildings or structures located in *flood hazard areas*, the *building official* shall determine if the proposed work constitutes substantial improvement or *repair of substantial damage*. Where the *building official* determines that the proposed work constitutes *substantial improvement* or *repair of substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

**104.3 Notices and orders.** The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

**104.4 Inspections.** The *building official* shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.5 Identification.** The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

**104.7 Department records.** The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

**104.8 Liability.** The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**104.8.1 Legal defense.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**104.9 Approved materials and equipment.** Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

**104.9.1 Used materials and equipment.** The use of used materials that meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

**104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

**104.10.1 Flood hazard areas.** The *building official* shall coordinate with the floodplain administrator to review requests submitted to the *building official* that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

**104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code.
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:

- 2.1. Quality.
- 2.2. Strength.
- 2.3. Effectiveness.
- 2.4. Fire resistance.
- 2.5. Durability.
- 2.6. Safety.

Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.

**104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

**104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

**104.12 Requirements not covered by code.** Any requirements necessary for strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or other technical codes, shall be determined by the *building official*.

## SECTION 105 PERMITS

**105.1 Required.** Any owner or owner's authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, *repair*, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation

of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

**105.1.1 Annual facility permit.** In lieu of an individual *permit* for each *alteration* to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the *building official* is authorized to issue an annual *permit* for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The *building official* shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual *facility permit* shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate *permit* shall be obtained for each facility and for each construction trade, as applicable. The *permit* application shall contain a general description of the parameters of work intended to be performed during the year.

**105.1.2 Annual Facility permit records.** The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.

**105.1.3 Food permit.** In accordance with Section 500.12, *Florida Statutes*, a *food permit* from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

**105.1.4 Public swimming pool.** The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating *permit* pursuant to Section 514.031, *Florida Statutes*. A certificate of completion or occupancy may not be issued until such operating *permit* is issued. The local enforcing agency shall conduct their review of the building *permit* application upon filing and in accordance with Chapter 553, *Florida Statutes*. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building *permit* application review while awaiting comment from the Department of Health.

**105.2 Work exempt from permit.** Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special *flood hazard area*. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the *local floodplain management ordinance*. *Permits* shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>) and not in a special flood hazard area.
2. Fences of all materials other than masonry over 6 feet in height and not located on the A1A Beach Boulevard right of way boundary..
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 12 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an *accessible route*.
7. Painting, papering, tiling, carpeting, and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family *dwelling* except for the electrical service.
12. Window *awnings* supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the

*exterior wall* and do not require additional support, of Groups R-3 and U occupancies.

13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. Roofing repairs or reroofs not exceeding 2 squares (200 square feet).
15. Siding repairs less than 100 square feet in area, including the area of door and window that are within the work area.
16. Gutters and downspouts.
17. Pool re-marcite for one and two family dwellings.
18. Flag poles less than 35 feet in height for one and two family dwellings.
19. Wooden decks 12 inches or less from finished grade and not in a special flood hazard area.

**Electrical:**

**Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.

**Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

**Temporary testing systems:** A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.
8. The installation, replacement, removal or metering of any load management control device.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**Signs:**

1. Face changes shall not require a building permit providing that there are no changes to the cabinet, structure or internal equipment.

**105.2.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

**105.2.2 Minor repairs.** Ordinary minor repairs may be made with the approval of the *building official* without a *permit*, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical



codes.

**105.2.3 Public service agencies.** A *permit* shall not be required for the installation, *alteration* or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

**105.3 Application for *permit*.** To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the building department for that purpose.

*Permit* application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Sections 713.135(5) and (6), *Florida Statutes*.

Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building *permit* for which an application is submitted prior to the effective date of the *Florida Building Code*, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the *permit* and any extension granted to the *permit*.

Effective October 1, 2017, a local enforcement agency shall post each type of building *permit* application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the application may be submitted in person in a nonelectronic format, at the discretion of the *building official*.

**105.3.1 Action on application.** The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefor. If the *building official* is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for *permits*, the *building official* shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

**105.3.1.1** If a state university, Florida college or public school district elects to use a local government's code enforcement offices, fees charged by counties and municipalities for enforcement of the *Florida Building Code* on buildings, structures, and facilities of state universities, state colleges, and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

**105.3.1.2** No *permit* may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such *permit* provides to the enforcing agency which issues the *permit* any of the following documents which apply to the construction for which the *permit* is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, *Florida Statutes*:

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 *Florida Statutes*, may design a new fire protection system of 49 or fewer sprinklers; may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of 249 or fewer sprinklers and the addition of up to 49 sprinklers, as long as the cumulative total number of fire sprinklers being added, relocated, or deleted does not exceed 249, notwithstanding the size of the existing fire sprinkler system; or may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, notwithstanding the size of the existing fire sprinkler system, if there is no change of occupancy of the affected areas, as defined in this Code and the Florida Fire Prevention Code, and



- there is no change in the water demand as defined in NFPA 13, "Standard for the Installation of Sprinkler Systems," and if the occupancy hazard classification as defined in NFPA 13 is reduced or remains the same as a result of the alteration.
3. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-, two-, three-, or four-family structure.  
An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, *Florida Statutes*, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

**Example 1:** When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.

**Example 2:** Consider a small single-story office building which consists of six individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower, this is considered to be an 18-ton system.

**Note:** It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.

**Exception:**

Simplified permitting processes.

(1) As used in this section, the term:

(a) "Component" means valves, fire sprinklers, escutcheons, hangers, compressors, or any other item deemed acceptable by the local enforcing agency. For purposes of this paragraph, a valve does not include pressure-regulating, pressure-reducing, or pressure-control valves.

(b) "Contractor" means a person who:

1. Is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of chapter 489, *Florida Statutes*; or
2. Is qualified to engage in the business of fire protection system contracting pursuant to a license or certificate issued by the State Fire Marshal.

(c) "Fire alarm system project" means a fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building.

(d) "Fire sprinkler system project" means a fire protection system alteration of a total of 20 or fewer fire sprinklers in which the sprinklers are of the same K-factor and located in spaces where there is no change of hazard classification or increased system coverage area, or the installation or replacement of an equivalent fire sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building. For purposes of this paragraph, a component is equivalent if the component has the same or better characteristics, including

electrical, hydraulic, pressure losses, and required listings and spacing as the component being replaced.

- (2)(a) A local enforcement agency may require a contractor, as a condition of obtaining a *permit* for a fire alarm system project or fire sprinkler system project, to submit a completed application and payment.
  - (b) A local enforcement agency may not require a contractor to submit plans or specifications as a condition of obtaining a *permit* for a fire alarm system project or fire sprinkler system project.
  - (3) A local enforcement agency must issue a *permit* for a fire alarm system project or fire sprinkler system project in person or electronically.
  - (4) A local enforcement agency must require at least one inspection of a fire alarm system project or fire sprinkler system project to ensure compliance with applicable codes and standards. If a fire alarm system project or fire sprinkler system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
  - (5) (a) For a fire sprinkler alarm system project, a contractor must keep a copy of the plans and specifications at the fire alarm system project worksite and make such plans and specifications available to the inspector at each inspection.
  - (b) For a fire sprinkler system project to alter an existing fire protection system, a contractor must keep a copy of the plans and specifications at the fire sprinkler system project worksite and make such plans and specifications available to the inspector at each inspection.
  - (c) For a fire sprinkler system project to install or replace a component, a contractor must keep a copy of the manufacturer's installation instructions and any pertinent testing instructions needed to certify or accept the component at the fire sprinkler system project worksite and make such documents available to the inspector at each inspection.
5. Electrical documents. See *Florida Statutes* 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system, requires an electrical system with a value of over \$125,000; and Requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system;
- Note:** It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer. Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, *Florida Statutes*.
6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, *Florida Statutes*.

#### 105.3.1.3 Reviewing application for building permit.

1. When reviewing an application for a building *permit*, a local government may not request additional information from the applicant more than three times, unless the applicant waives such limitation in writing.
2. If a local government requests additional information from an applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 15 days after receiving such information:
  - a. Determine if the application is properly completed;
  - b. Approve the application;
  - c. Approve the application with conditions;
  - d. Deny the application; or
  - e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.
3. If a local government makes a second request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information:
  - a. Determine if the application is properly completed;
  - b. Approve the application;

- c. Approve the application with conditions;
  - d. Deny the application; or
  - e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.
4. Before a third request for additional information may be made, the applicant must be offered an opportunity to meet with the local government to attempt to resolve outstanding issues. If a local government makes a third request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information unless the applicant waived the local government's limitation in writing, determine that the application is complete and:
- a. Approve the application;
  - b. Approve the application with conditions; or
  - c. Deny the application.
5. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the local government, at the applicant's request, must process the application and either approve the application, approve the application with conditions, or deny the application.

**105.3.2 Time limitation of application.** An application for a *permit* for any proposed work shall be deemed to have been abandoned becoming null and void 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**105.3.3** An enforcing authority may not issue a building *permit* for any building construction, erection, alteration, modification, repair or addition unless the *permit* either includes on its face or there is attached to the *permit* the following statement: "NOTICE: In addition to the requirements of this *permit*, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional *permits* required from other governmental entities such as water management districts, state agencies, or federal agencies."

**105.3.4** A building *permit* for a single-family residential dwelling must be issued within 30 working days of application therefor unless unusual circumstances require a longer time for processing the application or unless the *permit* application fails to satisfy the *Florida Building Code* or the enforcing agency's laws or ordinances.

**105.3.5 Identification of minimum premium policy.** Except as otherwise provided in Chapter 440, *Florida Statutes*, Workers' Compensation, every employer shall, as a condition to receiving a building *permit*, show proof that it has secured compensation for its employees as provided in Sections 440.10 and 440.38, *Florida Statutes*.

**105.3.6 Asbestos removal.** Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building *permit* application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

**Disclosure Statement:** State law requires asbestos abatement to be done by licensed contractors. You have applied for a *permit* under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by



county or municipal licensing ordinances.

**105.3.7 Applicable Code for Manufactured Buildings.** Manufacturers should be permitted to complete all buildings designed and *approved* prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for *permit*, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

**105.3.8** A local government may not require a contract between a builder and an owner for the issuance of a building *permit* or as a requirement for the submission of a building *permit* application.

**105.3.9 Public right of way.** A *permit* shall not be given by the *building official* for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way *permit* from the authority having jurisdiction over the street, alley or public lane.

**105.4 Conditions of the *permit*.** The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinance of this jurisdiction.

**105.4.1 Permit intent.** A *permit* issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a *permit* prevent the *building official* from thereafter requiring a correction of errors in plans, construction or violations of this code. Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 6 months after its issuance, or if the work authorized by such *permit* is suspended or abandoned for a period of 6 months after the time the work is commenced.

**105.4.1.1** If work has commenced and the *permit* is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new *permit* covering the proposed construction shall be obtained before proceeding with the work.

**105.4.1.2** If a new *permit* is not obtained within 180 days from the date the initial *permit* became null and void, the *building official* is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new *permit* may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial *permit* became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new *permit*.

**105.4.1.3** Work shall be considered to be in active progress when the *permit* has received an *approved* inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process.

**105.4.1.4** The fee for renewal reissuance and extension of a *permit* shall be set forth by the administrative authority.

**105.4.1.5** After the local enforcing agency issues a permit, the local enforcing agency may not make or require any substantive changes to the plans or specifications except changes required for compliance

with the Florida Building Code, the Florida Fire Prevention Code, or the Life Safety Code, or local amendments thereto. If a local enforcing agency makes or requires substantive changes to the plans or specifications after a permit is issued, the local enforcing agency must identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide the information to the permit holder in writing.

**105.5 Expiration.** Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* holder and property owner shall be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the *building official*.

**105.5.1 Additional options for closing a *permit*.** Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building *permit*, may close a building *permit* by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the *permit*. If a contractor other than the original contractor listed on the *permit* is hired by the property owner to close the *permit*, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.
2. The property owner may assume the role of an owner-builder, in accordance with Sections 489.103(7) and 489.503(6), *Florida Statutes*.
3. If a building *permit* is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the *permit* may be closed without having to obtain a new building *permit*, and the work required to close the *permit* may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the *permit*, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building *permit* 6 years after the issuance of the *permit*, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.

For purposes of this section, the term "close" means that the requirements of the *permit* have been satisfied.

**105.5.2** For the purposes of this subsection, a *closed permit* shall mean a *permit* for which all requirements for completion have been satisfied or a *permit* that has been administratively closed by the *building official*.

**105.5.3** For the purposes of this subsection, an *open permit* shall mean a *permit* that has not satisfied all requirements for completion as defined in 105.5.1.1.

**105.6 Denial or revocation.** Whenever a *permit* required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the *Florida Building Code*, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the *permit* applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the *Florida Building Code*, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the *permit* applicant.

**105.6.1** Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to; issue a notice of violation to; or fine, penalize, sanction or assess fees against an arm's-length purchaser of a property for value solely because a building *permit* applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner

and contractor listed on the *permit*.

**105.6.2** Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to a contractor solely because the contractor is listed on other building *permits* that were not closed. A local enforcement agency has the authority to deny a new *permit* application from an applicant for other reasons.

**105.7 Placement of *permit*.** The building *permit* or copy shall be kept on the site of the work until the completion of the project.

**105.8 Notice of commencement.** In accordance with Section 713.135, *Florida Statutes*, when any person applies for a building *permit*, the authority issuing such *permit* shall print on the face of each *permit* card in no less than 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

**105.9 Asbestos.** The enforcing agency shall require each building *permit* for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section 469.003, *Florida Statutes*, and to notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law.

**105.10 Certificate of protective treatment for prevention of termites.** A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a copy for the person the *permit* is issued to and another copy for the building *permit* files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.

**105.11 Notice of termite protection.** A permanent sign which identifies the termite treatment provider and need for reinspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

**105.12 Work starting before *permit* issuance.** Upon approval of the *building official*, the scope of work delineated in the building *permit* application and plan may be started prior to the final approval and issuance of the *permit*, provided any work completed is entirely at risk of the *permit* applicant and the work does not proceed past the first required inspection.

**105.13 Phased *permit* approval.** After submittal of the appropriate *construction documents*, the *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

**105.14 *Permit* issued on basis of an affidavit.** Whenever a *permit* is issued in reliance upon an affidavit or whenever the work to be covered by a *permit* involves installation under conditions which, in the opinion of the *building official*, are hazardous or complex, the *building official* shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the *permit*, provide copies of inspection reports as inspections are performed, and upon completion make and file with the *building official* written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose

qualifications are reviewed by the *building official*. The *building official* shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

**105.14.1 Affidavits in flood hazard areas.** *Permit* issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code* and the *building official* shall review and inspect those requirements.

**105.15 Opening protection.** When any activity requiring a building *permit*, not including roof covering replacement or repair work associated with the prevention of degradation of the residence, that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structure that is located in the wind-borne debris region as defined in this code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this code or *Florida Building Code, Residential* for new construction shall be provided.

**Exception:** Where defined wind-borne debris regions have not changed, single family detached residential structures permitted subject to the *Florida Building Code* are not required to comply with this section.

**105.16 Inspection of existing residential building not impacted by construction.**

- (a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building *permit* the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the *permit* is sought.
- (b) This subsection does not apply to a building *permit* sought for:
  - 1. A substantial improvement as defined in s. 161.54, *Florida Statutes* or as defined in the *Florida Building Code*.
  - 2. A change of occupancy as defined in the *Florida Building Code*.
  - 3. A conversion from residential to nonresidential or mixed use pursuant to s. 553.507(2)(a), *Florida Statutes* or as defined in the *Florida Building Code*.
  - 4. A historic building as defined in the *Florida Building Code*.
- (c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:
  - 1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
  - 2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the *permit* is sought in accordance with the prohibition in paragraph (a).
  - 3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
  - 4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with ss. 933.20-933.30, *Florida Statutes*.

**105.17 Streamlined low-voltage alarm system installation permitting.**

- (1) As used in this section, the term:
  - (a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under Part II of Chapter 489, *Florida Statutes*.
  - (b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in s. 489.505, *Florida Statutes*,

including video cameras and closed-circuit television systems used to signal or detect a burglary, fire, alarm, robbery, or medical emergency, that is hardwired and operating at low voltage, as defined in the *National Electrical Code* Standard 70, Current Edition, or a new or existing low-voltage electric fence. The term also includes ancillary components or equipment attached to a low-voltage alarm system, or low-voltage electric fence, including, but not limited to, home-automation equipment, thermostats, closed-circuit television systems, access controls, battery recharging devices, and video cameras.

- (c) "Low-voltage electric fence" means an alarm system, as defined in s. 489.505, that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.
- (d) "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.
- (2) Notwithstanding any provision of this code, this section applies to all low-voltage alarm system projects for which a *permit* is required by a local enforcement agency. However, a *permit* is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
- (3) A low-voltage electric fence must meet all of the following requirements to be permitted as a low-voltage alarm system project and no further *permit* shall be required for the low-voltage alarm system project other than as provided in this section:
  - (a) The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.
  - (b) A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.
  - (c) The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.
  - (d) The low-voltage electric fence shall not be installed in an area zoned exclusively for single-family or multi-family residential use.
  - (e) The low-voltage electric fence shall not enclose the portions of a property which are used for residential purposes.
- (4) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.
- (5) A local enforcement agency shall make uniform basic *permit* labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in s. 553.793, *Florida Statutes*. The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.
  - (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
  - (b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
- (6) A contractor shall post an unused uniform basic *permit* label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
- (7) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.
- (8) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of s. 553.793(7), *Florida Statutes*.
- (9) A local enforcement agency may coordinate directly with the owner or customer to inspect a low-voltage alarm system to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
- (10) A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.



- ..(11) A uniform basic *permit* label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section.
- The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of Chapter 489, *Florida Statutes*.

## SECTION 106 FLOOR AND ROOF DESIGN LOADS

**106.1 Live loads posted.** In commercial or industrial buildings, for each floor or portion thereof designed for *live loads* exceeding 50 psf (2.40 kN/m<sup>2</sup>), such design *live loads* shall be conspicuously posted by the owner or the owner's authorized agent in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

**106.2 Issuance of certificate of occupancy.** A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

**106.3 Restrictions on loading.** It shall be unlawful to place, or cause or *permit* to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

## SECTION 107 SUBMITTAL DOCUMENTS

**107.1 General.** Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted with each *permit* application in accordance with Florida Statute 553.79. The *construction documents* shall be prepared by a *registered design professional* where required by Chapter 471, *Florida Statutes* & 61G15 Florida Administrative Code or Chapter 481, *Florida Statutes* & 61G1 Florida Administrative Code. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

**Exception:** The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

**107.2 Construction documents.** *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.6.

**107.2.1 Information on construction documents.** *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

**107.2.2 Fire protection system shop drawings.** Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

**107.2.3 Means of egress.** The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* including the path of the *exit discharge* to the *public way* in

compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**107.2.4 Exterior wall envelope.** *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe

**107.2.5 Exterior balcony and elevated walking surfaces.** Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain or irrigation, and the structural framing is protected by an impervious moisture barrier, the *construction documents* shall include details for all elements of the impervious moisture barrier system. The *construction documents* shall include manufacturer's installation instructions.

**107.2.6 Site plan.** The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, *flood hazard areas*, *floodways*, and *design flood elevations*; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application for *permit* is for *alteration or repair or* where other- wise warranted.

**107.2.6.1 Design flood elevations.** Where *design flood elevations* are not specified, they shall be established in accordance with Section 1612.3.1.

**107.2.6.2** For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the *building official* or a duly authorized representative, as required by the *Florida Building Code*.

**107.2.7 Structural information.** The *construction documents* shall provide the information specified in Section 1603.

**107.3 Examination of documents.** The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

**Exceptions:**

1. Building plans approved pursuant to Section 553.77(5), *Florida Statutes*, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to Rule 61-41.009, *Florida Administrative Code*, shall be sufficient for local *permit* application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the *building official*, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

**107.3.1 Approval of construction documents.** When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

**107.3.2 Previous approvals.** This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise law- fully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

**107.3.3 Phased approval.** The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

**107.3.4 Design professional in responsible charge.** Where it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the *owner* or the *owner's* authorized agent to engage and designate on the *building permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the *owner* or the *owner's* authorized agent shall designate a successor *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the *owner* or *owner's* authorized agent if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties. Successor *registered design professional in responsible charge* licensed under Chapter 471 Florida Statutes shall comply with Section 471.025(4) Florida Statute and the procedure set forth in 61G15-27.001 Florida Administrative Code; or licensed under Chapter 481 Florida Statutes shall comply with Section 481.221(6) Florida Statute and the procedure set forth in 61G1-18.002 Florida Administrative Code.

The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

**107.3.4.1 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official*.

Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*.

Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved* by the *building official*.

**107.3.4.2** Certifications by contractors authorized under the provisions of Section 489.115(4)(b), *Florida Statutes*, shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, *Florida Statutes*, or Chapter 481, *Florida Statutes*, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind- resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the

code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, *Florida Statutes*.

**107.3.5 Minimum plan review criteria for buildings.** The examination of the documents by the *building official* shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration and building envelope penetrations; flashing; and rough opening dimensions; and all exterior elevations:

**Commercial Buildings:**

**Building:**

1. Site requirements:
  - Parking
  - Fire access
  - Vehicle loading
  - Driving/turning radius
  - Fire hydrant/water supply/post indicator valve (PIV)
  - Set back/separation (assumed property lines)
  - Location of specific tanks, water lines and sewer lines
  - Flood hazard areas, flood zones, and design flood elevations*
2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
  - Fire-resistant separations
  - Fire-resistant protection for type of construction
  - Protection of openings and penetrations of rated walls
  - Fireblocking and draftstopping and calculated fire resistance*
5. Fire suppression systems shall include:
  - Early warning smoke evacuation systems
  - Schematic fire sprinklers
  - Standpipes
  - Pre-engineered systems
  - Riser diagram.
6. Life safety systems shall be determined and shall include the following requirements:
  - Occupant load and egress capacities
  - Early warning
  - Smoke control
  - Stair pressurization
  - Systems schematic
7. Occupancy load/egress requirements shall include:
  - Occupancy load
  - Gross
  - Net
  - Means of egress
  - Exit access
  - Exit
  - Exit discharge
  - Stairs construction/geometry and protection
  - Doors
  - Emergency lighting and exit signs
  - Specific occupancy requirements
  - Construction requirements
  - Horizontal exits/exit passageways
8. Structural requirements shall include:
  - Soil conditions/analysis
  - Termite protection

- Design loads
  - Wind requirements
  - Building envelope
  - Impact resistant coverings or systems
  - Structural calculations (if required)
  - Foundation
  - Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage- resistant materials
  - Wall systems Floor systems
  - Roof systems
  - Threshold inspection plan
  - Stair systems
  - 9. Materials shall be reviewed and shall at a minimum include the following:
    - Wood
    - Steel
    - Aluminum
    - Concrete
    - Plastic
    - Glass
    - Masonry
    - Gypsum board and plaster Insulating (mechanical)
    - Roofing
    - Insulation
    - Building envelope portions of the Energy Code (including calculation and mandatory requirements)
  - 10. Accessibility requirements shall include the following:
    - Site requirements
    - Accessible route
    - Vertical accessibility
    - Toilet and bathing facilities
    - Drinking fountains
    - Equipment
    - Special occupancy requirements
    - Fair housing requirements
  - 11. Interior requirements shall include the following:
    - Interior finishes (flame spread/smoke development)
    - Light and ventilation (including corresponding portion of the energy code)
    - Sanitation
  - 12. Special systems:
    - Elevators
    - Escalators
    - Lifts
  - 13. Swimming pools:
    - Barrier requirements
    - Spas
    - Wading pools
  - 14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.
- Electrical:**
1. Electrical:
    - Wiring
    - Services
    - Feeders and branch circuits
    - Overcurrent protection
    - Grounding
    - Wiring methods and materials

**GFCIs**

Electrical portions of the Energy Code (including calculation and mandatory requirements)

2. Equipment
3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations
8. *Design flood elevation*

**Plumbing:**

1. Minimum plumbing facilities
2. Fixture requirements
3. Water supply piping
4. Sanitary drainage
5. Water heaters
6. Vents
7. Roof drainage
8. Back flow prevention
9. Irrigation
10. Location of water supply line
11. Grease traps
12. Environmental requirements
13. Plumbing riser
14. *Design flood elevation*
15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

**Mechanical:**

1. Mechanical portions of the Energy calculations
2. Exhaust systems:
  - Clothes dryer exhaust
  - Kitchen equipment exhaust
  - Specialty exhaust systems
3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory
16. *Design flood elevation*
17. Smoke and/or Fire Dampers

**Gas:**

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas

7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs
10. *Design flood elevation*
11. Gas portions of the Energy Code (including calculation and mandatory requirements)

**Demolition:**

1. Asbestos removal

**Residential (one- and two-family):**

1. Site requirements:  
Set back/separation (assumed property lines) Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire
4. Smoke and/or carbon monoxide alarm/detector locations
5. Egress:  
Egress window size and location stairs construction requirements
6. Structural requirements shall include:  
Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)  
Termite protection  
Design loads  
Wind requirements  
Building envelope  
Foundation  
Wall systems  
Floor systems  
Roof systems  
*Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage- resistant materials*
7. Accessibility requirements:  
Show/identify  
Accessible bath
8. Impact resistant coverings or systems
9. Residential Energy Code submittal (including calculation and mandatory requirements)

**Manufactured buildings/housing:**

1. Site requirements  
Setback/separation (assumed property lines)  
Location of septic tanks (if applicable)
2. Structural  
Wind zone  
Flood  
Anchoring  
Blocking
3. Plumbing  
List potable water source and meter size (if applicable)
4. Mechanical  
Exhaust systems  
Clothes dryer exhaust  
Kitchen equipment exhaust
5. Electrical exterior disconnect location

**Exemptions:** Plans examination by the *building official* shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Reroofs

3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance *permits*
5. Prototype plans:  
Except for local site adaptations, siding, foundations and/or modifications.  
Except for structures that require waiver.
6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in manufactured buildings/housing.

**107.4 Amended construction documents.** Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

**107.5 Retention of construction documents.** One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

**107.6 Affidavits.** The *building official* may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The *building official* may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the *building official* copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the *building official* relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The *building official* shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

**107.6.1 Building permits issued in flood hazard areas on the basis of an affidavit.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue *permits*, to rely on inspections, and to accept plans and *construction documents* on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code*.

**107.6.2 Affidavits Provided Pursuant to Section 553.791, Florida Statutes.** For a building or structure in a *flood hazard area*, the *building official* shall review any affidavit certifying compliance with the flood load and flood-resistant construction requirements of the *Florida Building Code*.

**107.7** If the local building code administrator or inspector finds that the plans are not in compliance with the *Florida Building Code*, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. If the building code administrator, plans examiner, or inspector requests another local enforcing agency employee or a person contracted by the local enforcing agency to review the plans and that employee or person identifies specific plan features that do not comply with the applicable codes, the building code administrator, plans examiner, or inspector must provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

## SECTION 108 TEMPORARY STRUCTURES AND USES



**108.1 General.** The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

**108.2 Conformance.** Temporary structures and uses shall comply with the requirements in Section 3103.

**108.3 Temporary power.** The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

**108.4 Termination of approval.** The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

## SECTION 109 FEES

**109.1 Payment of fees.** A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

**109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

**109.2.1 Types of Fees Enumerated.** Fees may be charged for but not limited to the following:

1. *Permits*;
2. Plans examination;
3. Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
4. Re-inspections;
5. Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
6. Variance requests;
7. Administrative appeals;
8. Violations; and
9. Other fees as established by local resolution or ordinance.

**109.3 Building permit valuations.** The applicant for a *permit* shall provide an estimated *permit* value at time of application. *Permit* valuations shall include total value of work, including materials and labor, for which the *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

**109.4 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* or without prior approval from the *building official* as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the *building official* that shall be in addition to the required *permit* fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required *permit(s)* must be applied for within three (3) business days and any unreasonable delay in obtaining those *permit(s)* shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a *permit*. The *building official* may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

**109.5 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

**109.6 Refunds.** The *building official* is authorized to establish a refund policy.

## SECTION 110 INSPECTIONS

**110.1 General.** Construction or work for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain exposed and provided with access for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *owner* or the owner's authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The *building official* shall be permitted to require a boundary line survey prepared by a Florida licensed professional surveyor and mapper whenever the boundary lines cannot be readily determined in the field. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**110.1.1 Manufacturers and fabricators.** When deemed necessary by the *building official*, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

**110.1.2 Inspection service.** The *building official* may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the *building official*. The *building official* shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes; or licensed under Chapter 471 or 481 Florida Statutes.

**110.2 Preliminary inspection.** Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**110.3 Required inspections.** The *building official* upon notification from the *permit* holder or his or her agent shall make the following inspections, or any other such inspection as deemed necessary and shall either release that portion of the construction or shall notify the *permit* holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The *building official* shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

### Building

- I. Foundation inspection. To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:
  - Stem-wall
  - Monolithic slab-on-grade
  - Piling/pile caps
  - Footers/grade beams
- 1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
- 1.2. A foundation/form board survey prepared and certified by a Florida licensed professional surveyor and mapper may be required, prior to approval of the slab inspection. The survey shall certify placement of

- the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.
- 1.3. In *flood hazard areas*, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the *building official*.
  2. Framing inspection. To be made after the roof, all framing, *fireblocking* and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved* and shall at a minimum include the following building components:
    - Window/door framing
    - Window U-factor/SHGC (as indicated on *approved* energy calculations)
    - Vertical cells/columns
    - Lintel/tie beams
    - Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
    - Draftstopping/fireblocking*
    - Curtain wall framing
    - Energy insulation (Insulation R-factor as indicated on *approved* energy calculations)
    - Accessibility
    - Verify rough opening dimensions are within tolerances.
    - Window/door buck attachment
    - 2.1 Insulation inspection: To be made after the framing inspection is *approved* and the insulation is in place, according to *approved* energy calculation submittal. Includes wall and ceiling insulation.
    - 2.2 Lath and gypsum board inspection for fire-resistance rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before ant plastering is applied or gypsum board joints and fasteners are taped and finished.
  3. Sheathing inspection. To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:
    - Roof sheathing
    - Wall sheathing
    - Continuous air barrier
    - Exterior siding/cladding
    - Sheathing fasteners
    - Roof/wall dry-in

Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.
  4. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:
    - Exterior wall coverings and veneers
    - Soffit coverings
  5. Roofing inspection. Shall at a minimum be made in at least two inspections and include the following building components:
    - Dry-in
    - Insulation
    - Roof coverings (including In Progress as necessary)
    - Insulation on roof deck (according to submitted energy calculation)
    - Flashing
    - 5.1 Re-roof sheathing inspection. An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the *building official*.
  6. Final inspection. To be made after the building is completed and ready for occupancy.
    - 6.1. In *flood hazard areas*, as part of the final inspection, a final certification of the lowest floor elevation or the elevation to which a building is dry floodproofed, as applicable, shall be submitted to the authority having jurisdiction.
  7. Swimming pool inspection. First inspection to be made after excavation and installation of reinforcing steel,

bonding and main drain and prior to placing of concrete.

1. Steel reinforcement inspection
2. Underground electric inspection
3. Underground piping inspection including a pressure test.
4. Underground electric inspection under deck area (including the equipotential bonding)
5. Underground piping inspection under deck area
6. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place
7. Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
8. Final pool piping
9. Final Electrical inspection
10. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 454.2.17 of this code.

8. Demolition inspections. First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.  
Final inspection to be made after all demolition work is completed.
9. Manufactured building inspections. The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility cross-overs; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the *Florida Building Code*. Additional inspections may be required for public educational facilities (see Section 453.27.20 of this code).
10. Where impact-resistant coverings or impact-resistant systems are installed, the *building official* shall schedule adequate inspections of impact-resistant coverings or impact-resistant systems to determine the following:  
The system indicated on the plans was installed.  
The system is installed in accordance with the manufacturer's installation instructions and the product approval.

#### Electrical

1. Underground inspection. To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing is in place and prior to the installation of wall or ceiling membranes.
3. Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

#### Plumbing

1. Underground inspection. To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.  
**Includes plumbing provisions of the energy code and *approved* energy calculation provisions.**
3. Final inspection. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.  
**Note:** See Section 312 of the *Florida Building Code, Plumbing* for required tests.

#### Mechanical

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.  
**Includes mechanical provisions of the energy code and *approved* energy calculation provisions.**
3. Final inspection. To be made after the building is complete, the mechanical system is in place and properly

connected, and the structure is ready for occupancy.

#### **Gas**

1. Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected. Includes gas provisions of the energy code and *approved* energy calculation provisions.
2. Final piping inspection. To be made after all piping authorized by the *permit* has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. Final inspection. To be made on all new gas work authorized by the *permit* and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

#### **Site Debris**

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

#### **110.3.1 Footing and foundation inspection.**

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**110.3.2 Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**110.3.3 Lowest floor elevation.** In *flood hazard areas*, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 of the Florida Building Code, Building and Section R322 of the Florida Building Code, Residential, shall be submitted to the *building official*.

**110.3.4 Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, *fireblocking* and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

**110.3.5 Lath, gypsum board and gypsum panel product inspection.** Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

**Exception:** Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

**110.3.6 Weather-exposed balcony and walking surface waterproofing.** Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious-moisture-barrier system shall not be concealed until inspected and *approved*.

**110.3.7 Fire and smoke-resistant penetrations.** Protection of joints and penetrations in *fire-resistance-rated* assemblies, *smoke barriers* and smoke partitions shall not be concealed from view until inspected and *approved*.

**110.3.8 Energy efficiency inspections.** Inspections shall be made to determine compliance with *FBC, Energy Conservation* and confirm with the *approved* energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value, and Solar Heat Gain Coefficient, duct system R-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

**110.3.9 Other inspections.** In addition to the inspections specified in Sections 110.3 through 110.3.8, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

**110.3.10 Special inspections.** Reserved.

**110.3.11 Final inspection.** The final inspection shall be made after all work required by the building *permit* is completed.

**110.3.11.1 Flood hazard documentation.**

If located in a *flood hazard area*, documentation as required in Section 1612.5 of the Florida Building Code, Building; or Section R322 of the Florida Building Code, Residential, shall be submitted to the *building official* prior to the final inspection.

**110.3.11.2 Commercial Energy Code documentation.** If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

**110.3.11.3 Residential Energy Code documentation.** If required by energy code path submittal (R405), confirmation that the envelope and duct test requirements shall be received by *building official*.

**110.3.12 Termites.** Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.12.9 or Section 2304.12.4, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the *building official* has been received.

**110.3.13 Impact-resistant coverings or systems.** Where impact-resistant coverings or systems are installed to meet requirements of this code, the *building official* shall schedule adequate inspections of impact-resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

**110.4 Inspection agencies.** The *building official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**110.5 Inspection requests.** It shall be the duty of the holder of the building *permit* or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

**110.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the *permit* holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

**110.7 Shoring.** For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer prior to any required mandatory inspections by the threshold building inspector.

**110.8 Threshold building.**

**110.8.1** During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building *permit* for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the *building official*, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

**110.8.2** The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under s. 553.71(7), *Florida Statutes* may designate such building as a threshold building, subject to more than the minimum number of inspections required by the *Florida Building Code*.

**110.8.3** The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered under Chapter 471, *Florida Statutes*, as an engineer or under Chapter 481, *Florida Statutes*, as an architect.

**110.8.4** Each enforcement agency shall require that, on every threshold building:

**110.8.4.1** The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: "To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency."

**110.8.4.2** Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's recorded set of *permit* documents.

**110.8.4.3** All shoring and reshoring procedures, plans and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

**110.8.4.4** All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this section and Chapter 633, *Florida Statutes*.

**110.8.5** No enforcing agency may issue a building *permit* for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), *Florida Statutes*, or to a licensed building contractor, as defined in Section 489.105(3)(b), *Florida Statutes*, within the scope of her or his license. The named contractor to whom the building *permit* is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building *permit* was issued.

**110.8.6** The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, Section 553.73, *Florida Statutes*, without duplicative inspection by the building department. The *building official* is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*, or certified as a special inspector



under Chapter 471 or 481, *Florida Statutes*. Inspections of threshold buildings required by Section 553.79(5), *Florida Statutes*, are in addition to the minimum inspections required by this code.

#### **110.9 Mandatory structural inspections for condominium and cooperative buildings.**

**110.9.1 General.** The Legislature finds that maintaining the structural integrity of a building throughout the life of the building is of paramount importance in order to ensure that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare. As such, the Legislature finds that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use.

#### **110.9.2. As used in this section, the terms:**

- (a) "Milestone inspection" means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in s. 627.706, *Florida Statutes*, by an architect licensed under chapter 481 or engineer licensed under chapter 471 authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the *Florida Building Code* or the *firesafety code*. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.
- (b) "Substantial structural deterioration" means substantial structural distress or substantial structural weakness that negatively affects a building's general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

- 110.9.3.** (a) An owner or owners of a building that is three stories or more in height as determined by the *Florida Building Code* and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under chapter 718, *Florida Statutes*, or a residential cooperative under chapter 719, *Florida Statutes*, must have a milestone inspection performed by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building's initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's initial milestone inspection must be performed before December 31, 2025. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.
- (b) The local enforcement agency may determine that local circumstances, including environmental conditions such as proximity to salt water as defined in s. 379.101, require that a milestone inspection must be performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.
- (c) The local enforcement agency may extend the date by which a building's initial milestone inspection must be completed upon a showing of good cause by the owner or owners of the building that the inspection cannot be timely completed if the owner or owners have entered into a contract with an architect or engineer to perform the milestone inspection and the inspection cannot reasonably be completed before the deadline or other circumstance to justify an extension.
- (d) The local enforcement agency may accept an inspection report prepared by a licensed engineer or architect for a structural integrity and condition inspection of a building performed before July 1, 2022, if the inspection and report substantially comply with the requirements of this section. Notwithstanding when such inspection was completed, the condominium or cooperative association must comply with the unit owner notice requirements in Section 110.9.9. The inspection for which an inspection report is



accepted by the local enforcement agency under this paragraph is deemed a milestone inspection for the applicable requirements in chapters 718 and 719. If a previous inspection and report is accepted by the local enforcement agency under this paragraph, the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

**110.9.4.** The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association. This section does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

**110.9.5.** Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested. The condominium or cooperative association must notify the unit owners of the required milestone inspection within 14 days after receipt of the written notice from the local enforcement agency and provide the date that the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website.

**110.9.6.** Phase one of the milestone inspection must be completed within 180 days after the owner or owners of the building receive the written notice under Section 110.9.5. For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency.

**110.9.7.** A milestone inspection consists of two phases:

**110.9.7.1.** For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in Section 110.9.7.2, is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

**110.9.7.2.** A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. When determining testing locations, the inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure. If a phase two inspection is required, within 180 days after submitting a phase one inspection report the architect or engineer performing the phase two inspection must submit a phase two progress report to the local enforcement agency with a timeline for completion of the phase two inspection. An inspector who completes a phase two milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

**110.9.8.** Upon completion of a phase one or phase two milestone inspection, the architect or engineer who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association or cooperative association, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, and to the *building official* of the local government which has jurisdiction. The inspection report must, at a minimum, meet all of the following criteria:

- (a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
- (b) Indicate the manner and type of inspection forming the basis for the inspection report.
- (c) Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.
- (d) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
- (e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- (f) Identify and describe any items requiring further inspection.

**110.9.9.** Within 45 days after receiving the applicable inspection report, the condominium or cooperative association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under chapter 718 or chapter 719, as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to received notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

**110.9.10.** A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

**110.9.11.** A board of county commissioners or municipal governing body may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

## SECTION 111 CERTIFICATE OF OCCUPANCY

**111.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**Exception:** Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

**111.2 Certificate issued.** After the *building official* inspects the building or structure and does not find violations of

the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the *owner* or the *owner's* authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. For buildings and structures in *flood hazard areas*, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the *building official*.
7. The name of the *building official*.
8. The edition of the code under which the *permit* was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design *occupant load*.
12. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building *permit*.

**111.3 Temporary occupancy.** The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

**111.4 Revocation.** The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**111.5 Certificate of completion.** A certificate of completion is proof that a structure or system is complete and for certain types of *permits* is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as shell building, prior to the issuance of a certificate of occupancy.

## SECTION 112 SERVICE UTILITIES

**112.1 Connection of service utilities.** A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a *permit* is required, until released by the *building official*.

**112.2 Temporary connection.** The *building official* shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

**112.3 Authority to disconnect service utilities.** The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The *building official* shall notify the serving utility, and wherever possible the *owner* and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the *owner* or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

## SECTION 113 BOARD OF APPEALS

**113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

**113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

**113.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

## SECTION 114 VIOLATIONS

**114.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**114.2 Notice of violation.** The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**114.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

## SECTION 115 STOP WORK ORDER

**115.1 Authority.** Where the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

**115.2 Issuance.** The stop work order shall be in writing and shall be given to the *owner* of the property involved, the *owner's* authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

**115.3 Unlawful continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

**116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

**116.2 Record.** The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**116.3 Notice.** If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

**116.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**116.5 Restoration.** Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such *repairs, alterations, additions* and change of occupancy shall comply with the requirements of Section 105.2.2 and the *Florida Building Code, Existing Building*.

## SECTION 117 VARIANCES IN FLOOD HAZARD AREAS

**117.1 Flood hazard areas.** Pursuant to Section 553.73(5), *Florida Statutes*, the variance procedures adopted in the local flood plain management ordinance shall apply to requests submitted to the *building official* for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of Section R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.




# MEMORANDUM

Agenda Item # 2

Meeting Date 1-8-24

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

**FROM:** Max Royle, City Manager 

**DATE:** December 28, 2023

**SUBJECT:** Subj.: Parking Improvements between A and 1<sup>st</sup> Streets, West Side of A1A Beach Boulevard: Request to Un-Table the Item, Review the Proposal and Consideration of Budget Resolution 24-01.

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## BACKGROUND

At your December 4, 2023, meeting, you reviewed the one bid received for the parking improvements and the amount appropriated for the project. As the bid is \$517,000 and the budget appropriation, \$187,000, is well under that, you decided to table the item to give Mr. Sparks, the City Engineer, the opportunity to find ways to lower the cost, such as using one of the companies with which the County has a continuing contract.

## ATTACHMENTS

Attached for your review is the following:

- a. Pages 1-3, the minutes of that part of your December 4<sup>th</sup> meeting when you discussed the project.
- b. Pages 4-5, a memo from Mr. Sparks.
- c. Pages 6-9, Budget Resolution 24-01 and supporting material.

Please note on page 5 of Mr. Sparks' memo that there is a blank space for the dollar amount that G&H Underground Construction will charge the City for the project. The space is because as of the date of this memo, Mr. Sparks doesn't have the amount. He expects to have it by your January 8<sup>th</sup> meeting.

## ACTIONS REQUESTED

The total the City will have available for this project will be \$402,000: \$187,000 appropriated in the FY 24 budget and \$215,000 from American Rescue Plan Act funds appropriated by Budget

# MEMORANDUM

Resolution 24-01. If G&H Underground Construction's price is at or under \$215,000, then the actions requested are:

1. Reject the original bid from GRSC, Inc.
2. Accept G&H Underground Construction's bid.
3. Approve Budget Resolution 24-01.

If G&H Underground Construction's bid exceeds \$215,000, then we suggest you reject GRSC and G&H's bids because the City lacks funds for the project, and appropriate money in the FY 25 budget for it. Construction prices could be lower then, or the project could be done in phases: underground drainage work in FY 25 with completion of the project in FY 26.

**Excerpt from the minutes of the December 4, 2023, regular Commission meeting**

**5. Parking Improvements between A and 1<sup>st</sup> Streets: Award of Bid (Presenter: Jason Sparks, City Engineer)**

Engineering Director Sparks advised that they did everything by the book with design, permitting, etc., which was near the end of the design phase when he came on board, and it had a base of asphalt with concrete curbing. He said that he asked the consultant for three additional design options [Exhibit A] and that he intended to come back to the Commission with four or five bidders and pricing on four design options, but we only received one bid, which exceeded our budget. He recommended that the Commission reject the bid at this time and to re-bid it after the first of the year. If it still exceeds the budget, then we would ask for additional budgeting in FY 2025. He said that we only have \$187,000 this year and the bid came in at \$517,000 from a south Florida company. He said that it was unfortunate that we could not get closer to our bid number, but another option would be if the Commission decided to take the money from the Reserves to build it this year.

Commissioner George advised that we have lived with it like this for so many years and to give it more time. Director Sparks said that it was a timing issue and that it would have been nice to get it done before the busy season started.

Commissioner Morgan asked why there was such a huge disparity in the amount that we are budgeting. She said that she realized that we only received one bid and that the lack of competition makes it tough. Director Sparks advised that it is just the market and environment that we are in, and that ever since the pandemic, things have been turned upside down from how they used to be. He said that maybe it spun off from the private sector with new development and they have more flexibility on what they can spend. He said that he spoke with some local contractors that he had done business with in the past when he was with the County, and that they did not bid because they are too strapped with County and State jobs that they are obligated to do through a continuing services contract. He advised that some factories shut down, granite stopped coming from Canada, and we stopped getting raw material. The supply lines should have started correcting themselves by now, but the prices are out there.

Mayor Samora asked Director Sparks how confident he was that there would be multiple bids in January if the Commission takes his recommendation and rejects this bid. Director Sparks advised that he was not that confident, and it would be hard to tell until the bids come in.

Mayor Samora advised that we have had several projects come back with single bidders and he questioned whether we could expand where we are advertising. Commissioner George suggested keeping it open for a longer amount of time. Director Sparks advised that he had not done anything different.

Vice Mayor Rumrell said that he spoke with Greg Caldwell, St. Johns County Public Works Director, and with Director Sparks about this, and that Mr. Caldwell sent him an email, which he would forward to the City Manager to distribute. He advised that Mr. Caldwell suggested that the City could start piggy backing on the County's contracts and use some of their reoccurring contractors, which could save the City money.

Mayor Samora opened Public Comment.

Joe Ralph, GRSC, Inc., Neptune Beach, FL, said they recently bought a local company called Sight Solutions and that they were the City's high, low, and only bidder on the project. He advised that they are based out of south Florida, and they have worked with municipalities to try to "value engineer" projects. He said that his recommendation would be to work with his company to see what they could do to value engineer the numbers. Some of the things that drive this are when they work with the



engineer to see if there is a change order that becomes acceptable. He said that a design characteristic of this project had one of his workers nervous about the way the drainage was laid out, and what their long-term liability would be for it. He said that there is a maintenance of traffic specification, and that the City could probably help to lower the cost by providing intermittent public safety officers, if necessary. He said that it is a slow time at the beach, and they thought that signs would work. The City is not the first municipality to run into a high bid/only bid situation and they would typically work with the potential awardee to try to value engineer the project and revisit the issue. He said that they would like the opportunity to see what could be trimmed, settle on one design and one material, and go from there.

Mayor Samora thanked Mr. Ralph for his input. He asked Director Sparks for his thoughts on trying to value engineer it and to work with Matthews Design Group on it. Director Sparks advised that it would be worth taking a look at and that he had never had a company offer to do that before. He said that it would take a few weeks to do it and that he would rather get started on it sooner than later. He said that, as Mr. Ralph said, it probably would not come down to our budget number but maybe there could be a combination where half the drainage could be done by a County piggyback contract. He said that it is getting a bit out of his purchasing and legal realm but that he would be open to coordinating with the designer and the bidding firm.

Vice Mayor Rumrell advised that there is a new Port, Waterway, and Beach District member here and he congratulated Mr. Binder. He asked if there could be any funding from the Port and Waterway since this is parking for beach access. Mr. Binder said that he was not able to talk on behalf of the Port and Waterway. Vice Mayor Rumrell asked if Mr. Binder would talk to the other members at their next meeting. Mr. Binder said yes, and he suggested that the City Manager should put something in writing for consideration to get it on the agenda.

Commissioner George asked the City Attorney, from a procedural standpoint, if what the bidder is requesting would essentially keep their bid open during a reevaluation period or would it end, and then these would just be informal discussions. City Attorney Blocker said that his understanding of value bidding is that it would allow some flexibility and that they would meet with staff to try to come up with one plan and collaborate on it. He said that the parameters and the cost would have to be adjusted to fulfill it. Procedurally, he believed that the Commission could give staff support and allow them to move forward and bring it back to the Commission for final action. Director Sparks advised that it would mean involving the design engineer again for an additional cost. City Attorney Blocker said that it would need to be brought back to the Commission again for approval. He said that based on the information that we heard from Mr. Ralph, right now the Commission would give guidance as to whether this is of interest and the bid itself would be adjusted based on the value negotiating.

Commissioner George said that when it comes back to the Commission, it would still be considered part of the same RFP/RFQ, and we would still have the opportunity to either accept it or reject it and then advertise again. She said that, from what she heard, there is a legitimate reason why there is ambiguity and that it might serve us well even if we have to go out for bid in the future to have that dialogue and understand why the designers/engineers had to leave so much of a gap because of the unknown underground stability that was brought up by Mr. Ralph. She questioned whether there would be a downside for the City such as the designer's cost, staff time, etc. and if it would be a worthy exercise even if we think that we cannot get to an affordable number. Director Sparks said that it is worthy, but less worthy than pursuing a piggyback with the County to see what kind of pricing we could get. Commissioner George asked if their costs would be closer to our budget. Director Sparks advised that he did not know.

**Excerpt from the minutes of the December 4, 2023, regular Commission meeting**

Commissioner Sweeny asked what the City had paid for paving other lots and whether \$187,000 is even a reasonable number. Director Sparks advised that it is reasonable based on the cost of asphalt, but it is more of the mobilization and the additional costs that come with the contractor such as the traffic control or the drainage work that some paving contractors do not normally do. Commissioner Sweeny said that when we consider all the factors and not just asphalt, that \$187,000 is not reasonable. Director Sparks said that he believed that it was not a reasonable number because we asked for quite a bit more than that at the beginning of the budget process.

Commissioner Morgan asked the City Attorney if a motion would be needed if the Commission wanted Director Sparks to continue to work on it and what type of motion rather than to reject it. Mayor Samora said that it would be to approve, reject, or table it or whether we could accomplish it without moving on the item at all. City Attorney Blocker advised that the Commission could do all three. He said that through this discussion, it seemed that it was made clear to Director Sparks what to do. He advised that Director Sparks could also reach out to the County to determine the unknowns and the cost. He said that based on Commissioner comments, Director Sparks could make some inquiries to the County and from a practical point he could also continue talking with the one bidder. He advised that there is nothing preventing those discussions from happening and then it could be on a future agenda. Director Sparks had mentioned that he was not hopeful that he would find another potential bidder in three or four months so there is time for staff to work through this and, in that case, it would be tabled and brought back later.

Finance Director Douylliez advised that the City Clerk pulled up the budget, and this project is scheduled to span two years for significantly more than the \$187,000 for this year. She said that since it is going to span two years, then we had already anticipated that the cost would be closer in line to what the bids are, but it is not budgeted to be a finished project in this current budget cycle. Mayor Samora asked what the total would be for two years. Finance Director Douylliez advised that it would be roughly \$500,000. Commissioner George asked if it would be significantly more in the second year. Finance Director Douylliez advised that the second year in FY25 would be approximately \$313,000 and that it would be staged in pieces. She said that she was not sure if the original thought was to do the drainage this year, but that she would assume that the drainage would be done first and the paving next year. She advised that the \$187,000 came strictly from ARPA (American Rescue Plan Act) funds and the other part is City funded and would need to be budgeted from our FY25 revenues.

Commissioner George advised that there are a lot of other projects in competition with this project and that we were hoping to move that money around as needed, not to mention the landscaping, lighting, etc. involved with this project. She said that attempting to budget the whole bid would exceed what we could do. Finance Director Douylliez agreed.

Mayor Samora said that it does not change the course of action at this point, it would still be very beneficial for us to value engineer it and explore other options, but now we know that it is not as far out of our reach as we thought it was. He asked if the Commission wanted to table it and bring it back at a later date.

**Motion:** to table Item XII.5. **Moved by** Commissioner Sweeny, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora advised that Commission direction is for Director Sparks to work with the vendors and other bidders to get the best price.

Mayor Samora moved on to Item XIII.6.



# City of St. Augustine Beach

2200 A1A South  
St. Augustine Beach, FL 32080  
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## Memorandum

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**Date:** December 27, 2023  
**From:** Jason D. Sparks P.E., City Engineer  
**To:** Max Royle, City Manager  
**Subject:** A Street and 1<sup>st</sup> Street Parking and Drainage Improvements

The City of St. Augustine Beach parkette situated at the NW quadrant of the A Street and 1st Street intersection was identified for design, permitting and construction of parking improvements during 2021.

A contract was executed with Matthews Design Group (aka Matthews | DCCM) in March of 2022 for engineering design, permitting and construction plans.

During the design process, the City Commission chose the ultimate parking layout. City Engineering also coordinated with the owner of Jack's BBQ during the design phase and will continue coordination throughout the course of the project.

Design, permitting and construction plans were completed in August 2023. The improvements encompass 9 regular, 1 ADA Accessible and two motorcycle parking spaces with associated underground drainage.

Bids were advertised October 31, 2023. A single bid was received November 28, 2023 from GRSC, Inc., based out of Stuart, FL.

Bidders were asked to provide construction costs for Four (4) options; the base option asphalt surface parking and three alternate parking surface options consisting of brick paver and concrete combinations:

Paving Option	GRSC Bid
<b>BASE BID PAVING OPTION 1: ASPHALT, CONCRETE AND DRAINAGE</b>	\$487,716
<b>ALTERNATE BID PAVING OPTION 2: BRICK PAVERS, CONCRETE AND DRAINAGE</b>	\$516,763
<b>ALTERNATE BID PAVING OPTION 3: CONCRETE PARKING SPACES , BRICK PAVERS, AND DRAINAGE</b>	\$516,763
<b>ALTERNATE BID PAVING OPTION 4: BRICK PAVER PARKING SPACES, CONCRETE AND DRAINAGE</b>	\$516,763

As the bids exceed the FY24 budget of \$187,000, City Engineering recommends rejecting the bid.



## City of St. Augustine Beach

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Subsequently, Staff obtained permission from St. Johns County to piggyback their BID NO: 22-112; As-Needed Construction Services for Countywide Roadway Drainage & Infrastructure Maintenance.

Staff obtained a quote from G&H Underground Construction, Inc. in the amount of  
\$ \_\_\_\_\_.

Staff requests Commission approval to execute contract with G&H Construction Underground Construction, Inc. under St. Johns County Master Construction Agreement #22-MCA-GHU-16966.

---

**M E M O R A N D U M**

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**TO:** MAX ROYLE, CITY MANAGER  
**FROM:** PATTY DOUYLLIEZ, FINANCE DIRECTOR  
**SUBJECT:** BUDGET RESOLUTION 24-01  
**DATE:** 12/20/2023

---

The above-referenced budget resolution is requested to transfer funds from ARPA currently allocated to other parking improvements to the A Street parking lot project. Please see the attached memo from Engineering. I have also attached a copy of the current ARPA spreadsheet for your review.

If there are any questions, please let me know.

**BUDGET RESOLUTION 24-01**

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

**RE: TO AMEND THE FY2024  
ARPA FUND BUDGET**

The City Commission does hereby approve the transfer and appropriation from within the Fiscal Year 2023-2024 General Fund Budget as follows:

**INCREASE:** Account 320-331-100 (ARPA Grant Revenue) in the amount of \$215,000 which will increase the appropriation in this account to \$291,624.

**INCREASE:** Account 320-4100-541-6320 (ARPA-R&B Dept-Parking) in the amount of \$215,000 which will increase the appropriation in this account to \$402,000.

**RESOLVED AND DONE**, this 8<sup>th</sup> day of January 2024 by the City Commission of the City of St Augustine Beach, St. Johns County, Florida.

\_\_\_\_\_  
Mayor – Commissioner

ATTEST:

\_\_\_\_\_  
City Manager

# **ARPA Worksheet**

**\$3,507,979.00**

## **APPROVED TO SPEND**

Approval Date	Police Department ARPA List				
	Item		Qty	Cost Estimate	
4/19/2022	Detective's Vehicle		1	\$ 40,000.00	
4/19/2022	Administrative Vehicle		1	\$ 50,000.00	
4/19/2022	Commander Vehicle		1	\$ 50,000.00	
4/19/2022	Chief Vehicle		1	\$ 50,000.00	
4/19/2022	Vehicle Radars		3	\$ 25,000.00	\$ 215,000.00

Amt Spent	
\$	37,657.68
\$	50,561.18
\$	50,299.47
\$	51,005.47
\$	9,848.00
\$	199,371.80

Public Works ARPA List					
9/26/2022	Concrete Grinder		1	\$ 10,000.00	
9/26/2022	Stormwater Bypass Pump	6" dewater pump DBA	1	\$75,000.00	
9/26/2022	Dump Truck	Replacement (6 cy #56)	1	\$130,000.00	
11/14/2022	Dump Truck	Replacement (17 cy #56)	1	\$174,943.00	
9/26/2022	Pickup Truck	Replacement (#64)	1	\$35,000.00	
9/26/2022	Pickup Truck	Replacement (#67)	1	\$35,000.00	
9/26/2022	Pickup Truck	Replacement (#66-2006)	1	\$35,000.00	
9/26/2022	48" mower	replacing scag	1	\$10,000.00	
9/26/2022	2nd Street Improvement	ditch-3rd Ave/Lane	1	\$100,000.00	
9/26/2022	Parking Improvements	5th Street (Beach Blvd to 2nd Ave)	1	\$95,000.00	Reduced \$55k-move to OH
9/26/2022	Parking Improvements	4th Street East Parallel	1	\$100,000.00	
9/26/2022	Parking Improvements	8th Street Lot SW	1	\$20,000.00	
9/26/2022	Parking Improvements	A St/1st St West Lot	1	\$200,000.00	
7/11/2022	Claw Truck		1	\$162,000.00	
6/6/2022	Trailer 12 ton deckover 22'		1	\$12,000.00	
4/19/2022	Refuse truck 25cy	replacing 77	1	\$250,000.00	
4/19/2022	Refuse truck 25cy	replacing 79	1	\$250,000.00	\$1,488,943.00

\$5,760.46
\$0.00
\$0.00
\$178,317.00
\$26,263.56
\$26,263.56
\$30,072.55
\$8,654.15
\$100,000.00
\$95,000.00
\$100,000.00
\$20,000.00
\$187,000.00
\$161,439.30
\$12,465.47
\$241,483.49
\$241,483.49

Est

Est FY25

Est FY25

Est FY25

Est FY24

\$1,434,203.03

Other Suggestions					
9/26/2022	ID Cards	ID Card equipment, cards, printers, supplies	1	\$20,000.00	
9/26/2022	MFA Citywide	Add multifactor authentication for entire city. According to Homeland Security CISA, cyberinssurnace underwriters are goind to be requiring this.	1	\$25,000.00	
9/26/2022	Secure Bldg C	Block in front glass, block in W & N PTAC units, place flooring over concrete	1	\$40,000.00	
9/26/2022	Video Production Impr	Cameras/Captioning equipment for city meetings; addition of wiring & technology to dais.	1	\$75,000.00	

\$20,000.00
\$25,000.00
\$40,000.00
\$66,691.03

Est

Est

Est

4/19/2022	Pipe Ditch-Vacant Alley	2nd/3rd Street-West of 2nd Ave		\$100,000.00			\$100,000.00	
5/2/2022	Ocean Hammock Park	Restroom completion-in addition to grant		\$355,000.00	Increased-BR23-10		\$355,000.00	
12/2/2022	Ocean Hammock Park	Completion of Ph 2 improvements		\$100,000.00			\$100,000.00	
6/6/2022	Beach Access Walkovers	\$67k in FY22, remainder in FY23		\$335,000.00			\$214,371.00	
6/6/2022	Paving Projects	Needed paving throughout the city		\$200,000.00			\$0.00	
11/14/2022	Paving Projects	Increased Paving throughout the city		\$230,057.00	\$1,280,057.00		\$239,691.94	\$1,160,753.97

Pay Increases								
4/19/2022	Pay Increases-FY22	Increase pay to \$15/hr minimum or bonus		\$136,000.00	\$136,000.00		\$136,000.00	\$136,000.00
				<b>Total Approved</b>		<b>\$3,120,000.00</b>		

#### ADOPTED BY COMMISSION

Public Works ARPA List								
FY24 Budget	Water tanker	**REMOVED**	1	\$0.00			\$0.00	
	Storm drain cleaning		1	\$100,000.00	\$100,000.00		\$100,000.00	\$100,000.00

Other Suggestions								
FY25 Budget	Parking Improvements	Dirt Lot Paving SW Corner of Blvd & 8th St		\$160,000.00			\$160,000.00	
					\$160,000.00			\$160,000.00

- 6 -

Pay Increases								
	Pay Increases-FY22-FY24	**REMOVED**		\$0.00	\$0.00		\$0.00	\$0.00

<b>Total Adopted</b>	<b>\$260,000.00</b>	
<b>Total Spend</b>	<b>\$3,380,000.00</b>	<b>\$3,190,328.80</b>





## City of St. Augustine Beach

2200 A1A South  
St. Augustine Beach, FL 32080  
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Agenda Item # 3

Meeting Date 1-8-24

---

### Interoffice Memorandum

---

**Date:** December 14, 2023  
**From:** Jason D. Sparks P.E., City Engineer  
**To:** Max Royle, City Manager  
**Subject:** St. Augustine Beach Resiliency and Flood Protection – Magnolia Dunes / Atlantic Oaks Circle (FDEP Agmt. No. LPA0387) Pre-Design Study

Request City Commission agreement with Staff direction.

Subject pre-design study was completed during November 2023 and Staff intends to enter into the Grant Agreement Task 2, Design and Permitting phase.

#### **Background**

During the October 2, 2023 City Commission meeting, City Staff presented subject project status update including a request for Consultant change order to explore an alternative path to the North along 5<sup>th</sup> Avenue, Mickler Boulevard and 11<sup>th</sup> Street which was subsequently denied. The Commission directed Staff to research an alternative arrangement with FDOT over pond 500 modification and perpetual operation and maintenance. Staff also recommended to explore an additional scaled down an additional option to the South.

Staff explored the FDOT pond modification and ownership/maintenance alternative arrangement resulting in Legislative Appropriations funding request preparation.

#### **Staff Recommendations**

Task 2 entails a deeper understanding and delineation of stormwater runoff being conveyed to the South and West of Magnolia Dunes. Due to the intermittent need (2-4X/year) for this conveyance, 1) a local pump station similar to the Linda Mar and Sandpiper Subdivisions' pump stations and connection to FDOT's drainage system is recommended. If FDOT drainage system connection is found to be infeasible, Engineering will shift focus to 2) a piping and catch basin system that has a "quick disconnect" cam-lok fitting that Public Works can connect to and pump from (eventually discharging to FDOT's system, after having obtained permission from FDOT) on an emergency basis.



## City of St. Augustine Beach

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Additionally, Staff feels the estuarine tributary outfall to the West of the Bowling Alley and Watson Realty may be a possibility IF land rights/easements and permits can be acquired/granted.

In closing, Staff recommends gathering field survey data in the Atlantic Oaks Subdivision for use in design/permitting and modifying/enhancing the existing City owned and maintained drainage system to provide positive drainage from the low-lying areas along Atlantic Oaks Circle.

City Commission agrees with Staff direction as delineated above.

---

Mayor Dylan Rumrell

Date

# Preliminary Engineering Report

## Pre-Design Study for St. Augustine Beach Resiliency and Flood Protection Magnolia Dunes / Atlantic Oaks / Serenity Bay

October 2023  
ECT No. 230461-0100

Prepared for:



2200 A1A South  
St. Augustine Beach, Florida 32080

Prepared by:



1408 North Westshore Boulevard, Suite 115  
Tampa, Florida 33607  
Telephone: (813) 289-9338  
Fax: (813) 725-6102  
[www.ectinc.com](http://www.ectinc.com)

**Brent A  
Morris**

Digitally signed by Brent A Morris  
DN: C=US, O=Florida,  
dnQualifier=A01410D00000188B  
A835D8F002AB1CF, CN=Brent  
A Morris  
Reason: I am the author of this  
document  
Location: 1408 N. Westshore  
Blvd., Tampa, FL  
Date: 2023.10.31 15:42:53-04'00'  
Foxit PhantomPDF Version:  
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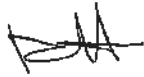
## Document Review

The dual signatory process is an integral part of the Environmental Consulting & Technology, Inc. (ECT) Document Review Policy. All ECT documents undergo technical/peer review prior to dispatching these documents to any outside entity.

This document has been authored and reviewed by the following employees:

Rami Herzallah, E.I.

Author  
Staff Engineer



Signature

10/31/2023

Date

Brent Morris, P.E.

Peer Review  
Senior Engineer  
Florida License No. 68233



Signature

10/31/2023

Date

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## **1.0 INTRODUCTION**

### **1.1 Objective**

Environmental Consulting & Technology, Inc. (ECT) was tasked by the City of St. Augustine Beach (City) with assessing ongoing flooding issues within the Magnolia Dunes / Atlantic Oaks / Serenity Bay area. The inclusion of the centrally situated Serenity Bay Subdivision within the drainage area is required for evaluating the overall system's resiliency. Initially part of the contracted Scope, it remains a vital component of this drainage study. ECT was to investigate the reported flooding problems that occur in the residential areas comprising the project area, generate alternative designs to address the flooding issues, and provide a recommendation to the City for reducing flooding conditions within the affected areas.

In an August 4, 2023, meeting with the Florida Department of Transportation (FDOT), the City requested the exclusion of Bowers Court and Bowers Lane from the project area. These are privately owned and maintained roadways not under the City's jurisdiction. As a result, the stormwater model was updated, and the drainage analysis in these two areas was removed from the study. Further information about the reasons for this removal and its potential impact on the project can be found in the meeting minutes, which were submitted to the City on August 14, 2023.

### **1.2 Background**

The project area is located in the southeastern part of St. Johns County and encompasses the residential neighborhoods of Magnolia Dunes, Atlantic Oaks, and Serenity Bay. Serenity Bay, despite having existing stormwater infrastructure, is included in this study due to its integral position in the drainage system. This area's inclusion in the study was necessary to assess the overall system's resiliency. Covering a total of 69 acres, the Study Area's boundaries are defined by Poinsettia Street to the north, the Anastasia Dunes subdivision to the east, Lisbon Street to the south, and State Road (S.R.) A1A South to the west. For reference, please see **Figure 1** for the site location and **Figure 2** for the study area limits.

Within this project area, land usage consists primarily of residential subdivisions, isolated wetlands, and stormwater ponds. Historically, this region has encountered flooding during and following storm events due to its topographical characteristics and limited stormwater infrastructure capacity.

The Magnolia Dunes residential area has been particularly susceptible to flooding during storms. Stormwater infrastructure is limited in this subdivision, and stormwater management in this area largely dependent upon infiltration. A wetland, covering approximately 0.80 acres as per as-built plans dated December 1996, serves as the collection point for stormwater runoff. Small pocket dry basins are also scattered throughout Magnolia Dunes Circle, interconnected by two overflow weirs equipped with Type "C" inlet structures and 18-inch reinforced concrete pipes (RCPs) which connect the basins north and south of the wetland. The Magnolia Dunes Circle drainage system is depicted in the figures section of this report.

The Atlantic Oaks area encounters flooding challenges due to the limited stormwater infrastructure in place for flood mitigation. Runoff primarily flows northward and is conveyed into 2 Type "E" inlet structures situated south of the intersection of Atlantic Oaks Circle West and Bowers Lane. These inlet structures are interconnected via 13-inch x 22-inch elliptical corrugated metal pipes (ECMPs), and downstream flow is directed via 13-inch x 22-inch ECMPs to another Type "E" inlet structure at the southwestern corner of the intersection of Atlantic Oaks Circle East and Bowers Lane. From this point, flow continues to the north to a Type "C" inlet structure, and then proceeds northeast through a 24-inch pipe to a Type "E" inlet structure. Finally, the flow discharges into a ditch located southeast of the Atlantic Oaks Circle/5th Ave and F Street intersection, which ultimately connects to the Mickler Boulevard drainage ditch system.

The Serenity Bay subdivision is the newest development in the project area. Five wet stormwater management ponds within the subdivision collect runoff from Bay Bridge Drive, Casters Court, and Serenity Bay Boulevard. According to the as-built plans dated June 12, 2005, stormwater runoff is conveyed through a series of inlets and storm pipes. Runoff generated from Casters Court is collected through a curb inlet and a 14-inch x 23-inch ERCP that discharges northwest to Wet Pond #1. Bay Bridge Drive runoff is collected by curb inlets along the road and 15-inch RCPs, and is ultimately conveyed to Wet Ponds #2, #4, and #5. Stormwater runoff along the southernmost section of Serenity Bay Boulevard near the cul-de-sac flows west and is collected by an inlet structure at the western end of the street in the field. The inlet structure was located in the field. Runoff in this area discharges to Wet Pond #3.

The first objective was to revise the prior Existing Conditions Model (ECM) to develop the Revised Existing Conditions Model (RECM) to model the existing stormwater system. This model facilitated our analysis of the causes of flooding issues, the evaluation of potential improvements using alternative Proposed Condition Models (PCMs), and a cost analysis to identify the best course of action. Additionally, a map of existing Finished Floor Elevations (FFE) of homes within the project area was developed to compare maximum flood elevations from the RECM and PCM models to assess which homes may be impacted by flooding. The FFEs are illustrated in the figures section of this report. Approximate road crest elevations were also evaluated to identify road sections that may be subject to inundation. Road crest elevations were gathered from record plans whenever possible. In cases where record plan elevations were unavailable, these elevations were estimated using LiDAR data, with the accuracy verified by cross-referencing LiDAR-derived elevations with elevations from record plans. These analyses were conducted to assess the flood control benefits of each alternative, as mentioned in the scope. Tables containing a comparison of the modeled stage elevations with the FFEs and road crest elevations are included in **Appendix D** presented as **Tables A** through **E**

## **2.0 DRAINAGE EVALUATION**

### **2.1 Existing Conditions Assessment**

The Existing Conditions Assessment began with the receipt of the executed contract from the City on June 16, 2023. Subsequent to reviewing the existing plans, reports, existing ECM, ArcGIS data, and existing DEM data, a City Kickoff meeting was scheduled for July 10, 2023, to deliberate on the initial findings and plan the path forward.

The Pre-Design study area for this project in the Magnolia Dunes, Atlantic Oaks, and Serenity Bay areas is located within the Florida Department of Environmental Protection (FDEP) Water Basin Identification Number (WBID) 2519. This area represents a de-listed basin characterized by residential development; low-lying terrain enclosed by S.R. A1A with higher-density residential development to the east. The study area encompasses residential subdivisions and local streets.

The sole drainage outfall for the 69-acre project area is positioned at the northern extremity of the study area, exclusively serving the Atlantic Oaks region. From this point, drainage travels a distance of approximately 1.8 miles to reach the City's drainage facility west of Mizell Road.

As per the ECM, the flow travels through 42-inch and 48-inch poly-vinyl chloride (PVC) drainage pipes along 5th Avenue to the north. The flow then enters the Mickler Boulevard ditch and proceeds northward and eventually westward towards the 11th Street ditch. Ultimately, the flow is discharged into a large wet pond situated to the west of Mizell Road. The remainder of surface runoff in the project area follows a circuitous overland flow path around the various ponds and wetland before infiltrating into the surficial aquifer. The absence of additional outfalls in the area is a major contributing factor to the occurrence of flooding during significant storm events.

The first flooding area of interest is the northern portion of the study area between Coquina Boulevard and Poinsettia Street. These streets are owned and maintained by the City. Due to higher elevations along S.R. A1A to the west and the neighboring subdivision to the east, stormwater runoff sheet flows to the center of this area with no outfall to relieve the flooding.

The second flooding area includes Atlantic Oaks Circle and its surrounding homes. This system contains minimal infrastructure to manage the overland runoff that cannot be conveyed and collected by the inlet structures at the northern end of the street (Rim elevation = 7.65 ft-NAVD88) (Nodes NO080 and NO085). Flow from the western portion of this area (Node O085) is conveyed by an overland weir (Weir O085-W4) to the wet pond to the west (Mean Water Level = 4.60 ft-NAVD88) (Node NO035). The outfall for this system is the Mickler Boulevard Ditch, but the ditch does not effectively convey runoff to this point (ECM Invert elevation = 2.264 ft-NAVD88) (Node NO025).

Based on earlier discussions with the City, it was communicated that the Mickler Ditch had reached its full capacity and could not serve as a feasible outfall option. A brief PCM model analysis was conducted for this outfall scenario, which led to a significant elevation increase in flood levels at downstream nodes and proceeding northward. Additionally, it is important to note that the ECM did not accurately represent these downstream nodes, rendering the results inconclusive in terms of accuracy. Additionally, the drainage systems located downstream of the Mickler Ditch extended beyond the parameters of the original project scope and the available existing information. Consequently, it was impractical to assess the Mickler Ditch outfall under this contract.

The third area of concern lies in the southern part of the study area, specifically encompassing Magnolia Dunes Circle. The Magnolia Dunes record plans show the location of scattered ditches within a 25-foot drainage easement along the outside of Magnolia Dunes Circle. However, these ditches are ineffective at managing stormwater runoff, particularly during major storm events. An existing wetland (classified PSS3C per National Wetlands Inventory) is located at the center of the Magnolia Dunes Circle loop (Node NO090). According to the DEM data obtained from NOAA, the approximate

Mean water Level of the wetland is 4.60 ft-NAVD88. According to the St John's County GIS Parcel Mapper, the wet pond appears to be owned by the Magnolia Dunes Homeowners Association, Inc. The runoff generated from the homes located on the interior of Magnolia Dunes Circle drains into this wetland, and the southern portion of this area sits at a lower elevation than the surrounding residential area. The generated stormwater runoff has no outlet and can only discharge via infiltration. There are a few connected drainage ditches along the roadway to the east; however, since there is no outlet in this area, the runoff eventually infiltrates into the surficial aquifer.

On July 10, 2023, ECT conducted a site visit to evaluate the existing conditions in the project area and conduct a drainage inventory. Current conditions within the stormwater ponds, ditches, and roads were documented, and photographs of the existing stormwater infrastructure were taken; the photographs are included as **Appendix B**. These preliminary findings were discussed during the initial Kickoff meeting.

## **2.2     Methodology**

To evaluate the hydrologic and hydraulic (H&H) conditions within the project area, a RECM was developed by ECT using the software package Inter-Connected Pond Routing (ICPR), ver. 4.07.08, developed by Streamline Technologies, Inc. The RECM builds upon an earlier ICPR model developed by Crawford, Murphy & Tilly (CMT) for the City of St. Augustine Beach dated June 9, 2023. The ECM covers an approximate area of 1,020 acres and includes 46 subbasins. The RECM model covers the same area but splits 69 acres of Basin O from the ECM model into 25 subbasins. The updated RECM model provides the City with a complete and enhanced modeling tool. The model development, refinement, implementation, and results are discussed in the following sections.

Following the August 4, 2023, meeting with the FDOT and City, the City requested that the Bowers Lane and Bowers Court stormwater system be removed from the proposed conditions scenarios. The flows along Mariposa Street and Coquina Boulevard were redirected to flow to the existing FDOT drainage system to the west, that ultimately discharges to FDOT Pond 500. This directive necessitated modifications and recalibrations of the RECM to accommodate the elimination of flow data associated with these components.

## **2.3     Horizontal Datum, Vertical Datum, and LiDAR Data**

The North American Datum (NAD 83), State Plane Florida East coordinate system was used for the horizontal projection, and elevation data is referenced to the North American Vertical Datum of 1988 (NAVD88). Elevations range from -3.7 to 34 ft-NAVD88 in the study area. LiDAR data from 2018 was obtained through the NOAA Digital Coast: Data Access Viewer and has a recording start and end of November 30, 2018, and March 24, 2019, respectively. The LiDAR-based DEM was cross-checked with rim and FFE elevations from City-provided plan sets to assess its accuracy in estimating spot elevations for this study. This verification revealed a reliable correlation, indicating accurate estimation. The 2018 LiDAR-based DEM topographic data is illustrated in **Figure 3**.

## 2.4 Existing Record Plans

Existing record plans of Atlantic Oaks, Magnolia Dunes, and Serenity Bay subdivisions were provided by the City, and ECT received this information in February 2023. These plans were utilized to fill in data gaps in both the GIS database and the RECM. FDOT record plans and reports for S.R. A1A were obtained through the St. John's River Water Management District (SJRWMD) regulatory permit search mapper. A record report of Serenity Bay was also provided by the City when the plans were provided. The record plans and reports are summarized in **Table 1**.

**TABLE 1**  
**SUMMARY OF RECORD PLANS AND REPORTS**

<b>Record Plan Set / Report</b>	<b>Date</b>	<b>Vertical Datum</b>
Atlantic Oaks Subdivision Plans	April 1980	Vertical datum assumed to be NGVD29
Magnolia Dunes for North Florida Corporation Plans	December 1996	Vertical datum assumed to be NAVD88
Serenity Bay Plans	June 2005	Vertical datum assumed to be NAVD88
Serenity Bay Report	February 1999	Vertical datum assumed to be NAVD88
FDOT State Project No. 78040-3551, S.R. A1A/3 Plans	June 1994	NGVD29
FDOT State Project No. 78040-3551, S.R. A1A/3 Report	October 1993	NGVD29

The record plans provided by the City did not provide the vertical datum that was used for the project's elevations; thus, Plans constructed before 1995 were assumed to be in the NGVD29 vertical datum. Any plan sets constructed since 1995 were assumed to be in NAVD88. The GIS database and ICPR models are in the current NAVD88 datum and, therefore, an adjustment was required for any vertical elevation information obtained from plan sets that predate 1995. According to the National Geodetic Survey Coordinate Conversion and Transformation Tool (NCAT), the vertical elevation difference going from NGVD29 to NAVD88 is -1.05 feet.

The Atlantic Oaks Subdivision plan set was used to enter existing pipe, structure, and outfall information for the system along Atlantic Oaks Circle at the northern portion of the subdivision. A conversion factor of 1.05 feet was subtracted from all vertical elevation values to adjust for the conversion from NGVD29 to NAVD88 when entering the information into the GIS database and ICPR model. The adjusted vertical elevation data was compared to the elevations supplied by the LiDAR DEM file in the GIS database and was confirmed to be accurate. Two existing inlet structures located between the western end of Atlantic Oaks Circle and the eastern end of private road Bowers Lane on the north and south side of the road were field located. Given that the City did not provide any existing records such as plans or GIS data containing information on these inlets, ECT approximated the inlet structure rim using LiDAR DEM data in ArcGIS. Additionally, ECT assumed the inverts based on the pipe's depth in the area. From field conditions, it is believed that these structures connect to a private pond on the north side of Bowers Lane and drain towards the east along Atlantic Oaks Circle, and ultimately to the Mickler Boulevard ditch.

The Magnolia Dunes plan set was utilized to enter missing information to the GIS database. The vertical datum was assumed to be NAVD88 based on the Plan date, so no adjustment was required. This was confirmed by comparing elevation values from the LiDAR DEM data in ArcGIS.

ECT conducted an examination of the Serenity Bay plan set in conjunction with the report and the LiDAR DEM data in ArcGIS. ECT observed a high level of consistency between the report, DEM file, and the plans, in order to check the accuracy of the DEM file. However, ECT identified a divergence concerning the design of Ponds #1, #2, and #3, particularly in their alignment with the stage-areas calculated in ArcGIS. As a result, it was decided that this area requires additional survey to attain a more accurate configuration of these ponds. Ponds #1, #2, and #3, as described in the report, were designed as dry ponds with a pond bottom ranging from 6.5 to 7.0 ft-NAVD. The vertical datum for the plan set was determined to be NAVD88 using the LiDAR DEM data, which rendered no adjustments necessary for the model's elevations. Additionally, Ponds #4 and #5, as depicted in the Serenity Bay plans, were not addressed in the Serenity Bay report provided by the City. Due to the disparities in pond designs between the report and the plan set, the stage-area for Node NO090 was determined based on calculations derived from the LiDAR DEM data in ArcGIS.

The FDOT record plans and report for the S.R. A1A were obtained through the SJRWMD regulatory permit search mapper. According to the plans, the vertical datum used for design was NGVD29; therefore, a conversion factor of 1.05 feet was subtracted from all vertical elevation values for the tailwater condition of FDOT Pond 500.

No project-specific topographic survey was completed for this study. Invert elevations for model links and structures were obtained from existing model data, record plans, and reports.

## **2.5      Existing Floodplains**

The project area is located within the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel 12109C0384J (effective December 7, 2018). The FIRM map indicates that the project area does not lie within a Special Flood Zone Hazard Area (e.g., Zone A, AE, etc.) A portion of the central and northern area of the site are located within Zone X (0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile). This area covers a portion of the Serenity Bay subdivision, Atlantic Oaks subdivision, Coquina Boulevard, Bowers Court, and Bowers Lane. The FEMA FIRM maps covering the project area are included in **Appendix C**.

## **2.6      Revised Existing Condition Hydrology**

### **2.6.1    Subbasin Delineation**

The LiDAR topographic DEM data, data and record plans provided by the City, and data collected during the field visit, as described above, were used to assist in delineating the subbasins. Based on topography and the existing record plans, the project area was divided into 25 subbasins for the RECM. The previous 1,020-acre ECM model contained 46 subbasins; the current RECM includes 70 subbasins, resulting from the splitting of ECM Basin O into 25 subbasins based upon topography and the locations of critical drainage structures. The additional RECM subbasins are summarized in **Table 2** and shown in **Figure 2**.



## 2.6.2 Curve Number

The runoff curve number (CN) values used in the RECM were calculated based on the methods outlined in the Natural Resources Conservation Services (NRCS) Publication TR-55. The CN values used in hydrologic modeling were developed for the RECM and are based on weighted averages of each subbasin depending upon the land use, land cover and the hydrologic soil group. Non-Directly Connected Impervious Area (NDCIA) was incorporated into the CN value as well to obtain a more accurate representation of the runoff.

The 2014 SJRWMD land use polygons (based on the Florida Land Use, Cover and Forms Classification System (FLUCCS, FDOT, 1999)<sup>1</sup> were used by ECT to generate land use characterization across the study area, as presented in **Figure 4**. The study area consists of medium-high density residential areas.

Soils are categorized into hydrologic soil groups (HSG), depending on their infiltration rate and rate of water transmission. **Figure 5** depicts the spatial distribution of soils across the study area. The study area is predominated by 29 - Fripp-Satellite complex, 31 - Satellite fine sand, and 32 - Palm Beach sand, all of which are HSG Type A soils. HSG A soils have a high infiltration rate and are deep, well drained to excessively drained, sands and gravels.

## 2.6.3 Time of Concentration

Time of concentration (Tc) is generally defined as the amount of time required for runoff to travel from the hydrologically most distant point in a subbasin to the point where that subbasin discharges to a receiving water body (represented in the ICPR model as a node). Travel segment data for this study was developed using the 2018 LiDAR DEM data as well as aerial photographs. The flow paths along the surface of the subbasins were broken into four main components: sheet flow, shallow concentrated flow, piped flow, and open channel flow. For subbasins with internal drainage or Tc < 10 minutes, a minimum Tc of 10 minutes was applied. It should be noted that none of the flow paths within each subbasin are long enough to exceed this duration. Table 2 summarizes the Tc value for each additional RECM subbasin for the existing conditions.

## 2.6.4 Unit Hydrograph

The NRCS Unit Hydrograph Method was used to calculate runoff volume over the duration of a given storm. A standard peaking factor of 323 was used for all subbasins in the RECM, which was also used in the ECM. The subbasin hydrologic parameters for the RECM are summarized in **Table 2**.

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<sup>1</sup> Florida Department of Transportation (FDOT). 1999. Florida Land Use, Cover and Forms Classification System Handbook. FDOT Surveying and Mapping Office, Geographic Mapping Section.

**TABLE 2**  
**SUMMARY OF HYDROLOGIC PARAMETERS –RECM MODEL**

<b>SUBBASIN NAME</b>	<b>NODE NAME</b>	<b>AREA (acres)</b>	<b>CN</b>	<b>TC (minutes)</b>	<b>PEAKING FACTOR</b>
O005	NO005	2.337	67.80	10	323
O010	NO010	13.316	67.24	10	323
O015	NO015	4.893	65.35	10	323
O020	NO020	2.488	70.11	10	323
O025	NO025	1.318	69.53	10	323
O030	NO030	1.176	62.72	10	323
O035	NO035	2.738	71.28	10	323
O040	NO040	1.453	70.79	10	323
O045	NO045	1.335	69.44	10	323
O050	NO050	0.591	73.27	10	323
O055	NO055	0.612	73.31	10	323
O060	NO060	0.257	71.79	10	323
O065	NO065	1.24	75.99	10	323
O070	NO070	2.13	72.69	10	323
O075	NO075	0.631	69.99	10	323
O080	NO080	6.092	69.73	10	323
O085	NO085	6.319	67.87	10	323
O090	NO090	9.316	67.94	10	323
O095	NO095	0.889	69.56	10	323
O100	NO100	0.693	68.99	10	323
O105	NO105	1.278	66.62	10	323
O110	NO110	1.694	64.46	10	323
O115	NO115	2.729	67.33	10	323
O120	NO120	1.627	66.17	10	323
O125	NO125	1.572	67.44	10	323

## 2.7 Finished Floor Elevations

Note that the City's responsibility pertains exclusively to drainage within the roadways and does not extend to private property.

To evaluate the flooding risk for homes within the project area, FFEs were obtained for houses in the project area. Various sources were used to establish the FFEs, including previous surveys conducted by the County and as-built plans for the subdivisions. In instances where FFEs were not available from these sources, the LiDAR DEM data was utilized to estimate FFEs. Various points on the perimeters of each home were selected and the DEM elevations for those points were averaged, resulting in an estimated FFE for each home. The surveyed and estimated FFEs are illustrated in **Figures 6A through 6G**. Only FFEs for homes within the project area are labeled; an FFE of "0" was assigned to the homes outside of the project area. To evaluate flooding issues across the project area, the road crest elevations and FFEs were compared to modeled peak stage results.



The DEM, subjected to accuracy checks, supplied dependable elevation data that couldn't be acquired from record plans or GIS sources.

## 2.8 RECM Development

The RECM was based on an ICPR model previously developed by CMT. In the ICPR model, stormwater elements such as pipes and weirs are represented as links, while stormwater ponds and inlets are represented as nodes. The RECM consists of both Time-Stage nodes and Stage-Area nodes. The Time-Stage nodes included in the RECM represent the model tailwater conditions at the outfalls of the system.

Stage-Area nodes were used to represent depressional storage within each subbasin (e.g., stormwater ponds and inlets). The stage-storage relationships for the RECM nodes were carried over from the CMT model with the exception of Node O. For the 25 additional nodes created for the RECM and PCM, as listed in **Table 3**, the LIDAR DEM data was used with the subbasin delineations and the "Tabulate Areas" tool to calculate stage-storage relationships in ArcGIS.

**TABLE 3 - SUMMARY OF RECM MODEL NODES**

SUBBASIN NAME	NODE NAME	NODE TYPE	DESCRIPTION
O005	NO005	Stage-Area	Residential area south of Mariposa St
O010	NO010	Stage-Area	Residential area between A St and Mariposa St
O015	NO015	Stage-Area	Villa Del Ray detention pond
O020	NO020	Stage-Area	Residential area near Coquina Blvd and E St
O025	NO025	Stage-Area	Residential area and outlet node to Mickler Ditch. Includes CMT node ana
O030	NO030	Stage-Area	Residential area between Bowers Lane and Bowers Ct
O035	NO035	Stage-Area	Serenity Bay detention pond between Bay Bridge Dr and Atlantic Oaks Cir
O040	NO040	Stage-Area	Serenity Bay detention pond northeast of Casters Ct
O045	NO045	Stage-Area	Residential area on Sea Oats Pl between Bay Bridge Dr and Atlantic Oaks Cir
O050	NO050	Stage-Area	Serenity Bay detention pond between Casters Ct and Serenity Bay Blvd
O055	NO055	Stage-Area	Residential area in Casters Ct cul-de-sac
O060	NO060	Stage-Area	Residential area high point near Sea Oaks Place and Bowers Ct
O065	NO065	Stage-Area	Residential area on Bay Bridge Dr from Serenity Bay Blvd to Sea Oaks Pl
O070	NO070	Stage-Area	Serenity Bay detention pond on the southern end of Bay Bridge Dr
O075	NO075	Stage-Area	Residential area with land depression between Atlantic Oaks Cir and Magnolia Dunes Cir
O080	NO080	Stage-Area	Residential area eastern portion of Atlantic Oaks Circle
O085	NO085	Stage-Area	Residential area western portion of Atlantic Oaks Circle
O090	NO090	Stage-Area	Existing Federal wetland classified PSS3C
O095	NO095	Stage-Area	Residential area with land depression on northern end of Magnolia Dunes Cir
O100	NO100	Stage-Area	Residential area at high elevation on southeast corner of Atlantic Oaks Cir
O105	NO105	Stage-Area	Residential are with land depression where Magnolia Dunes Cir meets A1A
O110	NO110	Stage-Area	Residential area with land depression at southern portion of Magnolia Dunes Cir
O115	NO115	Stage-Area	Residential area northeast portion of Magnolia Dunes Cir
O120	NO120	Stage-Area	Residential area eastern portion of Magnolia Dunes Cir
O125	NO125	Stage-Area	Residential area southeastern portion of Magnolia Dunes Cir

The existing stormwater infrastructures, e.g., inlets and pipes, are shown in **Figure 7**.

The links in the RECM are graphically presented in **Figure 8A** for the project area and summarized by type in **Table 4**.

**TABLE 4**  
**SUMMARY OF CONVEYANCE LINK FEATURES – RECM MODEL**

CONVEYANCE FEATURE TYPE	COUNT
Weirs (Overland Flow)	51
Pipes	6
Percolation Links	6
<b>Total:</b>	<b>63</b>

Percolation links in ICPR were utilized to establish connections between the existing ponds and the surficial aquifer. This facilitated the calculation of the percolation flow rate, enabling an estimation of the recovery rate for pond storage. The approximate infiltration rate, as determined by the NRCS soil classification, was utilized for this analysis. **Figure 8B** represents the 50-foot and 150-foot offset limits, referenced to the top of the pond, which were employed by ICPR to calculate the saturated horizontal groundwater flow computations.

## **2.9 RECM Simulations**

### **2.9.1 Design Storm Events and Tailwater Conditions**

A total of four design storm events and one calibration storm (dated July 9, 2023) were simulated in the RECM. The following design storm events and associated rainfall amounts were used:

- 7/9/23 Calibration Storm, 24-hour – 0.909 inches of total rainfall depth
- Mean Annual, 24-hour – 5.0 inches of total rainfall depth
- 10-year, 24-hour – 7.5 inches of total rainfall depth
- 25-year, 24-hour – 9.5 inches of total rainfall depth
- 100-year, 24-hour – 11.5 inches of total rainfall depth

ECT and the City reached a consensus on a sea level rise tailwater condition of 4 ft-NAVD to be considered in the design. This condition accounts for more than the 2022 intermediate National Oceanic and Atmospheric Administration (NOAA) sea level rise projection of 1.85-ft NAVD88.

### **2.9.2 RECM Model Results**

The results of the RECM simulations of the five referenced storm events are summarized in **Table A of Appendix D**. The ICPR model input and output data for the RECM are provided in **Appendix E**. The maximum stages (in ft-NAVD88) at each model node were compared to the lowest Road Crest Elevation and FFE within the same subbasin, to evaluate the areas of flooding concern.

The RECM results indicate that roadway flooding exceeding the Road Crest Elevation is prevalent in most of the project area. Nodes NO020 and NO025 around the northern end of Atlantic Oaks Circle are the only areas that do not experience roadway flooding for the majority of the simulated storms.

Commencing from the northern end, Nodes NO010 and NO005, adjacent to Coquina Boulevard, Poinsettia Street, and Mariposa Street, are situated on low-lying terrain. These two nodes consistently exhibit water levels exceeding the minimum FFE for all referenced storm events, resulting in the highest risk of home flooding in this area.

Beyond the 100-year, 24-hour storm event, Nodes NO085 and NO105 also experience home flooding during the 10-yr, 24-hour and 25-yr, 24-hour storm events. Node NO085, located along the western section of Atlantic Oaks Circle, primarily faces inundation in its northern lower-elevation region. Similarly, Node NO105, situated at the junction of the western section of Magnolia Dunes Circle and S.R. A1A South, features residences in low-lying areas, leading to home flooding.

The floodplain results for the RECM are depicted in **Figures 9A through 9E**, which indicate the areas of inundation following each of the simulated storm events.

### **3.0 PROPOSED CONDITIONS MODELING AND ALTERNATIVES ANALYSIS**

#### **3.1 Methodology**

To evaluate the effectiveness of potential drainage improvements at addressing existing flooding conditions, a series of PCMs were developed by modifying the RECM and including proposed drainage improvement components. No modifications were made in the subbasin delineations for the PCMs.

#### **3.2 Proposed Improvements**

To reduce the flooding conditions in the project area, a total of six drainage design alternatives were developed by ECT, as discussed in the following paragraphs. All alternatives center around increasing conveyance of the existing drainage system.

##### **3.2.1 Alternative 1: 60% Increase in Pond Storage**

Alternative 1 focused on increasing the overall storage capacity within the project area. This encompassed both dry pond and wet pond storage methods while keeping the existing stormwater piping and infrastructure intact. This alternative involved expanding the existing storage ponds located at Nodes NO015, NO035, NO040, NO045, NO050, NO070, and NO090, as shown on Figure 11. This expansion was accomplished by elevating the storage area values between the seasonal high water level (SHWL) and the pond bank by 60% to allow more storage at each pond. To create the required additional space for expanding the existing ponds, additional right-of-way (ROW) would need to be acquired. Furthermore, the private pond located near Bowers Court would only be usable after necessary modifications to comply with City standards and upon the transfer of the title/deed from its current owners, WWF Homeowners Association Inc., to the City.

Additional scenarios were compiled to assess the impact of 10% and 30% increases in pond storage. However, their influence on runoff flows and elevations were found to be minimal, leading to their exclusion from further analysis.

In ECT's professional opinion, storage and infiltration improvement techniques, such as underground storage, drainage wells, and Vertical Volume Recovery Systems (VVRS), are not viable solutions for accommodating the substantial flow volumes in the study area without an outfall.

### **3.2.2 Alternative 2: Gravity Discharge to Estuary 1**

Alternative 2 entails the installation of a 36-inch gravity storm pipe and inlet system across the regions of Atlantic Oaks and Serenity Bay, and a 48-inch gravity storm pipe and inlet system within Magnolia Dunes. Both systems will converge to a single discharge to the west through a 3'x10' concrete box culvert (CBC) into the Matanzas Creek Estuary. The configuration of this system is shown in **Figure 11**.

The primary objective of this design was to use pipes of sufficient size to convey the required stormwater volume to achieve a reduction in flood elevations, while also considering constructability. During the design phase, the pipe materials and configuration can be adjusted to ensure the project's feasibility during construction.

Starting from the northern end, new inlet structures and 36-inch RCPs would be installed on Mariposa Street (Node NO005) and Coquina Boulevard (Node NO020), which would connect to proposed inlet structures along Bowers Lane (Nodes NO003, NO004, NO045, and NO001). The examination of the Bowers system in this scenario is purely hypothetical, focused on understanding how the overall system would react if the City were to acquire the private system and its implications for the rest of the drainage system. This analysis will not be part of subsequent alternatives.

For this alternative, a drop structure (DSO015) is proposed for the existing pond at Node NO015 and incorporating a 2-foot wide rectangular weir. As indicated by the LIDAR DEM data, the average water level within this pond measures 4.6 ft-NAVD88; therefore, the invert elevation of the proposed 36-inch outlet pipe is set at 4.6 ft-NAVD88, while the weir's elevation was set at 4.8 ft-NAVD88. Flow is conveyed southeast through a 36-inch pipe to Node NO014 and then NO001 on Bowers Lane.

This system would then continue southward, passing through the Serenity Bay subdivision via a 36-inch pipe located along the center of Serenity Bay Drive, connecting Nodes NO001, NO054, NO065, and NO093. The northwestern cul-de-sac in Serenity Bay (Node NO055) will be integrated into the upsized system by connecting to an inlet at Node NO054. However, it will also retain part of its original drainage pathway, which directs water to the existing wet pond (Detention Basin #1 per Serenity Bay Subdivision Plans, 2005) located in the northwest part of the area through a 14-inch x 23-inch ERCP. Detention Basins #3, #4, and #5 per the Serenity Bay record plans remained connected to the system with the existing 15-inch RCP and are connected to Node NO065. Flows travel south and the system eventually converges at a proposed inlet located at the intersection of Bay Bridge Drive and Serenity Bay Boulevard at Node NO093.

Additionally, the existing storm pipe and inlets located at the northern end of the Atlantic Oaks subdivision, which consist of 13" x 22" ERCPs and 24-inch CMP, remain unchanged. This system is represented by Nodes NO085, NO080, and NO025.

To facilitate drainage from the northern part of Magnolia Dunes, a 48-inch RCP and inlet system was also designed. A drop structure (DS-O0900) was placed into the existing pond at Node NO090, featuring a 5-foot wide? tall? rectangular vertical weir. The LiDAR DEM data confirms a pond average water level of 5.2 ft-NAVD88. The 48-inch RCP from the drop structure has an invert elevation of 3.9 ft-NAVD88 and a weir elevation is 5.2 ft-NAVD88. Flow is directed northeast via a 48-inch RCP to Node NO095 on Magnolia Dunes Circle. From there, flows travel westward to the northwestern intersection of Magnolia Dunes Circle at Node NO105 and then northward to an inlet (Node O070) in the center of the southern cul-de-sac on Bay Bridge Drive. Subsequent flows from the Magnolia Dunes Circle area are directed northward to the convergence point at Node NO093.

To enhance discharge capabilities in the western direction, a 6-foot wide rectangular sharp-crested weir (O093-W1) was added between Nodes NO093 and downstream Node NO092. From Node NO092, stormwater is ultimately discharged through approximately 2,000 linear feet (LF) of 3'x10' CBC into the Estuary, with an outfall invert of 2.5 ft-NAVD88.

### **3.2.3 Alternative 3: Gravity Discharge to Estuary 2**

Alternative 3 closely resembles the drainage design layout of Alternative 2. Notable differences with Alternative 2 include the re-direction of systems at Mariposa Street (NO005) and Coquina Boulevard (NO020) to gravity flow via 18-inch RCPs into the FDOT system along S.R. A1A, ultimately discharging to the FDOT Pond 500. Construction of this scenario and any subsequent alternatives would require the City to acquire the FDOT pond and expand it to accommodate increased stormwater flows, whether it receives discharge from the entire system or only a portion of it.

During a meeting with FDOT on August 4, 2023, the City requested the exclusion of the Bowers Lane and Bowers Court area from the study. Consequently, all pipes and structures in that area were removed from consideration in Nodes NO015 and NO045 for this and any subsequent alternatives. Model parameters were adjusted accordingly, and flow calculations were recalibrated for the entire system. The system configuration can be observed in **Figure 12**.

For Alternative 3, the Atlantic Oaks system maintains the same drainage pattern as Alternative 2 by utilizing the existing drainage system into the Mickler Boulevard ditch. Drainage on Serenity Bay Boulevard is modeled with an upsized 48-inch gravity system rather than the 36-inch system described in Alternative 2. The southern portion of the area consisting of the Magnolia Dunes Circle area maintains a 48-inch RCP drainage system. The integration of both systems takes place at Node NO093, leading to a combined discharge through a 3'x10' CBC into the Estuary at an outfall invert of 2.5 ft-NAVD88.

### **3.2.4 Alternative 4: Pump Station Discharge to Estuary**

In Alternative 4, a proposed drainage system similar to that of Alternative 3 was configured. The contributing drainage areas of Mariposa Street (Node NO005) and Coquina Boulevard (Node NO020) would be connected to the gravity flow system, which feeds into the FDOT system along S.R. A1A through an upsized 48-inch RCP.

For this Alternative, rather than gravity flow discharge to the Estuary, a 120 cubic feet per second (cfs) pump station was utilized. The pump is stationed at Node O092, located downstream of the structure at NO093. This structure contains a 6-foot-wide sharp crested weir and connects the northern Serenity Bay subdivision and the southern Magnolia Dunes Circle area. This pump station is designed to transfer collected stormwater from the project area westward through 700 LF of 36-inch or 48-inch forcemain, ultimately discharging it into the Estuary. A configuration of this alternative is shown in **Figure 13**.

### **3.2.5 Alternative 5: Gravity Discharge to FDOT Pond 500**

Alternative 5 maintains a gravity pipe and structural layout similar to Alternative 3, but includes a 36-inch RCP for conveyance of stormwater from the northern portion in Serenity Bay..

In this alternative, the gravity system would discharge to FDOT Pond 500 after the northern and southern drainage systems meet at Node NO093. The collective discharge would then flow west through 635 LF of 3' x 10' CBC and discharge to FDOT Pond 500 at an invert of 3.2-ft-NAVD88. A configuration of this alternative is shown in **Figure 14**.

The tailwater conditions of the FDOT pond were obtained from the FDOT Record Plans and Report. The 25-year, 24-hour storm elevation of 6.82 ft-NAVD88 (or 7.87 ft-NGVD29) for the FDOT Pond in this scenario is less favorable than the tailwater conditions at the Estuary. Nevertheless, utilization of the FDOT Pond offers a closer and less intrusive discharge point for managing stormwater. This alternative represents a trade-off between distance and tailwater conditions when determining the optimal stormwater discharge strategy.

### **3.2.6 Alternative 6: Pump Station Discharge to FDOT Pond 500**

Alternative 6 follows a similar pipe and structure layout to Alternative 5, with the proposed drainage system through Serenity Bay modelled as a 48-inch system. Furthermore, stormwater is conveyed westward to FDOT Pond 500 through a 36-inch to 48-inch forcemain utilizing a 120 cfs pump station, achieved by reconfiguring the pump station at Node NO092. A configuration of this alternative is shown in **Figure 15**.

As mentioned in Alternative 5, this strategy maintains the advantage of a closer and less intrusive discharge point for stormwater management but offers less favorable tailwater conditions.

### **3.3 PCM/RECM Model Results Comparison**

For each PCM, a comprehensive set of data tables and floodplain figures were generated to facilitate a comparative analysis of flood stage elevation reductions between PCM and RECM. These tables provide detailed information, including the lowest road crest elevation and FFE at each node, as well as the predicted stage elevation for various storm events for each alternative. Furthermore, the reduction in flood stage elevation, expressed as a percentage, has been calculated for each node and storm event.

Each alternative includes several tables, including an overall table that provides an overview of both the lowest road crest elevation and FFE, highlighting any exceedances for both parameters. Additionally, separate tables are included to specifically display the exceedances for the lowest road crest and FFE.

A floodplain map was delineated for each storm event and alternative. This map underlays the RECM floodplain beneath the PCM floodplain, visually illustrating the reduction in flood elevations achieved by each alternative. These comprehensive tables and floodplain figures collectively enable a detailed evaluation of flood stage reduction outcomes for each alternative in comparison to the existing conditions.

The ICPR model input and output data for the PCM for all alternatives are provided in **Appendix D**.

#### **3.3.1 PCM Model Results – Alternative 1: 60% Increase in Pond Storage**

The PCM results indicate that Alternative 1 is not effective at reducing the flood stages within the project area. **Table B of Appendix D** presents a comparison of modeled flood stage elevation outcomes between the PCM for Alternative 1 and the RECM.

The sole substantial reduction in flood elevation is achieved during the 10-year, 24-hour storm event. Specifically, Node NO025, situated at the northeastern portion of the Atlantic Oaks subdivision, experiences a 23% decline in peak elevation, from 8.52 ft-NAVD to 6.35 ft-NAVD. Node NO035, encompassing Wet Pond #4 in the Serenity Bay subdivision and positioned between Atlantic Oaks Circle and Bay Bridge Drive, sees an 18% reduction (from 9.17 ft-NAVD to 7.54 ft-NAVD). Nodes NO065 and NO070, which include Bay Bridge Drive and Serenity Bay Boulevard, register 17% and 20% reductions, respectively, in peak stage elevations. These results are graphically depicted on **Figures 17A through 17E** which overlay the floodplains resulting from the PCM for Alternative 1 in blue onto the RECM floodplains in red. This illustration visually verifies that this alternative has minimal impact for all simulated storms except for the 10-year, 24-hour storm event.

Overall, the data and figure demonstrate that expanding pond storage alone has negligible effects on flood elevations and does not provide a viable solution to reduce the risk of road or home flooding.

#### **3.3.2 PCM Model Results – Alternative 2: Gravity Discharge to Estuary**

The PCM analysis highlights the effectiveness of Alternative 2 in mitigating flood stages within specific sections of the project area. **Table C of Appendix D** presents a comparative analysis of modeled flood stage elevations between the PCM for Alternative 2 and the RECM.



In particular, notable improvements in peak elevations are observed in sections of Magnolia Dunes. At Nodes NO090, NO095, and NO105, flood elevations exhibit substantial reductions ranging from 17% to 47% across storm events spanning from the Calibration storm to the 100-year, 24-hour storm. Also, the regions in close proximity to the Serenity Bay subdivision exhibit substantial reductions in peak stages. This reduction is particularly noticeable in Nodes NO035, NO050, NO055, and NO070, with reductions ranging from 6% to 31%. The proposed improvements in the area encompassing Mariposa Street and Poinsettia Street (Nodes NO005, NO015, and NO020) effectively mitigate flooding during less intense storms; however, the improvements do not exhibit a significant impact during higher-intensity storms. The LiDAR DEM data indicates that homes at Nodes NO005 and NO010 are located at elevations lower than the adjacent road, so these homes remain vulnerable to flooding. Beyond this localized area, Alternative 2 presents an effective solution for mitigating the risk of flooding for the majority of homes. Additionally, most roads within the project area remain dry during low-intensity storms. However, for the western segment of Magnolia Dunes Circle (Nodes NO115 and NO120), additional drainage improvements are necessary to achieve desired reductions in peak elevations. These findings are visually confirmed by **Figures 17A through 17E**, which overlay the floodplains resulting from the PCM for Alternative 2 onto the RECM floodplains, thereby providing clear visual evidence of the positive system resiliency impact of this approach.

The remaining alternatives exclude the northern portion of the study area, encompassing Bowers Court and Bowers Lane. Nevertheless, it has been analyzed in this alternative to evaluate potential future improvements and their impact on the overall system.

### 3.3.3 PCM Model Results – Alternative 3: Gravity Discharge to Estuary 2

The PCM analysis reveals that Alternative 3 effectively reduces flood stages within specific segments of the project area. In contrast to Alternative 2, which diverts drainage from Poinsettia Street and Mariposa Street to the Estuary, Alternative 3 connects to the existing FDOT drainage system along S.R. A1A, ultimately discharging into FDOT Pond 500. **Table D of Appendix D** is a comparative assessment of modeled flood stage elevation results between the PCM for Alternative 3 and the RECM.

The re-direction of the northern segment of the system to the existing FDOT infrastructure yields moderate flood elevation reductions for the majority of the study area, similar to Alternative 2. Nodes NO005 and NO020, located in the vicinity of Mariposa Street and Poinsettia Street, demonstrate moderate reductions in peak stages during lower-intensity storm events. Notably, this analysis considers an 18-inch RCP for the connection to the FDOT system from these streets, in contrast to the 36-inch RCP proposed for Alternative 2. The reduction in pipe size, as evidenced in this scenario, constrains the extent of stage reduction and will continue to be a point of observation in subsequent alternatives. Similar to Alternative 2, Bay Bridge Drive and Serenity Bay Boulevard, located at Node NO065, experience no road flooding based on the stage elevations through all storms, similar to Alternative 2. Additionally, Node O015, located north of Bowers Court at the existing private pond, experiences greater flooding compared to Alternative 2.

The overall extent of road flooding areas is reduced, as indicated in **Table D.1**. These findings are visually supported by **Figures 18A through 18E**, which overlay the floodplains resulting from the PCM for Alternative 3 onto the RECM floodplains, providing graphic confirmation of the system's positive impact on flood resilience.



#### 3.3.4 PCM Model Results – Alternative 4: Pump Station Discharge to Estuary

The PCM analysis demonstrates that Alternative 4 is highly effective in reducing flood stages within the project area. Differing from previous gravity drainage system alternatives, this option directs discharge to the Estuary through a 120 cfs pump station. **Table E of Appendix D** presents a comparative evaluation of modeled flood stage elevation outcomes between the PCM for Alternative 4 and the RECM.

The proposed 120 cfs pump station delivers a substantial reduction in peak elevations and also offers the highest resiliency benefits when considering the non-improvement of the northern area. The Serenity Bay and Magnolia Dunes subdivisions, in particular, experience significant benefits, with reductions of 12% to 37% in peak elevations observed between the 10-year, 25-year, and 100-year, 24-hour storm events. The pump station alternative stands out as the sole scenario that successfully prevents home flooding for all residences, with the exception of those located in the low-lying area of Node NO010. This is also due to the upsized 48-inch RCP that ties Mariposa Street and Poinsettia Street to the FDOT system along S.R. A1A. The LiDAR DEM data suggests that a group of homes located in NO010 are situated at lower elevations relative to the road, which explains the persistent flooding. **Figures 19A through 19E** overlay the floodplains resulting from the PCM for Alternative 4 onto the RECM floodplains, and visually affirms the positive impact of this system on flood resilience.

#### 3.3.5 PCM Model Results – Alternative 5: Gravity Discharge to FDOT Pond 500

The PCM analysis indicates that Alternative 5 offers a moderate level of effectiveness in reducing flood stages within the project area. **Table F of Appendix D** provides a comparative assessment of modeled flood stage elevation results between the PCM for Alternative 5 and the RECM.

In this analysis, a majority of the sections with the lowest road crest flooding in the RECM continue to experience flooding in the PCM for Alternative 5. The previously mentioned high tailwater condition (6.82 ft-NAVD88) adversely affects the drainage system's performance. The noteworthy drainage improvements are primarily confined to the northeastern section of the Magnolia Dunes subdivision, specifically at Nodes NO095. **Figures 20A through 20E** superimpose the floodplains resulting from the PCM for Alternative 5 onto the RECM floodplains, providing a visual confirmation of the system's influence on flood reduction.

#### 3.3.6 PCM Model Results – Alternative 6: Pump Station Discharge to FDOT Pond 500

The PCM analysis demonstrates that Alternative 6 is highly effective at reducing flood stages within the project area by utilizing a 120 cfs pump station, and yields results nearly identical to those of Alternative 4. **Table G of Appendix D** is a comparative assessment of modeled flood stage elevation results between the PCM for Alternative 6 and the RECM.

When compared to Alternative 4, which also consists of a 120 cfs pump station to the Estuary, pumping to FDOT Pond 500 offers a less intrusive pathway to discharge. **Figures 21A through 21E** overlay the floodplains resulting from the PCM for Alternative 5 onto the RECM floodplains, offering a visual representation of the system's impact on flood reduction.

## 4.0 UTILITIES

Existing utility locations were obtained from permitted site plans and as-builts. The following utilities were noted along Atlantic Oaks Circle, Bowers Lane, Serenity Bay Subdivision, Magnolia Dunes Circle, and S.R. A1A.

- 8-inch diameter gravity sewer main (SM) with manholes along center of western end of Atlantic Oaks Circle
- 3-inch, 4-inch, and 6-inch diameter water mains (WM) either on the east or west side of Atlantic Oaks Circle
- 8-inch diameter gravity SM with manholes along center of Bowers Lane near Atlantic Oaks Circle
- 8-inch diameter gravity SM with manholes along center of Bay Bridge Drive, Casters Court, and south side of Serenity Bay Boulevard, and along the center of Serenity Court South.
- 6-inch diameter WM on east side of Bay Bridge Drive, south side of Casters Court, and north side of Serenity Bay Boulevard,
- 66-inch diameter storm sewer (SS) along center of S.R. A1A
- Overhead electric lines along inside edge of Atlantic Oaks Circle, and east side of S.R. A1A
- 8-inch diameter gravity SM with manholes within Magnolia Dunes Circle
- 6-inch diameter WM along the outside edge of Magnolia Dunes Circle
- 1.25" and 0.75" Telecom fiber optic line on east and west side of Magnolia Dunes Circle

During this Task, ECT gathered information on all known existing utilities through aerial imagery, record plans, and GIS data. For subsequent tasks involving construction activities, a more comprehensive investigation will be conducted, and we will also coordinate with Sunshine 811 to ensure that no utilities are damaged during the construction process.

## 5.0 ENVIRONMENTAL

An Environmental Due Diligence Assessment of the project area was conducted by ECT to thoroughly document native habitats, wetlands, and listed species that may necessitate consideration during permitting and the implementation of the stormwater plan. The detailed due diligence assessment report can be found in **Appendix F**.

## 6.0 ESTIMATED COSTS OF PROPOSED IMPROVEMENTS

ECT has conducted preliminary construction cost estimates for each alternative. It's important to note that if discharging to FDOT Pond 500 is chosen, there may be a need for expanding and modifying the pond, which will incur an additional cost of **\$785,611**. Additionally for FDOT Pond 500, an estimated annual recurring cost of approximately **\$40,000** is projected to cover the operational and maintenance (O&M) expenses of the pond. The estimated costs for each alternative are listed below:

Alternative 1 – 60% Pond Storage = **\$2,142,634**

Alternative 2 – Gravity Discharge to Estuary 1 = **\$3,830,450**

Alternative 3 – Gravity Discharge to Estuary 2 = **\$4,095,411 (+\$40,000/year O&M)**

Alternative 4 - Pump Station Discharge to Estuary = **\$6,726,286 (+\$40,000/year O&M)**

Alternative 5 - Gravity Discharge to FDOT Pond 500 = **\$2,715,461 (+\$40,000/year O&M)**

Alternative 6 - Pump Station Discharge to FDOT Pond 500 = **\$6,540,282 (+\$40,000/year O&M)**

The cost estimates are included in **Appendix G**.

## **7.0 RIGHT-OF-WAY (ROW), PROPERTY, OR EASEMENT ACQUISITION AND ADDITIONAL CONSIDERATIONS**

It's important to acknowledge that, should the different routing methods employed to mitigate stormwater flooding involve the acquisition of ROW, property, or easements, these will likely result in project delays. The City should take these delays into account when planning the timeline for implementing the selected solution.

To establish a connection with stormwater drainage pipe between the Magnolia Dunes area and the convergence outfall point in the Serenity Bay subdivision, it will be necessary to acquire additional property or ROW. Acquisition of property, ROW, or drainage easements will need to be obtained from both FDOT and Marsh Creek CC LLC, to create an outlet to the Estuary. Contingent on receiving a location agreement from the City, acquiring additional ROW or drainage easement will be required for implementation of the proposed gravity system or pump station anticipated for the Serenity Bay subdivision.

Additional considerations involve diverting stormwater runoff from the Magnolia Dunes Subdivision to the south, with potential discharge points at the Matanzas River or FDOT Pond 400. This would entail establishing a routing path through various properties, including those owned by Claude and Kristina Weeks at 40 or 42 Magnolia Dunes Circle. Stormwater flows would then be conveyed south and then west along Lisbon Street and Sevilla Street, respectively, and then southward along S.R. A1A. Ultimately, stormwater flow would run westward along Floridian Ave, southward along Rosewood Street, and through property owned by Compass Bank and FDOT.

To reach the Matanzas River to the south, further consideration would be needed for properties owned by Commodore Grocery II LLC and Marsh Creek Partnership. Notably, FDOT Pond 400 appears to offer a direct, unrestricted discharge route to the Estuary. Although implementing a system that extends directly to the Matanzas River would ensure an unrestricted discharge and a reliable solution, both scenarios would require the acquisition of easements, ROW, or additional property from the mentioned property owners for implementation. A representation of these additional considerations to the south is illustrated in **Figure 22**.

To achieve direct discharge to the Matanzas River heading north, the various systems from the proposed Alternatives or the Magnolia Dunes system itself would connect to a storm pipe running north along S.R. A1A. Stormwater would then be conveyed west along 11th Street, either in the 11th Street ditch, or beneath the roadway via a forcemain. This is Routing Option #1.

Routing Option #2 involves creation of a flow path continuing north along S.R. A1A, west along W. 16th Street, north along Mizell Road, and then proceeding westward through St. Johns County property

located south of the St. Augustine Beach Public Works building. This route would lead to a southwest discharge point at the Matanzas River. Both routing options would require securing easements, ROW, or purchasing properties from entities such as the St. Johns County Utility Department, Marsh Creek Owners Association Inc, Allen Judith Zane Revocable Trust, and Thompson Bros Realty Inc. An illustration of these additional routes to the north is provided on **Figure 24**.

## 8.0 RANKING OF ALTERNATIVES

The results of the RECM indicate that road flooding exceeding the road crest elevation is a recurrent issue within the project area during storms of various intensities. However, the study area generally experiences only minor issues with respect to flood waters exceeding FFEs, except for the areas outside of Mariposa Street and Poinsettia Street (Nodes NO005 and NO010).

Taking into account the flood resiliency benefits, constructability, and the associated cost estimates for each alternative, ECT has formulated a ranked recommendation list for the alternatives below:

- 1) Alternative 3: Gravity Discharge to Estuary 2
- 2) Alternative 6: Pump Station Discharge to FDOT Pond 500
- 3) Alternative 2: Gravity Discharge to Estuary 1
- 4) Alternative 4: Pump Station Discharge to the Estuary
- 5) Alternative 5: Gravity Discharge to FDOT Pond 500
- 6) Alternative 1: 60% Pond Storage Increase

The original project scope aimed to identify the most effective solution for reducing flooding in the project area through modeling and analyzing existing and proposed data. However, upon discovering more information about the flow rate restrictions in the Matanzas Tidal Creek/Estuary, a redirection of the proposed alternatives was required. Discharging stormwater into the Matanzas River is only feasible if there is a viable pathway to reach it. As such, it is recommended to explore additional routing options for conveying stormwater runoff, either to the south by discharging into the unrestricted Matanzas River or FDOT Pond 400, or to the north and discharging directly into the unrestricted Matanzas River.

The combined modeling results and cost estimates indicate that **Alternative 3** would provide the most cost-effective drainage improvement within the project area. This alternative achieves maximum flood stage reductions and does not increase roadway inundation or structure flooding in adjacent neighborhoods. The data and floodplain mapping suggest that this alternative provides an approximate average 20% reduction in flooding flow elevations in the areas that are connected to the system. Therefore, ECT recommends the further development of Alternative 3 for the City of St. Augustine Beach.

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager  mk

**DATE:** December 27, 2023

**SUBJECT:** Stormwater Utility Fee: Request for Commission to Approve Increase in the Contract Amount for Development of the Fee and to Pay for the increase by Reducing Expenditures by \$14,572

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In his attached memo, Mr. Sparks explains that in the FY 24 budget \$100,000 was appropriated to pay a consultant to help develop the proposed fee and to pay for costs related to informing property owners of the fee. However, after negotiations with the consultant, the costs will be \$14,572 greater, or \$114,572.

To pay the additional \$14,572, a budget resolution could be prepared to take the money from reserves. However, Ms. Douylliez, the Finance Director, proposes that the money be found by the staff reducing expenditures by that amount in the Road/Bridge Department's budget.



## City of St. Augustine Beach

2200 A1A South  
St. Augustine Beach, FL 32080  
[www.staugbch.com](http://www.staugbch.com)

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### Interoffice Memorandum

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**Date:** December 22, 2023  
**From:** Jason D. Sparks <sup>JDS</sup> P.E., City Engineer  
**To:** Max Royle, City Manager; Patty Douylliez, Finance Director  
**Subject:** RFQ #23-04; City of St. Augustine Beach Stormwater Utility Rate Structure Determination

During contract negotiations, Staff added an additional task for the consultant to assist with mailing individual public hearing notices to residents/parcel owners ahead of the non-ad valorem tax roll submittal to the County by September 15, 2024.

The notices are very detailed. City resources are extremely limited; preparing letters as well as getting them out by our office staff is not feasible.

The FY24 approved budget amount for this line item is \$100,000. The negotiated contract amount with the addition of Task 10 Public Notice Mailing totals \$114,572.

Staff requests Commission approval to increase FY24 Road and Bridge Department Operating Budget Account ID 001-4100-541-3400 by \$14,572.

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## M E M O R A N D U M

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Agenda Item # 5

Meeting Date 1-8-24

**TO:** MAX ROYLE, CITY MANAGER  
**FROM:** PATTY DOUYLLIEZ, FINANCE DIRECTOR  
**SUBJECT:** BUDGET TREND INFORMATION  
**DATE:** 12/20/2023

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At the November commission meeting, Mayor Samora requested some historical trend information be prepared so commissioners could begin a review and provide guidance during the FY25 budget process. As requested, I have prepared a summary of revenues and expenditures from FY19 Actual through FY24 Budget to be reviewed and discussed at a future budget workshop.

The expenditures are summarized into two categories, personnel and operating, and include the headcount for each year and percentage of increase over prior year. Revenues are separated by fund and grouped by category based on the annual audit. I have also included some statistical information such as the millage and non-ad valorem amounts for each year, as well as some notes regarding changes that were made such as moving Impact Fees to an individual fund, merging Road and Bridge into General Fund, and increased funding from grants.

As commissioners review the information and have questions, they may email me and I will provide them with further details on the numbers.

## Revenue Summary FY19 (Actual) thru FY24 (Budget)

<b>General Fund</b>	<b>2024 Budget</b>	<b>2023 Actual</b>	<b>2022 Actual</b>	<b>2021 Actual</b>	<b>2020 Actual</b>	<b>2019 Actual</b>
Taxes	5,723,031.00	5,337,347.02	4,752,717.00	4,802,993.00	4,231,848.00	3,870,456.00
Licenses and Permits	993,790.00	958,909.79	888,097.00	888,748.00	868,836.00	861,289.00
Intergovernmental	2,023,662.00	1,104,676.71	1,139,777.00	1,418,081.00	795,157.00	999,124.00
Charges for Services	1,587,747.00	1,801,779.19	1,418,060.00	897,147.00	545,993.00	488,919.00
Fines and Forfeitures	36,930.00	42,705.79	43,336.00	70,703.00	32,687.00	36,349.00
Interest Revenues (Losses)	202,000.00	231,241.36	30,448.00	6,592.00	29,181.00	62,304.00
Miscellaneous	15,856.00	104,661.29	17,439.00	20,901.00	46,780.00	42,361.00
Total (Not including Intragovernmental transfers)	10,583,016.00	9,581,321.15	8,289,874.00	8,105,165.00	6,550,482.00	6,360,802.00
	10.45%	15.58%	2.28%	23.73%	2.98%	

<b>Road &amp; Bridge</b>	<b>2024 Budget</b>	<b>2023 Actual</b>	<b>2022 Actual</b>	<b>2021 Actual</b>	<b>2020 Actual</b>	<b>2019 Actual</b>
Taxes	210,000.00	218,749.05	218,032.00	227,176.00	221,937.00	239,983.00
Licenses and Permits	0.00	0.00	0.00	0.00	195,447.00	143,654.00
Intergovernmental	167,366.00	167,366.00	167,366.00	320,346.00	261,520.00	400,024.00
Charges for Services	0.00	0.00	0.00	53,120.00	50,277.00	50,138.00
Fines and Forfeitures	0.00	0.00	0.00	0.00	0.00	0.00
Interest Revenues (Losses)	200.00	379.92	65.00	12.00	89.00	1,880.00
Miscellaneous	0.00	0.00	0.00	0.00	124.00	
Total (Not including Intragovernmental transfers)	377,566.00	386,494.97	385,463.00	600,654.00	729,394.00	835,679.00

<b>Debt Service</b>	<b>2024 Budget</b>	<b>2023 Actual</b>	<b>2022 Actual</b>	<b>2021 Actual</b>	<b>2020 Actual</b>	<b>2019 Actual</b>
Taxes	553,701.00	834,966.24	738,187.00	707,305.00	668,497.00	610,779.00

<b>Impact Fees</b>	<b>2024 Budget</b>	<b>2023 Actual</b>	<b>2022 Actual</b>	<b>2021 Actual</b>	<b>2020 Actual</b>	<b>2019 Actual</b>
Licenses and Permits	125,404.00	172,655.00	278,224.00	275,321.00		
Intergovernmental	0.00	106,500.00	11,000.00			
Interest Revenues (Losses)	0.00	913.59	57.00			

<b>Weir Project</b>	<b>2024 Budget</b>	<b>2023 Actual</b>	<b>2022 Actual</b>	<b>2021 Actual</b>	<b>2020 Actual</b>	<b>2019 Actual</b>
Intergovernmental	0.00	797,773.44	1,951,020.00	366,272.00		

<b>ARPA</b>	<b>2024 Budget</b>	<b>2023 Actual</b>	<b>2022 Actual</b>	<b>2021 Actual</b>	<b>2020 Actual</b>	<b>2019 Actual</b>
Intergovernmental	100,000.00	214,275.00	3,510,913.00			

<b>Statistical Information</b>	<b>2024 Budget</b>	<b>2023 Actual</b>	<b>2022 Actual</b>	<b>2021 Actual</b>	<b>2020 Actual</b>	<b>2019 Actual</b>
Millage-GF	2.5000	2.4500	2.4500	2.4500	2.4500	2.3992
Millage-Debt Service	0.3000	0.5000	0.5000	0.5000	0.5000	0.5000
Solid Waste Non-Ad Valorem	\$335.00	\$335.00	\$315.00	\$178.00	\$74.00	\$74.00

GASB Change in FY21 required Impact Fees Fund  
 Changes to R&B in FY22 to merge expenditures to GF  
 Increased grant funding beginning FY21



## Expenditure Summary FY19 (Actual) thru FY24 (Budget)

Account Number	Account Description	2024 Budget	2023 Actual	2022 Actual	2021 Actual	2020 Actual	2019 Actual
Legislative	Headcount	5	5	5	5	5	5
	% Increase over PY	6.30%	17.42%	7.50%	2.78%	5.01%	
	Personnel	54,942.00	51,687.21	44,019.63	40,947.39	39,838.59	37,937.33
	% Increase over PY	4.41%	56.41%	72.49%	-50.88%	11.34%	
	Operating	53,925.00	51,648.22	33,021.82	19,144.04	38,971.58	35,003.22
Executive	Headcount	1	1	1	1	1	1
	% Increase over PY	6.93%	7.07%	7.25%	1.06%	1.99%	
	Personnel	214,136.00	200,258.74	187,034.78	174,386.34	172,562.71	169,203.51
	% Increase over PY	187.14%	-1.59%	77.00%	-9.34%	-62.95%	
	Operating	5,679.00	1,977.77	2,009.78	1,135.49	1,252.49	3,380.69
Finance	Headcount	9	9	9	7.75	8	8
	% Increase over PY	12.38%	11.88%	24.14%	3.13%	-5.88%	
	Personnel	895,800.00	797,084.06	712,415.91	573,890.38	556,455.34	591,206.36
	% Increase over PY	50.95%	-7.33%	25.58%	6.32%	-3.81%	
	Operating	260,254.00	172,410.99	186,042.55	148,148.69	139,345.69	144,858.71
Law Enforcement	Headcount	24	22	23	23	23	23
	% Increase over PY	20.39%	6.12%	10.02%	-5.00%	3.35%	
	Personnel	2,633,957.00	2,187,922.66	2,061,654.46	1,873,970.03	1,972,590.88	1,908,680.21
	% Increase over PY	39.91%	11.25%	4.89%	-11.93%	3.41%	
	Operating	506,771.00	362,215.91	325,580.61	310,391.16	352,438.66	340,828.73
<b>Building Division</b>							
Planning/Zoning	Headcount	2.25	2.29	2.3	1.5	1.5	1.5
	% Increase over PY	20.69%	0.56%	43.00%	1.63%	6.05%	
	Personnel	270,373.00	224,024.26	222,766.20	155,783.76	153,290.91	144,545.89
	% Increase over PY	65.56%	12.90%	141.14%	11.16%	-67.06%	
	Operating	36,757.00	22,202.21	19,665.41	8,155.04	7,336.18	22,274.51
Building Department	Headcount	4.5	4.57	4.58	4.5	4.5	4.5
	% Increase over PY	21.56%	20.18%	-9.57%	13.91%	6.57%	
	Personnel	399,959.00	329,011.19	273,762.83	302,745.30	265,766.23	249,387.11
	% Increase over PY	15.63%	23.69%	-35.11%	53.66%	-6.59%	
	Operating	81,244.00	70,262.73	56,805.17	87,539.66	56,971.40	60,991.69
Code Enforcement	Headcount	2.25	1.14	1.12	0	0	0
	% Increase over PY	17.99%	91.48%				
	Personnel	172,809.00	146,455.99	76,488.21	0.00	0.00	0.00
	% Increase over PY	5.69%	91.82%				
	Operating	21,017.00	19,885.16	10,366.51	0.00	0.00	0.00
Total Bldg Division	Headcount	9	8	8	6	6	6
	% Increase over PY	20.54%	22.07%	24.97%	9.42%	6.38%	
	Personnel	843,141.00	699,491.44	573,017.24	458,529.06	419,057.14	393,933.00
	% Increase over PY	23.74%	29.38%	-9.26%	48.81%	-22.77%	
	Operating	139,018.00	112,350.10	86,837.09	95,694.70	64,307.58	83,266.20

<b>Public Works Division</b>							
Other Governmental	Headcount	5.06	5.06	5.06	4.4	4.62	4.4
	% Increase over PY	-0.09%	10.30%	20.84%	-15.15%	5.89%	
	Personnel	373,524.00	373,856.05	338,929.89	280,489.40	330,576.26	312,193.65
	% Increase over PY	26.18%	18.94%	1.02%	29.19%	-18.96%	
	Operating	197,666.00	156,649.14	131,700.38	130,376.60	100,918.81	124,534.98
Garbage	Headcount	7.59	7.59	6.21	5.4	5.67	5.4
	% Increase over PY	11.72%	19.81%	21.08%	-11.32%	5.04%	
	Personnel	560,093.00	501,337.91	418,430.60	345,582.50	389,703.10	371,004.17
	% Increase over PY	19.69%	-4.34%	-2.87%	-6.16%	8.56%	
	Operating	432,484.00	361,337.59	377,736.49	388,882.88	414,425.39	381,752.33
Road & Bridge	Headcount	9.36	7.36	8.74	7.6	7.98	7.6
	% Increase over PY	29.09%	11.21%	18.39%	-15.99%	6.03%	
	Personnel	823,359.00	637,801.63	573,486.85	484,412.20	576,584.21	543,796.32
	% Increase over PY	95.17%	-2.85%	15.53%	-9.87%	-20.76%	
	Operating	459,939.00	235,661.49	242,577.99	209,968.07	232,969.20	294,010.74
Parks	Headcount	2.99	2.99	2.99	2.6	2.73	2.6
	% Increase over PY	5.68%	5.09%	20.28%			
	Personnel	220,450.00	208,607.16	198,502.39	165,033.12	0.00	0.00
	% Increase over PY	15.86%	1.04%	167.67%	-65.49%	-46.80%	
	Operating	84,012.00	72,510.35	71,763.70	26,810.19	77,682.88	146,018.43
<b>Total Public Works Div</b>	<b>Headcount</b>	<b>25</b>	<b>23</b>	<b>23</b>	<b>20</b>	<b>21</b>	<b>20</b>
	% Increase over PY	14.86%	12.57%	19.90%	-1.65%	5.69%	
	Personnel	1,977,426.00	1,721,602.75	1,529,349.73	1,275,517.22	1,296,863.57	1,226,994.14
	% Increase over PY	42.12%	0.29%	8.96%	-8.47%	-12.71%	
	Operating	1,174,101.00	826,158.57	823,778.56	756,037.74	825,996.28	946,316.48
		7.35%	-1.45%	9.96%	-1.95%	1.59%	
<b>Total Headcount</b>		<b>73</b>	<b>68</b>	<b>69</b>	<b>62.75</b>	<b>64</b>	<b>63</b>

**City of St. Augustine Beach**

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

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**Memorandum**

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**Date:** December 19, 2023  
**From:** Jason D. Sparks <sup>JDS</sup> P.E., City Engineer  
**To:** Max Royle, City Manager  
**Subject:** RFQ #23-06; Continuing Contracts for As-Needed Professional Services  
Recommendation to Award

On November 9, 2023, qualifications were received in response to the City's advertised Request for Qualifications (RFQ) #23-06; Continuing Contracts for As-Needed Professional Services.

Evaluation review public meetings were completed December 7, 2023. Given 1) the evaluation review scoring and ranking, 2) the City's current and projected capital improvements program and 3) limited City resources to manage contracts and projects, the City Engineer recommends City Commission consideration and subsequent approval to negotiate, and upon successful negotiations, execute contracts with the top two firms listed below for each Category of Service under RFQ #23-06:

**Category 1: Architectural Services**

Passero Associates, LLC  
PQH Group Design, Inc.

**Category 2: Surveying Services**

JBrown Professional Group, Inc.  
Alliant Engineering, Inc.

**Category 3: Environmental Services**

Alpha Envirotech Consulting, Inc.  
Jones, Edmunds and Associates, Inc.

**Category 4: GIS Services**

Jones, Edmunds and Associates, Inc.  
Hanson Professional Services, Inc.

**Category 5: General Civil Engineering Services**

Jones, Edmunds and Associates, Inc.  
JBrown Professional Group, Inc.

RFQ #23-06 was structured after an organization on par with St. Johns County. The County is significantly larger, has more projects/resources and requires a substantial library of as-needed professional services than does the City.


Public Works/Engineering will coordinate with the City Attorney for contract review prior to execution.

# MEMORANDUM

Agenda Item # 7

Meeting Date 1-8-24

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

**FROM:** Max Royle, City Manager  mk

**DATE:** December 18, 2023

**SUBJECT:** Discussion of Commission Assignments

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Commissioner assignments are the organizations which individual Commissioners select or are appointed to be members of and represent the City. Mayor Rumrell wants to discuss with you the assignments for calendar year 2024.

For 2023, the assignments were:

- a. Mayor Rumrell: Visitors and Convention Bureau and Florida League of Cities Legislative Committee
- b. Vice Mayor Sweeney: Economic Development Council and St. Johns County Chamber of Commerce
- c. Commissioner Samora: Tourist Development Council\*
- d. Commissioner George: Florida Shore and Beach Preservation Association
- e. Commissioner Morgan: Northeast Florida League of Cities

\*The County Commission appoints TDC members. The City Commission nominates one of its members to be the City's representative on it.

# MEMORANDUM

Agenda Item # 8

Meeting Date 1-8-24

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

**FROM:** Max Royle, City Manager 

**DATE:** December 14, 2023

**SUBJECT:** 2024 Florida Legislative Session: Discussion of Whether to Have Policy for City to Support or Oppose Proposed Bills

---

During every session of the Florida Legislature, the Florida League of Cities emails notices and summaries of proposed bills that may positively or negatively affect cities. The League asks cities to notify the legislators representing their districts to support or oppose particular bills. Sometimes the League asks cities to send such notification immediately, especially as the legislative session nears its end.

Because you meet once a month, it can be difficult for you as a group to provide a timely response to the League's requests. Also, to avoid violating the Sunshine Law, the Mayor, City Clerk, or the City Manager cannot poll you individually as to what response you want sent to our State Senator and State Representative.

The question for you to consider is whether you want to adopt a policy concerning the League's requests. Possible answers are:

1. For the City's response to be in agreement with what the League requests, i.e., support or opposition.
2. For you to let Mayor Rumrell decide what the City's response should be and to report what he decided to you at your next regular meeting.
3. For you, if time permits, to review at your regular meetings proposed bills that affect cities and for you then to decide whether to support or oppose them, no matter what the League's request is.
4. For you to not to have a policy. If this is your choice, then in effect our City will follow the Florida League of Cities' decision whether to support or oppose bills that affect cities.

**BOARD AND DEPARTMENTAL REPORT FOR CITY COMMISSION MEETING  
JANUARY 8, 2024**

**CODE ENFORCEMENT/BUILDING/ZONING**

Please see pages 1-4.

**COMPREHENSIVE PLANNING AND ZONING BOARD**

Due to lack of topics for its agenda, the Board did not meet in October, November and December. Its next scheduled meeting will be held on Tuesday, January 16, 2024, at 6 p.m. in the Commission meeting room at City Hall.

**SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE**

At its December 4<sup>th</sup> meeting, the City Commission approved a resolution which lowered the number of authorized Committee members from seven to five. The Committee met on December 14<sup>th</sup>. The minutes of that meeting will be included with this Report for the City Commission's February 5<sup>th</sup> meeting. Attached as page 5 is December 2023 update from the Committee's Chair, Ms. Sandra Krempasky.

**CHARTER REVIEW COMMITTEE**

It held its first meeting on November 8, 2023. The minutes of the meeting are attached as pages 6-19. The Committee's next meeting was held on December 13<sup>th</sup>. The minutes of that meeting will be provided with this Report for the Commission's February 5<sup>th</sup> meeting. The Charter Review Committee's January meeting will be held on Wednesday, January 10, 2024, at 6 p.m. in the Commission meeting room at City Hall.

**POLICE DEPARTMENT**

Please see page 20.

**PUBLIC WORKS/ENGINEERING DEPARTMENT**

Please see pages 21-26.

**FINANCE DEPARTMENT**

Please see page 27.

**CITY MANAGER**

1. Complaints

A. Hole Next to Sidewalk

A resident reported a hole, likely caused by erosion, next to the Mickler Boulevard sidewalk. His report was forwarded to the Public Works Director.

B. Hazardous Sidewalk

A report from a Sea Grove resident was forwarded to the Public Works Director.

**C. Mutt Mitts**

While not a complaint, Commissioner Sweeny forwarded a request from a Sea Grove resident for replenishment of the plastic bags residents use for cleaning up after their dogs, and for putting mutt mitt boxes at two more locations in the Sea Grove subdivision.

**D. Leakage from Sanitation Truck**

It was reported to have happened in the Makarios subdivision. Public Works investigated and found that the stain on the street was due to water from a sanitation truck.

**2. Major Projects**

**A. Road/Sidewalk Improvements**

**1) Opening 2nd Street West of 2<sup>nd</sup> Avenue**

For an update, please see page 23 attached) of the Engineering/Public Works Department Report.

**2) Opening 4<sup>th</sup> Street between A1A Beach Boulevard and 2<sup>nd</sup> Avenue**

No action to report.

**3) Paving 13<sup>th</sup> Lane**

No action to report.

**4) Paving West End of 7<sup>th</sup> Street**

Residents have requested this project. It will be done to alleviate flood and reduce the potential for flood-related losses. The project will ensure adequate drainage from the streets to the City's drainage system that is located at the west end of the streets. The project will consist of the construction of improvements, such as structures, piping, swales, curbs and gutters and the paving of any dirt sections. The residents of the 200 block of each street have been notified of the next phase, which is soil exploration and testing at two locations on each street.

**B. Beach Matters**

**1) Off-Beach Parking**

At this time, the only parking project is improvements to the two parkettes on the west side of A1A Beach Boulevard between A and 1<sup>st</sup> Streets. Engineering and permitting work was done and bids for construction were advertised and opened on November 28<sup>th</sup>. Only one bid was received for a price of \$487,716 for the lowest cost option (asphalt surface). For a concrete or brick surface, the bid price was \$516,763. Both costs were well above the \$187,000 in the budget. At its December 4<sup>th</sup> meeting, the Commission tabled

making a decision concerning the project. Staff is to see where the cost can be lowered and if there are other contractors who will reduce the price.

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

## 2) Beach Restoration

In December, the U. S. Army Corps of Engineers confirmed that the project will commence at the end of February 2024 and be completed by the end of September 2024. Approximately 2.5 million cubic yards of sand will be put on the beach from the middle of Anastasia State Park to A Street for a cost of nearly \$34 million.

## C. Parks

### 1) Ocean Hammock Park

This Park is located on the east side of A1A Beach Boulevard between the Bermuda Run and Sea Colony subdivisions. It was originally part of an 18-acre vacant tract. Two acres were given to the City by the original owners for conservation purposes and where the boardwalk to the beach is now located. Over 10 years, the City received a state grant and money from a bond issue to purchase the remaining 16 acres. Then the City obtained other grants to construct the boardwalk, have prefabricated restrooms brought to the Park and other improvements made.

The City Commission at its June 5, 2023, meeting directed the City Manager to ask the Florida Communities Trust, the agency that provided the original grants to purchase the property, whether it would approve deleting all or some of projects required by the park management plan. These include an observation deck, central trail, picnic pavilion, children's playscape, signage and secondary trails. In response to the Manager's letter, the Florida Communities Trust has indicated it would consider having the Park's focus changed from recreation to conservation, pending review of information that it requested the City send to it. The City has yet to receive official confirmation that the Trust has approved the request.

ON A RELATED MATTER: It concerns repairs to the beach access boardwalk. The Commission has appropriated \$25,000 for this project. The Assistant Public Works Director and the City Manager asked the St. Augustine Port, Waterway and Beach Commission at its December 19<sup>th</sup> meeting to re-allocate for the repairs some of the remaining \$80,000 it had provided to construct new boardwalks. The Port Commission agreed to provide a \$25,000 match for repairs only. The City will pay an engineering firm to do a structural evaluation of the boardwalk.

### 2) Hammock Dunes Park

This 6.1-acre park is on the west side of A1A Beach Boulevard between the shopping plaza and the Whispering Oaks subdivision. At this time, there are no plans for improvements to the Park because of other demands on the City's budget.

## 3. Finance and Budget

### A. Fiscal Year 2023



Fiscal Year 2023 began on October 1, 2022, and ended on September 30, 2023. The City's auditing, James Moore and Associates, has begun work on preparing the audit.

#### B. Alternative Revenue Sources

In response to the City Commission's request that the administration suggest potential sources of revenue to fund City operations, the Public Works Director has proposed a stormwater utility fee. The Commission discussed this proposal at two meetings in 2021 and decided not to authorize the staff to proceed to the next step in the process to adopt the fee in the future. However, at its October 3, 2022, meeting, the Commission decided to hold a public hearing on November 14, 2022, concerning the fee, and at that meeting approved a resolution stating the City's intent to adopt a non-ad valorem assessment for a stormwater fee. The next step will be to adopt a range for the fee. The Public Works Director presented an ordinance to the Commission at its February 6th. The Commission passed the ordinance on final reading at their March 6<sup>th</sup> meeting but did not approve a budget resolution to appropriate \$13,790 for a civil engineering consultant to digitize impervious surfaces of residences and businesses in the City for determining an equivalent residential charge. The Commission asked that City staff work on preparing the information for a residential charge. Money will be requested in the FY 24 budget for a consultant to develop a range of fees. The City advertised a Request for Qualifications to find a consultant to do the study. Only one firm, Jones Edmunds, responded by the deadline. Once City staff negotiates costs, a proposal will be presented to the City Commission. A proposed contract has been sent to Jones Edmunds for review and execution.

#### C. Fiscal Year 2024

It began on October 1, 2023, and will end on September 30, 2024. As of the end of the second month of the new fiscal year, November 30, 2023, the City received \$1,462,946 and had spent \$1,533,222. In November, the City received the first payment from its most significant revenue source, property taxes. The amount was \$864,233. The City's total budget for FY 24 is \$12,314,135.

#### 4. Miscellaneous

##### A. Permits for Upcoming Events

In December, the City Manager approved the following permits: a. the Big City Chilly Polar Bear Plunge and Beach Cleanup on January 13, 2024; b. the New Year's Trash Bash Beach Cleanup on January 19, 2024; and c. the Mission Week Beach Cleanup on March 12, 2024.

##### B. Vision Plan

On November 13<sup>th</sup>, the Commission held a workshop and a consultant, Mr. Clayton Levins, Executive Director of Smart North Florida, provided an overview of the Smart City concept. The Commission discussed applying the concept to improvements for getting around the City by walking and bicycling, stormwater management and beach access parking.

#### ON A RELATED MATTER:

##### C. Former City Hall/Hotel Property

D

On Wednesday, March 23, 2022, the City Commission held a workshop to discuss possible uses for the former city hall, which is located on the south side of pier park. Ms. Christina Parrish Stone, Executive Director of the St. Johns Cultural Council, informed the Commission that the City had received \$500,000 historic grant to renovate windows and do other work to the building and a \$25,000 grant for interpretative signage to commemorate the wade-in that occurred during the civil rights demonstrations in the early 1960s to desegregate the beach. The outcome of the workshop was that the building would be renovated for use as an arts center with the second floor restored for artists' studios and possibly a small museum. The status of the grants to do is:

\$500,000 Division of Historical Resources, Florida Department of State: Thus far, \$110,252 has been spent on window replacement, roof repair, heating/air conditioning repair and replacement, repair of access to second floor, the balcony and exterior columns.

\$25,000, National Trust for Historic Preservation: Funds have been spent for visual displays to commemorate the efforts to desegregate the beach. Displays will be mounted to the exterior columns.

In addition, there's a \$50,000 National Park Service grant for an interactive exhibition panel that will be put in the new lobby of the building once it is finished.

In mid-June 2023, Ms. Parrish-Stone informed the City that the state had approved the construction documents for improvements to the former city hall, and that the Cultural Council's architect is finalizing the bid documents, which will then be advertised. It likely will take 30 days for the Council to receive bids, and an additional 60 days to review them and approve one. Construction will likely begin in the fall of 2023. Ms. Parrish-Stone provided a report at the Commission's October 2<sup>nd</sup> meeting.

In the meantime, the Commission at its September 11, 2023, meeting approved the state having an easement to the building. The easement will help the Cultural Council obtain a grant of up to \$750,000 for further renovations to the building. The City's Building Department has issued permits to renovate the second floor balcony on the building's east side and the columns along its north side. XXXXXXXX

The lease the Cultural Council has with the City to use the building expires in 2026. In February 2024, the City Manager will ask the City Commission and the Cultural Council whether they want to re-negotiate the lease.

## COSAB NEW SFR CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Description	User Code 1
3897	15 SABOR DE SAL RD	P2200622	SFR-D	3/7/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4665	171 RIDGEWAY RD	P2200670	SFR-D	3/10/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5018	507 F ST	P2201176	SFR-D	6/15/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5269	6 15TH ST		SFR-D		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5346	5 15TH ST	P2201519	SFR-D	9/1/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5370	9 11TH ST.	P2300307	SFR-D	12/15/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5569	9 13TH ST	P2300640	SFR-D	2/22/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
5570	7 13TH ST	P2300643	SFR-D	2/22/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
5587	14 6TH ST	P2300483	SFR-D	2/2/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5592	110 7TH ST	P2201120	SFR-D	6/1/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
5644	399 OCEAN FOREST DR	P2201148	SFR-D	6/16/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5724	254 RIDGEWAY RD	P2201288	SFR-D	7/12/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5851	12 2ND ST	P2300674	SFR-D	3/1/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5889	2 C ST	P2300588	SFR-D	2/13/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6076	16 5TH ST	P2300034	SFR-D	10/7/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6122	884 OCEAN PALM WAY	P2300322	SFR-D	12/13/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6548	16 LINDA MAR DR	P2300883	SFR-D	4/11/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6585	9 10TH ST	P2301090	SFR-D	5/25/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6816	372 RIDGEWAY RD	P2300781	SFR-D	3/22/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6837	113 5TH ST	P2300766	SFR-D	3/21/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
6838	117 5th st	P2300769	SFR-D	3/21/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
7032	31 SEAFOAM WAY	P2400234	SFR-D	11/22/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7091	413 C ST	P2301106	SFR-D	5/26/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7129	131 15TH ST	P2301109	SFR-D	5/26/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7354	619 OLD BEACH RD	P2301329	SFR-D	7/26/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7408	6 2ND ST		SFR-D		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7568	129 14TH ST	P2301338	SFR-D	7/21/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7674	115 D ST	P2301511	SFR-D	8/29/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7781	494 PYRUS ST	P2400283	SFR-D	12/8/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
8010	2576 A1A S		SFR-D		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
8012	106 RIDGEWAY RD	P2400315	SFR-D	12/18/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
8117	4 A-B 11TH ST		SFR-D		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
8180	410 D ST	P2300640-01	SFR-D		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES

Application Id Range: First to Last

Issue Date Range: First to 12/20/23

Expiration Date Range: First to 09/19/25

Applied For: N Open: Y

Application Date Range: First to 12/20/23

Use Type Range: First to Last

Hold: N

Building Code Range: BUILDING to BUILDING

Contractor Range: First to Last

Completed: N

Work Type Range: SFR-A to SFR-D

User Code Range: First to Last

Denied: N

Void: N

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y

## COSAB COMMERCIAL CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Description	User Code 1
6695	3570 A1A S	P2300551	COM REMODEL	2/10/2023	COMMERCIAL BUILDING ALT. — RENOVATION PERMIT	COM
8191	1059 A1A Beach Blvd		COM BUILD OUT		COMMERCIAL BUILDING ALTERATION - INTERIOR BUILD OUT	COM

Application Id Range: First to Last

Issue Date Range: First to 12/20/23

Expiration Date Range: First to 09/19/25

Applied For: N Open: Y

Application Date Range: First to 12/20/23

Use Type Range: First to Last

Hold: N

Building Code Range: BUILDING to BUILDING

Contractor Range: First to Last

Completed: N

Work Type Range: COM ADDITION to COM REMODEL

User Code Range: First to Last

Denied: N

Void: N

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y

## COSAB FY'24 ZONING REPORT

Application Id	Parcel Id	Property Location	Permit No	Building Code	Activity Type	Inspector	Date	Status
7604	1640900000	56 WILLOW DR		ZONING	Z-VARIANCE	BONNIE M	12/4/2023	OPEN
7672	1627800000	2040 A1A S		ZONING	Z-VARIANCE	BONNIE M	10/2/2023	CANCEL
7693	1742000020	1001 A1A Beach Blvd		ZONING	Z-FINAL DEV	BONNIE M	9/19/2023	APPROVED
7693	1742000020	1001 A1A Beach Blvd		ZONING	Z-FINAL DEV	BONNIE M	10/2/2023	APPROVED
7845	1670700002	15-FT.WIDE ALLEY S.OF 15TH ST.		ZONING	Z-VACATE ALLEY	BONNIE M	10/6/2023	CANCEL

Application Id Range: First to Last

Range of Building Codes: ZONING to ZONING

Activity Date Range: 09/01/23 to 12/20/23 Activity Type Range: Z-APPEAL to Z-VARIANCE

Inspector Id Range: First to Last

Included Activity Types: Both

Sent Letter: Y

## FY' 24 COSAB TREE REMOVAL

Application Id	Property Location	Description of Work 1	Issue Date
8002	702 16TH ST	RESIDENTIAL--TREE REMOVAL INSPECTION	11/8/2023
8004	215 10TH ST	RESIDENTIAL--TREE REMOVAL INSPECTION	11/8/2023
8065	501 E ST	RESIDENTIAL--TREE REMOVAL INSPECTION	11/20/2023
8098	16 5EA OAKS DR	RESIDENTIAL--TREE REMOVAL INSPECTION	11/28/2023
8185	685 POPE RD	RESIDENTIAL--TREE REMOVAL INSPECTION	12/19/2023
<b>Totals</b>			

Application Id Range: First to Last

Issue Date Range: 10/01/23 to 12/20/23

Expiration Date Range: First to 09/30/24

Applied For: Y Open: Y

Application Date Range: First to 12/20/23

Use Type Range: First to Last

Hold: Y

Building Code Range: TREE to TREE

Contractor Range: First to Last

Completed: Y

Work Type Range: First to Last

User Code Range: First to Last

Denied: Y

Void: Y

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y

## SEPAC December 2023 Meeting Update

1. Mickler Butterfly and Pollinator Garden - Mr. Large introduced Shayan Khatibi, the owner of Ruah Gardens who is doing the maintenance on the eco-garden at 8th and Beach Blvd. Shayan provided a quote for the maintenance of the wildflower garden. A discussion ensued regarding the upkeep of the site and future projects on Mickler. The proposal will be discussed again at a future meeting.
2. Plaza Discussion - Member Thomson suggested upgrading the beds at D Street and Beach Blvd. He will work with Public Works and bring this back to the committee. Chair Krempasky introduced the educational signage for the eco-garden that Dr. Lonnie Kaczmarzsky created. The signage was approved and Chair Krempasky was authorized to spend up to \$250 for a 24" x 18" sign to be made.
3. Urban Forestry Update - Member Thomson also brought up the issue of the damage being done to the palm trees along Beach Blvd. Mr. Large will research some sort of protection to be placed at the foot of the trunk of the trees.
4. Environmental Planning Projects - Member Thomson discussed a new ordinance regarding sustainable stormwater management that the City of St. Augustine has recently put in place. Member Thomson volunteered to work with the Engineering and Planning Departments to review this ordinance and bring it to the Planning and Zoning Board for consideration.
5. Environmental Speaker and Film Series - A discussion concerning whether to continue this series will be held at a future meeting. We could consider partnering with St. Augustine Film Society and their eco-movie series.
6. Environmental Education Materials - Chair Krempasky will send the eco-garden signage to Jason Sparks to see if it can be used to create a flier for distribution.
7. Other Committee Matters - Selection of a Chair and Vice Chair for the committee will take place at the beginning of the January meeting.

Submitted by Chair Sandra Krempasky



## MINUTES

### CHARTER REVIEW COMMITTEE MEETING WEDNESDAY, NOVEMBER 8, 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

Dr. Dumont called the meeting to order at 6:03 p.m.

#### II. PLEDGE OF ALLEGIANCE

The Committee recited the Pledge of Allegiance.

#### III. ROLL CALL

Present: Members Margaret England, Edward George, Jeremiah Mulligan, Heather Lane Neville, and Scott Patrou, and Alternates Doug Wiles and Margaret Van Ormer.

Members Kevin Cavanaugh and Marc Craddock were absent.

Also present: Facilitator Dr. Georgette Dumont, City Manager Max Royle, City Clerk Dariana Fitzgerald, Building Official Brian Law, and Planner Jennifer Thompson.

#### IV. INTRODUCTION OF COMMITTEE MEMBERS AND DR. DUMONT

Dr. Dumont asked the Committee members to introduce themselves.

Mr. Patrou advised that he is an attorney with an office in the City, which mainly focuses on real estate and estate planning.

Ms. Neville, American Institute of Certified Planners, advised that she is in land use and has been involved with city and county comprehensive and land use plans for fifteen plus years in St. Johns County and across the state.

Mr. Mulligan advised that he is also an attorney that practices construction and real estate litigation for a statewide firm with a local office.

Mr. George said that he has a degree in material and science engineering and is a forensic engineer. He said that he was on the Commission for eight years and was the Mayor for one year.

Ms. England advised that she is currently retired from the mortgage banking industry in financial services. She said that she served the City on the Planning and Zoning Board and the Commission where she was the Mayor for two years.

Mr. Wiles advised that he is with Herbie Wiles Insurance as a risk management and insurance agent. He said that he has lived in St. Augustine all of his life and has been in the insurance industry for almost forty-five years. He said that he is also a former member of the Florida House and that he sponsored the legislation that created the City of Palm Coast twenty plus years ago.



Ms. Van Ormer said that she worked for the Florida School for the Deaf and Blind as an administrator for forty years. She said that she has been on the Board for the Lighthouse, the School for the Deaf and Blind Foundation, and several other boards.

Dr. Dumont advised that she teaches at the University of North Florida (UNF) and has lived in Florida since 2010 and lives in Jacksonville Beach. She said that she is the Director of the Master of Public Administration Program at UNF, she was also on the Jacksonville Beach Planning Commission for many years, and she had been on the City Council but chose not to run again. She said that she was on the Public Service Grants Council for the City of Jacksonville where their task was consolidated government and looking at the City, their Charter, the independent agencies, etc. She said that she has been in many of the members' seats before.

#### V. EXPLANATION OF REVIEW PROCESS BY DR. DUMONT

Dr. Dumont moved on to her PowerPoint presentation [Exhibit A], which started out with a general description of the Sunshine Law. She advised that the purpose of the Sunshine Law is to make sure that the people understand how decisions are being made in their government, increase public trust, and that Florida has one of the strictest Sunshine Laws in the country. She said that all communication between two or more members of the same Board is covered under the Sunshine Law and that it does not matter what medium it goes through. She said that any matter that might come before the Charter Review Committee in the future must be at a noticed meeting so the public could have the opportunity to be heard. She advised that the Committee members cannot communicate with each other by any means, but they could communicate with the Commissioners and City staff as long as they do not use them as liaisons.

Dr. Dumont moved on to the next slide from her PowerPoint, which gave a scenario of a Commissioner's Facebook post of a great idea for updating the Charter and she asked whether a Committee member could comment or like their post or would that be a Sunshine Law violation and why. Mr. George stated that if you comment on their post, you are agreeing with another Commissioner, and everyone is seeing it. Ms. Neville said that it might be innocent, but it might be perceived as being a collaboration and you cannot do that. Dr. Dumont said very good, don't like their post, and just move on.

Dr. Dumont moved on to the meeting requirements portion of her presentation and said that the meetings must be open to the public and there must be a quorum. She advised that the public needs to be notified, preferably seven days in advance, there must be written minutes, and an opportunity for public comments. She said that the meetings and materials must be accessible to everyone including those with disabilities and to work with staff to make sure they are available to those with different needs. She advised that public comments should be taken on specific issues before any official action is taken. She said that if you have information that you want to share, send it through staff for them to share it with the other members. She advised that members could talk to each other about things that will never end up in the Charter such as sports, television, family, etc. She said that every document is considered a public record, such as this PowerPoint, the minutes, your laptop and phone, emails/texts, shared notes, etc. She moved on to the next several slides and advised that members should not take gifts, ask for things, or vote on anything that is a conflict of interest.

Dr. Dumont asked if there were any questions regarding the Sunshine Law. Mr. George asked if there were any emails from the public about this meeting. The City Manager, the City Clerk and Dr. Dumont said none were received. Mr. George asked what happens if emails are received. City Clerk Fitzgerald advised that they would be forwarded to the members.

Dr. Dumont advised that the Charter Review Committee would follow Robert's Rules of Order, such as only discussing the article on the floor, each person would have a chance to speak, to stay on the issue during discussion, and to restate any proposed change before a vote. She advised that each subsequent meeting would begin with a review of the decisions from the previous meeting. She said that there may be some controversial issues or something that the Committee wants more research on, which would be put in the "Parking Lot" and then revisited in March.

Dr. Dumont said that any general public comments that are not on an agenda item would be done at the beginning of the meeting and each person would be allowed three minutes to speak. Article-specific comments would be taken immediately following that discussion, which would also be given three minutes to speak but it is not a discussion and questions would not be answered, but members may choose to address them in the discussion on their own time.

Dr. Dumont asked if there were any questions. Mr. George asked to discuss the process and what happens after we hand our slate of objectives to the Commission. Dr. Dumont advised that it would go to the City Attorney, and then to the Commission for them to vote on each one, which would need two votes to get on the ballot. City Manager Royle advised that it would need to be to the Supervisor of Elections by June 3<sup>rd</sup>. Dr. Dumont advised that the Commission would vote in May to get it to the Supervisor of Elections by June. Mr. Mulligan asked if two meetings were required for the Commission. Dr. Dumont said yes, and she reminded them that they could speak to Commissioners individually. Mr. George said that if it gets down to the wire, they could always have an extra meeting.

Dr. Dumont moved on to the Municipal Charter portion of her presentation, and she advised that they would be reviewing the City Charter section-by-section to see if it still meets the needs of the City today and for the next ten years. Some things that they would be looking at are the form of government, the Commission's makeup and term limits, the other City key positions, elections, citizen initiatives, height limits, etc. A review would also be done to make sure that the Charter still aligns with State laws and if not, the Charter would be null and void since it must comply with State laws. You would also want to look at whether the Charter would give future Commissions the tools they need to meet the needs of the City and then provide recommendations for them to decide what will move forward to the ballot.

Mr. George said that he was on the last review committee ten years ago and he asked if those recommendations and what was accepted and/or denied could be provided to this Charter Review Committee. Mr. Mulligan asked if this Committee was following the same procedure as the last Committee. Dr. Dumont said that she did not know, but that we would go through Charter Sections 1 through 7 tonight. Mr. George advised that there was a lot more participation for various reasons and that there was a newspaper that reported local news, which is not around anymore, so it is more difficult to know what is going on. Dr. Dumont said that she was hoping that people would show up but maybe they were not interested in Sections 1 through 7. Mr. George asked where people would have seen that. Dr. Dumont advised that it is posted on the City's website. Mr. Wiles asked if they could get a copy of the schedule so they could do their homework. Dr. Dumont agreed.

Mr. Wiles asked if the public notice was in whatever newspaper is available. City Clerk Fitzgerald advised that the City noticed this meeting the same way it does for all Commission meetings by posting it on the City's website, on the roadside and hallway sign boards, and the City's monthly Newsletter. Mr. Wiles asked if it was on the television community service channel. The City Manager and the City Clerk said no. Mr. Wiles asked if it would be appropriate to do that. Dr. Dumont advised that she would be concerned about the willingness to be open and truthful, but if he wanted to request it, she believed that extra staff would be needed to do that. City Manager

Royle agreed that extra staff would be needed upstairs to run the video equipment. Dr. Dumont said that if it is something that he wanted to do in the future, they could do it.

Ms. Neville asked if there are things that are not in the Charter, would they be considered as "Parking Lot" items or could we fit them into appropriate subsections. She said that there are a few things that we do not have as far as a model Charter, which may not be inhibiting us but may help guide us in the future. Dr. Dumont advised that each section has its own areas and subtitles and if it does not fall into one of those subtitles, then email her and she would try to figure out where it fits best. Ms. Neville advised that there are a few things that we would benefit from such as departments, auditing, definitions, and clarity on alignment with strategic goals to support other things that we need as a City, but we cannot talk about them here because they have nothing to do with the Charter but may help guide other things. Dr. Dumont questioned whether Ms. Neville was asking to have them put into the Charter. Ms. Neville said they would still be addressed in the Charter because they would drive the other elements and that she could email them to Dr. Dumont. Dr. Dumont asked her to email them to her and she would see where they best fit to be added to the discussion.

Ms. England said that a discussion with regard to what goes into a Charter, a City Code, and a Comprehensive Plan might be beneficial because there are differences. Dr. Dumont advised that that is why she started with the Constitution because it is the framework of all the other stuff and there is a reason that the other stuff is not in the Constitution because it should be as clean and concise as possible. She said that Land Use items go into the Land Development Regulations (LDR) and the Comprehensive Plan depending on the level of the item and a lot of things can be done by policy and ordinance, so you could have certain policies that you want the Commission itself to pass that it has to follow, which would be an internal Commission policy or it could be a regular department policy. She advised that you really want to stay in the Charter and stay at a high level.

Dr. Dumont moved and showed the Charter Review meeting schedule and said that she was not sure how long/short the meetings would be because she did not know each Member's personality, so she only scheduled Sections 1 through 7 tonight. She advised that if we do not get through the scheduled Sections at a meeting, we would start with those missed Sections at the next meeting so that they would not get pushed into the "parking lot". She said that the Charter is laid out in a certain way, and she would prefer to keep certain things together when we review them.

Dr. Dumont provided the Members with a Sunshine Law handout [Exhibit B].

Dr. Dumont moved on to the review portion of her presentation. She read the preamble and asked the members if they agreed that the preamble still covers everything that they want in the Charter.

**It was the consensus of the Charter Review Committee that the preamble still covered the City Charter.**

Dr. Dumont advised that the City Charter has three articles and the first is Article 1 - In General and she moved on to the first topic to be reviewed.

## **VI. FIRST TOPICS TO BE REVIEWED**

Dr. Dumont moved on to Section 1.1 Name, and she asked the members if they agreed with the name of the City. She said that she had some legal concerns about the language and that she would change it from St. Johns and the State of Florida to St. Johns in the State of Florida. Mr. Mulligan said that it could be said either way.

**It was the consensus of the members that Section 1.1 should remain as is.**

Dr. Dumont moved on to Section 1.2 Boundaries, and she said that the City's boundaries would remain the same as they exist on the date this amended Charter takes effect, but that the City would have the power to change its boundaries such as through annexation and follow the State laws. Mr. George asked the City Manager if there was anyone wishing to be annexed into the City. City Manager Royle said no. Ms. England asked if the references to the laws would be reviewed and updated by the City Attorney. Dr. Dumont said that they should be. Ms. Neville suggested to make a note that we need to have them reviewed so that they align. Mr. Mulligan asked if the City Attorney would be attending any future Charter Review meetings. Mr. George asked if the City Attorney was supposed to be here. City Manager Royle said no.

**No consensus was asked of the Members for Section 1.2 for the minutes.**

Dr. Dumont moved on to Section 1.3 Powers of the City, which basically says that City has the power that the State of Florida gives to municipalities. She asked if the members agreed with this Section.

**It was the consensus of the Members that Section 1.3 should remain unchanged.**

Dr. Dumont moved on to Section 1.4 Elective Officers, which has multiple subsections. She read Section 1.4(a), which states that the Commission shall be made up of five elected officials with one designated as mayor, and one designated as vice-mayor. She asked the members if they agreed with the number of commissioners representing the City. Mr. George said yes. Ms. England asked if everyone was comfortable with the mayor being designated by the Commissioners or would they want the mayor to be elected. She said that it has worked really well with the Commission designating a mayor. Dr. Dumont said that Ms. England's concern was part of the next Section.

Dr. Dumont moved on and read Section 1.4(b) regarding the designation by the Commission of the mayor and vice-mayor for a term of one-year beginning January 1<sup>st</sup> each year for no more than two consecutive years, but it would not preclude a City Commissioner from serving as mayor for more than two non-consecutive years. Mr. George said that this was debated at the last Charter review ten years ago and there are two sides to it. He said that after listening to everything over the years, that he liked the way it was and that he did not think that it should be changed. Ms. England said that it has worked well and that she was not aware of any problems with it. Mr. George said that we talked about the mayor being an elected position, but the City is so small, and it would be very difficult. Ms. Neville said that unless there is an intent to have a strong mayor form, that when you have an elected mayor, there is an optic from the community that that person has more than one vote. She said that she has been a part of many communities where it gets skewed because the mayor really only has one vote and that it works well by having the people that are elected pick the mayor.

Mr. Mulligan said that he was curious whether staff had an opinion on this Section. City Manager Royle advised that it is fine the way it is. Ms. Neville questioned whether the number of terms was addressed in the Charter. Dr. Dumont advised that it is two consecutive terms. Ms. Neville asked if that was specific to the mayor or all positions. Dr. Dumont advised that there are no term limits for elected positions, but that you could only be mayor for two consecutive terms. You could then go back to being a regular Commissioner and you could then be redesignated as mayor again. Ms. Neville asked if there was another Section that specifically addressed term limits. Dr. Dumont said yes.

**It was the consensus of the members that Section 1.4(b) should remain unchanged.**

Dr. Dumont moved on to Section 1.4(c), which discussed elected official's residency and voter registration requirements. Mr. George agreed with it.

Dr. Dumont asked Ms. Neville about her question regarding term limits. Ms. Neville said someone could run over-and-over again since there are no term limits, but that she did not know how often it has occurred and it might be something worth looking at because of the way that the political system runs. She said that leadership change is an opportunity to open the door to new ideas and perspectives. She said that it might incentivize people to be more proactive on agenda items and it might be interesting to talk about the number of terms, but it would not necessarily preclude a resident from running for election again. Dr. Dumont said that you could say that two terms would be the maximum or no more than two consecutive terms. Ms. Neville said that the Charter should not prohibit residents from running for election again, but not to sit in perpetuity. She said that it is a good way to keep things moving forward and that we could make the maximum at eight, twelve, or twenty years. Mr. George said that he is open to talking about it and considering it, but he is concerned because we currently have three or four Commissioners that were totally unopposed. He said that we need to think how big of a change in communication it might be for such a small City and how people get their news and communication. He said that probably eighty percent of the City residents have no idea what goes on here, so how do we address that situation. He said that he understands what Ms. Neville is talking about, but if we have four unopposed Commissioners, then that is a problem. He said that he worked hard to get elected the first two times but lost by two votes because the other side had better communication.

Ms. Neville advised that she had people call her over the past few election cycles asking if they should run and what they needed to do because they are all neighbors, and no one wants to run against their neighbor. She said that if there is an incumbent that has not done anything wrong and they are your neighbor, you might decide not run because of that. She said that people are not running because of the nature of the way the ballots are done, and name recognition is a huge key factor in reelections. Mr. George agreed that it is a very good idea, and he suggested that it should be put off to the next meeting so that everyone would have time to think about it. Dr. Dumont asked if the Members agreed that it should be discussed at the next meeting. She said that right now, Commissioners can all live on the same block, so we may also want to discuss whether that should be broken up to have better representation of the City. Mr. George and Ms. England said that the City is too small to stipulate that requirement. Ms. Neville said that we have that situation right now with two Commissioners living next to each other.

Mr. Wiles said that he has experienced both sides of that and that if you like what is going on in Tallahassee today, then you are in favor of term limits because what is occurring is a direct result of that. Secondly, it takes a while to understand the process and he would argue that was very difficult in eight years, which is what he had in the House. Essentially, what he found was that the staff began to have the upper hand on the issues because they remembered when it was worked on ten years ago and the mistakes that were made. In terms of lobbying, someone that does not fully understand the process would sometimes favor those on the outside, which is good when you are talking about an individual that wants to influence the Board as a citizen, but if he wants something big, it is easier to do that with someone with a lack of experience. He said that he does not mean it in a derogatory way, but he has seen it over-and-over again and that he could identify members of the Florida Senate and House that jump between the term limits and go on to the next stage, sit out for two years, and then they get back in for another eight years, which becomes an interesting process. He said that he believes there is a way to get some fresh blood, but he is not convinced that term limits are the answer because in some ways it takes away the public's opportunity to vote for someone that they like.

Mr. George agreed with everything Mr. Wiles said. He said that he was on the City Commission from 2002 to 2010, then his wife was elected and she has been on the Commission for thirteen years. He said that he watches the Commission meetings and that his wife brings institutional knowledge to the meetings that the newer people do not have. He said that he does not always

agree with his wife, but that is the way it works. He said that everyone needs to know that his wife is a Commissioner and had previously served on the Planning and Zoning Board, and that they have spirited debates about things. He said that Mr. Wiles is right and if we are going to talk about term limits, it should be three terms for a total of twelve years. Ms. England agreed and said that she did the same thing and served on the Planning and Zoning Board and then on the Commission for two terms but because of her age, she decided not to run again and to let someone younger come in, but that she might step back in later on. She said that she would not support a limit of just two terms, and she suggested that if there is going to be a term limit, that it should be three terms. Mr. George suggested that it should not preclude someone from coming back after a certain amount of time. Ms. England said because the City rotates the mayor and vice-mayor positions after two years, it keeps things moving and brings in some new ideas.

Mr. Patrou asked if this discussion was officially being “parking lotted”. Dr. Dumont said that we are deciding whether to put in it the “parking lot”. Mr. Patrou said that he liked the idea of getting new blood in and encouraging people and that it was very interesting to hear what Ms. Neville said. However, he personally thinks that there may be a better way to encourage people to get involved rather than limiting terms within the Charter and to leave it in the hands of the voters. He also appreciated hearing how many people ran unopposed and that he could see that it could create issues. Mr. George said that he was really upset at having four people unopposed because the debate that runs up until the election is important for society because you are out there expressing your views. He said that the City has climate change and flooding issues and that he was surprised that no one ran against them and that whatever this Charter review can do to encourage that through our decisions is important.

Mr. Mulligan said that he did not think that it was odd at all and that he has had the same experience as Ms. Neville from people considering running for election, and the question would be, who are you going to run against. He said that he knows and likes all the Commissioners and that they are doing a great job. He said that it is difficult for someone with aspirations to run for election and to have to choose one of the Commissioners to run against, which may discourage them from running because it may be one of their friends, which is hard to do.

Mr. George said that one of the things that he pushed for over the years, is that the City has an insurance program for all the employees and the Commissioners are employees too, so they should be compensated under that same umbrella because it does not cost the City that much and any Commissioner that wanted to join should be considered. That incentive may spark someone that wants to run for election.

Dr. Dumont said that this is a robust discussion that would be policy and not part of the Charter but that there is a slim majority to move this with more discussion and more data such as how many people have served more than three consecutive terms and how many have run unopposed over the last five cycles. Ms. Neville said that it may not matter but it has been an issue and there are people running unopposed, which happens at the County level too because it is districted. Some people might not want to run against their neighbor, but it is not that they are satisfied with the person, it is because they are a friend, and it would cause issues. Having the data would be helpful and then we could decide what to do but it is not about ousting anyone with historic context. Mr. George said that you should not run against someone because they are your friend, but because you have political courage and you disagree with their policies, which is all the more reason to run. Mr. Mulligan said that he did not believe that they were necessarily disagreeing with someone’s policies, but that they have aspirations to serve their community in local government at that level. He said that because of the sheer size of the County, you do not see unopposed elections very often and he believed that looking at unopposed elections in the City would not be that relevant. He said that they are unopposed because they are neighbors, or

friends, etc. and if he wanted to serve, he would not run against one of them. Mr. George said that he totally disagreed because he has seen Commissioners that make decisions that he disagreed with and that he would consider running against them whether they were a friend or not.

Ms. Neville said that she only brought it up because you could get into a "lame duck" situation or a comfort zone, but she did not know if that serves us. She suggested to get some data and have a discussion; it was just something that was not in there and it is typically something that is addressed. It has been her experience over the past fifteen years that when you see someone that has been sitting on a board for four terms, it is frustrating. Dr. Dumont said that we would bring this back up and have more information the next time we review this. Mr. George said that we could recommend a term limit and the Commission could just say no. Ms. England said that a term limit does not mean that you could not come back and participate and have a voice. Because we are a small City and our mayor's term rotates, a term limit might help encourage more participation and diversity.

**It was the consensus of the members to gather more data and for "term limits" to be discussed again at the next meeting.**

Dr. Dumont moved on to Section 1.4(d), which is regarding the election of a Commissioner by the remaining members within sixty days of a vacancy to serve until the next General Election when the electors would elect a Commissioner to serve the remainder of the unexpired term. If the majority of the remaining Commissioners are unable to elect a successor, then a special election would be held to fill the vacancy. Dr. Dumont disagreed with some of the language in Section 1.4 (d) and said that the language "shall be" should be changed to "are". Mr. George said that is why we need to review it and we should make those notes in addition to everything we are deciding here.

Ms. Neville said that she recently went through this with the passing of a Commissioner, and she suggested clarifying the last sentence to read, "In the event that a majority of the remaining members of the commission shall be unable to elect a successor **by day 60,**..." and to say it again so that it is clear. Dr. Dumont advised that the Charter specifies that the appointment should be made within 60 days after the vacancy. Mr. Mulligan said that he would rather get rid of the last sentence all together. Dr. Dumont asked if he thought that the majority of the remaining members would never be able to decide on somebody. Mr. George said that he had never heard that they didn't but there could be a tie vote. Dr. Dumont said that it would then be up to the citizens. Mr. Mulligan said that when he sees "special election", he thinks about how much it would cost because it is expensive, and it does not make sense for the City. Mr. Wiles asked if the City pays for a special election. Dr. Dumont said that she believed that the City would have to pay for it. Ms. Neville asked what mechanism would be in place to solve it. Mr. Mulligan said that what he has seen is that every time there is an issue, they went through rounds, and they eventually got to a place where they agreed and that he has never seen it fail or you would just send it out to the next general election. Ms. England said that the only way she could see that occurring would be if within those sixty days you only had four Commissioners and it ended up in a tie. She said that a special election is expensive and to possibly appoint a tie breaker.

Mr. Wiles said that the intent of the Charter is to provide sufficient numbers to the elected representatives to decide the City's business. He said the four vs. five members for an extended period of time would not meet the bar of an appropriate number of members, especially if the City ever decided to go into single member districts because then you would have an entire group of people not being represented. He said that he did not know if the City has ever had a special election, which could be one of the things that we ask staff to provide. The threat of a special election might encourage the current Commissioners to take appropriate action so that it remains

their decision. Ms. Neville said that the reason there is an uneven number is because someone needs to be the tie breaker.

Dr. Dumont asked if the members were comfortable with the last sentence except for changing the "shall be" to "are". Mr. George and Ms. England agreed. Mr. George asked if we need to vote on these items. Dr. Dumont said that the vote would be at the final meeting. Ms. Neville said that she would just go back to her original thing and that she is a big "day count" person because she has seen it when there is no day count assigned. She asked how we do a special election, and for how many days do we allow it to go on. She asked if we should put "within three months." Dr. Dumont asked the City Manager how long it would be before the election could actually take place if a special election was called for. City Manager Royle said that he believed that it would take longer than sixty days. Ms. Neville said that we could put sixty to ninety days with the maximum. Dr. Dumont said that the language could be added to the last sentence. Mr. Wiles said now you would be asking the general public to make a decision and there would need to be ample time for those that are running to get their positions out and if you do it really short, you may make some bad decisions. Ms. Neville said that if we do it longer, it may motivate the people sitting there to pick someone.

Dr. Dumont said that another issue would be who would be on the ballot for a special election. She advised that they would have to qualify first and that the time for qualification would be after this and that she would need to sit down with a calendar to figure it out. She said that we could start the special election process within thirty days but not the special election itself within thirty days.

Mr. Patrou asked what the format was for the Commissioners to elect the mayor. Mr. Mulligan advised that it normally seemed somewhat already determined and one Commissioner will make a motion and someone else will second it. Mr. George said that it is not supposed to already be determined because that means that they talked about it. Ms. England advised that it is done by nomination, and, in the past, there had been some seniority allowed. He said that the reason he asked, in light of what Mr. Mulligan spoke about, and the complexity of having a special election, he suggested having the mayor be the tie breaker. Mr. Patrou said obviously there is no other hierarchy of power put upon the mayor, and this would only be in the event of a stalemate within a certain period of time. Mr. Mulligan said he liked the idea of a different tie breaker that sounded a lot less expensive. Mr. Patrou said that it would also be a lot quicker. Ms. Neville said that it would be putting faith in the people that we already voted for. Mr. Patrou asked if those voted people would then vote for the mayor. Ms. Neville advised that she saw one city suffer when their vacancy went on for six months because they could not decide, and she would not want to see that happen here.

Dr. Dumont asked for any other thoughts for possibly having the mayor, or the vice mayor if it is the mayor's position that is open. Mr. Mulligan said that the vice mayor would automatically go to the mayor's position in that case. Dr. Dumont asked if the members liked the idea of the mayor being the tie breaker vs. a special election. Mr. George agreed with it.

Ms. Neville asked if that would be the only time in the Charter or the ordinances where the mayor actually has a vote that is more powerful than the other Commissioners. Mr. Mulligan said that he believed so.

Mr. George suggested finding out how much a special election would cost so that we could make a decision on it. Mr. Mulligan said that he believed that the City had done that once before. City Manager Royle said that he would need to contact the Supervisor of Elections. City Clerk Fitzgerald said that she believed the last time the City proposed a potential special election that it was upwards of five figures. She advised Dr. Dumont that the City does not run its own elections so



any timeline would be at the will of the Supervisor of Elections, and they may not be able to meet our Charter timeline. Ms. Neville said that it would start the process within thirty days, if we decided to go that route, which would give staff the ability to activate that.

Mr. Wiles advised that we need to be aware that there are circumstances that are out of our control and if the sixty-day period ends after qualifying for a general election, then the Supervisor of Elections may not legally be able to include a candidate on the next election. He said to have another election after the general election in November, that he was not sure that we would be making good decisions because we would not know what is going to happen in the future. He said that Ms. Neville made a good suggestion and if the Commission is unable to elect a successor within sixty days, that a special election would be held to fill the vacancy. He said that he believed that it is the obligation of the Supervisor of Elections to conduct that election in an appropriate way within a certain time period and that they would not delay the inevitable because we would be without appropriate representation until that occurs. He said that there is a lot that goes on for an election that is more important than money. He suggested being careful what direction we head because we might be creating something that the Supervisor of Elections may not be able to deliver for us. Dr. Dumont said that if this occurs the day after qualifying ends, then you are forced to wait until after the general election to have the special election. Mr. Wiles said that we would have to start the qualifying process all over again. He said that for him, the intent reads that we are going to have a special election and he believe that the duties of the Supervisor of Election requires them to do things in an appropriate manner or another option would be to let the Governor make the decision, but we should try to keep it under our own control.

Dr. Dumont said that there have been a couple of things that we bounced around on this one, such as having the mayor/vice mayor as the tie breaker and adding or not adding thirty days because of the Supervisor of Elections, and she asked how the members wanted to move forward. Ms. England said that if we lose a Commissioner, we would be left with four Commissioners that all have the same voting authority, and if they are locked, then the tie breaker would have to be a special election. She said that she was not sure if there was any precedent or legal authority to allow the Commission to choose someone else to break the tie, such as the City Manager. She asked the City Manager if he could think of anything else that could be done. City Manager Royle said that you could pick a name out of a hat. Mr. George agreed and said that he had seen that done before. Ms. Neville said that she read something in the Charter but could not remember what topic it was. Mr. Mulligan asked if they were speaking about a tie vote on an issue brought before the Commission or a vote for who a commissioner would be. Ms. England said this is about picking who would temporarily fill the remaining term vacancy on the Commission. Mr. George said that it would be temporary to fill the remaining term and then they would need to register to run in the next upcoming election.

Dr. Dumont said that we have not really moved forward on this yet because she is not hearing any consensus. She said that we could leave it as is with a special election and the cost of that special election could force the Commissioners to make a decision. Or we could do away with the special election and either have a game of chance or specify someone, such as the mayor, to break the tie. Ms. Van Ormer said that special elections can get very complicated. She said that she agreed with Mr. Wiles that we would need to be very careful how we move forward with that and the terms of time because we would really want to fill that position.

Dr. Dumont said that this sounded like it would be a very unusual situation. Mr. George said that we should not overthink it. Dr. Dumont agreed and said that we are spending a lot of time on it, and it is important, but she was not sure if it had ever happened before and maybe that is why it is in the Charter, which might be another question for staff to find out the recommendations and which ones passed ten years ago. Mr. George said that the easiest thing would be to change the

language “shall be” to “are” and leave the rest as is but that he would go with whatever the consensus is. Mr. Mulligan said that he would rather find out the cost for a special election and then discuss any reasonable alternatives. Ms. England said that she would like to hear from legal whether any other person could legally be given authority to be the tie breaker. Mr. George advised that City staff are non-elected employees. Ms. Neville suggested the City Manager’s game of chance. Ms. England said that she did not know if that would be legal to do. Ms. Neville said that the Supervisor of Elections does it that way. Mr. George agreed and said that he had seen it done that way. Ms. Neville said that they usually do a couple of things, such as a coin toss, so it is not just one thing. Mr. Mulligan suggested the mayor could be the tie breaker. Ms. England said you cannot do that, because one of the four remaining Commissioners might be the mayor or vice mayor and they only get one vote each. Mr. George agreed. Mr. Patrou said that it could be done that way if we put it in the Charter and if there is a stalemate after sixty days, that the mayor could choose among the candidates.

**Dr. Dumont advised that Sections 1.4(c & d) will be revisited at another date with more data.**

Mr. Patrou said that for the special election cost data, he would like to see a best case and worst scenario from a timeline.

Dr. Dumont moved on to Section 1.4 (e & f) and she explained that Section 1.4(e) was reserved for anything regarding elected officers that you feel might be missing and want to add. She said that Section 1.4(f) is regarding the powers of the City, which are guided by what in its Charter and what the State allows it to do.

**It was the consensus of the members that Section 1.4(f) should remain unchanged.**

Dr. Dumont moved on to Section 1.5 Legislative Body and said that this section looked specifically at the Commission. She read Section 1.5(a) regarding meetings, notices, and minute keeping, and she said that if things ever need to change, it is easier to change ordinances than the Charter. She continued reading and said that it is being redundant to the second line. She said that the first paragraph is talking about the Commission meetings as they normally run, and the second paragraph gets into emergency meetings, and she questioned whether the members may want to get rid of anything in the emergency paragraph (she showed the sections that are redundant).

Ms. Neville said that during Hurricane Matthew, an emergency meeting was called, and they could not attend because they were all under water. She said that there are a lot of weird things in here that we have to prescribe to during an emergency and she questioned whether we should put something in that extends it one step farther, which would activate a different plan for emergency purposes, such as that Emergency Services would become the CEO. She said that it could be addressed at the ordinance level and keep it out of the Charter but not having it in the Charter made it difficult at that time. The Charter states that you must have two-thirds vote but then it says it has to be passed by four-fifths, and if you only have three people that attend, could you have someone like the City Manager or Fire Chief assist in quorum. She said that this situation occurred recently within the last ten years, and it is not the only city that she saw this happen with. Dr. Dumont advised that it would be two-thirds of a quorum and if you have a quorum of three, then it would be two of the three. Mr. Mulligan said that four-fifths needs to be there to declare it an emergency and after that it could be two-thirds to vote. Ms. Neville asked how you would ever have four-fifths if you only had three people and maybe we could add someone such as the Police Chief. She said that it was her observation that this math is hard to get to in an emergency situation and she suggested to possibly add something such as “coordination with the County”.

Mr. Wiles said that an emergency is not defined and while we might think of it as a hurricane, it could also be to relieve the City Manager or Police Chief due to irresponsibility. He suggested that

the voting should be a simple majority and then go from there, but the mayor may be an accomplice to some of the issues and the mayor would not want to call the meeting because they would not want to indict themselves. He suggested that either the mayor or a majority of the Commissioners may request an emergency meeting for whatever purpose they want because an emergency is not defined. If the mayor calls the meeting, you still need the majority to agree to the emergency for it to move forward, but if the mayor refuses to call the emergency meeting, then you would have the majority of the Commissioners who could call the meeting. The next problem would be, if the mayor refused to call the meeting, who would run the meeting. He said that it might be worth looking at what other cities are doing. Ms. Neville said that she did not have any recommendations, but it is something that she had been through a couple of times. Mr. Wiles asked Dr. Dumont if she had any examples of an emergency session. Dr. Dumont advised that they had to fire a city attorney who was arrested and charged but was not going to be found guilty. She said that they had to revise their Charter and that she could look up that language. She said that she had concerns with the majority of the other members that have to be able to communicate with each other or communicate through the City Manager, who would then need to contact each Commissioner, explain the situation, and get feedback whether the individual Commissioner wanted to call an emergency meeting. Mr. Wiles said that that is why he thought the language might be important. He said that he is not suggesting that we make any changes, but if we are going to talk about it again, since the emergency is not defined, it could be anything. Mr. Patrou said that he believed that the parameters were provided for in the Charter because once they get together, they can have a vote to determine whether it is an emergency. He said that he did not believe that the emergency needed to be defined and that he would not be opposed to expanding it to the vice mayor as well, which would provide a secondary person to be able to call an emergency meeting and then the group could collectively decide if it is an emergency. Mr. Wiles said that he did not have an argument for or against the language but maybe something could be done to make it easier to understand and that we could possibly get language from another city's charter.

Ms. England said that this entire section jumps back and forth. She suggested removing the emergency meeting language in the first paragraph and then make a new section on emergency meetings and pull all that information together. She described how Section 1.5 goes from subsections "a" through "e", but then the next paragraph about "appointments and removals" is not labeled as subsection "f" and so the entire section needs to be cleaned up.

Mr. Patrou said that there is a little bit of overlap, but he questioned whether "presence" was defined in the Charter anywhere. Normally it would mean physical presence but since we are in an age of technology, and particularly during an emergency, maybe we should expound that presence or votes could be cast in an electronic form. Dr. Dumont advised that that would be up to the State of Florida and right now you cannot vote electronically unless there is a quorum present in a public place and one person can be offsite.

Dr. Dumont advised that she would work on Section 1.5 Legislative Body, and that we would revisit it at the next meeting, and we would pop the timeline down a little bit. She said that she would like feedback on the rest of Section 1.5, and she read Section 1.5(b), which she said reverts back to Section 1.5(a) but you would still want it to be a simple majority for the Commission to pass anything. She moved on to Section 1.5(c), regarding commissioner compensation being set by ordinance and she asked if the members agreed with that. Mr. George said yes.

**No consensus was heard from the members for the minutes.**

Dr. Dumont moved on to Section 1.5(d), which states that an "Emergency ordinance shall be passed only upon four-fifths affirmative vote of the city commission as a whole." She said that an emergency ordinance would have only been done during the emergency meeting. Ms. England

advised that an emergency ordinance could be passed at a regular meeting. Ms. Neville said if we were in an emergency, how would we get four-fifths vote. Dr. Dumont advised that the regular Commission could pass emergency ordinances. Ms. England said for example, if something comes up at a regular meeting that needs to be passed right away and there are five Commissioners at that meeting, you would need four of those Commissioners to approve the emergency ordinance. City Manager Royle agreed.

Mr. Patrou said that it made sense, but he also sees Ms. Neville's issue, and he asked if the intent was to reduce the threshold in an emergency meeting. Ms. England said that it does not necessarily have anything to do with an emergency meeting, it is for an emergency ordinance at a regular Commission meeting, which would need four affirmative votes to pass the ordinance. Mr. Patrou said that an ordinance that is passed at an emergency meeting is not on its face an emergency ordinance, it could be a regular ordinance. Dr. Dumont said that it could only be what the emergency was about. Mr. Patrou asked if the definition of an emergency ordinance would be something that was passed without proper notice because isn't that the whole thing behind an emergency meeting. Dr. Dumont advised that she would clean up the language.

Dr. Dumont moved on to Section 1.5(e) regarding Prohibitions and the "interface with administration". She said that Commissioners cannot direct staff, they can only direct the City Manager, the Police Chief, and the City Attorney. She said that Commissioners can call Department Heads if they have questions, such as about information in their agenda packet, but they would need to go through the City Manager to request that a pothole on their street be fixed.

Dr. Dumont asked if the Members agreed with it. Mr. George said yes.

**No consensus of all the Members was heard for the minutes.**

Dr. Dumont moved on and read Section 1.5(e) regarding "appointments and removals" and asked if the members agreed with it.

**It was the consensus of the Members that Section 1.5(e) regarding "appointments and removals" should remain unchanged.**

Dr. Dumont moved on and read Section 1.5(e) regarding "holding other offices" and she said that the Commissioners can only hold one public office, which is in the Florida Constitution and former Commissioners cannot be employed by the City until one year after the expiration of their term. Mr. George said that the review committee talked about this ten years ago and agreed that it was fine, and it is still fine. Dr. Dumont asked if the members agreed with it.

**It was the consensus of the Members that Section 1.5(e) regarding "holding other offices" should remain unchanged.**

Dr. Dumont moved on and read Section 1.6 Mayor, that states that the mayor does not have veto power, which may fall back into the previous discussion of whether the mayor could be a tie breaker vote. Mr. George agreed with it. Dr. Dumont asked if all the Members agreed with it.

**It was the consensus of the Members that Section 1.6 should remain unchanged.**

Dr. Dumont moved on and read Section 1.7 regarding "forfeiture of office". Mr. George and Ms. England agreed with it. Dr. Dumont asked if the members agreed with it.

**It was the consensus of the members that Section 1.7 should remain unchanged.**

Dr. Dumont recapped and said that she would clean up the language in the Legislative Body Section 1.5 so that it flows better. She said that prior to the next meeting on December 13<sup>th</sup>, staff will send the Members the requested information for Section 1.4 Elective Officers regarding the cost for a special election, the best/worst scenario for timelines, how many people held office for

more than two/three terms over the past ten years, how many people ran unopposed, as well as the recommendations from the last review ten years ago and, which of those passed. She advised that in the interim, the City Attorney will look at all the ordinance codes in the current Charter to make sure that they line up with the ordinances because a lot has changed in the past ten years.

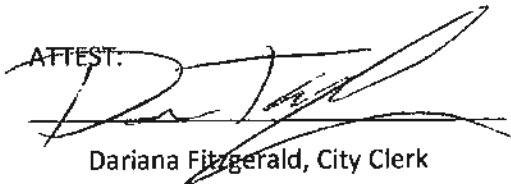
Ms. Van Ormer said that she would like to know how many people have run unopposed and whether having people that live close to each other and from one section is a more recent thing because she was not aware of that issue.

VII. ADJOURNMENT

Dr. Dumont asked for a motion to adjourn.

**Motion:** to adjourn. **Moved by** Member England, **Seconded by** Member Wiles. Motion passed unanimously.

Dr. Dumont adjourned the meeting at 7:54 p.m.

ATTEST:  
  
Dariana Fitzgerald, City Clerk

  
Max Royle, City Manager

## **COMMISSION REPORT**

**December 2023**

**TO:** MAYOR/COMMISSIONERS

**FROM:** DANIEL P. CARSWELL, CHIEF OF POLICE

### **DEPARTMENT STATISTICS November 20<sup>th</sup> – December 27<sup>th</sup>, 2023**

**CALLS FOR SERVICE – 1,406**

**OFFENSE REPORTS - 56**

**CITATIONS ISSUED - 69**

**LOCAL ORDINANCE CITATIONS - 4**

**DUI – 0**

**TRAFFIC WARNINGS- 217**

**TRESSPASS WARNINGS- 14**

**ANIMAL COMPLAINTS - 12**

**ARRESTS - 10**

- **ANIMAL CONTROL:**

- St. Johns County Animal Control handled 12 complaints in St. Augustine Beach area.

### **MONTHLY ACTIVITIES –**

**Blood Drive – December 14<sup>th</sup>**

**Christmas with Cops and Claus – December 21<sup>st</sup> 5:30-7:30pm**

**St. Augustine Beach Public Works/Engineering Monthly Project Report**
**12/21/2023**

Grant Project	Grant Type	Grant Amount	Grant Expiration Date	Project Stage	Status
Ocean Hammock Park Phase 3	CPI	\$60,000	9/30/2023	Final Reimb/Canceled	12/15: City finance verified receipt of RFR #1 (\$70.00) on 10/16/2023. 12/11: No response received from MOrozco as of today. Melanie Orozco from FCT-FDEP review regarding Phase 3 management plan changes from active to passive recreation.
Ocean Walk Drainage Impvmts	Leg. Appr.: LPA0222	\$694,000	3/31/2025	Phase I Pre-Bid	12/21: Matthews to provide phase I final bid docs by Jan 5. 12/15: RFR #3 executed and submitted; meeting minutes received. 12/13: Amendment 4 Task 3 time extension fully executed. 12/10: JSparks email to RMatthews with MDG with comments on 23-09 Ocean Walk Phase 1 project manual; CBecker (FDEP) updated 12/08. 12/01: Due to additional comments for MDG regarding the plans, City requested a grant agmt time extension for Task 3 to March 13, 2024 instead of previous January 31st date.
Ocean Walk Drainage Impvmts	SJRWMD (25% Cost Share)	\$354,087	09/30/2025	Phase I Pre-Bid	See above, SDriggers being kept updated.
Sea Oats	FDEP (Matching Funds): 19SJ3	\$25,000	9/30/2024	Pre-Construction	11/30: Amendment 19SJ3_A4 signed and sent by City. Amendment is for requesting an additional time extension to 06/30/2026 due to conflict with beach renourishment/Sea Turtle Nesting Season.
C.R. A1A/Pope Road Storm Surge Protection	FEMA/ FDEM: 4468-017-R	\$52,500	10/18/2024	FDEM Phase II Review	12/19: JSparks signed RFR #1 documents for approval; amount of reimbursement will be \$30,426. 12/18: Phone call with CPurser regarding City concerns and path forward. Email requesting a meeting with the management team to further discuss.
Dune Walkovers	SJC Port and Waterway (Matching Funds)	\$190,025	N/A	Year 2 Complete	12/07 As of today, 10th and 6th Streets (year 2 construction) completed.
Magnolia Dunes/ Atlantic Oaks Circle	Leg. Appr. : LPA0387	\$1,200,000	12/31/2026	Design Proposal Phase	12/15: RFR #1 executed and submitted. 12/10: JSparks email to ALewis for expectation of JE proposal in approx 2 weeks. 12/08 Final ECT invoice received \$8,021.71; requested itemized



**St. Augustine Beach Public Works/Engineering Monthly Project Report**

**12/21/2023**

Drainage Impvmts					expenses. 12/07: Meeting today with ALewis regarding predesign study and path forward. Per ALewis, send letterhead indicating that the City Commission has reviewed/ understand the predesign/feasibility study options given, and the option we are pursuing; will also send upload link to send documents; FDEP flexible with reallocating/revising grant agreement terms/budget/tasks.
7th 8th and 9th Street Drainage	Leg. Appr. : LPA0386	\$90,000	12/31/2024	Design/ Permitting	12/21: Progress meeting today with JBPro; Geotech boring scheduled for next week. Final plans/bid package by 12/22. 12/19: Per FDEP likely no issue with only completing one street with no change to the grant management plan, and still be able to close the project out. Per JNoval RFR #1 being sent to their disbursement team; MConlon to post FACTS for project on City webpage and social media.
Vulnerability Assessment Update	FDEP: 23PLN30	\$50,000	06/30/2026	Kick-Off Mtg/Data Acquisition	12/19: Resilient FL expansion of funding approved; consultant working on data acquisition and exposure analysis tasks.



**St. Augustine Beach Public Works/Engineering Monthly Project Report**
**12/21/2023**

Non-Grant Project	Contract Expiration Date	Project Stage	Completion	Status
2 <sup>nd</sup> St Widening and Extension	01/15/24	Construction	01/15/24	12/20: FDEP/SJCUD closeout docs completed and ready to submit; still waiting on wet-ink waiver/release of liens from DBCC. 12/14: City Bill of Sale executed; SJRWMD permit #21554 expired 11/19/2023, performed 3 <sup>rd</sup> Alley Walk-Thru.
A Street to 1st Street West Parking Lot	TBD	Bidding	3rd Qtr FY2024	12/18 City pursuing SJC piggyback contracts to secure contractors for drainage and paving.
Citywide Pavement Management	02/2024	In Progress	2nd Qtr FY2024	12/21: Streetscan pavement Inventory/Inspection completed; City awaiting receipt of report and Streetlogix Asset Mgmt module implementation.
11th Street Drainage & Roadway	TBD	Pre-Design/ Permitting	FY24	12/21: JE unable to provide modeling guidance at this time on the drainage pipe. Potential option is to mill and resurface roadway as a stop-gap measure. Cold patch is another option, but is maintenance intense. Clean/TV/Line pipe, reconstruct South lane.
Stormwater Utility Rate Structure Determination	TBD	Contract Negotiations	FY24-25	12/21: Executed contract received from JE for MRoyle signature. Need to discuss budget.
RFQ 23-06 Continuing Contracts for Professional Services	5 yrs	Evaluations	2nd Qtr FY2024	12/18: Evaluations complete; Staff to make recommendations for award at Jan 8 Commission meeting.
Bid 23-07 Citywide Pipe and Manhole Lining, Renewal and Rehabilitation Services	3 yrs, w/ one 2 yr renewal option	Contract Award	2nd Qtr FY2024	12/21: Received Hinterland Grp signed contract for Max's signature. Need to execute other 3.
Enterprise Asset Management/Smart N FL	TBD	Ongoing	TBD	11/13 Vision Plan Workshop Meeting held w/Commission . Clayton Levins, Smart NFL provided discussion points based on the CSAB draft proposal. Presentation/answered questions.

Proposed Appropriations Projects	Funding	Estimated Amount	Scope
<b>Mizell Stormwater Treatment Facility Improvements (Pond Berm, Weir and Discharge Canal)</b>	24-25 Appropriations	\$2,000,000	12/20: Attestation forms signed by MRoyle. 11/06: DRAFT Senate/House Forms. Evaluate increasing weir and pond berm height to provide additional storm surge protection at the Mizell Weir. Evaluate downstream and upstream impacts. Benefits majority of the City's drainage service area, as well as County and FDOT facilities. Note that had Hurricane Ian's storm surge been a few inches higher, the weir would have overtopped, resulting in inundation of the city's drainage system. Combined with intense rainfall, this could be severely damaging to properties. (estimated benefit 5,000 people). Armor canal, renew S side bulkhead W of Fiddlers' Point Drive
<b>Mickler Blvd Ditch Erosion Mitigation 16th Street to 11th Street; A Street to 11th Street.</b>	24-25 Appropriations	\$4,100,000	12/20: Attestation forms signed by MRoyle. 11/07: DRAFT Senate/House Forms Regrade ditch at 11th Street, south of 16th Street. Armor ditch throughout project limits with semi-permeable product to mitigate erosion/stabilize ditch bank and increase ease of maintenance. Culvert improvements beneath 16th Street, 11th Street and at 3 independent driveway locations north of A Street will reduce system head loss and promote positive drainage. Mag Dunes/Atlantic Oaks project may absorb this project to armor ditch.
<b>Oceanside Circle Roadway and Drainage Improvements</b>	24-25 Appropriations	\$2,000,000	12/20: Attestation forms signed by MRoyle. 11/07: DRAFT Senate/House Forms Oceanside Circle is ~915 linear feet dead end road connected to, and north of, Versaggi Dr. in SAB. Prior to 2011, the road was shell/dirt. In late 2011, for cost reasons (30% less), the City paved the road with a double chip seal instead of a typical road build (stabilized subbase, limerock base, and asphaltic concrete surface). The average life span of a chip seal is 7 years, versus up to 25 years for a typical constructed traditional asphaltic concrete road. The chip seal surface on Oceanside Circle is now deteriorating and in need of replacement. Oceanside Circle also has no drainage system and runoff causes localized flooding in low areas prior to eventual ground percolation. Flooding is worsening due to increasing impervious surface areas associated with new residential development on the roadway. Roadway flooding significantly reduces the life of a roadway, leading to base failure and potholes. Construction of a drainage system is essential prior to reconstruction of the roadway.
<b>FDOT Ditch 500/400 Capacity Expansion</b>	24-25 Appropriations	\$3,000,000	12/20: Attestation forms signed by MRoyle. 11/08: DRAFT Senate/House Forms. Expand storage capacity for COSA floodwater mitigation projects. FDOT retains O&M Authority.

Future FY Projects	Project Stage	Status
Parking Improvements - 4th Street East Parallel Parking, 5th Street Parking, 8th Street Lot SW	FY25-26 ARPA & City Paid	\$370K (\$215K + \$155k) & \$305K
Citywide Parking Improvements	FY25-26 City Paid	Pushed to FY25-26
4 <sup>th</sup> St Opening	FY24-27 City Paid	08/11/23 mtg: \$5k FY24 for Eng Cons OPCC. \$75k FY25 des/perm. \$1.1M FY26- 27 Construction
CRA1A / Pope Road	FY25-26 Federal Grant	\$750k each year
Citywide Pavement Management Program	FY25-28 City Paid	~\$300k/year
Ocean Walk Drainage Improvements	FY25 State Grant	\$305,086.00 (FDEP) and \$177,043 (SJRWMD)
Magnolia Dunes / Atlantic Oaks Circle Drainage Improvements	FY25 State Grant	\$499,000.00
11th Street Roadway and Drainage improvements	FY25-26 City Paid	\$200k/yr
Sea Oats	FY25 City Paid	\$25k (grant reimbursement)
Oceanside Circle	FY25-26 City Paid	\$750k/yr (Legislative Appropriations?)
A Street/1st Street West Lot Parking Improvements	FY25 City Paid	\$313,000
Replace Storm Drainage pipes on Mickler Blvd	FY26-27 City Paid	\$50k & \$200k

Site Plan reviews/Bldg Dept projects	Status
Publix Drainage	12/21: Permit application expected by the end of 2023; plans to be provided for additional comments. June 2023: Comments provided
A1A and F St	Initial review complete.
Old Beach Rd	Fill placement in question. Retaining wall likely required
King's Quarry	Final CO issuance



Misc Projects		Status
Sea Oaks ponds	12/21: Surveying is at 80% complete	
OTR/Sabor Del Sal	12/21: MRoyle suggested Town Hall meeting for late Jan 2024 with any up-to-date drainage information.	
Oceanside Circle	11/21: Unofficial peer review comments align with current design. Alternative suggestion to acquire property and build pond at end of Circle or analyze for smaller pump station at end of Circle pumping to Linda Mar station. 10/25: Request peer review of previous design. Legislative Appropriations	
Mizell Canal/Marsh Creek	11/30: Email from Mr. Rau regarding short term solution and routine maintenance. 10/18: Met with Mr. Rau. City providing sandbags and fill. Truemont provided Redi Block budgetary quote from Pump station to ICWW, both sides. Received quote for new bulkhead along S Side from C&H Marine.	
11th St/A1A ADA Ramp mod	12/14: Pause for now. 11/21: No response from contractor. Estimated \$10,000 construction cost. 08/21: On-site meeting with Contractor; Requested quote from multiple contractors to demo and reconstruct ramp with a longer/wider turning radius and to modify handrail. No response to date.	
NPDES StH2O Insp memo	For B Law presentation at CC meeting, proposed fees for site plan review for commercial, stormwater erosion and sed ctrl, lot grading/lot grading final, waste control and IDDE inspections. Ref permit requirements.	
NPDES Annual Report review comments	11/14: FDEP Annual Report review administratively complete. This item will be removed from future reports.	
Stormwater Code Revision	Address during Stormwater Utility Rate Determination	
Contractor Continuing Svcs Bid	Not started	
NPDES Erosion and Sedimentation Control Ordinance 05-08	Ordinance review for addition of monetary penalty amount and verbiage regarding project size.	

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## MEMORANDUM

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**TO:** MAX ROYLE, CITY MANAGER  
**FROM:** PATTY DOUYLLIEZ, FINANCE DIRECTOR  
**SUBJECT:** MONTHLY REPORT  
**DATE:** 12/20/2023

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### Finance

As fiscal year 2024 moves forward, we have started receiving our tax revenues with an estimated 19% of our ad valorem revenues collected through the end of November. We also received \$35,087 in reimbursement from FEMA for Hurricane Ian and an additional \$59,139 has been obligated for the city. This will complete our claim for this storm once the funds have been received. The finance department is currently working on audit requests for our end of year audit that will be happening January 29<sup>th</sup> – February 9<sup>th</sup>, along with other calendar year-end functions such as W2's and ACA Compliance reporting.

### Communications and Events

<https://www.staugbch.com/events>

Our **Light Up the BEACH!** season will end with our grand finale, **Light Up the NIGHT!** Fireworks Show – Sunday, December 31<sup>st</sup> @ 8:30pm.

## PENDING ACTIVITIES AND PROJECTS

1. **LAND DEVELOPMENT REGULATIONS CHANGES.** At its September 19<sup>th</sup> meeting, the Planning Board reviewed changes to the regulations for special events for business promotional/sales permits and approved it. An ordinance will be prepared for the Board's January 16<sup>th</sup> meeting.

2. **VISION PLAN.** After discussion and making changes to it, the Commission adopted the Plan at its March 6, 2023, meeting. On November 13, 2023, the Commission held a workshop concerning incorporating Smart City concepts on the Vision Plan with Mr. Clayton Levins, Executive Director of Smart North Florida. He explained how Smart North Florida could help the City. The outcome was that the Commission determined the priorities for utilizing Smart City concepts were obtaining data for pedestrian/bicycle improvements, stormwater management and parking for beach access.

**ON A RELATED MATTER:** It concerns a Smart City concept to assess the condition of the City's streets. A company, Street Logic, using advanced technology, reviewed every City street and will provide a report in early 2024. The report will help City staff to plan and budget for repairs.

3. **PARKING IMPROVEMENTS.** At this time, the only parking project is paving the dirt plazas on the west side of the Boulevard between A and 1<sup>st</sup> Streets. Plans were prepared, permits obtained and the deadline for bids was November 28<sup>th</sup>. As the lowest cost presented in the one bid received for asphalt paving was \$487,716, was well above the amount, \$187,000, appropriated in the budget for this project, the Commission at its December 4<sup>th</sup> meeting tabled the bid and asked City staff to work with the contractor and other contractors for a lower cost and checking with contractors used by St. Johns County for what they would charge.

There are no plans at this time for the Commission to consider paid parking.

### 4. JOINT MEETINGS:

a. **With the County Commission:** At the City Commission's October 2<sup>nd</sup> meeting, Commission Morgan asked about having a joint meeting. As the County Commission has hired new Administrator, the City may wait until the new Administrator has been in the position for a few months before proposing a joint meeting. Possible topics for the joint meeting could be maintenance of pier park, the County's plans to relocate the fire station and what the County's plans are for a new fishing pier.

b. **With the Comprehensive Planning and Zoning Board and the Sustainability and Environmental Planning Advisory Committee (SEPAC):** No date has been proposed for a meeting.

5. **UPDATING PERSONNEL MANUAL.** City staff has begun reviewing the Manual section by section. When the review is done, a labor attorney will be asked to review the Manual to make certain it complies with current regulations and laws. Then a draft will be prepared for the Commission to review.

6. **GRANTS.** The City has received grants from the following agencies:

a. **Coastal Partnership Initiative:** The City received a Partnership grant for \$60,000. It was proposed that this amount along with \$110,000 from American Rescue Plan Act funds would be used to construct a nature trail and scenic overlook in Ocean Hammock Park. The deadline for bids was May 23<sup>rd</sup>. One bid FOR \$826,210 was received. As this was well above the \$170,000 appropriated for this project, the

Commission at its June 5, 2023, meeting rejected the bid and decided to ask the Florida Communities Trust (FCT), which provided grants to help purchase the Park, to allow the City to stop construction of any more facilities, such as the scenic overlook, in the Park. This will change the focus of the park from active recreation to passive recreation/conservation. The Florida Communities Trust responded favorably to this request and asked that the City provide documentation to what improvements have been made to the Park to date, which the City provided. The City informed the state that it wouldn't use the Coastal Partnership Initiative grant. The State has not replied yet as to whether the Park can be converted to passive recreation/conservation.

b. Vulnerability Assessment. The City received a \$50,000 grant from the Florida Department of Environmental Protection's Resilient Florida Program. The grant will help pay the costs to create the City's vulnerability study to ensure that it complies with recent changes to state law. The state sent a draft work plan for the City to review and comment, which the City provided. The grant agreement has been executed. In July 2023, the City applied for an additional \$151,549 to complete the study, and this additional funding has been approved. A purchase order has been issued; the City Engineer has met with the consultant and the consultant has begun performing the tasks, such as data acquisition and exposure analysis.

#### 7. FLOODING COMPLAINTS. Citizens have expressed concerns about the following areas:

a. Ocean Walk Subdivision. The subdivision is located on the east side of Mickler Boulevard between Pope Road and 16<sup>th</sup> Street. Earlier in 2020, the ditch that borders the subdivision's west side was piped. Ocean Walk residents complained that the piping of the ditch caused flooding along the subdivision's west side. To improve the flow of water, the Public Works Director had debris cleared from the Mickler and 11<sup>th</sup> Street ditches. The Commission approved the hiring of an civil engineering consultant, the Matthew Design Group. It provided a plan for swales, a pump station and other improvements. Also, in 2022, the City received a state appropriation of \$694,000 for the project. The St. Johns River Water Management District will provide up to an additional \$354,087 for the project. In October, the City Manager signed the agreement with the District for the money. As the estimated cost for the project is \$1.4 million, the project will be done in stages, which the Florida Department of Environmental Protection has approved. Additional funding will be sought for the later stages. The City has received an easement from one subdivision resident. The City will advertise for bids for Phase 1 by the end of January 2024.

b. Oceanside Circle. This street is located in the Overby-Gargan unrecorded subdivision, which is north of Versaggi Drive. Three bids were received for a new, paved road and drainage improvements. As all the bids were well above the \$500,000 estimate provided by the City's civil engineering consultant, the City Commission at its February 6, 2023, meeting, approved the Public Works Director's recommendation to reject the bids. This project has been postponed. It could be funded in the future by one or more of the following means: a stormwater utility fee, assessing the owners of the properties adjacent to the street, grants or an appropriation by the Florida Legislature. The City has applied for legislative funding in the state's Fiscal Year 2024-25 budget.

c. St. Augustine Beach and Tennis Complex and the Sabor de Sal subdivision. During periods of intense rainfall, two retention ponds can become full, which threatens adjacent residential properties. Because the ponds and adjacent road to one of them are privately owned and public money cannot be spent to improve private property, the City cannot develop a solution that will require the spending of public

funds. The St. Johns River Water Management District determined that the areas were developed in the 1970s and early '80s, before permits were required. On June 22, 2023, the City Engineer and the City Manager held a meeting with concerned residents about the need for them to organize themselves to hire a civil engineering consultant to advise them about possible solutions. Since then, Water Management District staff has provided the City with an analysis of two private ponds. City staff met with concerned residents on August 17, 2023, to discuss possible solutions that they will have to develop and pay for. Afterwards, the Commission at its September 11<sup>th</sup> meeting approved the City pumping excess water from the Sabor de Sal and Atlantic Beach and Tennis Club ponds, if needed, during the current hurricane season.

On October 18<sup>th</sup>, the Public Works Director and City Manager met with two representatives from the St. Augustine Beach and Tennis Condos. Their large parking lot was flooded for several days from a storm on October 12<sup>th</sup>. A possible solution is for the Condos to have an underground pipe from the parking lot to the City's Linda Mar drainage system, which is connected to the Florida Department of Transportation system under State Road A1A. However, at a meeting with Florida DOT, the City Engineer and the Assistant Public Works Director learned that the DOT won't accept additional water into its system under State Road A1A. The next step will be another meeting with the condo representatives, Sabor de Sal homeowners and Mr. Bill Brothers, owner of the Atlantic Beach Tennis Club, about developing a solution to their drainage problems. The City has informed Mr. Bill Brothers that he no longer can pump water from his pond to the Linda Mar system.

In a meeting with City staff of November 20, 2023, Ms. Janice Lauroesch of Sabor de Sal suggested the City obtain an easement over a short bridge at the pond's east end for a pumping system. The questions then are to where is the pond water to be pumped and who is to pay the pumping costs?

In December, the Palm Coast City Attorney advised the City Council that public resources, including money, cannot be used to benefit private property owners. Our City Attorney agrees with this advice.

d. Pipes under Pope Road and A1A Beach Boulevard. Application for \$557,702, 75% of which will come from the Hazard Mitigation Grant Program. The contract with the Florida Division of Emergency Management has been executed. The Public Works Director prepared a Request for Qualifications for a design consultant. The responses were reviewed and ranked by a City staff committee and the Commission at its September 12, 2022, meeting authorized the City Manager to negotiate with the firm ranked first, the Matthews DCCM. The contract was executed in October 2022 and the design has been completed. The City has submitted the design and bid documents to the Florida Division of Emergency Management for evaluation and approval of construction funding. Florida DEM requested additional engineering information leading to the realization that the City would be obligated to maintain County roadway and drainage assets. Therefore, the City requested FDEM to either cancel the project or transfer it to the County.

e. Magnolia Dunes/Atlantic Oaks Subdivisions. Thanks to the efforts of Vice Mayor Rumrell, state representative Cyndi Stevenson and state senator Travis Hutson, \$1,200,000 was put in the state's Fiscal Year 2023, which went into effect on July 1, 2022. The appropriation survived the Governor's veto pen. The Florida Department of Environmental Protection prepared a grant agreement, which was signed in late October 2022. The next step is for the City to advertise a Request for Qualifications for a design consultant to do design and permitting work. At its February 6<sup>th</sup> meeting, the City Commission approved the staff negotiating a fee for services with Environmental Consulting and Technology of Jackson.



Negotiations are under way. The consultant has been hired and the pre-design study is currently being done. The state has extended the grant agreement for an additional year. It will expire on June 30, 2026. At the Commission's September meeting, City staff asked that discussion of plans for the drainage improvements be postponed so that the staff could research more options. The City Engineer presented the options at the Commission's October 2<sup>nd</sup> meeting. The Commission decided the staff should explore using the Florida Department of Transportation retention pond on State Road A1A.

On October 26<sup>th</sup>, the City Engineer, Assistant Public Works Director and City Manager held a town hall meeting with residents of the two subdivisions. The final pre-design study was received on November 2, 2023. The City has requested a design phase scope/proposal from a consultant.

f. West end of 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> Streets. The Legislature in its 2023 budget approved an appropriation of \$90,000 for this project. The City has signed a grant agreement with the Florida Department of Environmental Protection (FDEP). Design and permitting work began in July 2023 and will be completed by November 2023. The City has asked FDEP to approve this schedule. The City has issued a purchase order for a consultant to do the design phase of the project. The deadline for the consultant to complete the design is November 30, 2023. A town hall meeting to review the design was held on November 2<sup>nd</sup>. Final plans and bid package have been prepared. A request for bids will be advertised by the end of January.

g. Maintenance of Ponds in Sea Oaks Subdivision

In 2009, the City signed an easement and maintenance agreement with the Sea Oaks Homeowners' Association for the City to maintain two ponds in the subdivision as part of the City's responsibility to management of the Sea Oaks' stormwater system. At its December 4, 2023, meeting, the Commission approved a budget resolution to appropriate \$24,275 for surveying and civil engineering services. The services are needed to restore the ponds so that they will function as designed.

8. STORMWATER UTILITY FEE. The Commission decided at its October 4, 2021, meeting that the time to levy the fee wasn't right in light of the recent increase in the non-ad valorem fee for the collection of household waste and recyclables and the increase in property taxes due to the rise of property values in the City. The Commission discussed the fee at its October 3, 2022, meeting and approved having a public hearing on November 14<sup>th</sup> meeting. At that meeting, the Commission approved a resolution stating the City's intent to adopt the non-ad valorem assessment. At its March 6, 2023, meeting, the Commission adopted an ordinance that will allow the Commission to levy a stormwater utility fee in 2024. At that meeting, the Commission did not approve a budget resolution to appropriate \$13,000 for a civil engineering consultant to research the data needed for the City to propose a range of fees for the utility but as the fees cannot be recommended by the June or July deadline for submission of the range to the Tax Collector. Money has been appropriated in the FY 24 budget to pay a consultant to develop a fee schedule for Fiscal Year 2025. In the meantime, the City staff prepared a Request for Qualifications from consulting firms. The deadline for responses was September 11<sup>th</sup>. Only Jones Edmonds provided a response. City staff has provided a draft contract to the consultant for review and execution.

9. RENOVATING THE FORMER CITY HALL AND CIVIL RIGHTS MONUMENT. On March 23, 2022, the City Commission held a workshop, the purpose of which was to discuss with citizens the renovation of the second floor of the former city hall at pier park, future uses of the building and a civil rights monument. Ms. Christina Parrish Stone, Executive Director of the St. Johns Cultural Council, made a PowerPoint presentation that described the building's history and the \$500,000 historic grant that can be spent on

renovating certain features of the building, such as the upstairs windows and exterior awnings, and a smaller \$25,000 grant that can be spent on interpretative signage for the building. Ms. Stone highlighted that the building's designation as historic by the federal government enhanced its eligibility for the \$500,000 grant. The outcome of the workshop is that the building is to be used as a cultural arts center with the second floor possibly having artists' studios and a small museum. Artwork outside the building, such as a new civil rights monument to replace the old one that commemorates the 1964 civil rights struggle to integrate the adjacent beach, would be created. City staff will work with Ms. Stone and the Cultural Council on such matters as the building's structural strength, building code requirements to renovate the second floor, accessibility to the second floor for the public, fund raising and seeking citizens to serve as volunteers on a citizen advisory committee. The money from the \$500,000 grant must be spent by June 2024.

On July 12<sup>th</sup>, Ms. Christina Parrish Stone and Ms. Brenda Swan of the Cultural Council met with the Public Works Director and the City Manager and reported that the Council was advertising for proposals from architectural firms for the civil rights monument. Also discussed was where the monument would be located. One possible site is on the concrete walkway next to seawall and the stairs to the beach, so that the monument will be positioned where visitors can see it and the beach where the civil rights wade-in occurred in 1964.

At the Commission's March 2, 2023, meeting Ms. Parrish Stone showed illustrations of the proposed civil rights memorial to commemorate the "wade in" of the City's beach in front of the former city hall in 1964. She and a local architect, Mr. Connor Dowling, also showed illustrations of the new, second floor windows and some interior renovations. The memorial and other work will be paid by state grant funds. One delay is the columns along the building's north side to which the memorial panels will be attached may have to be replaced.

The latest update concerning grants for the building's renovation and the civil rights memorial is:

- Florida Department of State, Division of Historical Resources, \$500,000: \$110,251 has been spent on window replacement, roof repair, heating/air unit repair/replacement, second floor access improvements, balcony repair and repair/replacement of exterior columns.
- National Trust for Historic Preservation, \$25,000. It has been spent for visual displays to commemorate the 1964 wave-in to desegregate the beach in front of the former city hall. The displays will be put on the exterior columns once they have been repaired or replaced.
- National Park Service grant, \$50,000. This will pay for an interactive exhibition panel on the wave-in that will be in the new lobby of the restored building.

At its September 11, 2023, meeting, the City Commission agreed by consensus to provide an easement to the state. This was done at the request of the Cultural Council to help it obtain a grant of up to \$750,000 for renovations to the interior of the building.

Ms. Christina Parish-Stone provided a progress report at the City Commission's October 2<sup>nd</sup> meeting, such as roof repairs and replacing three air conditioning units. She said a contractor, DiMare, has been selected for further repairs, such as the columns, windows and awnings. She added that the Cultural Council would apply for a \$750,000 state grant with a \$100,000 match to be provided by the Cultural

Council. This money will be used for a new lobby and entrance, an elevator, conference space and improvements to the area now leased by the Art Studio.

In late October, the Building Department received plans from DiMare Construction to replace the second floor windows, reconstruct the columns for an awning along the building's north side and repair the balcony on the building's east side. The City Department has issued the permit for construction.

In 2026, the long-term agreement the Cultural Council has to lease the former city hall from the City will expire. The Commission will discuss the future of the agreement at a meeting in early 2024.

10. BEACH RESTORATION. According to the U.S. Army Corps of Engineers, 2.5 million cubic yards of sand will be put on the beach from the middle of Anastasia State Park to south of A Street. The project will be done between February and September 2024. The federal government will pay the entire \$35 million cost.

11. NEW YEAR'S EVE FIREWORKS SHOW. The money for the fireworks is provided from the bed tax by the County Commission. The fireworks company has increased the cost for a 20-minute show from \$25,000 to \$27,500. The contract was signed in October by the City Manager. The City's Events Coordinator, Ms. Melinda Conlon, worked with the fireworks company on the music that accompanies the show.

12. INTERGOVERNMENTAL PROJECTS. When the Commission discussed the strategic plan at its February 1, 2021, meeting, more involvement with the County and St. Augustine was mentioned as desirable. Below is a summary of the City's current involvement with various area governmental entities.

a. Mobility: At the City Commission's August 11, 2021, meeting, St. Augustine's Public Works Director, Reuben Franklin, March 2021, presented his city's mobility plan. St. Augustine has received a grant to create a transportation connector in that city. If money remains from the grant, the two cities may discuss having a connector between them.

b. River-to-Sea Loop: This is a Florida Department of Transportation, St. Johns County, St. Augustine and St. Augustine Beach project to construct 26 miles of a paved bike/pedestrian trail as part of the 260-mile trail from the St. Johns River in Putnam County to the ocean in St. Johns County. The Loop will then go south through Flagler and Volusia counties to Brevard County. This is a long-term, multi-year project. It's proposed that the Loop will enter St. Augustine along King Street, go across the Bridge of Lions, south along State Road A1A to the State Park, through the Park or along State Road A1A to A1A Beach Boulevard. Though possibly not feasible in all locations, the goal is to have a wide, perhaps 10-foot, bike/pedestrian trail separate from the adjacent road.

The Loop's proposed route through the City is along the west side of A1A Beach Boulevard from Pope Road to A Street, then transition to the east side of the Boulevard from A Street to the where the Boulevard merges with State Road A1A. The Loop will then go south along SR-A1A into Flagler County.

c. Transportation Development Plan: The development of the plan involves several agencies, such as the County, St. Augustine, our City, the North Florida Transportation Organization and the Sunshine Bus System. On February 25, 2021, the City Manager attended by telephone a stakeholders' meeting for an update on the development of the plan's vision, mission goals and objectives. Most of the presentation was data, such as population density, percentage of residents without vehicles, senior citizens and low

income and minority residents in the County and the areas served by the Sunshine Bus. The next stakeholders' meeting has yet to be announced. The agenda will include transit strategies and alternatives and a 10-year implementation plan.

d. Recycling Glass Containers. St. Augustine Beach has joined St. Augustine's program. St. Augustine has put a dumpster in the south city hall parking lot for glass containers, the City's Communications Coordinator, Ms. Melinda Conlon, has informed the public of this new service and to date the dumpster has been well-used.

13. BEACH ACCESS WALKOVERS. The Assistant Public Works Director and City Manager asked the St. Augustine Port, Waterway and Beach Commission at its July 18<sup>th</sup> meeting to appropriate money in its Fiscal Year 2024 budget for walkovers. The Port Commission at its July 18, 2023, meeting appropriated \$190,025 for walkovers. The City matched this amount to construct walkovers at 10<sup>th</sup> and 6<sup>th</sup> Streets in Fiscal Year 2024. These two were completed in November. Money for two more walkovers, C and E Streets, will be requested for the Fiscal Year 2025 budget. At a November 17, 2023, meeting of the County's Transportation Advisory Group, an agreement for the County to maintain the walkovers was discussed, once the C and E Street ones are completed next year.

14. HAMMOCK DUNES PARK. This Park is located on the west side of A1A Beach Boulevard between the shopping center and the Whispering Oaks subdivision. At this time, it has no amenities, such as walking trails, and the City has no money for them because of significant drainage and other projects.

15. UNDERGROUNDING OF ELECTRIC WIRES ALONG A1A Beach Boulevard. Because of the estimated cost of \$1 million per mile and the City's current focus is on drainage improvements, there is no current action to report. However, in accordance with Commission policy, the undergrounding of the lines will be done on new residential streets, such as 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue.

16. TRAFFIC SIGNAL ON STATE ROAD A1A AT MADRID STREET AND THE ENTRANCE TO MARSH CREEK SUBDIVISION. This has been requested by City residents. The signal would benefit the residents of two private, gated subdivisions, Whispering Oaks and Marsh Creek, and one ungated subdivision, Sevilla Gardens, with public streets. In response to emails from the City Manager, the Florida Department of Transportation responded that there aren't enough residents in Sevilla Gardens to justify the signal and the two gated subdivisions would be responsible for having a traffic study done, and, if the study showed the signal was justified, paying for the signal. The City Manager forwarded this information to a Whispering Oaks resident, who said he would contact Marsh Creek. At the Commission's December 5, 2022, meeting, Commissioner George said she would contact the Marsh Creek Homeowners Association about the traffic signal proposal. She reported at the Commission's April 3, 2023, meeting that the cost of the signal system, according to the Florida Department of Transportation, would be \$1 million. At the Commission's August 7<sup>th</sup> meeting, she reported that she met with the board members of the Marsh Creek Homeowners Association and that some of the members were not in favor of the signal. She said she would follow up with the board again to see if they wanted more information or if they would take a formal position concerning the signal.

#### 17. NEW STREETLIGHTS ON 11<sup>TH</sup> STREET

The City has asked Florida Power and Light to put two new lights on the north side of 11<sup>th</sup> Street between Mickler Boulevard and the entrance to the Ocean Ridge subdivision. The City Manager has

signed the contract for the lights. A deposit of \$1,400 for the new lights has been sent to FP&L. The schedule is for the lights to be in place by February 2024.

18. NEW STREETS. There are two projects: 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue and 4<sup>th</sup> Street between A1A Beach Boulevard and 2<sup>nd</sup> Avenue. The 2<sup>nd</sup> Street project also included rebuilding the existing street between the Boulevard and 2<sup>nd</sup> Avenue. Both sections of 2<sup>nd</sup> Street were paved in October. Release of liens by the contractor and submission of certain documents to the County's Utility Department remain to be done.

Fourth Street is a platted street, most of which between the Boulevard and 2<sup>nd</sup> Avenue is unpaved. The City's policy is that the cost to open and pave such streets is paid by the owners of the lots adjacent to them and the City. The owners are charged an assessment. At its November 14, 2022, meeting, the City Commission approved the City Manager notifying the owners of the City's intent to open the street and charge them an assessment. In early December, the Manager sent the notification letters to the four owners. In late February, one property owner in response to his inquiry was told the cost to construct the street would be between \$460,000 and \$500,000, though the City Engineer considers this estimate to be low. The other property owners did not respond. An Engineer will get a revised estimate and the City staff will schedule a meeting with the owners to discuss a special assessment.

19. CLEANING OF STATUES IN LAKESIDE PARK. Some of the statues are showing wear and their age. The City Manager wrote to Ms. Marianne Lerbs, the wife of sculptor Thomas Glover, who is now deceased, for guidance to clean the statues.

20. REVIEW OF PUBLIC WORKS OPERATIONS. The City Manager held a meeting with the Finance Director, Public Works Director and Assistant Public Works Director, to discuss doing a review of public works operations to see where changes can be made to save money and improve efficiency. One outcome of the discussion was to meet with staff of St. Augustine and Flagler Beach to see what can be learned from how they do their operations, especially recycling.

21. REQUEST FOR QUALIFICATIONS. The City Engineer has prepared a Request for Qualifications for firms to provide various types of services, which include architectural, surveying, environmental, GIS, general civil engineering and mechanical/electrical/plumbing engineering. He has also requested bids for City-wide pipe and manhole lining renewal and rehab services. Proposals from numerous companies were received by the November 9, 2023, deadline. A committee of senior City employees has evaluated and ranked the proposals. The City Engineer will provide the committee's recommendation to the Commission at its January 8<sup>th</sup> meeting.