



MINUTES

REGULAR CITY COMMISSION MEETING MONDAY, SEPTEMBER 11, 2023, AT 6:00 P.M.

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

I. CALL TO ORDER

Mayor Samora called the meeting to order at 6:02 p.m. and asked for a moment of silence to acknowledge the importance of 9/11 and recognize the men and women who lost their lives on this day.

II. PLEDGE OF ALLEGIANCE

The Commission recited the Pledge of Allegiance.

III. ROLL CALL

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

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

IV. APPROVAL OF MINUTES OF THE COMMISSION BUDGET MEETING ON JULY 31, 2023, AND THE REGULAR COMMISSION MEETING ON AUGUST 7, 2023

Motion: To approve the minutes of the special Commission budget meeting on July 31, 2023, and the regular Commission meeting on August 7, 2023. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

City Manager Royle requested that Item XIII.6 be removed because he and the City Engineer need more time to firm up the proposal, so there would be no point bringing it to the Commission at this time. He also requested two additions: one is a proclamation for Constitution Week and the other is a presentation from the Cultural Council regarding the possibility of a grant for the old City Hall property. The Commission agreed to place the additions under Presentations.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor Samora requested that Item XI.1 be pulled from Consent Agenda and moved to Item 1 under Old Business to correct an error.

VII. PRESENTATIONS

Deborah Geanuleas, 233 North Forest Dune Drive, St. Augustine Beach, FL, presented a draft of the Proclamation to recognize September 17th through the 23rd as Constitution Week [Exhibit A].

She advised that she is a member of the Maria Jefferson Chapter of the Daughters of the American Revolution, and this year is the 236th anniversary of the signing of the Constitution, the document that gives form to our Federal government, which is the longest standing written and codified national constitution in force in the world. The Maria Jefferson Chapter will celebrate with a bell ringing ceremony in the City of St. Augustine's Plaza de la Constitución on September 17th at 3:30 p.m. and that everyone is invited to bring a lawn chair and their bells. She said that at 4:00 p.m. there would be a gun volley to commence two minutes of bell ringing by churches, fire departments, etc. She said that as we remember 9/11 today, to always be mindful of two of our nation's national icons, the Statue of Liberty and the American eagle. Since our country was born, we as a nation have given life to the self-evident truth that became the bedrock of our country's character. She noted that on July 4, 2026, that we would be celebrating the 250th anniversary of our independence. She thanked the Commission for considering this proclamation.

Motion: To approve the Proclamation for Constitution Week. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

Brenda Swann, Associate Director of the St. Johns Cultural Council, 184 San Marco Avenue, St. Augustine, FL, provided an email [Exhibit B] describing a National Park Service grant for up to \$750,000 for the continuation of the beach hotel. There is a historic preservation easement requirement with the State Historic Preservation Officer to maintain the building in a manner consistent with the Secretary of the Interior's Standards for Historic Preservation for a period of twenty years if the full amount is granted and fifteen years if either \$250,000 or \$500,000 are granted. She said that the City as owner would enter into this agreement to maintain the building with its National Registry qualifying features and the Council would like to find out if it would be a possibility before we apply because these grants take time but that they may apply either way.

Mayor Samora asked if there were any specifics regarding the easement. Ms. Swann advised that the main thing is a section in the easement under "enforcement", and if it is ever found to not be in compliance, that the City would have to pay to get it back to where it needed to be, which is enforceable through the courts via the easement.

Commissioner Sweeny asked if it applied to the interior and the exterior of the building. Ms. Swann advised that the interior does not have anything to do with its National Registry status. Commissioner Sweeny asked if the easement would limit the use of the building. Ms. Swann said no but that it has to be for public use.

Commissioner Morgan asked if it would affect the current tenants. Ms. Swann advised that it would not. Commissioner Sweeny said that the Cultural Council's contract for the building is up in a couple of years, and she asked if it would tie the City in any way to the contract. Ms. Swann said no and that this would strictly be between the City and the State Historic Preservation Office.

Commissioner George asked what the expected intended use would be for the funds. Ms. Swann advised that it would be to continue with the project that was laid out. She said that they are finalizing with the contractor next week to start repairing what is there now and to use most of the \$500,000 grant that they already received to make it look beautiful from the outside, but it would not go much farther than that. So, to do some of things that are needed on the inside and make the upstairs usable, it would go as far as it could to do that.

Mayor Samora asked if the easement would need to be in place at the time of the application. Ms. Swann said no, only if they get the funds. Commissioner Sweeny asked what the timeline would be. Ms. Swann advised that it would start a year from now. Mayor Samora confirmed the City has time to put something together and review the easement and, at this point, the Council just wants to know if the Commission is open to it. Ms. Swann said yes.

City Attorney Blocker advised that if the Commission is in favor of this that there could simply be a motion and second to move forward. He said that obviously we have to see how this application goes through and the amount, which will guide us for doing the easement. He said that it would come back to the Commission in its final form for its final approval. Mayor Samora asked if a consensus was all that would be needed now. City Attorney Blocker said yes.

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

Mayor Samora asked if there was consensus for this. Commissioner George agreed with it and noted that it is a temporary easement. She asked if the Council needed anything formal to present with the grant application. Ms. Swann said no, and that they just wanted to find out if the City was open to it. Mayor Samora asked the Council to provide something for the Commission to look at as far as the easement. Ms. Swann agreed.

It was the consensus of the Commission to agree with the proposal.

Mayor Samora moved on to Item VIII.

VIII. PUBLIC COMMENTS

Mayor Samora asked for everyone to please address the Commission as a whole. He advised that this is for non-agenda items and to hold agenda item comments for when that item is discussed. He asked everyone to fill out a speaker card, to state their name and address for the record, and that they would have three minutes to speak.

Nicole Miller, 214 12th Street, St. Augustine Beach, FL, asked the Commission to take into consideration two areas of concern especially Item XIII regarding stormwater drainage in the City; she reached out to the City of St. Augustine Beach and the County regarding this topic; as a resident of the City, she would like the Commission to be acutely aware of her extreme concern for the City's infrastructure to be able to withstand resilience to a changing climate; EPA document 430-F-16-11 informed that the State of Florida will be impacted by a changing climate such as rising seas, retreating shores, and intensifying hurricanes; across the nation, most activities to protect communities from flooding are done by local agencies; has concerns for the City to readily adapt and prepare for resiliency of these impacts and she implored the Commission to explore local, state and federal programs that may provide assistance for preventative and active building of climate resiliency for our City; it is already on the City's radar, but she wanted it on the record; wanted to make the City aware of a drainage issue at the end of west 12th Street and after two or three days of rain, the stormwater pools in large areas at the dead end of the street; during storms water can be seen moving from A1A down 12th Street into driveways and yards; it does not appear that all the water is making its way to the culvert; water also pools behind the properties on north 12th Street in the City owned alleyway, which could last for weeks after it rains; asked the Commission to investigate the drainage issues between 11th and 13th Streets and identify mitigations for this consistent issue.

Mayor Samora asked Ms. Miller to email her document to the City Clerk.

Jim LeClare, 115 Whispering Oaks Drive, St. Augustine Beach, FL, said that some roadways have signage indicating that certain people take care of them and maybe the City could do it for the Ocean Hammock Park boardwalk, such as Whispering Oaks could sponsor twenty feet, and so on.

Mayor Samora closed Public Comment and asked the Public Works Director if he was aware of the drainage issues on 12th Street.

Public Works Director Gatchell advised that he was not aware of any but that he would check on it. He said that the alleyway between 12th and 13th Streets has a drainage system in it that is on the list to be replaced, which would be a major overhaul because there are a lot of trees that

would need to come out for it to be done. He said that the City owns the alleyway and that there is a pipe toward the west end that goes down to 3rd Lane.

Vice Mayor Rumrell asked if the Engineering Director included that on the appropriations request for Tallahassee. Engineering Director Sparks said that it was not included but it is on the radar. He said that the Vulnerability Study, which is one of our capital projects that we have grant funding for in FY 2024, will help us to identify an adaptation plan and recommendations for drainage improvements throughout the City to help make our infrastructure more resilient.

Mayor Samora moved on to Item IX.

IX. COMMISSIONER COMMENTS

Vice Mayor Rumrell gave a shoutout to all the Parrot Heads since we lost the iconic Jimmy Buffett on September 1st. He advised that, regarding Mr. Binder's comments, he has been appointed to the Land Use and Economic Development and Policy committees for the Florida League of Cities and that they are working on some initiatives to take to Tallahassee as a collective group of cities. He said that he is excited to be a part of it and that they just had their first meeting last Friday where they talked about the Bert Harris Act and the Live Local Act. The Live Local Act, which probably would not affect the City, allows commercial property to be used for workforce housing or market rate housing and could be built as high as they want to build. The Live Local Act did pass, and he believed that there were some unintended consequences because of it and that he would keep an eye on it.

Mayor Samora asked how often the committees meet. Vice Mayor Rumrell advised that they meet once a month for the first three months and in November he would also have the Policy Committee. Mayor Samora thanked him for being involved.

Commissioner George extended her recognition for 9/11 and thanked the Mayor for the moment of silence at the beginning of the meeting.

Commissioner Sweeny thanked the ladies for their proclamation and said that she had the pleasure of traveling to Philadelphia last weekend where she visited Constitution Hall, the Liberty Bell, etc. and it never gets old embracing the history of our country. She gave a shout out to the Police Chief and Officer Donovan Green and said she received a photo of Officer Green helping a gentleman in a wheelchair cross the street, which really embodied the excellence of our officers and how they respond to our citizens. Chief Carswell advised that he sent the photo out to the staff and that Officer Green was very appreciative.

Commissioner Morgan thanked the Vice Mayor for attending the League of Cities. She said that she had the opportunity to see the weir in action just before Hurricane Idalia was expected. She said that she was very impressed and was appreciative of everyone showing her the details of what the City does to prepare. She said that she drove by the weir several times and that it has been very low.

Mayor Samora advised that he had lunch with the City of St. Augustine's Mayor, Nancy Sikes-Kline, and the Mayor of Avilés, Spain, Mariví Monteserín, which was quite interesting. He said that they are working on a recognition celebration of the 100th anniversary of being sister cities.

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. Resolution 23-06, to Support the Proposed Right to Clean and Healthy Water Constitutional Amendment

***This item was moved from Consent to Old Business to discuss a change.**

Mayor Samora advised that we discussed it and wanted to support the cause but that there were some concerns about the language of supporting a constitutional amendment and that is why he asked to have it pulled from Consent. He said that the resolution that was drafted still said that we support a constitutional amendment and that he wanted to have a chance to discuss it. Commissioner Sweeny said that it is only in the title, which may have been an oversight, that she appreciated the work that was done to redraft the language, that she felt much more comfortable with it, and to just correct the title. City Attorney Blocker agreed. Vice Mayor Rumrell thanked the City Attorney for rewording and supporting it.

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

Motion: To approve Resolution 23-06 with removal of "Constitutional Amendment" from the title. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora moved on to Item XII.3.

2. Budget Resolutions 23-12 and 23-13, Miscellaneous Adjusts to the Fiscal Year 2023 Budget and for the Mizell Road Weir Project

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

XII. OLD BUSINESS

3. Ordinance 23-08, First Reading, to Renew the Natural Gas Franchise Agreement with TECO Peoples Gas System (Presenter: Max Royle, City Manager)

City Manager Royle advised that last month the Commission heard from Mr. Jason Roth with TECO Peoples Gas, and that he agreed with the terms that were requested to be changed in the Franchise Agreement. He advised that it is basically a fifteen-year term beginning this year along with the insurance adjustment that TECO agreed to.

Mayor Samora advised that everything that was discussed seemed to be addressed.

Commissioner George asked the City Attorney if he had any concerns with the updated draft. City Attorney Blocker advised that he reviewed it and appreciated that it was provided promptly. He said it seemed to incorporate all the feedback and recommendations from the Commission.

Mayor Samora opened Public Comment.

Jason Roth, TECO Peoples Gas, 3712 Pine Street, Jacksonville, FL, thanked the Commission for being easy to work with. Vice Mayor Rumrell said that there were questions in this morning's town hall meeting regarding the Publix remodel and he asked if TECO goes to that shopping center. Mr. Roth showed a map of their boundary lines [Exhibit C], which indicated that TECO does include that shopping plaza.

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

Motion: To approve Ordinance 23-08. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

City Manager Royle advised Mr. Roth that there would be one more reading on this ordinance on October 2, 2023.

Mayor Samora moved on to Item XII.4

4. Contract with City Manager: Continuation of Discussion (Presenters: Jeremiah Blocker, City Attorney; Max Royle, City Manager)

City Manager Royle said Commissioner George had asked that the bullet points that he mentioned in a memo from June 30, 2023, be included in the contract, which has been done. He outlined the suggested changes and that the initial contract was for one year. However, in the August meeting, the Mayor and the Vice Mayor suggested two years. He said that he suggested a further modification to that, and that rather than the contract end on September 30, 2025, that it go until June 1, 2026. He said that at the Commission meeting in January of 2026, that he would notify the Commission that there is an end date, which would give that Commission the opportunity to decide what they wanted to do.

Mayor Samora suggested to walk through the contract, and he asked for Commissioner discussion.

Commissioner Morgan suggested that the City Manager should let the Commission know his plans in September or October of 2025 instead of January 2026 and then we could grant an extension through June 1, 2026. Mayor Samora said that it would keep it in line with the fiscal year, which he liked.

Commissioner Sweeny questioned whether we would ask the City Manager to indicate what his plans were prior, because if we wait until September 30th to have that conversation with him, then the contract would be over, and we would possibly be left with no one. She would like to have something built in so that the conversation would happen prior to September 30th. Commissioner George and Vice Mayor Rumrell agreed. Commissioner George said that we would need notice rather than waiting and she suggested at least ninety days.

Mayor Samora asked if we would want to have the discussion about an extension ninety days prior to the expiration of a two-year contract. Commissioner George questioned whether ninety days would be enough or should it be one hundred and twenty days. Vice Mayor Rumrell agreed with one hundred and twenty days. Commissioner Sweeny agreed with one hundred and twenty days and suggested that maybe it could be an agenda item for the Commission to discuss.

Mayor Samora asked the City Attorney if he could put the extension option into contractual language executable one hundred and twenty days prior to expiration of the contract. City Attorney Blocker said yes, and that one possible recommendation would be a notification requirement that would trigger the City Manager to provide notice to the Commission on whether he intends to pursue that as a possible option until June 2026 or that there be a ratification or approval process on the part of the Commission. He said there would be a formal requirement for him to notify and then the Commission could decide whether to accept that and trigger a possible extension.

City Manager Royle suggested to add if the Commission in office at that time decided not to extend him beyond the two-year 2025 date, that it would be considered a termination without cause and then he would be entitled to five months of severance pay. Vice Mayor Rumrell said that he did not think that we would make the decision of voting to get rid of him at that time and that his contract would just expire on that September date. For example, if the City Manager comes to the Commission and says that he is ready to retire, then you have that option. And if we do not renew it through June, we are not asking you to leave prior to that, so I do not know how that would work. City Attorney Blocker said to clarify what the City Manager is asking for, the

original contract stated that it would expire on September 30, 2025, which would stay in place, but allow an extension until June 1, 2026, and that he would have to notify the Commission and that extension would have to be approved in advance. So, one hundred and twenty days prior to September 30th, the City Manager would notify the Commission and then the Commission would decide whether they want to go forward with that extension to June 1, 2026. He said that it would not be a termination.

Commissioner Sweeny said that she believed that what the City Manager is saying is that if we do not give him the renewal, then he wants that to trigger something in his contract and not renewing or extending his contract would mean that we are terminating him without cause, and he would then be entitled to the payouts. She said that she would not be in favor of that.

Commissioner Morgan said that her wording could have been better and that she wanted to offer the City Manager the option to extend it until June, but rightfully so, we would need to know before that. She said that if we are trying to keep in line with the fiscal year as well as give respect and recognition of his years in service, that he would like it to be June 1, 2026. She said that it is still quite a ways away and that is why it feels like maybe we need to make the contract two years and offer him the option of extending it. City Manager Royle said that if the contract is worded that way, then he is the decider.

City Attorney Blocker advised that essentially City Manager Royle would be the decider and he would have up to a certain point to notify the Commission and it would be his option to go until June 1, 2026. City Manager Royle agreed. City Attorney Blocker advised that if the Commission is in favor of that, we could iron out those details. He said to clarify, it would not be the Commission's decision to accept it, it would be the City Manager's option and there would just need to be a built-in notification process.

Commissioner Morgan said that she just wanted to have something that would allow us to stay on the appropriate calendar and fiscal budget year but allow him the option to extend if he wanted to. City Manager Royle said that that was fair.

Mayor Samora said that he would like to see the language and that he is fine with trying to put that into the contract. Vice Mayor Rumrell questioned whether June 1, 2026, would be the City Manager's last day or that the Commission could extend it at that point. He said that we still have to figure out how to give notice, because even if the sitting Commission in 2026 tells the City Manager to go enjoy life or he decides to go enjoy life, we still need to have notice. Commissioner Sweeny said that she believed that he already put in in the contract that he would notify the Commission by January of 2026. Vice Mayor Rumrell said that would give us six months. Mayor Samora suggested moving that date to June 1, 2025, which is approximately one hundred and twenty days prior to the end of the two-year contract that would expire at the end of the fiscal year, which is a year out from what he is currently proposing as a retirement date of June 1, 2026.

Vice Mayor Rumrell suggested wording it as a two-year contract with a one-year renewal by the Board. Commissioner Sweeny said that is where we were, and it is not really by the Board. Vice Mayor Rumrell said that he would like it to be by the Board. Commissioner Sweeny agreed that it should be done by the Board. Commissioner George said yes. Vice Mayor Rumrell said because it would be whoever is on the Board at that time. City Manager Royle said that if that Board's decision is termination, that he wanted to have some financial numeration for that decision.

Commissioner George asked if there was any current severance. Vice Mayor Rumrell said that there is no existing contract. Commissioner George said that it seemed odd to add it now with all the other benefits that we have historically been able to accrue. City Manager Royle said that he gets the same benefits that all the other employees get. Mayor Samora said that the employees do not get severance at the end of a contract or end of employment either. City Manager Royle

said that employees do not have contracts. Commissioner George advised that employees also have not had super-majority protection for the last thirty years.

Commissioner George said that no disrespect was intended, but in our financial situation it is difficult to justify. Whenever he retires, the City would have to pay out a lot in accrued benefits, which is no different than other employees. But to create a precedent for not only you, but for all other future employees, creates a big risk and a financial burden. City Manager Royle advised that there would be no precedent created for any other employee unless they have a contract.

Vice Mayor Rumrell said that he would like to see the legal of that just to see how it would look. City Attorney Blocker said that if it was "for cause", it would generally trigger certain protections. If there is a parting of ways that is not for cause, that under Florida law, there are some statutory provisions. What would be unique about this situation is that it would be a moving target of when the actual termination would be. He said that we are starting right before the start of the next fiscal year but with a deference of consideration for moving it to June 1, 2026. He said that he had never seen that in place, which does not mean that the Commission could not approve it, but it would be unusual. The trigger for severance is so that State employees have some type of protection if they are not wanted anymore, or they have moved somewhere else, and this would be kind of using that for this unique situation.

Vice Mayor Rumrell said that if it took more than one hundred and twenty days that he would be okay with continuing to pay the City Manager until there is a new administrator as a transition. He said that he would just need to see it. He suggested that the City Manager should talk to each Commissioner individually so that we are not blasting all at once.

Mayor Samora said that the devil is in the details on this one and that maybe the City Attorney could draft something and then we could revisit the details. Vice Mayor Rumrell said that it is something that we can work out. City Attorney Blocker said that we could look at a couple of different options, such as one option where the Commission makes the final decision, and we can identify the language that makes the most sense. City Manager Royle suggested that it should not be a matter of which side makes the decision, but that we make the decision together. City Attorney Blocker agreed but said that the difficulty is that the Commission can only speak in this setting because of the Sunshine Law, and we have to work within that nuance in a timely manner.

City Manager Royle said that he would hate to think that he would be thrown aside after thirty-four years with the City. Mayor Samora advised that he is confident that that is not the will of this Commission and that we value you and your service. He said that when you make the decision to no longer provide your services, that we do it in a fair way that is equitable all the way around. City Manager Royle said that he has never owned this job, it has owned him. He said that he was hoping to come to some agreement but, psychologically speaking, he does not want to be treated in a way that is harmful. Mayor Samora advised that we would trust in the City Attorney to see what he can produce for us and that we could all speak with the City Manager as well.

Mayor Samora moved on to Section B of the proposed contract regarding "Termination and Severance Pay" and if the City Manager voluntarily resigns or retires, he is to give forty-five days' notice. City Manager Royle suggested six months because city managers follow each other through the various grape vine news sources and in some cities the process is quicker than others, but you cannot accomplish a nationwide search in forty-five days. There is still a dilemma to promote from within because then you need to find a replacement for that position. It was the consensus of the Commission to agree with the City Manager's suggestion of six months' notice.

Mayor Samora moved on to Section C of the proposed contract regarding "Performance Evaluations" and that City Manager Royle's suggestion would be to simply change the wording so that the Commissioner's comments would be sent to the City Attorney because the Mayor would

not know the other Commissioner's findings due to Sunshine Law regulations. City Attorney Blocker said that it is important that there not be two-way communication. He advised that the Commissioners could provide feedback to the Mayor as long as they are not discussing it with him and then the Mayor could summarize with the City Manager. He said that he believed that was the practice with other places and that the key is no two-way communication. Mayor Samora said that we would leave Section C as written.

Mayor Samora moved on to Section D of the proposed contract regarding "Automobile", which currently has a \$1,000 annual allowance. The City Manager suggested that the City adopt the Federal reimbursement rate, which is standard practice, so the City will adopt that rate. He said that the travel distance outside of the City was written as a "one-hundred-mile radius". The City Manager's suggestion would be reimbursement for anything "outside of the County". The Commission agreed with that change.

Mayor Samora moved on to Section E, Page 9, Section 22 of the proposed contract regarding "No Reduction of Benefits", which specified "Department Heads". City Manager Royle said that there is a conflict because what is actually stated in the Charter is all "City Employees". Mayor Samora said that we would want to stay consistent with what is in the City Charter, and it should be changed to all City Employees. Commissioner George asked for clarification about the reduction of benefits. Mayor Samora explained the conflict with the wording. Commissioner George said she understood.

Mayor Samora moved on to Section F of the proposed contract regarding "Terms and Conditions of Employment", which is simply changing the wording from "City Council" to "City Commission".

City Attorney Blocker recapped the changes. He said that for the first change to Section A, he would get with the City Manager to work together to make sure that his wishes are accurately represented and that he would get with each of the Commissioners to try to draft it in a way where there are options. He said that the key distinction here is the timeline and whether it is simply an option that is exercised by notice, or some approval process built in by the Commission. He asked if that is accurate and fair. Mayor Samora and Commissioner George said yes. Mayor Samora said that if there is an approval process, that he believed the City Manager was looking for some remuneration there. City Attorney Blocker said that depending on what process is identified, there be some type of severance but that he believed there was no consensus on that. Mayor Samora agreed that there was no consensus. City Attorney Blocker said that it would be off the table and be rewritten in a way that satisfies both parties. He said that this would be done in a fair way and that he has encouraged the City Manager to seek out legal advice from another competent attorney that could give him good advice.

Mayor Samora asked the City Attorney if he was comfortable with his direction and bringing it back to the Commission. City Attorney Blocker said yes.

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

Mayor Samora moved on to Item XIII.5.

XIII. NEW BUSINESS

5. Pumping of Stormwater from Private Property: Discussion of Policies (Presenters Max Royle, City Manager; Ken Gatchell, Public Works Director)

City Manager Royle said the City Attorney suggested he bring this to the Commission because staff has had this long-term practice of helping with the drainage problems in the vicinity of Ocean Trace Road. He showed an aerial photo that identified Pond #1, which is owned by Bill Brothers who owns the Atlantic Beach and Tennis Club and the streets adjacent to that pond, and Pond #2

is in the middle of the Sabor de Sal subdivision south of Ocean Trace Road. He said that in the past, staff have received calls from people living adjacent to either pond saying that the water is rising, and they asked the City to come and pump it down and we have done that. He said that in effect we have taken public resources for a private purpose, which is probably something that cannot continue. He said that he talked to a gentleman on the phone last week who seemed to be onboard with the Sabor de Sal community developing their own Homeowners' Association (HOA) because it is the only way to solve the problem. They have to decide as a community what they are going to do and how to develop a stormwater management plan if they fear that the water in Pond #2 would affect their private homes and that gentleman seemed to agree with it. He said that he is hoping that that gentleman would spearhead for that pond.

City Manager Royle said that Pond #1, owned by Mr. Brothers, is more complicated. There are adjacent condo properties that Mr. Brothers has no control over, and we do not know if their parking lot drains towards his pond. He said that the City itself cannot engage a drainage engineer to give us advice and that it would be up to Mr. Brothers if he is interested in doing that. The City cannot continue pumping down his pond every time we get a phone call and that he has seen it nearly going into their homes on the east side. He said that his purpose is to seek guidance or consensus from the Commission but that he believed that we need to ask these people to mobilize themselves to solve a problem that is affecting their private properties.

City Manager Royle advised that Mr. Brothers had been pumping with his own equipment from his pond to the City's Linda Mar subdivision drainage system. He said that the Water Management District representative that attended a recent meeting with those homeowners was not pleased about that, and it may be a violation of our permit by allowing discharge into our system from an unpermitted agency or entity, which is something else that we need to consider. At this particular time, we do not want to leave the property owners in a lurch during hurricane season, but he is hoping in 2024 that they will make arrangements to start the process to solve their water management problems.

Mayor Samora said to make sure that everyone is clear, we are not going to walk away from this situation through this hurricane season. The City will be there to provide relief if necessary as we have done in the past. The issue is whether we can allow this to continue moving forward. He said that it sounded like there were many reasons that we cannot continue to pump private ponds out into public stormwater facilities. City Attorney Blocker agreed because of the line between public and private property. He said that on a case-by-case basis, and in limited circumstances, the City could agree to do it but that it would require a hold harmless agreement and an easement, which we do not currently have. There are also other legal constrictions and challenges with the City continuing to do it and also the public policy, which is why it is important to bring it to the Commission's attention because of the ethical and legal challenges. He said that this does not take away from the real issues that the residents are dealing with, but with budget constraints, the Commission is the only one that that can approve those types of measures.

Commissioner George asked if there were other ponds in the City that are also privately owned, such as the one behind Sea Oaks. City Manager Royle advised that the City is responsible for it. Commissioner George said that if we are going to change the historic approach on these ponds, that we be consistent, because we cannot just single out one area. She suggested to use it as a housekeeping opportunity to determine if there are other private ponds that the City might be called upon in the future so that everyone gets notice at the same time.

Mayor Samora asked the Public Works Director if he had knowledge of any other private ponds that the City is maintaining or pumping. Director Gatchell advised that there are no other private ponds that the City maintains. He said that all the ponds in Anastasia Dunes drain into the 5th Avenue system, which was permitted. [Someone spoke from the audience away from the

microphones and could not be retrieved for the minutes.] Director Gatchell advised that it is all incorporated into the St. Johns County Master Storm Plan. [Someone spoke again from the audience and was not able to be retrieved for the minutes.] Mayor Samora advised that the discussion needed to be kept between the Commission and staff until public comment, and that everyone would have the opportunity to address the Commission.

Director Gatchell advised that all the other ponds are either incorporated into our Master Stormwater Plan or the City does not touch them at all. Mayor Samora asked the Engineering Director if he agreed. Engineering Director Sparks said that he would tend to agree with the Public Works Director and that we have easements in place for the ponds that the City operates and maintains.

Mayor Samora agreed that we should do our due diligence and make sure that there are no other surprises out there. He said that Director Sparks was very involved and took over where Mr. Tredik left off by trying to help residents of the various entities in that area and we knew this would be a struggle getting everyone onboard to come up with a solution. He thanked Director Sparks for his efforts in doing that and asked if he had any suggested guidance for them or any information from the latest meetings.

Engineering Director Sparks advised that at the latest meeting, Mr. Brothers' pond was an effort from the condo owners on the north side and he believed that he heard them talking about Mr. Brothers allowing them to perform some geotechnical investigation into the pond bottom and the sediment that needed to be cleaned to open it up and increase the percolation rate. He said that there are some residents from Sabor de Sal here tonight and the City Manager had mentioned earlier about the formation of an HOA or alliance that could help facilitate a drainage evaluation of the inputs going to their pond. He said that he believed that we had facilitated that and that he supported what the City Manager said about the City's system on Linda Mar. When the Water Management District permits subdivisions and/or drainage systems, they size them for the roadways and the City property that they drain and additional inputs into the system could compromise the downstream properties and the capacity of the systems to function properly.

Mayor Samora advised that we brought resources together and the Water Management District representative had some suggestions as well. Director Sparks advised that the Water Management District came out and did inspections and made recommendations and there were also some contractors and a community management company there.

Mayor Samora said that this discussion started some time ago and, as a show of good faith, the City tried to help facilitate bringing solutions forward for the collective associations and interested parties, but now he is hearing that it is time for them to pick up the ball and run with it.

Commissioner George said that for decades the City had always taken some responsibility and she asked what the City could do to help the private property owners and whether there was an existing tie in that was anywhere feasibly close to our stormwater system. Mayor Samora said that one solution, which is happening now in emergency situations, is pumping it to Linda Mar but that it would need to be permitted, have proper legal documents in place, have easements, etc. and it could be as simple as that. He said that there isn't one solution but there are several options available.

Vice Mayor Rumrell said that he had three concerns. The first concern is for the residents and not only the residents being affected by it, but also the residents in Linda Mar. His second concern is what that does to our permit and that Mr. Conkey from the Water Management District is here and he would like to ask him to address that. His third concern is what Mr. Brothers' responsibility is to maintain his pond through his permit. He said that this seemed more of a civil matter and

not the City's because it sounded like it was either the people against Mr. Brothers or Mr. Brothers against the people and that there are a lot of ramifications that could become a bigger issue.

Commissioner Morgan said that when she first read this it gave her a lot of heartburn and that she did not want the City to leave our residents in a lurch. However, as a lawyer, she did not want the City to provide assistance without some kind of written permission or easement to be on this property along with a hold harmless agreement or something of that nature. Whether it is in an emergency capacity because of a storm or something else, we need a reciprocal agreement and to be as fair as we can. She said that she was glad that this had been brought to a head and to continue to move forward with providing whatever assistance the City can and to have all the appropriate documentation in place, which the City Attorney could help us with. She has seen situations like this get out of hand and she does not want that to happen, and she would like us to continue working cooperatively together to figure out a way to help with the drainage without causing a liability issue for the City.

Commissioner Sweeny agreed with most of what the other Commissioners said. She said that she did not want to harm the residents, but she shared the same concerns on legality, and she asked if the City Attorney could speak more about the ethical concerns for spending public dollars on private land. City Attorney Blocker advised that you need to have a public purpose for expenditures. He said that you could make the argument that these are taxpaying citizens but, to his knowledge, he believed that it had been confirmed that we are not doing this in other areas. He said that there are emergency situations where local government can act and there are justifications for it, but based on what was brought to his attention, this would be difficult to fit within those exceptions. He said that he did not think that anyone intentionally did anything wrong, it had just been an effort to help. As a local government, we are a target for making sure that our ethical azimuth is lined up. Sometimes from a practical common-sense standpoint it gets lost when there is an effort from staff to help and there are some challenges because the public purpose is kind of murky based on the nuances here. Commissioner Sweeny said that she has concerns about the precedent that it sets since this is publicly coming to light and that if we continue to do this for one neighborhood then there could potentially be other neighborhoods that would want the City to do it. There are other ponds that are part of the City's Master Stormwater System, and she asked if these two ponds could be integrated in. Director Gatchell advised that there is no way to connect these ponds to our system unless you put in a major pump station somewhere. Commissioner Sweeny said that it would be very costly. Mayor Samora advised that we had some order of magnitude estimates for some of that from our Stormwater Master Drainage Plan.

Mayor Samora invited Mr. Conkey to the podium to speak.

Douglas Conkey, Intergovernmental Coordinator, St. Johns River Water Management District, 7775 Baymeadows Way, Suite 102, Jacksonville, FL, thanked the Commission for the moment of silence at the beginning of the meeting and said that as a retired Navy pilot that he lost friends and shipmates on 9/11. He advised that he attended a couple of meetings with the residents and City staff and that there are a couple of issues here. He said that, from his past experiences, public/private discussions of property and services is always a complex issue. He said that Sabor de Sal already sounded like they were going to get together and do an HOA. The other pond has one owner and the condos that are working together with an experienced person to address this. He advised that he had their senior engineer attend the second meeting basically to chart a path to help make Pond #1 better than what it is now. Initially it was perceived that nothing could be done because it was seen as surface water, but they did inspections and they found that there were some mechanisms to classify it as a stormwater pond to some degree to be able to do some basic cleaning without permits. If it needs to go further to remove muck, then there is a permit

possibility, and that is where engineering was recommended to find out where the coquina base was and what you need to do. The complexity is that the landowner is the permittee, and the other people are asking how they can do this. Mr. Brothers is the permittee, and the others were offering to help him and create a plan and a mutual agreement. The next complexity is that the City goes in and pumps occasionally when there are issues, but then the landowner pumped for twelve hours. He said that he looked at the engineer and said that he could not believe what he just heard because they are separate systems. He showed the aerial of the Linda Mar system and pointed out that the water is going from Pond #1 into a drain, which has a basic general permit that serves that Linda Mar system, then to a pump, which pumps towards State Road A1A into an FDOT (Florida Department of Transportation) system. We would need to look at the permit and probably wind up redoing it, which is a fairly simple process, but you need to take into account the water that was probably not part of that original permit that is now going into that system and whether the pump is the proper size to take it to the Boulevard and we would probably need to ask FDOT for their feedback. So, we would probably need to redo the permit and take into account what you want to do as you work through this. As the City Manager stressed, they, *as a unit*, would need to work through what they want to do, decide how they are going to pay for it, and who is going to be the permittee. He said that there are multiple issues on what appeared to be a simple issue and that water is going into a system that is probably not accounted for and we could probably just re-permit it, adjust it, or it may be a bigger problem than we think.

Engineering Director Sparks advised that neither one of the ponds is currently permitted and they have been that way since the 1960s or before. Mr. Conkey advised that that is part of the problem in an older beach community, which is known as "pre-rule" because rulemaking did not start going into place until the 1980s. Fortunately, we were able to find some things during the inspections that made it a stormwater system, which simplified their discussion for what to do with Pond #1 and they need to work with the landowner for what they want to do and how they are going to pay for it.

Vice Mayor Rumrell said that there are no permits for Pond #1, and he asked if there was ever any clarity during a development order within the City stating that they had to maintain that pond. City Manager Royle said no that they were built back in the 1970s.

Mayor Samora asked what the process was like and who typically goes to the Water Management District (i.e., an individual, an attorney, etc.). Mr. Conkey said that typically they would hire a civil engineer who would have the data and put the application together, such as Jones Edmunds and Associates, which is a well-known company. He advised that it is a data driven process and that is why they always recommend getting an engineer.

Vice Mayor Rumrell said that if there is nothing on record to show that Pond #1 has to be maintained, then there really is no civil remedy either. City Attorney Blocker said that it would depend. When you are dealing with circumstances like this where there is a lack of documentation, it raises a lot of complex legal issues. He said that there could be water intrusion issues or other specific issues, but as far as the original founding documents, he would be hesitant to say that there would not be civil remedies because there could be other components that we are missing.

Vice Mayor Rumrell asked if they create an HOA and pay to help dredge the pond, would they need a permit or would they be able to do it without one, since it has no permit now. Mr. Conkey advised that if they are going to go past the basic cleaning of the pond, it would require a permit and there is also an O&M (operation & maintenance) component, which is functionality, not aesthetics.

Commissioner Sweeny asked how much the permit costs and approximately how much the dredging would cost. Engineering Director Sparks advised that the permit fee is approximately \$250. Mr. Conkey said that being a smaller City, it would be a lower cost. Director Sparks said that it was discussed at the meeting and the residents had the understanding that the parcel owner would go to the Water Management District for the permit to perform maintenance and de-muck the pond, but it would not be bringing it up to today's standards. He said that the cost would depend on how much they are de-mucking, how many truck loads, etc. Commissioner Sweeny asked if was \$1,000, \$10,000, etc. Mr. Conkey said that first they would need an engineer to find the coquina base and then determine how much work you would be able to do to try to get some improvement out of it, which would be their responsibility to get that together. Commissioner Sweeny asked if doing that work would solve the problem. Director Sparks said that it depended on how close you get to the ground water. Commissioner Sweeny said that if it is not a guaranteed solution, and the City cannot continue to fund this, then what other options do the residents have. Director Sparks said that the purpose of the Geotech borings would tell them how thick the coquina layer is and how close they are to the ground water table such as what Crawford Murphy & Tilly (CMT) showed us a while ago, where they would permit a pump station of their own, and then get with the County, because Ocean Trace Road is a County Road, to extend the force main out to the FDOT roadway and coordinate with FDOT to have a permit to discharge to their system. He said that their engineer would help assess the capacity needed to drain that pond or at least keep it at a desirable level. Mr. Conkey advised that the price tag that was briefed at the first meeting was \$1.2 to \$2 million.

Commissioner Sweeny asked if they could contract with the City to do the pumping. City Attorney Blocker advised that it was something that they could look into, that paying for services is not uncommon, but that there are other existing problems and that he is going to take care of one set of problems. Commissioner Sweeny said at least a stop gap of some sort. City Attorney Blocker agreed.

Mayor Samora said that this is incredibly complex and that they have had several meetings about it, but he did not think that we were here to try to decide a solution. We are being asked tonight if we want to continue to support pumping through the 2023 hurricane season and if so, what we need to do legally to make that happen. He said that he would like to hear from the residents and that he wanted to make sure that they are protected through this hurricane season.

Commissioner Sweeny asked for clarification of the City's cost estimate of nearly \$4,000 and if that was for each time the City pumped the ponds down. Public Works Director Gatchell advised that that is what he estimated the cost to be to pump each of the two ponds down, which is a low-ball cost for a one-week rental of the equipment. Commissioner Sweeny asked on average how often the City had been pumping. Director Gatchell advised at least once every year.

Commissioner Sweeny asked where those funds normally come from. Finance Director Douylliez advised that in the past with this particular pumping situation it has been during a hurricane event to prevent flooding of the roadways, so then it becomes an emergency purchase, which we submit to FEMA for reimbursement, but FEMA will no longer pay for that. She advised that FEMA had pushed back because this is private property and we do not have permission to do this, but the thought was that it was preventing the roadway from being flooded and unpassable. She said that she talked to Director Gatchell earlier and at one point the City had permission from the owner to do these services because it was submitted for a prior hurricane event, but it is probably not up to date now. Director Gatchell confirmed it is not up to date. Engineering Director Sparks said that the City does not own and maintain those roads, they are private and/or County roads.

Mayor Samora advised that the Commission needed to make note of its opinion whether we want to continue to provide the service through 2023. Vice Mayor Rumrell said that he thought that

the City needed to do it, but to Commissioner Sweeny's comments, it may also be prudent, sooner than later, to have a hold harmless agreement while we continue to do this.

Mayor Samora asked the City Attorney what was needed if the Commission agreed to continue this service through 2023. City Attorney Blocker said that it was important to understand because one of the challenges is that we are not dealing with an HOA and a lot of staff work will be needed to determine who is actually impacted, to look at the easements, and to get a hold harmless agreement from each individual property. The fact that they are starting an HOA will be helpful going forward. He said that it is hard to change decades of practice, but we would do our best if that is the policy decision. He advised that this is a two-party decision, and we could run into scenarios where some private property owners are okay with it and others are not, so it would have to be on a case-by-case basis and work with those constraints. For the purposes of this agenda item, we would want to see an agreement for the current season and legal documents would need to be in place. It will not be done by the next meeting, and we may be dealing with it through hurricane season but at least we would have something in place.

Vice Mayor Rumrell asked what happens if they do not do an HOA. Mayor Samora advised that it would be each individual property owner. City Attorney Blocker agreed. Vice Mayor Rumrell asked if it would then go by the percentage rule and the majority of the owners would have to agree to it such as what we have done with roadways. City Attorney Blocker said that he did not have an answer for that right now. Commissioner George said that was a specific policy crafted for that particular issue.

Commissioner George said that she presumed that written notice would go out to all property owners notifying them of the termination date. She said that if we are only going to go through this hurricane season, then there would need to be a firm follow up communication that the residents only have so much time left to rely upon the City. City Attorney Blocker agreed that it would be good practice, but the legal challenge is that this is not an obligated service to begin with and legally he would like to make sure that we are not putting the City on the hook for something that it is not obligated to do but we do not have all the answers right now. The City has established this as a practice, people have come to rely on it, and at one point it may have been a good policy. He advised that in the next month or two he would come back and update the Commission on it. He said that if they do not form an HOA, we would want to have some sort of renewal process, not in perpetuity, and we have to come back every couple of years and relook at it. The best possible scenario would be for them to form an HOA so that we have an HOA to work with that could help offset costs, etc.

Commissioner Sweeny asked how many homes were in Sabor de Sal. City Manager Royle estimated thirty-three or thirty-four homes. He said that part of the problem is that the homes north of the Sabor de Sal pond border Ocean Trace Road, which does not flood. Commissioner George said that the pond only touches a small number of properties. Mr. Conkey said that the pond touches all the properties.

Commissioner George asked if there was a mechanism for getting a temporary emergency permit for the type of pumping that the City has been doing. Mr. Conkey said that he believed that there was but that he would have to check on it.

Mayor Samora said there is Commission consensus to continue to provide assistance to the residents through this year and for staff to do their due diligence on the legal aspect of this and what we need to do.

Mayor Samora opened Public Comments.

Janice Lauroesch, 7 Sabor de Sal Road, St. Augustine Beach, FL, encouraged the City to continue to pump their retention pond as long as possible; there has been some misimpressions on your

part by some of the information that was provided and that the person who told the City Manager that the neighborhood is in favor of an HOA does not live here, he rents his property and it has not been discussed; there are only six houses impacted by this and the others do not flood because they are on a dune; she pointed out that some house do not border the pond; there are some neighbors that are in their eighties and nineties on fixed incomes; the numbers that we got from the City for this great pumping project was \$1.3 to \$2.75 million and we do not have that kind of money; the houses are not even worth that much and it does not make sense; some of the history is getting overlooked; we have a private pond on private property because our houses are old; there were condos built between her neighborhood and the tennis courts and everyone thinks that they took a low spot in the land and dug it out and all the water drains there from the condos and probably from our neighborhood; there is no outflow so we are stuck with all this water and our climate problems and there was no government entity; now when you have a neighborhood that is being built you need to have permits and the developer pays for things; our problem is that no one was looking out for us at that time; our storm system is not public because whoever was running the government did not make it public and did not check on the developer, they just left us with this problem all these years later; it does not feel fair to us at all that we have a private pond and you cannot help private people, which is a huge problem for us because we are going to get flooded and we do not know what to do; it is a horrible problem and she needs the City to understand that there are six families and her neighbor is ninety-two years old; she understands that there are legal issues but she needs the City to have a little heart for the people who live here; we are trying to figure this out but we do not have a solution that works.

Mayor Samora thanked Ms. Lauroesch and advised that he pulled up a map and there are twelve properties that surround the pond in Sabor De Sal.

Nicole Miller, 214 12th Street, St. Augustine Beach, FL, said that we are an old City with pre-rule permitting on a barrier island and the water table is not getting lower; these issues will continue to face the Commission and that this is a great time to stress the importance that climate resiliency is not just physical, it is legal, financial and community resiliency; as a scientist and a resident these issues will continue to face our City and we should be forward thinking, preventative, and taking action to be agile when these problems occur; they will get more complex, more expensive, and have a greater impact on our town.

Mayor Samora closed Public Comment.

Mayor Samora said that he believed that the Commission had given direction to staff for the decisions that needed to be made. He said that he believed that the City would stay engaged to help the residents find a long-term solution and that he hoped that the City Engineering Director and Mr. Conkey could continue to meet with the residents. He said that this is "workshop" material, and whether they can form an HOA or not, there is a lot to navigate, but it is clearly time to start developing some kind of long-term solution. He asked the Engineering Director if he had everyone's contact information. Director Sparks said yes and that he would do whatever was needed to make an effort.

Mayor Samora said that if anyone wanted to meet with either himself or an individual Commissioner, their contact information was on the website.

Commissioner George asked, as a follow up to the Vice Mayor's question regarding if no HOA is formed, if there was ever the discussion of the possibility of a special assessment district for the project as an option. Mayor Samora said an engineering study would give us direction for what to do if the City performs the work and special assesses it back to the properties. Commissioner George said the only problem is how the City would come up with that money up front and that she did not know if that would be something that the City could bond a loan for.

Mayor Samora said that it is a large, complicated issue because of all the property owners, the nature of it, and the entities involved. He said that we could work through that in a workshop meeting, and he encouraged everyone to continue down that path. He said that the City has agreed to provide temporary relief, but we need to start homing in on a long-term, permanent solution that works for everyone.

Mayor Samora moved on to Item XIII.7.

6. Magnolia Dunes Subdivision Drainage Improvements: Review of Report (Presenter: Jason Sparks, Engineering Director)

This item was removed from the agenda.

7. Digital Plan Review: Report on Implementing (Presenter: Brian Law, Building Official)

Building Official Law advised that over the last several years he had been increasing his technology to get ready for this by purchasing digital plan review tables and moving their records to the Cloud with the help of the City Clerk, Finance Director, and the IT Director. We are at the point where we need to decide to move into full digital plan review. He advised that he included the State Statute, which basically tells him to move into digital plan review. There are other methods such as printing digital plans, but it voided the engineer's seal, which is one of his biggest concerns to make sure that documents are not modified. They currently handle that with the original copy being sent to his staff, we verify the signature, and print the verification page. He advised that he contacted three different companies, he met some at conferences, and the first company suited their needs and was also the lowest priced. He said that they are in a unique situation because we need to stay committed to our MCSJ software, which ties into the Finance Department's software, and any deviation from that would set us back another five years. He advised that this a stand-alone plan review software and the applicants would need to create logins, which appeared to be very easy to use.

Building Official Law asked that the City look at the State Statute because it may be time to move us forward. We are at the end of our fiscal year so we cannot do anything right now, but if we decide to move forward, we would utilize the Building Department's reserve, which is why the Commission did not see anything in the budget for it. He said that they are sitting very well with the budget and that he believed that they are where they need to be for the audit and would not have a repeat deficiency. He said that unfortunately the subdivisions are concluding, but we are slotted for some big commercial development next fiscal year and potentially the following year. We will have to pay for this, and the intent is not to run the Building Department Reserve to the end in case there is a housing recession. The Building Department is self-funded, and he would not want to ask the Commission to fund the Department. We are in excess of \$500,000 in reserve, we are fully staffed, and have all the vehicles we need.

Building Official Law advised that the Building Department would pay for it all up front and at that point the annuals will start at about \$22,000 a year, which he locked in for five years. He said that it would just be the Building and Zoning Department at this time, and after they roll it out, it would be instrumental to get Engineering and Public Works added at a \$1,000 per user. He said that it would be sole-sourced, that every company is a sole-proprietor with patents pending, that this was the cheapest and easiest, and the City's IT Director supported it. He advised that if this moved forward, that he would provide the Commission with a budget resolution next fiscal year and have the City Attorney and the IT Director review the contract.

Mayor Samora asked if the surrounding municipalities and the County Building Department had this type of technology. Building Official Law advise that the City of St. Augustine uses Tyler Technologies, which is 100% electronic submittal, but it is a disadvantage and once we start this

process, we cannot go backwards. He said that the County is doing what he is doing at this point, and they were contracting with Tyler Technologies, but they have a very complicated system.

Mayor Samora said that the Building Department would fund the implementation and he asked what the impact would be to the General Fund going forward. Building Official Law advised that over the past year, he and the Finance Director have been getting the budgets correct. Planning and Zoning has two employees, so everything would be "by-user", and if Engineering comes onboard, each user would be budgeted for in their annual subscription. The Building Division would have the most users, so it would pay the majority of it.

Mayor Samora asked if Engineering would want to use it. Director Sparks said yes, especially when we review the commercial developments and could probably extend it to our Capital Program as well. Mayor Samora asked if it was \$1,000 per user per year. Building Official Law said yes and then there is a \$15,000 annual fee. Mayor Samora asked if the Building Department would be paying for the \$15,000. Building Official Law said no, it would only be paying for the initial \$35,000 and afterwards the software would need to be divided between the total number of users and paid through each department. Mayor Samora asked if the City would need to invest in additional IT. Building Official Law said no, it is based off the Amazon Cloud service with no effect on our servers and that we would just have a direct link.

Commissioner Sweeny advised that the Statute says that we could allow people to email plans. Building Official Law advised that we need a review mechanism, and it is also an electronic submittal, which allows us to communicate with the engineers or the architects. Commissioner Sweeny asked if this was simply an upgrade and not because it says to do it in the Statute. Building Official Law said that it is mainly because of the Statute, and it is where we need to go at some point. He said that the wording changed a few cycles ago because it used to say that the Building Official may accept digital plans and now it says that the Building Official may accept hard copy plans. Commissioner Sweeny asked how long ago the Statute changed, if it would come up in an audit, and what the ramifications would be if we did not comply. Building Official Law advised that he did not think there would be any ramifications, but the City needs to move in this direction. He said that we are complying now because we are accepting digital printing, which the digital seal states that it is printable or valid. So, we get the digital sent to us and then we print the certification verification, plus it is becoming challenging to get the old-school raised seals. Digital plans really took off during Covid because everyone was working from home. Commissioner Sweeny said that she appreciated that you locked them in for five years and she asked if he was pretty confident that the price was as low as they would be willing to go. Building Official Law advised that he negotiated with them and also requested two other jurisdictions' contracts and we are right in line with them. He said that the key is that it is stand-alone software, which is the hardest part to find.

Mayor Samora said that it was mentioned in the memo that there would be a mechanism to raise permit fees to cover this going forward and he asked if that would only cover the Building Department's portion. Building Official Law advised that he and the Engineering Director have been working on a new fee schedule with Engineering, which would be instrumental with the stormwater. He said that the City would have a stormwater fee at some point but that new developments could also have a stormwater fee assessed with their review process. Right now, the City charges \$400 for a Clearance Sheet for the Zoning review, which is pretty close to other jurisdictions, but it could be changed by resolution. He said that he did not include it because he really does not want to raise his permit fee from \$15 to \$25 at this point but if his Reserves start dwindling, that he would not let them get to \$100,000 because he needed to be able to fund the Building Department.

Commissioner Sweeny asked what other jurisdictions charge. Building Official Law advised that we charge a little more than the County, but it is all based on volume, and when the County is turning out hundreds of houses a month, it can keep the fees low. He advised that that is why they passed that law so that Building Departments could not sit on twenty years of Reserve money. He said that we are valuing the buildings lower than the International Code Council, which is the basis for all building codes and the City of St. Augustine only uses that. We only refer to it once in our fee schedule for hotels, we are lower than the national average, and we have enough money, so why increase the fees.

Commissioner George said that she did not love the idea, but obviously it is convenient for a lot of people, and she liked the character of the old-school ways. This would also mean a permanent ongoing cost and if we could offset that with the additional revenue from the application fees, then that would provide reciprocity because someone else that is benefiting from the convenience of the service would be helping to pay for it. She said that in the end a large portion of it seemed like it could be a wash. Building Official Law said that it is just the cost of technology and once we start this process, we cannot go back, it would need to be at one hundred percent once we are up and running. He said that at some point we might have to scan their documents and we would need to develop some sort of fee.

Commissioner George asked if it would also affect individual homeowners that might come in for a fence permit with their own sketches. Building Official Law advised that anything structural would normally come from a designer but that everything would still go through the plan review process. He said that the homeowners could also scan but a large format scanner would be needed for anything over 2x3 foot. Commissioner George asked if it would be open and free to anyone submitting plans. Building Official Law said yes, all they do is create a free login account.

Commissioner Sweeny asked if there were certain standards and formats for how it would need to be scanned such as could a photo from a cell phone be uploaded and used. Building Official Law said probably not because it would need to be scanned as Adobe PDF. He said that the building codes have reduced the government's ability to do certain things and to rely more on State certified designers.

Engineering Director Sparks asked if we would be married to this program forever. Building Official Law advised that he spoke to the company about that and even though this would satisfy record retentions, we are still committed to Laserfiche as a City, and we would move the documents digitally. We are well within our rights to cancel, we would make sure that our contract states that, and we are also entitled to all the documents and digital files, which was very important.

Commissioner Sweeny asked if he spoke to any other cities using this software to see what their experience has been. Building Official Law advised that he spoke to the two entities that he received the contracts for, and they love it. Commissioner Sweeny asked about their customer support and whether they charge fees for it. Building Official Law advised that it would be very similar to the MCSJ software that we use now. If they do an upload and nothing works, we would call them, they would take remote control of the computer to fix it, and he has never incurred a cost from MCSJ.

Mayor Samora said that he loved technology and he agreed that there had been a huge push Statewide to go to digital plan review. He said that the reason the Statutes are written the way they are is because not every jurisdiction can afford it. He said that we would probably be a leading municipality in the State by going this route, which puts us ahead. He said that he is trying to balance it, and if nothing changes in our City, we will have fewer and fewer permits that require this type of plan review software because big projects are coming to an end within our City boundaries right now. He said that his biggest concern is the budget, and it may be another piece

of software that we sign up for and then we are stuck with it just like the body cameras and at some point, there would be an upgrade needed for the software. As we get more and more staff using it that are outside of the Building Department's budget, it would fall on the General Fund.

Mayor Samora asked to come back with a more thorough review of what this would look like from a budget standpoint moving forward over the next three to five years such as user fees, software/hardware upgrades, etc. Building Official Law advised that he could answer most of that right now. He said that if we stick with seven users, you would be looking at a ballpark \$6,285.81 out of the General Fund for the two Zoning members/users out of the \$22,000, which is based on a linear scale of that \$22,000. The digital plan review tables that we bought last year, which are estimated to have a ten-year life span, cost \$15,000 but smaller plans could be reviewed on a standard monitor. Mayor Samora asked how many plan review tables there are. Building Official Law advised that he bought two, one is in his office since he does the majority of the big projects, and the other is set up in his back-office area for Engineering, Public Works, and the Plan Reviewer to use.

Vice Mayor Rumrell asked what happens in five years when we are stuck with a system and they could start dictating what they want to charge us, and if not, then we would have to go to another system. Building Official Law said that unfortunately we are at the mercy of every company, so that is why he was adamant that after so many years, we should go shopping. We would be remiss not to be looking every three to five years and we would be at the mercy of the cost. He said that if we have to abandon it because we find software that suits everyone's needs, then we would be remiss not to take the deal. He said that he did not ever expect that costs would go down and that he would be looking at something like Tyler Technologies in the future. He said that is why he wanted the rate to be locked in for five years but not for the City to be locked in for five years. He said that if the Building Department is using it more than anyone else, then he would not be opposed to the other Departments just paying for their users because the Building Department could adjust its fees.

Mayor Samora asked when he would want to move forward with it. Building Official Law advised that the reason it is on the agenda today is because next month is the new fiscal year. We would need to get a budget resolution in and have the contracts reviewed, but he would not expect implementation to be in three months. He said that he would not raise fees until he received reports from the auditors, but that they would track it, and if there are big projects next year and they are funding it, then let's leave everything the same.

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

Mayor Samora advised that he would still like to see a more thorough budgetary analysis on it. He asked for Commissioner comments.

Commissioner Morgan said that she liked the idea of moving forward with the technology but that she shares the same concerns that other Commissioners have said. She said that we have the capability of scanning things that people bring in on paper and she would not want to be in the situation where we would not accept it if someone walked in with paper. Building Official Law advised that he would always accept walk-ins and that he is not expecting any huge issues. Most of the designers that he deals with have been asking for this. Commissioner Morgan said that the regular users are probably anxious for this platform, but she did not want to exclude the people who are not. Building Official Law advised that he would never exclude a permit.

Vice Mayor Rumrell asked if we would be able to get out of the contract. Building Official Law advised that he would make sure of it before signing anything and that this was just information gathering.

Mayor Samora asked if he had a contract that the City Attorney could review. Building Official Law advised that their standard contract is in the agenda packet and that he would like the IT Director to review it as well.

Commissioner Sweeny said that she would like the City to be tech-forward, but it seemed like we are constantly charging things to the Building Department and at some point, it might run dry. She said that the Building Official said that there is no going back from moving to digital and she is a little nervous about that, especially in light of the last budget discussion and whether this is "a want or a need". Building Official Law said that his dilemma is whether the State Statute is telling us to do this. He said that the State is pretty clear on it, and we could accept Adobe PDFs, but we cannot review by it because we are not set up for that and we are not set up for the transmittal of the documents. Actually, we probably could not accept a full submittal because our email is limited to twenty-five megabytes.

Vice Mayor Rumrell asked what would happen if the Statue changed. Building Official Law said that it would not go backwards.

Mayor Samora questioned whether this was the right time for us, which is the decision we are faced with as the budget comes to a head and that is why he is asking to bring back a budget analysis. Building Official Law advised that he would bring back something showing the breakdown per department, the five-year estimate, the user fees, etc. and that they currently do about 1,400 to 1,500 permits a year. Mayor Samora asked if the 1,400 to 1,500 annual permits included things that do not go through a plan review. Building Official Law said yes that it was the total amount of permits because the State says that you cannot perform plan review on certain things such as re-roofing, re-piping, water heaters, air conditioning, etc.

Commissioner Sweeny asked how many plan reviews are done. Building Official Law advised that it is in his monthly reports, which he did not have in front of him but that he could pull it up online. Mayor Samora advised that he could bring that information back as well. Building Official Law showed his reports and said that he has been able to track the permits since they started using the MCSJ program in 2019 and for that FY 21 there were around 700 plan reviews. He said to keep in mind that a plan review could be a window replacement that would be on 8.5x11 paper, which still takes time, but they would be reviewed at the Plan Reviewer's desk. That is why he does not have opposition to having the Building Department paying outside of the linear scale.

Commissioner Sweeny asked if this would provide any efficiency in operations for staff. Building Official Law advised that that was the intent and that the Building Department took over the scanning of its own documents in preparation of everything and now we would not have to scan except for those that walk in. He said that when he reviews something that he may have eight or nine comments that he puts in MCSJ, then staff gets it and usually emails the contractors, but now contracts could go directly to it and make amendments, which would speed up the transmittal times. He said that he would not expect any initial time savings for reviewing the plans because he is not going to change his interpretation of the Code. He said if he had a problem with a plan, he would contact the engineer, and it would be corrected with signed/sealed documents. He described how the plan review process worked.

Mayor Samora asked the Building Official to bring back the other information to the Commission. Building Official Law advised that he would speak to the company about the contract and make sure that it is the exact contract that they want to propose to us and that he would also have the contract reviewed prior to the next meeting. Commissioner George said to look for hidden fees such as for public records requests, etc. Building Official Law said that if we have the plans digitally through Laserfiche we do not really charge. Commissioner George said that the comments would

be in the software. Building Official Law advised that ours can currently be viewed and printed through our user portal.

Mayor Samora moved on to Item XIII.8.

8. City Charter: Discussion of Starting the Process for Its Review (Presenter: Max Royle, City Manager)

City Manager Royle advised that the Charter Review is done every ten years and that he outlined the process, which the Commission could choose to follow, or you may have other ideas. What we have done in the past worked pretty well but the key questions would be who to appoint and whether you want to have a facilitator.

Mayor Samora asked if any of the Commissioners were around for a Charter Review. Commissioner George advised that she was, and she thought it worked well and was a good cross sectioning of the community. She said it always helps to have a facilitator, but it would be ideal if we could do it in-house to save the resources and have someone that knows the City.

Mayor Samora asked if the facilitator could be one of the Committee members. City Manager Royle said yes it was done that way for the first review. Commissioner Sweeny asked how the City gets the applicants. Commissioner George said that she believed that everyone selected someone. She said that we could put out the word or everyone could bring two nominees and we could collectively appoint one, and then we could select two among the other five. Commissioner Sweeny asked if the applicants would need to have any particular skillsets or traits. Mayor Samora said that they just needed to be a resident. City Manager Royle said that he believed that if they are currently serving on another City board, that they could not serve on this board. City Attorney Blocker agreed. Commissioner George said that a former board member or commissioner could be appointed and that it would help to have some understanding of the mechanics of the City and the contents of the Charter. She advised that staff would provide background information on the Charter amendments that were considered in the past, the Committee would come up with a list of suggestions, and then the Commission could add to the list or prioritize it. The list would then be sent back to the Committee for them to prepare draft language with the help of staff and the City Attorney, which would then go back to the Commission for any revisions and approval. Mayor Samora advised that it would then go on the ballot to be voted on. Commissioner Sweeny asked if there were public meetings held for it. Commissioner George said yes, there were round table meetings held at City Hall. She said that the Committee would also be subject to the Sunshine Law.

Mayor Samora asked if Commissioner George felt the need for an outside facilitator. Commissioner George said that she did not recall having an outside facilitator the last time. City Manager Royle advised that Ms. Marilyn Crotty was the outside facilitator last time.

Commissioner Morgan said that someone appointed to the Committee may fit the bill and be willing to be the facilitator. Commissioner George agreed with that approach and that the Committee could notify the Commission if they feel the need for an outside facilitator. Mayor Samora said that Ms. Crotty did a lot of professional cleanup using her experience and that the Charter definitely needed a fresh set of eyes after ten years. City Manager Royle advised that there may be no changes. Commissioner George advised that everything is not out of date like it was back then, which made it a huge project.

Commissioner Sweeny asked if individual Commissioners were allowed to propose changes. City Manager Royle and Commissioner George said yes. Mayor Samora asked if individual Commissioners could participate in the workshops. City Manager Royle said yes, as attendees but not on the Board. City Attorney Blocker agreed.

Vice Mayor Rumrell requested that the City try to get it on one of the ballot dates because it is cheaper to do it while there is an election. Commissioner George advised that that is the way that it had always been done. Commissioner Sweeny said that the Legislature passed for other ballot initiatives that they must go on the General Election, and she asked if this was that way too. City Attorney Blocker advised no because it is not regarding taxes or specific revenue increases. Commissioner George said it is also because of ballot space. Commissioner Sweeny said that she was concerned because a lot less people tend to vote in the Primary Election. Commissioner George advised that we could get the word out on the website, Facebook marketing, etc. and leave it up to the citizens to help spread the word.

Vice Mayor Rumrell said that the only thing in our favor is that it is a Presidential election year, so we may get more than average voters. Mayor Samora said that the Supervisor of Elections could probably provide guidance. Commissioner Sweeny said that she assumed that staff had already talked to the Supervisor of Elections and that if she did not bring it up, then it must not be an issue.

Mayor Samora asked what the timeline was to get through this process in time for a primary ballot. City Manager Royle advised that the process and the dates are outlined on Page D of his memo. Mayor Samora said that it is an aggressive schedule but that he believed it could be met. Vice Mayor Rumrell said that there probably would not be as many changes as the last one and that it would be more of a quick update with a second set of eyes on it.

Mayor Samora advised that there was a past Committee member in the audience and he asked if Mr. Binder would like to weigh in on it for Public Comment.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, advised he was on the last Committee nine years ago with Henry Dean, Ron Brown, Ed George, etc., which was a good Committee and there was one person that had served on the previous Committee ten years before. He said the facilitator was needed because it was a major job and that she kept everyone in line. He said they dealt with one topic per meeting, talked it through, and she did a write up. At the next meeting they would review her writings and move on to the next topic, which was not as aggressive as the schedule that has been laid out here. He advised they did some smaller things for the August primary, bigger things in November, and there were not a lot of State bond issues that tied them up. He said it was an eight-to-nine-month process all the way through and he would suggest having a facilitator but the one the City had in the past is not available.

Mayor Samora thanked Mr. Binder for his insight because it is helpful to hear from someone who has been through it. Vice Mayor Rumrell asked how many meetings they had. Mr. Binder said that the meetings were once a month and that there were probably about ten meetings. He said that at the end, the Committee made a bunch of suggestions and that the Commission was adamant about the language regarding the Police Department because there were issues at that time, and it was the only thing that was turned down. The language was written in a way that it would do away with the Police Department and the voters said no.

Mayor Samora asked Mr. Binder if he thought that the task would be as large as the last review. Mr. Binder said no. Commissioner George agreed. Vice Mayor Rumrell asked if he felt that the timeline would be okay. Mr. Binder suggested to have some things for August and others for November. Commissioner George said that the big issue that she pushed that year, and is very proud of, was the building height.

Mayor Samora said that it sounded like we want to move forward with the same type of process and an aggressive timeline. He suggested for the City Manger to try to get together the names of potential facilitators. City Manager Royle advised that he already had a couple of names but some

of them are farther away and he would check to see if the nearby person would be available and what his fee would be.

Mayor Samora said that we should have the nominees at the October Commission meeting. Commissioner Sweeny asked if we should put something on social media asking if anyone is interested. Mayor Samora said that he thought it would be a good idea. He asked the City Manager to think about the process because we always seem to struggle with the procedures for voting on those positions as far as selecting the other four Committee members.

Commissioner Morgan asked if each Commissioner should bring a certain number of names. Commissioner George said that she believed that was a good approach and that there would be plenty of names if we each came with our own hierarchy in mind because she knows five people right now that she would love to appoint.

Commissioner Sweeny asked if County or City employees would be allowed to be nominated. City Attorney Blocker said that he did not believe that it would be a problem but that he would need to confirm it. He advised that most importantly, they would need to be a City resident and a voter. City Manager Royle said that Henry Dean might like to serve on the Committee again. Commissioner George asked if that would be a problem because Mr. Dean is an elected official for the County. City Attorney Blocker said that he would check on it. Commissioner Morgan said that the Committee would just be in an advisory capacity. City Attorney Blocker agreed.

Mayor Samora asked the City Manager if he had enough direction from the Commission. City Manager Royle said yes.

Mayor Samora moved on to Item XIII.9

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

Mayor Samora asked if the Commissioners had a chance to review the evaluations. He advised that we are not going to discuss the actual self-evaluations but more so the way we are going to go about our evaluations of the individuals. City Manager Royle agreed. Mayor Samora said that over the next few months, we should be able to meet individually with the Chief and City Manager, do our evaluations, and put them on record at a meeting. Vice Mayor Rumrell said that they were submitted. Mayor Samora said that they should be submitted but that his intention was to afford them the same thing that they have to do for their employees. He said that everyone deserved to have feedback on how they are performing in their job, and this is our chance to express that to each of them. He said that he did not know if the Commission would want to decide right now on a unified form to use but that the City Manager provided samples of the forms that were used in the past as well as new forms. He said that he was fine using the form that we used the last time.

Vice Mayor Rumrell said that he looked back at the minutes and that we all seemed to agreed on the second form, which he believed was the original. Commissioners Morgan and Sweeny said that they liked the evaluation form with the one through five ratings. Vice Mayor Rumrell said that we could use the same form for both the Chief and the City Manager. Mayor Samora agreed to use that evaluation form.

Mayor Samora said that he is good with a timeline of the December or January meeting.

It was the consensus of the Commission to go with the January meeting.

Mayor Samora said that he appreciated both the Chief and the City Manager getting their self-evaluations done, which would provide the Commission with a nice format to talk through.

Mayor Samora asked the City Manager if he had the direction that he needed. City Manager Royle said yes.

Mayor Samora moved on to Item XIV.

XIV. STAFF COMMENTS

Engineering Director Sparks advised that they did not do Magnolia Dunes or Atlantic Oaks and that it is early in the process of the scenarios that the consultant provided, but it is progressing along. He advised that there are a couple of options that they would be looking at closer.

Mayor Samora asked for an update on Ocean Hammock Park. Director Sparks advised that they were working on it today and that we got the Certificate of Completion from the Department of Environmental Protection for the wastewater pump station. He said that it reopened last Friday before the Labor Day weekend, and the restrooms are also open but that the Building Official was still waiting on the last piece of information to wrap things up on his end. He said that the review is underway for the Park to go from active to passive and that he is working with Melanie Orozco from the Florida Recreation Development Assistance Program (FRDAP) and that he was just waiting to hear back from her. He said 2nd Street is coming along and he anticipated some paving from A1A to the end of the extension by the end of this month. He advised that everything is in the design phase and that he met with two people to work on an easement on their properties. He said that Phase 1 would be ready to go to bid for A Street parking at Jack's BBQ.

Vice Mayor Rumrell said that he was contacted by Ms. Hatin regarding the Sea Oaks pond, which has issues because the City has not done anything for quite some time and that we had talked about having Lake Doctors clean it out and he asked whether or not a bid was ever requested for it. Director Sparks advised that he talked to Assistant Public Works Director Adams about it and that he was going to follow up with them. Public Works Director Gatchell advised that he had not heard back from them yet and that they would not be cleaning it up, they would just be spraying it. Vice Mayor Rumrell said whatever Lake Doctors could do to take care of the muck until we figure out what we need to do to maintain them. He said that he believed that there were two ponds and that one abuts the Ocean Ridge subdivision and that a lot of their silt was running into the drainage. Building Official Law advised that it did not go to Code Enforcement at that point because he reached out to the builder who met with someone from Public Works. He advised that they have a hold in place on their Certificate of Occupancy until engineering is satisfied that it is cleaned up. Engineering Director Sparks said that he had a proposal to get an estimate of what it would take to bring those ponds up to current day standards as well as an opinion of probable cost and the contractor's efforts. Vice Mayor Rumrell asked to try to get the Lake Doctor's quote back sooner than later to help make the residents feel better that we are doing something.

Mayor Samora said that he liked the new report format the Engineering Director Sparks is using, which does a nice job of conveying information.

Public Works Director Gatchell advised that he would reach out to Lake Doctors again regarding those ponds but otherwise Public Works is doing good.

Commissioner George asked if the work to clean out the ditches along 11th Street was complete. Director Gatchell advised that 11th Street was complete but that they have not come back to do Mickler Boulevard, Pope Road, or 16th Street yet and that he heard that their equipment was in the shop. Vice Mayor Rumrell asked if they were able to purchase the piece of equipment from the County. Director Gatchell advised that the County donated a Gradeall, but that they needed to do more training on it.

Police Chief Carswell advised that the Police Department had a mock assessment for Accreditation, and we invited three certified assessors from the Commission for Law Enforcement

to review our policies, personnel, vehicles, etc. and other than one minor tweak to our interview room, we were one hundred percent in compliance. He said that he would like to recognize Meghan Warman and Jackie Parrish who did a great job preparing our agency and that we are looking to be one hundred percent in compliance in November when we go through the real assessment.

Mayor Samora asked how National Night Out was going. Chief Carswell said that it is being held October 3rd from 5:00 p.m. to 8:00 p.m. at the Pier and that he hoped to see everyone there and that there would be a lot of bikes to give away to the kids.

City Manager Royle advised that the Finance Director got her master's degree in public administration. The Commission congratulated Finance Director Douylliez. City Manager Royle asked if the Commission would want to have an official ribbon cutting ceremony for the Ocean Hammock Park restrooms. The Commission said yes. City Manager Royle asked if there was any particular day or time.

Discussion ensued regarding a date and time for the ribbon cutting.

It was the consensus of the Commission to have the Ocean Hammock Park restroom ribbon cutting on Wednesday, October 4th at 4:00 p.m.

Mayor Samora reminded everyone that SEPAC would be meeting at 6:00 p.m. on Thursday at City Hall and then Planning and Zoning meets on Tuesday, September 19th at 6:00 p.m. and that the Publix remodel would be one of their topics, which had a pretty decent turn out at the Publix workshop meeting this morning. He advised that the Commission's final budget meeting will be on September 25th at 5:00 p.m., its next regular meeting will be October 2nd at 6:00 p.m., and then National Night Out is on October 3rd.

Mayor Samora moved on to Item XV.

XV. ADJOURNMENT

Mayor Samora asked for a motion to adjourn.

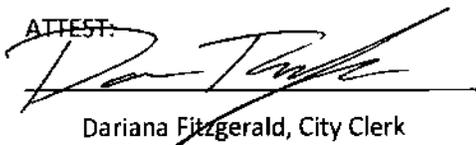
Motion: to adjourn. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

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



Donald Samora, Mayor

ATTEST:



Dariana Fitzgerald, City Clerk

Proclamation

WHEREAS, in order to secure the blessings of liberty to themselves and their posterity, our Founding Fathers ordained and established a Constitution for our new nation, signing it on September 17, 1787; and

WHEREAS, it is imperative that all Americans understand and appreciate the provisions and principals included in the Constitution of the United States in order to better support, preserve and defend it; and

WHEREAS, each year, on the anniversary of the enacting of the Constitution, we honor the framers of the Constitution as well as the glorious nation built upon the foundation they provided; and

WHEREAS, this annual observance also serves as a time for all citizens to hold dear and celebrate the rights, privileges, and responsibilities this document affords to us as Americans; and

WHEREAS, without the Constitution, the supreme laws of the United States, "We the People" would not be guaranteed our many freedoms or the benefits of a "government of the people"; and

WHEREAS, this September, the Regents Council of Northeast Florida, Daughters of the American Revolution, will join in the national celebration of the United States Constitution.

NOW, THEREFORE, BE IT PROCLAIMED, by the Board of City Commissioners of St. Augustine Beach, Florida, that September 17th through September 23rd, 2023, be designated as

Constitution Week

PASSED AND ADOPTED by the City Commission of the City of St. Augustine Beach, Florida, this 11th day of September 2023.

Mayor Donald Samora

ATTEST:

City Manager Max Royle

Exhibit A
Date 9-11-2023

Max Royle

From: Brenda Swann <brenda@historiccoastculture.com>
Sent: Tuesday, September 5, 2023 5:00 PM
To: Max Royle
Cc: Christina Parrish Stone
Subject: Grant requirement question

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

Hi Max,

We are looking at a \$750,000 preservation grant from the National Park Service for continuation of the Beach Hotel building renovations. Here's a link for more information about the grant opportunity: <https://www.nps.gov/subjects/historicpreservationfund/african-american-civil-rights.htm>.

If awarded the full \$750K, the grant would require that a historic preservation easement be executed with the State Historic Preservation Officer to maintain the building in a manner consistent with the Secretary of the Interior's Standards for Historic Preservation for a period of 20 years. If awarded between \$250,000 and \$500,000, the easement would need to be for a period of 15 years. It's a great opportunity for funding, and this project fits the grant priorities very well.

Do you think the City would be willing to consider a historic preservation easement? The grant application is due October 10, and of course we'd prefer an answer before then. We don't have to have an easement (or an answer from the City) to apply. If we can't get an answer before the application deadline, we will consider whether or not to invest time and energy into applying before we get our answer.

Thanks!
Brenda

Brenda Swann
Associate Director

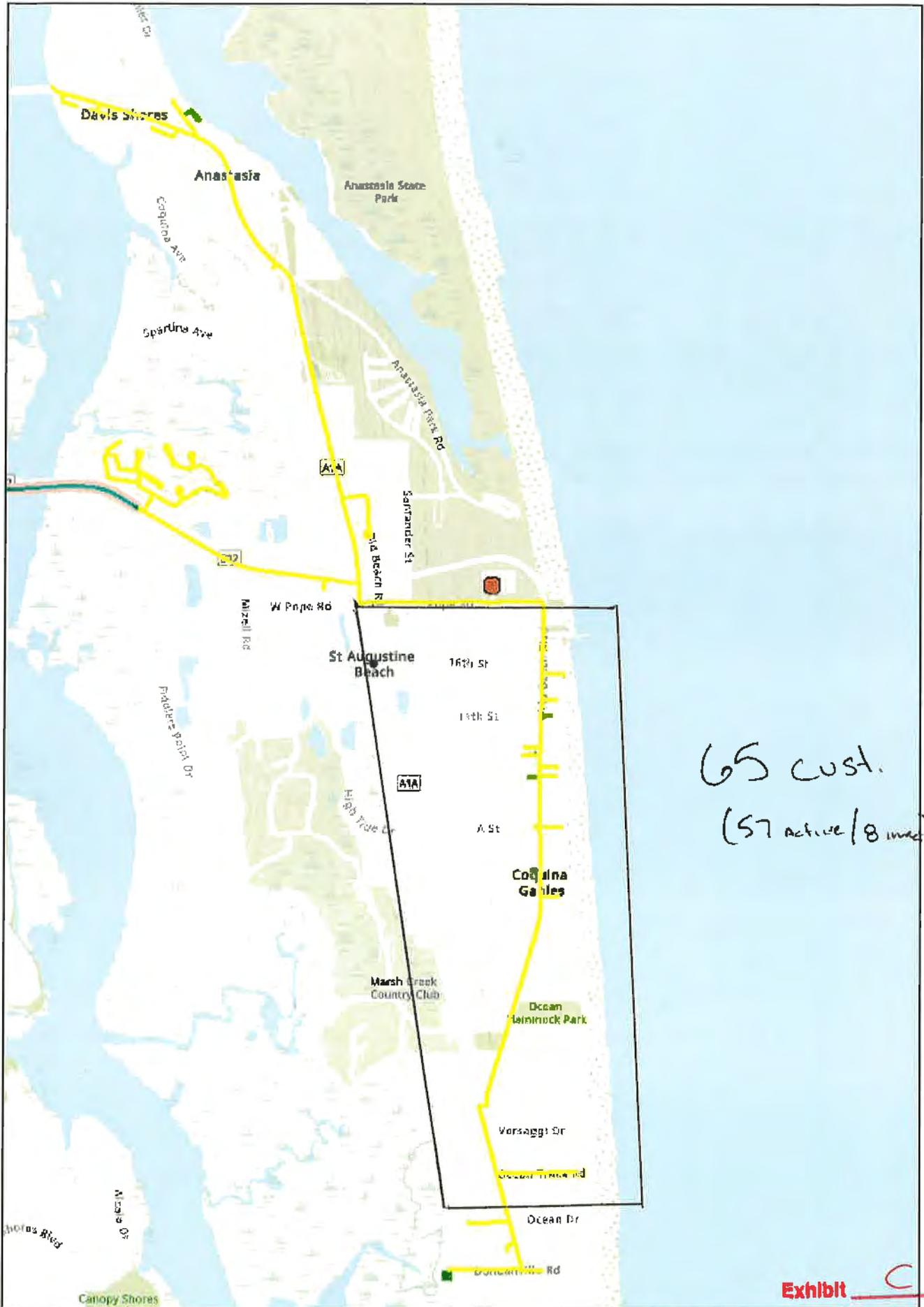
St. Johns Cultural Council
184 San Marco Avenue
St. Augustine, Florida 32084

brenda@historiccoastculture.com

o: 904.808.7330 c: 904.599.8663

The Waterworks Office Hours: Tuesday - Thursday 10am - 5pm and Friday 10am - 3pm

Exhibit B
Date 9-11-2023



65 cust.
 (57 active / 8 invs)

Exhibit C

Date 9-11-2023