



## **AGENDA**

**REGULAR CITY COMMISSION MEETING  
MONDAY, FEBRUARY 5, 2024, AT 6:00 P.M.**

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

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### **NOTICE TO THE PUBLIC**

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

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

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

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

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES OF THE COMMISSION MEETING ON JANUARY 8, 2024
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA
- VII. PRESENTATIONS
  - A. Interview of Ms. Sarah Ryan for Position of Junior Alternate on Comprehensive Planning and Zoning Board
  - B. Report by Ms. Melinda Conlon, City's Events and Communications Coordinator, About the City's Holiday Season Events
- VIII. PUBLIC COMMENTS

IX. COMMISSIONER COMMENTS

X. PUBLIC HEARINGS

1. Ordinance 24-01, Second Reading, to Amend Section 3.02.05 of the Land Development Regulations Pertaining to Parking Regulations for Special Events for Business/Promotional/Sales Permits on Privately-Owned Property in a Commercial Land Use District (Presenter: Jennifer Thompson, City Planner)

XI. CONSENT

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

2. Resolution 24-01, to Have Canvassing of Vote-by-Mail Ballots for the March 19, 2024, Presidential Preference Primary Election Done by the St. Johns County Supervisor of Elections

XII. OLD BUSINESS

3. Adoption of St. Johns County Amended Beach Code (Presenter: Chief of Police Dan Carswell)

XIII. NEW BUSINESS

XIV. STAFF COMMENTS

XV. ADJOURNMENT

**NOTICES TO THE PUBLIC**

1. **SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE.** It will meet on Thursday, February 8, 2024, at 6:00 p.m. in the Commission meeting room.
2. **CHARTER REVIEW COMMITTEE.** It will meet on Wednesday, February 14, 2024, at 6:00 p.m. in the Commission meeting room at City Hall.
3. **CITY HOLIDAY.** It is Presidents Day, Monday, February 19, 2024. CITY OFFICES CLOSED. Residents scheduled for household waste pickup will have service on Tuesday, February 20<sup>th</sup>. Residents scheduled for pickup on Tuesday will have service that day.
4. **COMPREHENSIVE PLANNING AND ZONING BOARD.** It will hold its monthly meeting on Tuesday, February 20, 2024, at 6:00 p.m. in the Commission meeting room. Topics on the agenda may include: a) request for approval to remove three trees that exceed 30 inches in diameter at 322 Ridgway Road; b) continuation of request for the following variances at 56 Willow Drive 1. to exceed the maximum 18-foot width for residential driveways in City rights-of-way to allow an additional 12-foot wide paver driveway, 2. to exceed the 40% maximum impervious surface ration coverage allowed in a low density residential land use district, 3. to allow 45.7% impervious surface ratio coverage for the additional 12-foot wide paver driveway; c) request for variance to reduce the rear setback from 20 feet to 7 ½ feet at 2-B F Street; d) to add the definition of a driveway to the Land Development Regulations.

**NOTE:**

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

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

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



## MINUTES

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

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

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I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

The Commission recited the Pledge of Allegiance.

III. ROLL CALL

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

Also present were City Manager Max Royle, City Attorney Charlie Douglas, 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. SWEARING IN OF MAYOR AND VICE MAYOR FOR 2024

- Mayor Dylan Rumrell
- Vice Mayor Beth Sweeny

City Attorney Douglas swore in Mayor Rumrell & Vice Mayor Sweeny.

Mayor Rumrell gave his thanks to his family for their support, fellow commissioners for giving him the opportunity to serve as Mayor, and vowed to continue working hard for the residents and employees of the City.

V. APPROVAL OF MINUTES OF THE COMMISSION MEETING ON DECEMBER 4, 2023

**Motion:** To approve the minutes of the regular Commission meeting on December 4, 2023.  
**Moved by** Vice Mayor Sweeny, **Seconded by** Commissioner George. Motion passed unanimously.

VI. ADDITIONS OR DELETIONS OF THE AGENDA

City Manager Royle noted two additional documents provided to the Commission for Item 2 [Exhibit A] and Item 6 [Exhibit B].

VII. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

**There were none.**

VIII. PRESENTATIONS

**There were none.**

IX. PUBLIC COMMENTS

The Mayor opened Public Comments.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, asked about the holiday lights that used to be on the light poles; suggested that the City should have nicer looking trash cans; stated that the trash can at Ocean Hammock Park doesn't have a lid and the animals get into it; mentioned possibly a security camera around the second bench on the boardwalk, since that's seem to be where the most beer bottles/cans seem to end up; maybe having a cleanup of vines on trees; consider lowering the speed limit on SR-A1A.

City Manager Royle stated that the removal of the holiday lights was due to an FPL (Florida Power & Light) policy change, since they own all the light poles. They have since apparently changed or rescinded that policy and the City is in negotiations to have the lights back up this year.

The Mayor closed Public Comments and moved to the next item.

X. COMMISSIONER COMMENTS

The Mayor asked for any Commissioner Comments.

Commissioner George wished everyone a happy new year and stated that she was excited for the leadership this year.

Vice Mayor Sweeny wished everyone a happy new year as well and thanked her fellow Commissioners for entrusting her with the role of Vice Mayor.

Commissioner Morgan noted that County schools will be dismissing an hour earlier on Tuesday due to the incoming weather and advised people to be prepared and aware of the forecast.

Mayor Rumrell again expressed gratitude for being appointed as Mayor. He thanked the Police Department, Public Works Department, and everyone else involved for helping to make Beach Blast Off run smoothly.

The Mayor closed the discussion and moved to the next item.

XI. PUBLIC HEARINGS

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

Building Official Law stated that the ordinance was passed on first reading in December, there had been no changes since then, and this has to be done every three years by State Statute.

The Mayor asked for any public comment. There was none.

City Attorney Douglas read the Ordinance's preamble.

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

The Mayor closed the discussion and moved to the next item.

XII. CONSENT

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

**There was none.**

XIII. OLD BUSINESS

2. Parking Improvements between A and 1<sup>st</sup> Streets, West Side of A1A Beach Boulevard: Request to Un-Table the Item, Review Proposal, and Consideration of Budget Resolution 24-01 (Presenter: Jason Sparks, City Engineer)

Engineering Director Sparks reported that he had contacted the County about piggybacking on their 22-112 contractor contracts and he noted the four options and costs he received from one of those contractors [Exhibit A]. He stated that the asphalt, concrete, and drainage option was the preferred option based on the initial capital expense. However, staff recommends the brick paver parking with concrete drive option, which would have better aesthetics and would be easier for staff to maintain without contracting out.

Commissioner Sweeny asked if the brick option would be pervious pavers. Director Sparks replied that they would be solid since pervious pavers would increase costs and require more maintenance.

Mayor Rumrell asked how thick the concrete would be. Director Sparks stated six inches, along with a layer of concrete three and 1/8 inches thick under the pavers.

Director Sparks stated that for the brick paver/concrete option, we would need a budget resolution.

Commissioner George asked what the timeline would be. Director Sparks stated that it would be 120 days from Notice to Proceed or Purchase Order issuance.

Mayor Rumrell asked if the contractors were here and wanted to comment.

Howard Rose, G & H Underground & Construction, 2315 Dobbs Rd, St. Augustine, FL, in response to questions from the Commission stated that the project would take 120 days; that the route would be unusable at times due to the extensive drainage work going down the center of the lot; that there may be a slight interruption to the business, and they may need to shut down portions of 1<sup>st</sup> Street or A1A Beach Boulevard for a limited period of time only as necessary.

The Mayor asked for any public comment.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, asked if the owner of Jack's BBQ was involved in the discussion.

Brud Helhoski, Owner of Jack's BBQ, gestured from the audience that he was present and okay with the project's discussion.

The Mayor closed public comment.

**Motion:** To remove the item from the table. **Moved by** Vice Mayor Sweeny, **Seconded by** Mayor Rumrell. Motion passed unanimously.

**Motion:** To reject the original bid from GRSC, Inc. **Moved by** Commissioner George, **Seconded by** Commissioner Samora. Motion passed unanimously.

**Motion:** To accept the revised proposal from G & H Underground & Construction. **Moved by** Commissioner George, **Seconded by** Vice Mayor Sweeny. Motion passed unanimously.

Finance Director Douylliez stated that we would also need a budget resolution to move \$94,000 from ARPA, which would make a total of \$281,000 assigned for this project.

**Motion:** To approve Budget Resolution 24-01. **Moved by** Vice Mayor Sweeny, **Seconded by** Commissioner George. Motion passed unanimously.

The Mayor closed the discussion and moved to the next item.

3. Magnolia Dunes/Atlantic Oaks Circle Drainage Improvements: Request for City Commission to Approve Direction Requested by Staff (Presenter: Jason Sparks, City Engineer)

Engineering Director Sparks stated that this project was discussed back in October when it was in the pre-design study phase. In order to move forward with design and permitting, the Mayor will need to sign the draft memo included in your books stating that the City has reviewed the pre-design study and would like to move forward.

He reviewed the options for water outfall from Magnolia Dunes and stated that these options would be explored further during the design and permitting process. He noted that Atlantic Oaks Circle had some existing infrastructure, but it has deteriorated and reached the end of its useful life. He stated that he is in the process of scheduling meetings with FDOT (Florida Department of Transportation) to discuss use of their systems.

Mayor Rumrell asked if this would include Serenity Bay. Director Sparks replied that it would not, since Serenity Bay has its own privately maintained system.

Commissioner Morgan asked why the inter-office memorandum between staff and the Mayor was required. Director Sparks replied that it was part of the original grant agreement, which was discussed by his predecessor and the original DEP (Department of Environmental Protection) grant manager, so he and the current DEP grant manager are unsure of the intention behind it.

The Mayor asked for any public comment. There was none.

**Motion:** To authorize the Mayor to execute the inter-office memorandum. **Moved by** Commissioner George, **Seconded by** Commissioner Samora. Motion passed unanimously.

The Mayor closed the discussion and moved to the next item.

4. Stormwater Utility Fee: Request for Commission to Approve Increase in the Contract Amount for Development of the Fee and to Pay for Increase by Reducing Expenditures by \$14,572 (Presenter: Jason Sparks, City Engineer)

Engineering Director Sparks reported that the non-ad valorem process involves a mass mailing to all impacted properties and for the stormwater utility fee, which would be too many mailings for City staff to handle, so we are asking to move \$14,572 to cover the cost of outsourcing the mailing.

Commissioner Morgan clarified that the consultant the City already hired would be performing the mailing and that the cost would cover postage, supplies, and labor.

Finance Director Douylliez stated that money could be pulled from reserves via budget resolution, but she anticipated being able to just move money between accounts at this time and balance the books via surpluses in other accounts later in the fiscal year. She stated that that would put pressure on staff to make small cuts to cover this expense, but it would save reserves. She commented that she thinks this is a need expense since this mailing needs to be very precise and will tell each parcel owner their specific proposed fee.

Finance Director Douylliez and City Clerk Fitzgerald responded to Commissioner questions to clarify that this would be a one-time mailing, that it would be sent to every residence and business that would pay this fee, and that individually owned condominiums would be included.

The Mayor asked for any public comment. There was none.

**Motion:** To increase the Road & Bridge account by \$14,572. **Moved by** Commissioner Samora, **Seconded by** Commissioner George. Motion passed unanimously.

The Mayor closed the discussion and moved to the next item.

#### XIV. NEW BUSINESS

5. City Budget: Review of Trends for Fiscal Year 2025 Budget (Presenter: Patricia Douylliez, Finance Director)

Finance Director Douylliez stated that she did not prepare a presentation, this is just to give a trend of the past five years of data for further consideration. She stated that she included personnel counts for departments and how funds are shared between certain departments. She noted that she has a more detailed report that she could share if the Commissioners wished.

She noted that some percentage changes between years may not make sense at first glance, but it is because of how costs have been reallocated, such as IT expenses being removed from the Admin & Finance budget and instead spread between all departments based on actual usage, so that skews the percentages to look like a sudden drop in Admin & Finance, but increase for other accounts, when really it was just a redistribution. She also noted that some account percentages were affected by Covid, such as travel and conferences, for a period no one was using those funds and now they are, so it looks like a huge fluctuation.

Vice Mayor Sweeny asked to see detailed historical information on the cost of benefits, such as FRS (Florida Retirement System) mandatory contributions, benefit packages as a whole, and objective liability for paid leaves.

Commissioner Morgan asked to see the detailed breakdown. She stated that she would like to continue doing this at about halfway through the year to help the commission be better prepared for budget discussions.

Commissioner Samora thanked Finance Director Douylliez for putting this information together in an understandable and concise form. He asked to see information on the City's tax base and how that has increased over time compared to expenses.

Mayor Rumrell also thanked Finance Director Douylliez for preparing this; that it was a great overview, and he was looking forward to the details as well.

The Mayor asked for any public comment. There was none.

The Mayor closed the discussion and moved to the next item.

6. Approval to Negotiate Contracts with Companies for Continuing Contracts for the Following Services: Architectural, Surveying, Environmental, GIS and General Civil Engineering (Presenter: Jason Sparks, City Engineer)

Engineering Director Sparks reported that he had sent out a Request for Qualifications for professional services and received several responses. He is now recommending to award contracts to the top two respondents in each category, for a total of ten new contracts. He noted that City Attorney Blocker is already reviewing the contract language.

In response to Commissioner questions, Director Sparks clarified that the contracts would be for five years with renewal options; the City would reserve the right to use other vendors if we choose, including piggyback contracts; and that it sets service costs so the City can estimate project costs and free up staff time from needing to manage bids for individual projects.

The Mayor asked for any public comment.

William Tredik, Applied Sciences Consulting, 24 Ocean Pines Drive, St. Augustine Beach, FL, stated that Applied Sciences is one of the firms that submitted a response and was ranked third in their category. He stated that the selection committee voted to recommend the three highest scoring firms, so he was under the impression that Applied Sciences would be selected and did not know it was reduced to two firms until he saw the agenda for this meeting. He commented that only

having two firms could be limiting and asked the Commission to reconsider and to appoint three firms.

Jay Brown, President of JBrown Professional Group, Inc., 3530 NW 43<sup>rd</sup> St, Gainesville, FL, stated that his firm was one of the ones selected. He thanked the Commission and staff for the way the selection process was done and felt it was fair. He stated that he was pleased to be working with the City.

The Mayor closed public comment.

Commissioner Morgan commented that she is sorry that the firms weren't notified of the change, but she is comfortable with two firms for each category, especially since these are not exclusive contracts.

Commissioner George agreed and commented that there's likely additional staff time needed to manage more contracts, so she will rely on their recommendation. She noted that we are much smaller than the County, so if they usually do three contracts, then perhaps we shouldn't be on the same scale.

Commissioner Samora agreed.

**Motion:** To award the recommendation for RFQ 23-06. **Moved by** Commissioner George, **Seconded by** Commissioner Morgan. Motion passed unanimously.

The Mayor closed the discussion and moved to the next item.

7. Discussion of Commissioner Assignments for 2024 (Presenter: Mayor Rumrell)

Mayor Rumrell stated that he wanted to review to see if the Commissioners were still comfortable with their assignments or if anyone would like to switch.

Commissioner Samora stated that he is currently on the TDC (Tourist Development Council) and that it can take a while to understand how it works and get your feet under you. He noted that typically the Mayor sits on that board so he would defer to Mayor Rumrell if he wanted to switch. Commissioner George confirmed that she had been on the TDC when she was Mayor.

Mayor Rumrell stated that he would like to do the TDC, which would free up the VCB (Visitor's Convention Bureau) for someone.

Commissioner Samora agreed to take the VCB and had been on that board before.

Vice Mayor Sweeny asked if the City participated in any of the transportation organizations. Mayor Rumrell stated that Margaret England used to attend TPO (Transportation Planning Organization) meetings. Commissioner Morgan replied that, to her recollection, Commissioner England voluntarily attended to keep up with information, but wasn't officially a member.

City Manager Royle stated that the TPO meets in Jacksonville, and he did not think we qualified to have our own voting representative. He noted that Director Sparks is Vice Chair of the TPO's technical committee.

The Mayor asked for any public comment. There was none.

**Motion:** To recommend to the County Commission to nominate Mayor Rumrell to the Tourist Development Council. **Moved by** Commissioner Samora, **Seconded by** Commissioner George. Motion passed unanimously.

The Mayor closed the discussion and moved to the next item.

8. 2024 Florida Legislative Session: Discussion of Whether to Have Policy to Support or Oppose Proposed Bills (Presenter: Max Royle, City Manager)

City Manager Royle stated that now that the State's legislative session is underway, the League of Cities will begin sending out alerts and action requests on pending legislation. He asked if the Commission wanted to set up a process to endorse or oppose legislation that comes up between meetings. He noted that he and Mayor Rumrell had discussion on this topic and Mayor Rumrell was of the opinion that the City should not be too aggressive since it depends on the Legislature for appropriations.

Mayor Rumrell commented that he was on the League's Policy Committee and the Land Use and Economic Development Committee and has been invited to the board of the League of Mayors. He cautioned opposing too many things.

Vice Mayor Sweeny stated that she thinks the city should only take a formal position on something that is really bad or really good. She suggested maybe for next year adopting a broader policy agenda to advise on when the City would support or oppose a bill.

Commissioner George commented that historically if a letter was sent, the Commission as a whole would weigh in on it. She noted that we don't always fall in lockstep with the League's recommendations and some policies don't apply to our City.

The Commission asked staff to keep apprised of legislative changes through their various associations and to advise the Commission if something comes up that would affect our City and the Commissioners would do the same.

The Mayor closed the discussion and moved to the next item.

#### XV. STAFF COMMENTS

Engineering Director Sparks reported that the City received funding expansion for a vulnerability assessment, about \$151,500, so we can get underway with our exposure analysis and data acquisition.

Vice Mayor Sweeny asked about potholes in the turn-off to Publix. Director Sparks replied that they had been fixed.

Commissioner Morgan stated that she received emails about beach access and ADA compliance and wondered if that was the City or the County's responsibility.

Director Sparks stated that it was the City, but the issue is that the sand and walkway in that case is in a conservation area, and we can't move it. We can clean sand off the walkway, but that would leave a three foot hill at the bottom that the City can't touch.

Commissioner George wondered if the City Attorney should be consulted. The purpose of the ramp is to get people to the sand, but if you clean the sand off and now you go down the ramp then have to climb over the sand to reach the beach that seems to defeat the whole purpose of accessibility.

Director Sparks agreed and said he was concerned about interfering with the dunes, so he believes that cleaning the walkway off just creates a bigger problem.

Commissioner Samora commented that he would be hesitant to make an on-the-spot decision since there are competing regulatory agencies involved. If you take one action, you have a federal regulatory body criticize you for potentially damaging dunes, but on the ADA side, there's an obligation for maintenance of the walkway.

Commissioner George commented that it may come down to what is "maintenance". She advised to look into any beach management documents to see if maintenance of walkovers is defined. She noted that they constantly get buried and recovered.

Chief Carswell reported that Ron Park Memorial will be at 10:00 a.m. this Friday and that the County will have their second reading on the Beach Code amendment on the 16<sup>th</sup>.

City Manager Royle reported that he had received an inquiry about potential Tesla charges in the City and that Doug Burnett is doing research on the area near his office.

The Mayor closed the discussion and moved to the next item.

XVI. ADJOURNMENT

Mayor Rumrell asked for a motion to adjourn.

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

Mayor Rumrell adjourned the meeting at 7:49 p.m.

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Dylan Rumrell, Mayor

ATTEST:

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# MEMORANDUM

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

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

**DATE:** January 22, 2024

**SUBJECT:** Presentations

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- A. Interview of Ms. Sarah Ryan for Position of Junior Alternate on the Comprehensive Planning and Zoning Board
- B. Report by Ms. Melinda Conlon, City's Events and Communications Coordinator the City's Holiday Season Events

## ITEM A. INTERVIEW

A regular member of the Planning Board has resigned. The Board's senior alternate has filled the vacancy and the Board's junior alternate has become its senior alternate, leaving the junior alternate position vacant.

Ms. Sarah Ryan has applied for the position. Attached is her application. It is the only one the City has received. Ms. Ryan has been invited to your February 5<sup>th</sup> meeting for the customary interview.

## ITEM B. REPORT

Ms. Conlon will provide her report of the events she organized for the recent holiday season.



**ST. AUGUSTINE BEACH CITY COMMISSION  
BOARD AND COMMITTEE APPLICATION**

FOR APPOINTMENTS TO COMMITTEES INVOLVED IN LAND USE

Date received by City \_\_\_\_\_

Thank you for your expressed interest in being considered for appointment to committees, boards, commissions, or advisory groups appointed by the City Commission. The Commission appreciates your willingness to serve your fellow citizens in a volunteer capacity. Please complete this application to the best of your ability. (You may attach a resume and/or additional data. Please reference attachments in the appropriate section(s).)

Name: Sarah Ryan

Address: 61 White Ct. St. Augustine FL 32080

Phone #: 904.547.9430 E-Mail Address: sshipp@gmail.com

How long have you been a legal resident of the City of St. Augustine Beach? 1 year

I am a full-time  part-time \_\_\_\_\_ resident.

I am  am not \_\_\_\_\_ a registered voter in St. Johns County.

List all active professional licenses and certifications: AR 97035

Educational background: Virginia Tech. Bachelor + Master of Architecture  
1998-2004

Past work experience: Cunningham/Quill 2004-2011 (Washington DC)  
FORTVNER 2011-2013 (Norway), Sarah Ryan Architect 2014-2024 (St Augustine) current

Please list all civic clubs, professional organizations, or public interest groups of which you are a member or in which you have been active: (attached additional sheet if necessary).

1. City of St. Augustine  
Planning + Zoning  
2014-2022

2. Building CODE task force  
city of st. Augustine  
2021

3. \_\_\_\_\_ 4. \_\_\_\_\_

Please list the location and size of all parcels of property in St. Augustine Beach of which you have ownership: 61 WHITE CT.

Please list any companies/industries doing business in St. Augustine Beach in which you have a financial interest (i.e., proprietary, partnership, stock holdings, etc.)  
none

Please indicate by preference all City boards, committees, or councils in which you have an interest:

- 1. Code Enforcement Board
- 2. Comprehensive Planning & Zoning Board
- 3. Other

I am available for meetings

- a. During the day only
- b. Evenings only
- c. Anytime

List three (3) personal or professional references:

- 1. Keto Burns 904.315.8194
- 2. Jen Snare 303.859.9790
- 3. Pat Hamilton 904.669.4274

You may use this space for a brief biographical profile or to list certain skills you possess that may be relevant to the appointment you are seeking. Please indicate whether you have had experience with the reading of blueprints, technical drawings or diagrams. (Indicate below if you are attaching a resume.)

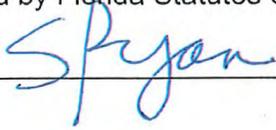
please see resume

NOTE: All information provided will become a matter of public record and will be open to the public. If you require special accommodations because of a disability to participate in the application/selection process, you must notify the City Commission in advance. This application will be kept for one (1) year, at which time you must notify the

City Commission of your intent to remain an active applicant and update your application accordingly or it will be removed from the active file.

I hereby authorize the City of St. Augustine Beach or its representatives to verify all information provided, and I further authorize the release of any information by those in possession of such information which may be requested by the City. I certify that all information provided herein is true and accurate to the best of my knowledge. I understand that a volunteer position provides for no compensation except that as may be provided by Florida Statutes or other enabling legislation.

Signature



Date

1-17-24

Please return completed application to:

The City of St. Augustine Beach  
2200 A1A South  
St. Augustine Beach, FL 32080  
Phone (904) 471-2122  
FAX (904) 471-4108

*Thank you for your interest!*

# SARAH RYAN, ARCHITECT LLC, AIA



Sarah Ryan has more than 20 years of architecture experience specializing in unique buildings and challenging sites to bring a fresh and creative vision to each project. She has lived in St Augustine for almost a decade and limits her architecture practice to the St Johns County area. Her strengths include working with the community, listening to stakeholders to create a responsive design for the users and site. This includes local St Augustine projects such as renovations at the Lightner museum, historic First Baptist Church renovations and consulting work with the City of St Augustine to study the effects of sea level rise of all pre-1820 Coquina Structures.

Prior to moving to St. Augustine, Sarah was a project architect at Fortunen AS in Bergen, Norway where she worked on educational buildings. Prior to that, she was a project architect at Cunningham | Quill Architects in Washington, DC where she contributed to multiple AIA award winning projects including the Roanoke Market, Sugarloaf Winery, and Takoma Park multi-family housing.

Sarah served on the City of St. Augustine's Planning and Zoning Board between 2014 - 2022 and was chair of the board between 2017-2018.

## RELEVANT PROFESSIONAL WORKS

### Architecture

- Lightner Museum renovations, St Augustine, FL (Coquina Structure)
- First Baptist Church, St Augustine FL - Rehabilitation and Elevator Addition
- Grant to study effects of sea level rise on pre - 1820s Coquina Structures
- Hut and Lodge - restored historic structures from Hurricane Matthew damage
- Solla - Carcaba / Cigar Building - St Augustine, FL - Adaptive Re-use / Historic Preservation - dry flood proofing proposed at first floor
- University of Florida - Whitney Marine Laboratory, St Augustine, FL
- Solar Stik new headquarters, St Augustine FL
- Women's rehab recovery center, St Augustine FL

## Sarah Ryan, Architect St Augustine FL

### LICENSE REGISTRATION

Florida AR# 97035  
Virginia

### EXPERIENCE

Sarah Ryan, Architect, LLC  
St Augustine, FL 2014-present  
Fortunen AS, Bergen, Norway  
2011-2013  
Cunningham | Quill Architects  
Washington, DC 2004-2011

### EDUCATION

Master of Architecture;  
Virginia Tech, 2004  
■ Bachelor of Architecture;  
Virginia Tech, 2003

### PRACTICE AREAS

Historic Preservation  
Master Planning  
Commercial / Education  
Residential - Multi Family

### CONTACT

sr@SarahRyanArchitect.com  
904-547-9430  
SarahRyanArchitect.com

# MEMORANDUM

Agenda Item # 1

Meeting Date 2-5-24

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

**FROM:** Max Royle, City Manager 

**DATE:** January 22, 2024

**SUBJECT:** Ordinance 24-01, Second Reading, to Amend Section 3.02.05 of the Land Development Regulations Pertaining to Parking Regulations for Special Events for Business/Promotional/Sales Permits on Privately-Owned Property in a Commercial Land Use District

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## INTRODUCTION

From time to time, some businesses have promotional sales events. For such events a permit from the City is required. Section 3.02.05 of the City's current Land Development Regulations require that for such events there must be at least 25 parking spaces on the property of the business that's promoting the event. Adjacent streets cannot be used to meet the mandated 25 spaces.

As some of the small businesses along the Boulevard don't have 25 parking spaces for even normal operations, they certainly don't have 25 spaces for sales event parking. Because of this limitation, the City's Planning Division has proposed that in place of the required 25 spaces, the parking requirement for businesses holding sales or promotional events be that at least 50% of onsite spaces must be available with 100% of accessible parking available.

The Comprehensive Planning and Zoning Board reviewed this proposal at its January 17, 2024, meeting, and approved on first reading the ordinance to implement the proposal.

## ATTACHMENTS

Attached for your review is the following:

- a. Page 1, two emails that the City Planning, Ms. Jennifer Thompson, wrote last September concerning the proposal.
- b. Page 2-5, a memo from Ms. Thompson to the City Manager that relays the Planning and Zoning Board's action, and Ordinance 24-01.
- c. Pages 6-7, the Business Impact Statement, which is required by state law when cities and counties adopt regulations that could affect businesses.

# MEMORANDUM

## ACTION REQUESTED

It is that you hold the public hearing and pass Ordinance 24-01 on its second reading. It will then be scheduled for a second reading and final public hearing at your March 4<sup>th</sup> meeting.



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

**To:** Comprehensive Planning and Zoning Board  
**From:** Jennifer Thompson, Planner  
**CC:** Brian Law, Director of Building & Zoning, Bonnie Miller, Senior Planner  
**Date:** 09/12/2023  
**Re:** Proposed Land Development Regulations Section 3.02.05

Section 3.02.05 of the City of St. Augustine Beach's Land Development Regulations allows for permits to be issued for special events on privately owned property in the commercial land use district. Section 3.02.05 F requires that all vehicle parking shall be located on site of the business holding the special event and that there must be 25 parking spaces.

Many businesses in the city have parking lots that currently have less parking than 25 spaces. Therefore, businesses with less parking than 25 spaces are not allowed to host special events. Since many areas of our city are walkable and residents and visitors alike can take alternate forms of transportation to special events, the Planning and Zoning Division is suggesting that this code be changed and are asking for input from the Comprehensive Planning and Zoning Board.

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**To:** Comprehensive Planning and Zoning Board  
**From:** Jennifer Thompson, Planner  
**CC:** Brian Law, Director of Building & Zoning, Bonnie Miller, Senior Planner  
**Date:** 10/25/2023  
**Re:** Proposed Land Development Regulations Section 3.02.05

At the September 19<sup>th</sup>, 2023, Comprehensive Planning and Zoning Board Meeting, the board discussed changing the Land Development Regulations Section 3.02.05 F. As was discussed during the meeting, the code has been changed to read that 50% of onsite parking must be available with 100% of accessible parking available.

Sincerely,

*Jennifer Thompson, CFM*

Planner  
Planning and Zoning Division



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

**To:** Max Royle, Coty Manager  
**From:** Jennifer Thompson, Planner  
**CC:** Brian Law, Director of Building & Zoning, Bonnie Miller, Senior Planner  
**Date:** 01/17/2024  
**Re:** Proposed LDR Changes Section 3.02.05 F

Section 3.02.05 of the City of St. Augustine Beach's Land Development Regulations allows for permits to be issued for special events on privately owned property in the commercial land use district. Section 3.02.05 F requires that all vehicle parking shall be located on site of the business holding the special event and that there must be 25 parking spaces. Therefore, businesses with less than 25 parking spaces cannot host a special event.

The Comprehensive Planning and Zoning Board recommended proposed changes to Section 3.02.05 F to read that 50% of onsite parking must be available with 100% of accessible parking available at their meeting on September 19, 2023. The draft ordinance (attached) had its first reading at the January 17, 2024, meeting, and was approved for recommended proposed changes for review by the City Commission.

Sincerely,

*Jennifer Thompson, MPA, CFM*

Planner

Planning and Zoning Division

**ORDINANCE NO: 24-01**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO LAND DEVELOPMENT REGULATIONS AND REVIEW; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF ST. AUGUSTINE BEACH, ARTICLE III, SECTION 3.02.05 FOR SPECIAL EVENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WITNESSETH:**

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

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

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

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

**SECTION 2.** Amend Article III - Section 3.02.05 Special Events –

Business/Promotional/Sales as used in this Appendix of Appendix A – LAND

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

**Sec. 3.02.05. Special events—Business/promotional/sales.**

- A. The City Manager or his designee shall have the authority to issue permits for special events on privately owned property in the commercial land use district.
- B. No person shall aid, form, stage or conduct any special event, unless the special event occurs on property in the commercial land use district, and with a permit having first been issued.

- C. One (1) location, site, or business may have a promotional sale no more than five (5) times during a calendar year. When more than one (1) business is situated on a parcel, lot, or tract of land, all of the businesses situated on such site, or an association authorized to act on behalf of all of the businesses, shall be required to apply for a special event permit, and no more than five (5) promotional sales per calendar year will be allowed on any such site.
- D. A special event may be held for one (1), two (2), or three (3) consecutive days, but no more than three (3) consecutive days, pursuant to a special event permit issued by the City Manager or designee.
- E. A special event may be held for longer than three (3) consecutive days, but no more than thirty (30) consecutive days, with a conditional use permit. The comprehensive planning and zoning board shall have the authority to grant conditional use permits for special events lasting no more than thirty (30) consecutive days on privately owned land in the commercial land use district, and provided each such special event complies with all other requirements of this section, and applicable city codes. It shall not be necessary for the city commission to approve or confirm the decision of the board in respect to the grant or denial of a conditional use permit for a special event. The procedures and limitations provided under Chapter 10 of this Code shall apply to such conditional use permits, except that any reference to the city commission or commission shall be read as the comprehensive planning and zoning board. An appeal of any decision by the board may be made to the city commission.
- F. There must be at least 50% of on-site parking spaces available for parking by the public and 100% of the accessible parking must be available.
- G. A special event permit shall not be issued unless the special event shall occur within one hundred eight (180) days of the date of issuance of the permit.
- H. The application fee for a special event permit shall be fifty dollars (\$50.00). The application shall be in writing and on a form prescribed by the City Manager or designee. A special event permit from the City Manager or designee shall not be necessary when a conditional use permit for a special event has been issued.
- I. The sale, offer for sale, or display of merchandise, food or beverages may occur outside of an enclosed building or from a vehicle or trailer as part of a special event. Music or entertainment outside of an enclosed building shall not occur between the hours of 9:00 p.m. and 9:00 a.m. the following day during any special event.
- J. The provisions of this section do not affect the regulation of special events occurring on property owned by the City of St. Augustine Beach or St. Johns County.

(Ord. No. 18-07 , § 1(Exh. 1), 5-7-18)

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

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

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

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

EXAMINED AND APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

Published in the \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2024. Posted on [www.staugbch.com](http://www.staugbch.com) on the \_\_\_\_ day of \_\_\_\_\_, 2024.

# Business Impact Estimate

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the [City's/Town's/Village's] website by the time notice of the proposed ordinance is published.*

Proposed ordinance's title/reference: **Ordinance 24-01**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the **City of St. Augustine Beach** is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the **City of St. Augustine Beach** is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the **City of St. Augustine Beach** hereby publishes the following information:

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<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **Currently, Section 3.02.05 F of the City's Land Development Regulations do not allow businesses with less than 25 parking spaces to host special events on their property. The proposed code change will allow businesses with less than 25 parking spaces to host special events as long as 50% of the parking spaces remain available and 100% of the accessible parking remains available.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the **City of St. Augustine Beach** if any:  
(a) An estimate of direct compliance costs that businesses may reasonably incur; **Not Applicable**  
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; **Not Applicable**  
(c) An estimate of the **City of St. Augustine Beach** regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **Not Applicable**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **25 or greater**

4. Additional information the governing body deems useful (if any):

**MEMORANDUM**

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

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

**DATE:** January 11, 2024

**SUBJECT:** Resolution 24-01, to Have Canvassing of Vote-by-Mail ballots for the March 2024 Presidential Preference Primary Election Done by the St. Johns County Supervisor of Elections

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Section 2 -2 of the City Charter states that the “canvassing and certification of ballots cast by absent qualified voters shall be performed by the Supervisor of Elections of St. Johns County or the city manager, and by the county canvassing board or the city commission. For each election, the city commission shall pass a resolution designating who will perform such duties in respect to the absentee ballots.”

Since August 1992, the City Commission for each election has passed a resolution, designating the Supervisor or Elections as the office to canvass and certify the absentee ballots, which are now called vote-by-mail ballots.

Resolution 24-01 (attached) will provide that designation for the March 2024 Presidential Preference Primary election.

**RESOLUTION 24-01**

CITY OF ST. AUGUSTINE BEACH  
ST. JOHNS COUNTY  
FLORIDA

RE: HAVING CANVASSING AND  
CERTIFICATION OF VOTE-BY-MAIL  
BALLOTS CAST IN THE MARCH  
2024 PRESIDENTIAL PREFERENCE  
PRIMARY ELECTION DONE BY  
SUPERVISOR OF ELECTIONS AND  
COUNTY CANVASSING BOARD

The City Commission of St. Augustine Beach, St. John's County, Florida, in regular meeting duly assembled on Monday, February 5, 2024, resolves as follows:

WHEREAS, the Presidential Preference Primary election for 2024 is scheduled for March 19, 2024; and

WHEREAS, Section 2-2 of the City Charter requires the City Commission to designate who is to canvass and certify the vote-by-mail ballots for each election.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of St. Augustine Beach, St. Johns County, Florida, designates the St. Johns County Supervisor of Elections and the County Canvassing Board to canvass and certify the vote-by-mail ballots cast in the March 2024, Presidential Preference Primary election.

RESOLVED AND DONE, this 5<sup>th</sup> day of February 2024, by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida.

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Mayor Dylan Rumrell

ATTEST:

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City Manager Max Royle

# MEMORANDUM

Agenda Item # 3

Meeting Date 2-5-24

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

**FROM:** Max Royle, City Manager 

**DATE:** January 22, 2024

**SUBJECT:** Adoption of St. Johns County Amended Beach Code

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## INTRODUCTION

Attached as page 1 is a memo from Chief Carswell, in which he provides the background for this item. As he references a presentation he made to you on July 10, 2023, we have attached as pages 2-5 the information that he provided for the presentation.

## ACTION REQUESTED

It is that you discuss with Chief Carswell whether you want to adopt the County's amended beach code to regulate the use of electric bicycles, scooters and other types of electric motorized devices used on the beach. If you do, the City Attorney can advise you whether you will need an ordinance or a resolution to adopt the amended beach code. If an ordinance is required, then he can prepare one for first reading at your March 4<sup>th</sup> meeting.



# St. Augustine Beach Police Department

*Daniel Carswell, Chief of Police*



## Memorandum

TO: Max Royle, City Manager  
FROM: Daniel Carswell, Chief of Police  
REF: Adoption of St. Johns County's Amended Beach Code  
DATE: 1/17/2024

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Mr. Royle-

Please add the adoption of the amended St. Johns County Beach Code to the February Commission Meeting. On 1/16/2024, an amended beach code was approved by the Board of County Commission which includes additional ordinance (Section 3.15) regulating the use of electric bicycles, scooters, or other electric motorized devices on the beach. As per my presentation to the commission on 7/10/23, these types of vehicles operating improperly on the beach create a safety concern.

Thank you,

Daniel Carswell, Chief of Police



# St. Augustine Beach Police Department

*Daniel Carswell, Chief of Police*



## Memorandum

TO: City of St. Augustine Beach Commission  
FROM: Daniel Carswell, Chief of Police  
REF: Electric Bicycle Ordinance  
DATE: 6/15/2023

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At the February commission meeting, I addressed the commission about the need for additional language in our city code to govern the use of electric bicycles (e-bikes). Over the past few months, I have worked in coordination with our city attorney to accomplish this in the best way possible for our city.

To address this concern, I spoke with several neighborhood HOAs, researched call and citizen complaint logs, and researched agency social media posts. The feedback from our citizen complaints and calls for service generally fit into one of three areas of concern:

1. E-bikes were not yielding the right of way to pedestrians or operating carelessly on the sidewalk.
2. E-bikes were operating carelessly in the pedestrian area of our beach.

The proposed addition to St. Augustine Beach city ordinance Sec. 19-66; Use of sidewalks and certain other rights-of-way, would now include the pedestrian area of our beach as a prohibited area for motorized and electric bicycles. Ordinance 19-66 already has verbiage in paragraph (a) prohibiting motorized and electric bicycles from operation on city sidewalks. This addition would alleviate both concerns expressed by our citizens regarding e-bikes.

Daniel Carswell, Chief of Police

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**Sec. 5-1. Definitions.**

*Beach* means the ocean beach bordering the Atlantic Ocean between the high and mean low water line.

*City beach* means the beach bordering the Atlantic Ocean situate within the city boundaries as described in section 1-2 of the City Charter Laws.

*Motorboat* means any vessel which is propelled or powered by machinery and which is used or capable of being used as a means of transportation on water.

*Motor vehicle* means any motor vehicle and any other vehicle propelled by power other than muscular power. "Motor vehicle" does not include any law enforcement and emergency rescue vehicle, life guard vehicle, or other government-owned vehicle when being used for governmental ocean beach purposes.

*Personal watercraft* means a small class A-1 or A-2 vessel, as classified under F.S. § 327.25, which uses an outboard motor, or an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel rather than in the conventional manner of sitting or standing inside the vessel.

*Vessel* is synonymous with boat as referenced in § 1(b), Art. VII of the State Constitution and includes every description of watercraft used or capable of being used as a means of transportation on water.

(Ord. No. 156, § 8, 10, 5-23-86; Ord. No. 90-7, § 1, 4-2-90)

**Sec. 5-7. Applicability of county ordinances; traffic on beach and access roads.**

- (a) St. Johns County Ordinance No. 07-19 is hereby made applicable to the City of St. Augustine Beach and the provisions of such county ordinance shall control over any provisions of this Code and toward that end the provisions of this Code are declared to be supplemental to such county ordinance and any conflicting or less restrictive provisions of this Code are declared repealed.
- (b) It is unlawful for any person to operate a motor vehicle upon any portion of the beach bordering the Atlantic Ocean between the north right-of-way line of the "A" Street ramp extended easterly to the Atlantic Ocean and the northerly limit of the city. Vehicular traffic is authorized on the coastal beach with the exception of the portion of the coastal beach lying to the north of the "A" Street ramp.
- (c) On all days and times from and including March 1 to and including September 30 of each year, motor vehicles shall travel only in a southerly direction on the beach bordering the Atlantic Ocean between the north right-of-way line of the "A" Street ramp extended easterly to the Atlantic Ocean and the southerly limit of the city. The foregoing shall not be deemed to prohibit the short distance of east-west travel necessary to park on the beach, or to enter the beach at the "A" Street ramp, or to enter or exit from the beach at the Ocean Trace Road ramp. If the "A" Street ramp is closed or impassable, the Chief of Police may in his discretion allow two-way travel in northerly and southerly directions between the "A" Street ramp and the Ocean Trace Road ramp.
- (d) During the days and times described in subsection (b) of this section, the "A" Street ramp is hereby designated as a one-way entrance to the beach going easterly for motor vehicle traffic, and no vehicle shall exit the beach on the beach ramp.
- (e) Except for the days and times described in subsection (b) of this section, the flow of motor vehicle traffic on the beach bordering the Atlantic Ocean between the north right-of-way line of the "A" Street ramp extended easterly to the Atlantic Ocean and the southerly limit of the city is designated two-way traveling northerly and southerly, and the "A" Street ramp is designated as a two-way entrance or exit from the beach for motor vehicle traffic.

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- (f) The Ocean Trace Road ramp is designated as a two-way entrance or exit from the beach for motor vehicle traffic.
  - (g) The maximum speed limit for motor vehicle traffic upon the beach bordering the Atlantic Ocean and on all beach access ramps is ten (10) miles per hour.
  - (h) The maximum speed limit for motor vehicle traffic on "A" Street from its intersection with State Road A-1-A east to the Atlantic Ocean is ten (10) miles per hour.
  - (i) The maximum speed limit for motor vehicle traffic on Ocean Trace Road is twenty (20) miles per hour.
  - (j) The access ramp located at the easterly termination of 4th Street is closed to motor vehicle traffic.
  - (k) This section shall be enforced and violations punished as provided by the Florida Uniform Traffic Control Law.
  - (l) No motor vehicle shall travel or drive upon any portion of the city beach between the hours of 10:00 p.m. and 5:00 a.m. between May 15 and October 15 of each year.
  - (m) It shall be unlawful to operate any vehicle not customarily used on public streets and highways, including, but not limited to, go-carts, all-terrain vehicles (ATVs) and other similar vehicles. There shall be exempted from this provision governmentally owned or operated vehicles.

(Ord. No. 139, § 1, 8-26-85; Ord. No. 156, § 7, 5-23-86; Ord. No. 176, § 1, 4-4-88; Ord. No. 90-5, § 1, 4-2-90; Ord. No. 92-14, § 1, 7-6-92; Ord. No. 93-5, § 1, 3-1-93; Ord. No. 94-5, § 1, 5-2-94; Ord. No. 95-6, § 1, 5-1-95; Ord. No. 96-6, § 1, 5-6-96; Ord. No. 97-23, § 1, 8-4-97; Ord. No. 06-25, § 1, 10-3-06; Ord. No. 07-10, § 1, 5-7-07)

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**Sec. 19-66. Use of sidewalks and certain other rights-of-way.**

- (a) All public sidewalks, pedestrian pathways, courtyards, arcades, promenades, seawalls, city beaches (as defined in section 5-1 of this Code) not including those certain areas designated for motor vehicles referenced in section 5-7 of this Code, and boardwalks shall be only available for use by pedestrians or non-motorized or non-electric bicycles except for the following:
- (1) Those areas under the control of the federal government or the state of Florida. Department of Transportation (FDOT), in which cases, those regulations shall apply;
  - (2) Shared use paths, as designated by the city manager, and marked by signage, shall be open to all restricted vehicles or devices; and
- (b) Restricted vehicles or devices shall include:
- (1) Electronic personal assistive mobility devices, regulated pursuant to F.S. § 316.2068, colloquially known as Segways.
  - (2) Bicycles, including, but not limited to, electric bicycles or motorized bicycles;
  - (3) Push scooters, roller skates, rollerblades, inline skates, skateboards, and other similar devices without any motorized parts; and
  - (4) Electronic or motorized scooters (hereinafter referred to as e-scooters), as defined by the Florida Uniform Traffic Control Law.
- (c) Prohibited vehicles or devices shall include:
- (1) Shared mobility devices, unless operating on motor vehicle traffic lanes where allowed by the Florida Uniform Traffic Control Law;
- (d) If any restricted vehicle or device is specifically permitted to be used on sidewalks or other rights-of-way controlled by the state or federal government and allowed by the Florida Uniform Traffic Control Law (FUTCL), it shall not be a violation of this chapter to do so, notwithstanding the above provisions. Individuals utilizing mobility devices pursuant to the Americans with Disabilities Act (ADA) may operate those devices on any city street, sidewalk, or walkway.
- (e) Any restricted vehicles or devices left unattended on public property, including in parks and rights-of-way of the FDOT or the City of St. Augustine Beach may be impounded by the chief of police or his or her designee. A restricted vehicle or device is not considered unattended if it is secured in a designated bicycle parking area or another location or device intended for the purpose of securing such devices.

(Ord. No. 20-01 , § 1, 2-3-20)

**BOARD AND DEPARTMENTAL REPORT FOR CITY COMMISSION MEETING  
FEBRUARY 5, 2024**

CODE ENFORCEMENT/BUILDING/ZONING

Please see pages 1-4.

COMPREHENSIVE PLANNING AND ZONING BOARD

The minutes of the Board's September 19, 2023, are attached as pages 5-19. Because there were no topics for its agenda, the Board did not meet in October, November and December 2023. The minutes of the Board's January 17, 2024, meeting will be included with this Report for the City Commission's March 4<sup>th</sup> meeting.

SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE

The minutes of the Committee's December 14, 2023, meeting are attached as pages 20-24.

CHARTER REVIEW COMMITTEE

Attached as pages 25-36 are the minutes of the Committee's December 13, 2023, meeting. The Committee's January meeting was held January 10, 2024. The minutes of it will be included with the Report for the Commission's March 4th meeting. The Committee's February meeting will be held on February 14, 2024, at 6 p.m. in the Commission meeting room at City Hall.

POLICE DEPARTMENT

Please see page 37.

PUBLIC WORKS/ENGINEERING DEPARTMENT

Please see pages 38-43.

FINANCE DEPARTMENT

Please see page 44.

CITY MANAGER

1. Complaints
  - A. Recycling Program

A resident wrote in an email that he thought the City should have a more robust recycling program and should accept more varieties of plastic waste. Mayor Rumrell explained to the resident that if there's no market for certain varieties of plastic waste, then there's no point in the City making a special effort to collect them because plastics recycling companies won't buy them.

2. Major Projects

A

#### A. Road/Sidewalk Improvements

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

For an update, please see page 40 (attached) of the Engineering/Public Works Department Report.

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

No action to report.

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

No action to report.

##### 4) Construction/paving of 9<sup>th</sup> Lane

The Lane between 9<sup>th</sup> and 10<sup>th</sup> Streets, east of A1A Beach Boulevard. A lot on the north side of the Lane inaccessible because the Lane hasn't been cleared and paved. A meeting was held on January 24<sup>th</sup> with City staff and an engineering firm hired by the lot owner. The firm will develop a proposal for paving the Lane with paver bricks at the lot owner's cost, who will also be responsible for maintaining the bricks.

##### 5) Paving West End of 7<sup>th</sup> Street

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

#### B. Beach Matters

##### 1) Off-Beach Parking

At this time, the only parking project is improvements to the two parkettes on the west side of A1A Beach Boulevard between A and 1<sup>st</sup> Streets. Engineering and permitting work was done and bids for construction were advertised and opened on November 28<sup>th</sup>. Only one bid was received for a price of \$487,716 for the lowest cost option (asphalt surface). For a concrete or brick surface, the bid price was \$516,763. Both costs were well above the \$187,000 in the budget. At its December 4<sup>th</sup> meeting, the Commission tabled making a decision concerning the project to allow staff time to find reductions in the costs. Reductions were found and the Commission at its January 8, 2024, meeting approved the proposal from G&H Underground Construction of St. Augustine to construct the parking lot for a cost of \$280,758. Construction started on January 29<sup>th</sup> and should be finished by June 2024.

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

##### 2) Beach Restoration

B

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

### C. Parks

#### 1) Ocean Hammock Park

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

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

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

#### 2) Hammock Dunes Park

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

### 3. Finance and Budget

#### A. Fiscal Year 2023

Fiscal Year 2023 began on October 1, 2022, and ended on September 30, 2023. The City's auditing, James Moore and Associates, has begun work on preparing the audit. The audit report will be presented to the Commission in March or April.

#### B. Alternative Revenue Sources

In response to the City Commission's request that the administration suggest potential sources of revenue to fund City operations, the Public Works Director has proposed a stormwater utility fee. The Commission discussed this proposal at two meetings in 2021 and decided not to authorize the staff to proceed to the next step in the process to adopt the fee in the future. However, at its October 3, 2022, meeting, the Commission decided to hold a public hearing on November 14, 2022, concerning the fee, and at that meeting approved a resolution stating the City's intent to adopt a non-ad valorem assessment for a stormwater fee. The next step will be to adopt a range for the fee. The Public Works Director presented an ordinance to the Commission at its February 6th. The Commission passed the ordinance on final reading at their March 6<sup>th</sup> meeting but did not approve a budget resolution to appropriate \$13,790 for a civil engineering consultant to digitize impervious surfaces of residences and businesses in the City for determining an equivalent residential charge. The Commission asked that City staff work on preparing the information for a residential charge. Money was appropriated in the FY 24 budget for a consultant to develop a range of fees. The City advertised a Request for Qualifications to find a consultant to do the study. Only one firm, Jones Edmunds, responded by the deadline. Once City staff negotiates costs, a proposal will be presented to the City Commission. A final contract was executed with Jones Edmunds and a kickoff meeting was held on January 24<sup>th</sup>. Jones Edmunds did to do the initial analysis and a proposed rate structure. The City Engineer will provide a progress report at the Commission's March 4<sup>th</sup> meeting.

#### C. Fiscal Year 2024

It began on October 1, 2023, and will end on September 30, 2024. As of the end of the first quarter of FY 24, December 31, 2023, the City had received \$3,635,890 and spent \$2,450,280. The excess of revenues over expenditures was \$1,185,611. By the end of December, the City received \$2,39,378 from its most significant revenue source, property taxes. The City's total budget for FY 24 is \$12,314,135.

#### 4. Miscellaneous

##### A. Permits for Upcoming Events

In January, the City Manager approved the following permits: a. beach cleanup of May 11, 2024; b. surf camps during various weeks, starting on May 25<sup>th</sup> and ending on December 1, 2024.

##### B. Vision Plan

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

#### ON A RELATED MATTER:

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

On Wednesday, March 23, 2022, the City Commission held a workshop to discuss possible uses for the former city hall, which is located on the south side of pier park. Ms. Christina Parrish Stone, Executive Director of the St. Johns Cultural Council, informed the Commission that the City had received \$500,000 historic grant to renovate windows and do other work to the building and a \$25,000 grant for interpretative signage to commemorate the wade-in that occurred during the civil rights demonstrations

#### D

in the early 1960s to desegregate the beach. The outcome of the workshop was that the building would be renovated for use as an arts center with the second floor restored for artists' studios and possibly a small museum. The status of the grants to do is:

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

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

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

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

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

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

## COSAB NEW SFR CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Description	User Code 1
3897	15 SABOR DE SAL RD	P2200622	SFR-D	3/7/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4665	171 RIDGEWAY RD	P2200670	SFR-D	3/10/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5018	507 F ST	P2201176	SFR-D	6/15/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5269	6 15TH ST		SFR-D		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5346	5 15TH ST	P2201519	SFR-D	9/1/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5370	9 11TH ST.	P2300307	SFR-D	12/15/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5569	9 13TH ST	P2300640	SFR-D	2/22/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
5570	7.13TH ST	P2300643	SFR-D	2/22/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
5587	14 6TH ST	P2300483	SFR-D	2/2/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5592	110 7TH ST	P2201120	SFR-D	6/1/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
5644	399 OCEAN FOREST DR	P2201148	SFR-D	6/16/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5851	12 2ND ST	P2300674	SFR-D	3/1/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5889	2 C ST	P2300588	SFR-D	2/13/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6076	16 5TH ST	P2300034	SFR-D	10/7/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6122	884 OCEAN PALM WAY	P2300322	SFR-D	12/13/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6548	16 LINDA MAR DR	P2300883	SFR-D	4/11/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6585	9 10TH ST	P2301090	SFR-D	5/25/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6816	372 RIDGEWAY RD	P2300781	SFR-D	3/22/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6837	113 5TH ST	P2300766	SFR-D	3/21/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
6838	117 5th st	P2300769	SFR-D	3/21/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	PP
7032	31 SEAFOAM WAY	P2400234	SFR-D	11/22/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7091	413 C ST	P2301106	SFR-D	5/26/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7129	131 15TH ST	P2301109	SFR-D	5/26/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7354	619 OLD BEACH RD	P2301329	SFR-D	7/26/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7408	6 2ND ST		SFR-D		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7568	129 14TH ST	P2301338	SFR-D	7/21/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7674	115 D ST	P2301511	SFR-D	8/29/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
7781	494 PYRUS ST	P2400283	SFR-D	12/8/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
8010	2576 A1A S		SFR-D		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
8012	106 RIDGEWAY RD	P2400315	SFR-D	12/18/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
8117	4 A-B 11TH ST		SFR-D		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
8180	410 D ST	P2400343	SFR-D	1/8/2024	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
8210	224 BIG MAGNOLIA CT	P2400381	SFR-D	1/10/2024	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
8212	371 OCEAN FOREST DR	P2400402	SFR-D	1/17/2024	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
8224	322 RIDGEWAY RD		SFR-D		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES

Application Id Range: First to Last  
 Issue Date Range: First to 01/24/24      Expiration Date Range: First to 09/05/25      Applied For: N Open: Y  
 Application Date Range: First to 01/24/24      Use Type Range: First to Last      Hold: N  
 Building Code Range: BUILDING to BUILDING      Contractor Range: First to Last      Completed: N  
 Work Type Range: SFR-A to SFR-D      User Code Range: First to Last      Denied: N  
 Void: N  
 Customer Range: First to Last      Inc Permits With Permit No: Yes      Inc Permits With Certificate: Yes  
 Waived Fee Status to Include: None: Y      All: Y      User Selected: Y

## COSAB COMMERCIAL CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Description	User Code 1
6695	3570 A1A S	P2300551	COM REMODEL	2/10/2023	COMMERCIAL BUILDING ALT. -- RENOVATION PERMIT	COM
8191	1059 A1A Beach Blvd	P2400350	COM BUILD OUT	1/3/2024	COMMERCIAL BUILDING ALTERATION - INTERIOR BUILD-OUT	COM
8207	1033 A1A BEACH BLVD		COMMERCIAL NEW		NEW COMMERCIAL BUILDING -- PHASED SITE	COM
8225	621 A1A BEACH BLVD		COMMERCIAL NEW		NEW COMMERCIAL BUILDING	COM
8299	530 A1A BEACH BLVD		COM REMODEL		COMMERCIAL BUILDING ALT. -- REMOVE 21 GUEST ROOM SPA TUBS TURN INTO SEATING SPACE, AND OTHER EXEMPT ROOM REPAIRS.	COM

Application Id Range: First to Last

Issue Date Range: First to 01/24/24      Expiration Date Range: First to 09/05/25      Applied For: N Open: Y

Application Date Range: First to 01/24/24      Use Type Range: First to Last      Hold: N

Building Code Range: BUILDING to BUILDING      Contractor Range: First to Last      Completed: N

Work Type Range: COM ADDITION to COMMERCIAL NEW      User Code Range: First to Last      Denied: N  
Void: N

Customer Range: First to Last      Inc Permits With Permit No: Yes      Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y      Alt: Y      User Selected: Y

## FY'24 COSAB TREE REMOVAL

Application Id	Property Location	Permit No	Work Type	Issue Date	Description	User Code 1
8002	702 16TH ST	P2400143	TREE REMOVAL	11/8/2023	RESIDENTIAL-TREE REMOVAL INSPECTION	RES
8004	215 10TH ST	P2400144	TREE REMOVAL	11/8/2023	RESIDENTIAL-TREE REMOVAL INSPECTION	MF
8065	501 E ST	P2400199	TREE REMOVAL	11/20/2023	RESIDENTIAL-TREE REMOVAL INSPECTION	RES
8098	16 SEA OAKS DR	P2400238	TREE REMOVAL	11/28/2023	RESIDENTIAL-TREE REMOVAL INSPECTION	RES
8236	2888 A1A S	P2400356	TREE REMOVAL	1/19/2024	RESIDENTIAL-TREE REMOVAL INSPECTION	
8270	965 SALTWATER CIR	P2400393	TREE REMOVAL	1/12/2024	RESIDENTIAL-TREE REMOVAL INSPECTION	

Application Id Range: First to Last

Issue Date Range: 10/01/23 to 01/24/24

Expiration Date Range: First to 09/05/25

Applied For: N Open: Y

Application Date Range: First to 01/24/24

Use Type Range: First to Last

Hold: N

Building Code Range: TREE to TREE

Contractor Range: First to Last

Completed: N

Work Type Range: First to Last

User Code Range: First to Last

Denied: N

Void: N

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y





## MINUTES

### PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING

TUESDAY, SEPTEMBER 19, 2023, 6:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FL 32080

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I. **CALL TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

III. **ROLL CALL**

BOARD MEMBERS PRESENT: Chairperson Kevin Kincaid, Vice Chairperson Chris Pranis, Hulsey Bray, Conner Dowling, Larry Einheuser, Hester Longstreet, Victor Sarris, Senior Alternate Gary Smith, Junior Alternate Rhys Slaughter.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: Building Official Brian Law, City Attorney John Steinmetz, Planner Jennifer Thompson, Recording Secretary Bonnie Miller.

IV. **APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF AUGUST 15, 2023**

**Motion:** to approve the minutes of the Board's meeting of August 15, 2023. **Moved** by Conner Dowling, **seconded** by Victor Sarris, **passed 7-0** by unanimous voice-vote.

V. **PUBLIC COMMENT**

There was no public comment pertaining to anything not on the agenda.

VI. **NEW BUSINESS**

- A. Final/Major Development File No. FD 2023-01, for demolition of the existing 48,555-square-foot Publix grocery store and rebuild to a new 54,964-square-foot store and reconfiguration of the Anastasia Plaza shopping center parking lot to create additional parking spaces, in a commercial land use district at 1001 and 1033 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, Patrick McKinley, Agent for Regency Centers and MCW-RC-FL-Anastasia LLC, Applicant

Jennifer Thompson: This first new business item is the major development application for Publix located in Anastasia Plaza, owned by Regency Centers, for the demolition of the existing Publix store to replace it with a new 54,964-square-foot building, and

additionally, to improve the existing parking lot. In June of this year, the Board heard the concept review application and approved a variance application for three variances for this project. The St. Johns County Fire Marshal's Office and St. Johns County Utility Department, as well as the City's engineer, have done cursory reviews of these plans and given comments and notes on things that need to be changed or provided. The applicants are here tonight to answer any questions the Board or members of the public may have.

Steve Diebenow, Driver, McAfee, Hawthorne & Diebenow, PLLC, Attorney for Regency Centers, One Independent Drive, Suite 1200, Jacksonville, Florida, 32202: My partner, Staci Rewis, is the one who put this application together, but she is not able to be here with us tonight. With me are Patrick McKinley and Chris Ruen, of Regency Centers, and Wade Olszewski, the civil engineer for the project. We are available to address any questions or concerns members of the Board or community may have. We have responded to many inquiries from City staff and produced updated elevations [EXHIBIT A] and additional information we would be happy to discuss and review with you.

Kevin Kincaid: If this works for everyone else, can we go through the changes that have occurred since this came before the Board in June?

Wade Olszewski, Professional Engineer, CPH Corporation, 5200 Belfort Road, Suite 212, Jacksonville, Florida, 32256: I don't think there have been any significant changes made to the overall site plan, but we addressed some of the concerns, one of which was flooding to the north. We've added an inlet, which is more detailed on the grading plans, on the north side of the property behind Publix, and this drains to the stormwater pond. Curbing has also been added along this back area, so that no water goes offsite to the north.

Conner Dowling: Just to confirm, there will be new concrete curbs all along the north side?

Wade Olszewski: Yes.

Conner Dowling: Would you mind pulling up the grading plans and putting them on the overhead, to show us how the grading plan along the north side works?

Wade Olszewski: Sure. Sheet C1.6, included in the plans in the application submittal, shows the curbing running from behind the proposed new Publix building all along the north side of the Regency Centers property. The new inlet is designed to catch water run-off flowing from the northeast side of the property to the west and put it into the re-worked stormwater pond on the northwest side of the property behind the new Publix building. We've also added a few more dumpsters that will be fully enclosed, with doors on the front of them, and there have been minor changes made to the kiosk area to the south and east of the new Publix. The kiosk area has been relocated slightly and it will have a roof connecting it to the adjacent retail area on the southeast corner of the new Publix, to better cover the outdoor patio area between the kiosk and the retail area.

Conner Dowling: I'm presuming the west entry off A1A South was originally more of a

back entrance when the shopping center was first built, but as the community has grown up, it seems to now be the more predominantly used entrance for a lot of people. That slope turning off of A1A South into the shopping center is quite steep, and I think this is the basis of some of the concerns expressed at the June meeting. I noticed in one of the drawings submitted in the application that there is a change in the grade of about 3 feet, from approximately 9 feet at the bottom of the new curb at the street level to approximately 12 feet at the top of the slope. Is there any way that slope could be lessened? I think from a traffic standpoint, it would be better, as folks would be able to enter the site a little quicker. Right now, you have to come in and immediately slow down to ramp up the slope, which becomes sort of a hazard to northbound traffic on A1A South.

Wade Olszewski: Yes, and that happened because the Florida Department of Transportation (FDOT) widened the road, so there was some taking there that shortened the drive aisle of the west entry and made it steeper. There is an inlet in the middle of that drive aisle that we are going to lower a little so the slope can be softened a bit.

Conner Dowling: Okay. I know the overall width of this drive aisle has increased, based on the truck turning radius, which I hope will also help in the long run.

Wade Olszewski: Other than that, there has been much more detail added to the plans, as far as dimensions, grading, and the landscaping plans are concerned. The overall site plan, however, is pretty close to what the Board saw before.

Kevin Kincaid: Has the estimated time of when this might start and when it might be finished been tightened up?

Patrick McKinley, One Independent Drive, Suite 114, Jacksonville, Florida, 32202, Agent for Regency Centers, Applicant: We will try to go as fast as we can, and do as much as we can, before we actually shut the current Publix down. This is what the community wants, what we want, and what Publix wants. We will probably do some phasing of the parking lot work, as the whole parking lot will be changed, and we will begin to do some of that work, along with some of the electrical work, ahead of time, while the current store is still open. The plan is for the current store to be torn down and the reconstruction to start sometime around the middle of next year. The store will actually be closed for approximately a year. The entire project will take longer than that, but we will try to get the current store shut down and the new one built and opened as soon as possible.

Hester Longstreet: Has there been a decision about having a temporary pharmacy?

Patrick McKinley: Publix has decided that they are not going to be able to do a temporary store pharmacy.

Hester Longstreet: So, what will people with prescriptions have to do?

Patrick McKinley: I think they will be able to transfer to other Publix locations, like the Publix on State Road 312, which is probably the next closest store, or the one at the Old

Moultrie shopping center. Publix has done temporary pharmacies at other locations, but this is their decision, it is not a decision Regency Centers can make. Publix notified us this morning that it was decided not to have a temporary pharmacy at Anastasia Plaza. Logistically, it would be pretty challenging, as far as safety goes, with the demolition of the old store, construction of the new one, and the reconfiguration of the parking lot.

Hester Longstreet: I know Publix is going to have a lot of flak from that, just in talking to a lot of the citizens about this. This is one of the community's biggest concerns.

Patrick McKinley: I'll ask Publix if they will reconsider. Regency Centers has tried in the past to buy the land in back of Publix, so the existing store could be kept open while the new one is being built, and then the old store could be torn down when the new one is finished. Obviously, however, that is not in the cards anymore. The current plan is really the best we can do to get the community a new Publix as quickly as possible.

Kevin Kincaid: Are there any other questions or comments from the Board? Hearing none, do we have any public comment?

Francine Fix, 318 South Ocean Trace Road, St. Augustine Beach, Florida, 32080: I have been in St. Augustine Beach since 1988, and Publix has been a definite asset to the community. My two concerns about the proposed new construction are focused on services to the community. First, I am hoping accommodation will be made to keep the Publix pharmacy on the Island during construction, possibly in a vacant space in the Plaza, or there have to be other places near here that can accommodate the pharmacy. Second, I am concerned about Publix employees. Please consider their importance to the community and their hard work and loyalty to Publix and St. Augustine Beach. My hope is that all employees are offered the opportunity to continue their employment in one of Publix's many stores, if this is agreeable to them and they are able to do so.

Kevin Kincaid: Can I just clarify that there is no one here from Publix who can speak on behalf of Publix's policy-making decisions? The Board is here to look over the plans and the operation of the proposed project, and to see what will be done with the construction of the new store. As to the business decisions that have to be made, I would encourage everybody to contact Publix corporate and let them know what your feelings, concerns and desires are, because I am not sure this Board can hold Regency Centers, as the property owner of Anastasia Plaza, accountable for what will happen to Publix employees.

Nicholas Binder, 232 Big Magnolia Court, St. Augustine Beach, Florida, 32080: I am glad that the stormwater issues are being addressed by trying to contain stormwater run-off so that it doesn't go onto A1A, and minimize impacts to Hammock Dunes Park. At the public forum meeting held at City Hall a week ago, I mentioned the barrier wall or fence, which is required along Regency Centers' property and Hammock Dunes Park as part of the variances granted for this project, which I commend the Board for. My concern is, unless it is worked out in the lease agreement between Regency Centers and Publix, there will be a loading dock that may be operating 24 hours a day, seven days a week, with refrigerated trucks unloading their products, so I encourage the City to consider requiring

some type of barrier wall around the truck loading dock area. I know there will be sidewalks and everything, and this may be sufficient, based on the evaluation of the engineers involved in this project, but the Board may want to consider requiring some type of barrier wall to minimize the impacts to neighboring properties.

Kevin Kincaid: Is there any other public comment? Hearing none, is there any other Board comment?

Hester Longstreet: I know at the last meeting we talked about the shrubbery and the landscaping. Will this be addressed in the rebuilding of the new Publix? We previously talked about how you cannot see, going in and out, from the south entrance.

Patrick McKinley: We actually cut the shrubbery back, because there were complaints a couple of years ago.

Hester Longstreet: Yes, but it has grown up again since then.

Patrick McKinley: We can definitely modify that, and the fact this this entrance will be wider will also help.

Hester Longstreet: Also, I know you said Regency Centers cannot do anything about the pharmacy, but I would encourage anybody listening to contact Publix about having a temporary pharmacy, and I would appreciate you letting Publix know this is a big concern.

Patrick McKinley: We did offer vacant space for a temporary pharmacy. Operationally, there is space for a temporary pharmacy, so we will ask Publix to reconsider their decision.

Kevin Kincaid: Okay. Is the Board's action tonight a recommendation to the City Commission to move forward with this application?

Brian Law. Yes. This Board is tasked with making a motion to recommend approval or denial of this final development application to the City Commission.

Larry Einheuser: I motion to approve it.

Husley Bray: I second the motion.

Kevin Kincaid: We have a motion and a second. Is there any discussion on the motion?

Chris Pranis: Should we include the information and comments from the St. Johns County Fire Marshal's Office and St. Johns County Utility Department as part of the motion?

Brian Law: All correspondence with other agencies will be provided to the City Commission. These are technical reviews, and outside the scope of this Board, but every document the City has pertaining to this application will be included in the application information that will be provided to the City Commission when this comes before it.

Kevin Kincaid: And any requirements these agencies have will have to be met anyway.

Brian Law: Right. The City will probably issue a civil plan permit first, to begin the phased development of the parking lot, and allow work to begin on the rehabilitation of the existing stormwater pond. That will be a separate permit that will once again be approved by the Utility Department, the Fire Marshal, the City's engineer, and then, finally, me, as the City's Building Official. All of that will be signed off by at least four different agencies, and when the permit application for the new Publix building itself comes in, it will be handled and signed off by myself and the St. Johns County Fire Marshal's Office.

Kevin Kincaid. Okay, thank-you. Any other discussion on the motion? Hearing none, may we have a vote on the motion please?

**Motion:** to recommend the City Commission approve Final/Major Development File No. FD 2023-01, for demolition of the existing 48,555-square-foot Publix grocery store and reconstruction of a new 54,964-square-foot store, and reconfiguration of the Anastasia Plaza shopping center parking lot to create additional parking spaces, in a commercial land use district at 1001 and 1033 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080. **Moved** by Larry Einheuser, **seconded** by Hulsey Bray, **passed 7-0** by the Board by unanimous voice-vote.

B. First reading of Ordinance No. 23-XX, proposed code changes to the City's Land Development Regulations (LDRs), Section 6.01.04, pertaining to building height measurement, exceptions, and applications, and to add Section 6.01.05, pertaining to drainage requirements for new development

Jennifer Thompson: This is for proposed code changes to Section 6.01.04, which refers to building height, and to add a new section, 6.01.05, to the LDRs. City-wide, the maximum building height per Section 6.01.04 is 35 feet. However, current regulations allow specific architectural features to extend 10 feet above the 35-foot height maximum. The code changes to this section limit this to commercial uses only, not including transient rentals, and would not allow specific architectural features such as cupolas, steeples, spires, chimneys, vents, flag poles, parapet walls, and various other items, to extend an additional 10 feet above the 35-foot height maximum in residential zoning districts.

Kevin Kincaid: I know there are exceptions for air conditioning units on roofs, so do the proposed code changes limit the height of mechanical equipment on residential roofs, so that mechanical equipment cannot exceed the maximum height allowance of 35 feet?

Jennifer Thompson: Yes.

Kevin Kincaid: And the 35-foot maximum height is measured from one foot above the crown of the road?

Jennifer Thompson: The height is measured from one foot above the higher of either the existing front grade or the crown of the road. This is where the height of a building starts.

Victor Sarris: I thought there was a consideration from the Fire Marshal's Office in regard to the 35-foot height limit. Is this part of the reason for having the 35-foot height limit?

Brian Law: The 35-foot height limit is traditionally always used in residential construction. Once you exceed three stories, you are no longer in the residential Florida Building Code (FBC), and Chapter 9 of the commercial FBC, which would then take precedence, requires all residential occupancies exceeding three stories to have sprinkler systems. The Fire Marshal is equipped to handle more than 35 feet, as some of the County's Planned Unit Developments (PUDs) have maximum heights of 55 feet. But once you get above 35 feet, it becomes really problematic to build houses, and most of the residential development over 35 feet in the County is done by national builders, as local builders are not equipped nor probably willing to spend that kind of money. The code changes presented by Ms. Thompson are simply a way to close out a loophole in the code pertaining to parapet walls, which are pretty common with commercial occupancies, like hotels, which have parapet walls on their roofs to shield all the mechanical equipment from public view. In the residential sector, however, this is a different animal, and the current code could right now be utilized to provide a loophole to that. Third-story decks are perfect examples of this. Building height is limited to 35 feet at the height of the handrails, so no extra height allowance is in the code for that, but if someone wanted to have a solid parapet wall, they would be allowed to go up to 10 feet higher. The height of the building would still be limited to 35 feet, but you could add a 3 to 4-foot-high parapet wall with handrails on top of it. I can assure you if this was ever permitted using this loophole, it would be pandemonium in this town, and rightfully so. I've instructed staff that if something like this comes in, it will be sent to the Planning and Zoning Board for a more detailed review. These code changes have been proposed as a way to try to close this loophole so that it cannot be utilized in residential development. The variance application and procedure to appear before this Board to demonstrate the hardship for a variance is the appropriate method for anyone who wants to exceed the 35-foot height limit in residential areas.

Kevin Kincaid: There is a house on 12<sup>th</sup> Street, near the beach, I think, with a rooftop deck and wall around the entire roof. Will the code changes eliminate this type of rooftop deck? This house with the deck on the entire roof basically has an extra story of space.

Brian Law: As long as the wall is no higher than 35 feet, it would be allowed. What would not be allowed is a blanket permission to build a 35-foot-high roof and then add a parapet on top of it, which the code right now supports. Mathematically, it is possible to build a three-story house with a flat roof, rooftop deck and handrails that do not exceed 35 feet.

Conner Dowling: For residential construction, I have concerns about chimneys, solar panels, and special ventilation fans. Typically, you want a chimney to be higher than the roof peak, which could be at 35 feet. Chimneys are a very residential feature that are not part of most commercial structures. Adding solar panels, which are probably only 8-10 inches high, to a roof could be problematic, if this pushes the height over 35 feet.

Brian Law: Solar panels, 99% of the time, would be lower than the 35-foot maximum roof peak. There are new FBC rules calling for the placement of a three-foot walkway around

solar panels, so in the event of a fire, fire personnel have the option to get on this walkway. In my time at both this City and the County, I have never seen a height issue result from a solar panel, because they are so low profile. I would agree that it is not the intent of these changes to limit chimneys on houses, so maybe we could simply say, after the phrase that states the building height limitation shall not apply to fire or parapet walls, that this is for commercial buildings only. That way, it is specific to parapet walls only, and chimneys would still be allowed to exceed the 35-foot maximum building height by up to 10 feet, because we don't want residents to have to apply for variances for that. We are simply trying to limit the use of parapet walls in residential sectors, where somebody could now have a 45-foot tall elevator shaft. And that's the other question, does the Board want to continue to allow elevator shafts to be 10 feet higher than a 35-foot-high building? An elevator shaft has a roof, and about a year or two ago, a contractor was floating an idea with us, as he wanted an elevator shaft and that justified the parapet wall, but there was no limitation on the size of the elevator shaft, so now the elevator shaft was around 300 square feet, because he had the elevator equipment in there, and he was utilizing the code. I'm not concerned with skylights, monuments, cupolas, domes, belfries, steeples, church spires, solar energy collectors, or water towers, which are obviously commercial. We're really not trying to limit any of these things, just the parapet walls. So, my recommendation would be to move the phrase in the proposed code change that says this applies to commercial occupancies not including transient rentals so that it follows the phrase referring to fire or parapet walls, and specify that this is for commercial structures only, not including transient rentals. That way, the code stays in place, and we simply just limit that one section, so that residential construction would not be allowed to have parapet walls that exceed 35 feet in height. This still leaves elevator shafts open, and elevators are becoming more prevalent in three-story homes. Traditionally, traction elevators, which are bolted to the inner walls, are being utilized. There is no code that prohibits putting an elevator shaft on top of a three-story flat-roofed building right now. Then, if you need a 300-square-foot elevator room, as I mentioned earlier, this could turn into a tiki bar. People will build what they can, as that is their right.

Conner Dowling: The proposed code changes would keep the top of the handrails at 35 feet, even in that case, correct?

Brian Law: Yes, sir.

Kevin Kincaid: And by saying that that this will be allowed for commercial uses only, how will short-term rentals be excluded?

Brian Law: A short-term rental is actually a residential building. The way the City classifies a short-term rental as a commercial operation is of no implication to the FBC.

Kevin Kincaid: So, when a conditional use permit is granted to allow a residential structure in a commercial land use district, there is no argument for it to be considered as a commercial establishment.

Brian Law: It would still be in a commercial zoning district, but it is a residential building,

as it is built to the residential FBC. If it wasn't, the building would have to be retrofitted with sprinkler systems. As far as I understand, the Florida Building Commission has taken no action on this. I don't know if they even want to hear about it, because short-term rentals operate in a state of limbo. They are being used for rental purposes but are built as single-family or duplex residences, or as townhouses, or something of that magnitude, per the residential FBC. A conditional use permit does not change the zoning of a property, it simply allows a residential building to be built in a commercial zoning district.

Kevin Kincaid: My question is based on short-term rentals not being included as commercial occupancies that are allowed to have special features exceeding 35 feet. I just want to make sure property owners won't have an argument when plans are submitted for a residence, but they want the additional height allowed for special features because the property is in a commercial land use district.

Brian Law: The zoning of a property has no bearing on the FBC, which is why I operate on three different fronts in this City, zoning, building, and code enforcement. So, I have to know which hat I'm wearing to make a ruling based on the codes we have.

Victor Sarris: Just to be clear, the proposed code changes would not prohibit a parapet on a residence, it just could not exceed 35 feet in height.

Brian Law: Correct.

Jennifer Thompson: There is another part to the ordinance for the proposed code changes, and that is to add another section, Section 6.01.05, to the LDRs, for drainage requirements for new development. Part A of this section states, "The Director of Building and Zoning or designee may require construction of retaining walls, roof gutters, underdrains, swales, or any other method deemed necessary to provide adequate drainage," and Part B states, "Roof gutters are required for two-story or greater buildings." This is just for new development, not for pre-existing properties.

Connor Dowling: Is there any back story to this, or specifically, any issues staff is seeing?

Jennifer Thompson: It is just to cut down on drainage issues. Basically, this gives the Building and Zoning Department the power to address any drainage issues at the time of permitting for new construction.

Brian Law: This is also a directive from the City Commission. A couple of months ago, a conditional use application to tear down an existing house and build a new one came before this Board and the Commission, and the issue of drainage was brought up. The Commission asked me to create a code that requires gutters for any new construction that is two stories or greater and bring it before this Board for first reading. The concern is valid, as the higher the structure, the more energy water coming off the roof has, and this water is very heavy. With 7.5-foot side yard setbacks on 50-foot-wide lots, we are unable to get effective swales. We are seeing the use of underground drainage a lot more with pop-ups, which seem to be very effective. By putting these requirements in the

code, the builders now become aware, when houses are designed, that gutters and other drainage methods may be required. The use of retaining walls will be implemented more and more, as the City is essentially an in-fill community now. A prime example of this is A Street, where one lot may be three feet higher or lower than the lot next door. This is a remnant of the old dunes that were here long before any of us. The proposed code changes are just a way to keep stormwater from running onto neighboring properties.

Victor Sarris: After being collected by gutters and downspouts, the drainage situation is improved to some extent, but where does water go when it exits the downspouts?

Brian Law: Gutters channel water run-off to a downspout where the water will come out and gradually dissipate. This way, the water will not have all the kinetic energy it picks up when it falls from 35 feet high in the air to the ground.

Victor Sarris: But that kinetic energy is really lost when the water hits the ground.

Brian Law: Potentially, some of it, but gutters will allow us to control the run-off a little bit better. Gutters do cost money, and builders are probably not going to be happy with this, but we are seeing gutters being installed on most of the taller houses anyway.

Kevin Kincaid: This new rule means gutters will not be optional, based on the drainage situation. This will require gutters for any new building that is two-stories or higher.

Brian Law: Yes, and construction of retaining walls, roof gutters, underdrains, swales, or any other method deemed necessary to provide adequate drainage may be required by the Director of Building and Zoning or designee for any new development. Gutters are a good thing, but they are labor-intensive, because you have to clean and maintain them. This is an attempt to control drainage on 50-foot-wide lots with 7.5-foot side setbacks. Almost every property now has the maximum lot and ISR coverage allowed, along with the use of permeable pavers and pools permitted in conjunction with new houses.

Victor Sarris: Typically, you can't drain onto someone else's property. There is a cost incurred for putting in a retaining wall, if there is a significant difference in grade. You certainly want to be considerate of your neighbors, as far as not flooding their houses or the streets, but in my experience, retaining walls have been significantly effective.

Brian Law: They are. We like retaining walls, because they keep the grade natural on both sides of new development. There is a significant cost involved, as retaining walls are expensive, but this is the cost of doing development in an in-fill community, where it is getting more and more challenging to protect existing residences and properties from water run-off. We simply cannot just rely on or expect builders to do the right thing, we have to help them and work with all builders equally to steer them to the correct solution.

Kevin Kincaid: Do we need to clean up the discrepancies between the language in the staff memo, which states drainage requirements including gutters, retaining walls, underdrains, swales, or any other methods deemed necessary by the Director of Building

and Zoning **may** be required, and the language in the proposed ordinance, which states these things **are**, or shall or will, be required? I want to make sure we are not sending confusion forward to the Commission, or putting something out there that is not clear.

Brian Law: For a point of clarity, the reason the proposed code changes are written the way they are in Parts A and B for Section 6.01.05 is because there may be the possibility of requiring gutters on a one-story building. For example, lots in Sea Colony have reduced setbacks, and Sea Colony has a multitude of setbacks for different lots, including one section of lots which have no specific setbacks, as this is the way these lots were originally designed. Part A would give the Building and Zoning Department the opportunity to require gutters for even a one-story building, to make the drainage plan work. In Part B, gutters are simply required for all buildings that are two stories or greater.

Kevin Kincaid: Okay. If everyone is comfortable with this, I'm good with it too.

Rhys Slaughter: Is there any stipulation as to what builders may be forced to do, for example, if a two-story house is required to have gutters, does this mean one gutter, or gutters around the whole house?

Conner Dowling: Good point, I was about to ask the same thing. Brian, would you require gutters for the entire perimeter of a roof, regardless of the slope or pitch?

Brian Law: If the water doesn't drain to that part of the roof, for example, say it is a gable end, I am not going to require it to be guttered, as it is not the intent of this code to require gutters on something that is only a few feet wide. We do have engineers at our disposal when we need technical help with lot grading and things like that, and the intent is not to micromanage development, but to utilize gutters as a drainage mechanism. To address that concern, we could simply put, only in Section B, that roof gutters are required for two-story or greater buildings as deemed necessary by the Building and Zoning Department. This would require gutters but allow the option to require only what is deemed necessary by the Building and Zoning Department. That way, when you have a cupola or an elevator shaft, like we just talked about, we are acknowledging a 50-square-foot section of roof is not going to cause significant drainage issues if it is not guttered. The intent is to encapsulate the majority of the drainage from a roof that sheds water to a reduced setback such as the 7.5-foot side setbacks that are allowed on smaller lots.

Kevin Kincaid: Okay. Do we have any public comment?

Bill Tredik, 24 Ocean Pines Drive, St. Augustine Beach, Florida, 32080: I like Brian's comments about staff having some discretion. For medium density residential zoning districts, I think this would be great, especially with in-fill lots. When I was with the City as the Public Works Director, we had a lot of problems with the smaller, 50-foot-wide lots, but with larger lots that have 100 or 120 feet of frontage, it is just not necessary to gutter homes, and certainly not necessary to gutter the fronts of these houses. A lot of these homes are on rural streets that do not have curbs and gutters, so the water is going into the yards anyway, it is not going out to the streets or anywhere else. I think the gutter

requirement is appropriate for medium density residential lots, but I am not sure how appropriate it is for low density residential lots, except in certain situations. I encourage you to give the Building and Zoning Department the authority to make exceptions so that homeowners do not have to go through the variance process. My concern was that the proposed code changes seemed to be pretty cut-and-dried, by saying two-story and higher houses will have gutters, but if staff is given the authority to deem gutters unnecessary when drainage is not an issue, that would be a welcome addition to the code.

Brian Law: If the Board will indulge us, we are going to try to encapsulate the recommended revisions to the proposed code changes based on the Board's discussion.

Jennifer Thompson: Based on the discussion we've heard, Part A of Section 6.01.05, for drainage requirements for new development, is amended to state, "The Director of Building and Zoning or designee may require construction of retaining walls, roof gutters, underdrains, swales, or any other method deemed necessary to provide adequate drainage." Part B is amended to state, "Roof gutters are required for two-story or greater residential buildings as deemed necessary by the Building and Zoning Department."

Hester Longstreet: I personally liked this better as it was originally written to require roof gutters for all two-story or greater buildings. I think it is kind of common sense that a two-story or greater building should have gutters, but it is also common sense to not expect something like a cupola to be guttered. I also don't think there is anywhere in St. Augustine Beach considered to be a rural area anymore, so the more we build to almost zero lot lines, the more drainage issues we will have. I prefer to leave the requirement that all two-story or greater buildings are to be guttered the way it is, and not change it.

Kevin Kincaid: Okay. Are there any other comments or questions? Hearing none, do we have a motion?

Brian Law: As this is the first reading of the ordinance for the proposed code changes, the City Attorney is required to read the preamble, or ordinance title, aloud.

John Steinmetz: "An ordinance of the City of St. Augustine Beach, Florida, relating to building height measurement and drainage requirements for new development; amending the Code of the City of St. Augustine Beach, Chapter 6, Buildings and Building Regulations, to amend, revise and restate the Sections 6-01 of the City Code; and providing an effective date."

**Motion:** to approve Ordinance No. 23-XX, for proposed code changes to the City's Land Development Regulations, Section 6.01.04, pertaining to building height measurement, exceptions, and applications, as amended per discussion by the Board, and to add Section 6.01.05, pertaining to drainage requirements for new development, as amended per discussion by the Board, on first reading. **Moved** by Victor Sarris, **seconded** by Larry Einheuser, **passed 6-1** by the Board by voice-vote, with Kevin Kincaid, Chris Pranis, Husley Bray, Conner Dowling, Larry Einheuser, Victor Sarris, and Hester Longstreet dissenting.

C. Discussion of proposed code changes to the City's Land Development Regulations, Section 3.02.05, pertaining to regulations for special events for business/promotional/sales permits on privately-owned property in the commercial land use district

Jennifer Thompson: This item was put on tonight's agenda because the issue of parking requirements for businesses applying for special event permits recently came up. A local business wanted to have a special event on their property, however, after reviewing the code, special events are only allowed if they meet the criteria in Section 3.02.05 of the LDRs. This applies to special events hosted on privately-owned commercial property. Business owners are required to submit a special event permit application, which is reviewed and either approved or denied by the Planning and Zoning Division. Unfortunately, the business that recently wanted to have a special event could not meet the criteria in Section 3.02.05.F, which requires at least 25 on-site parking spaces available for parking by the public, with parking for special events not allowed on public streets, rights-of-way, or off-site locations. With the number of small parking lots we have in the City, this really limits the number of businesses that can have special events, so staff wanted to present this to the Board to discuss possibly changing the code so that smaller businesses that do not have 25 on-site parking spaces could also hold special events.

Kevin Kincaid: I think we have an obligation here to protect not only the local businesses but also the citizens and residents that are going to be impacted by people parking in front of their houses and on their lawns and everywhere else people park during a special event. I know when the City has a special event, there is parking at Ron Parker Park and other places with shuttles available to shuttle people back and forth. Is there a way we can require businesses to get a permit to allow people to park at Ron Parker Park or City Hall, to provide additional parking for special events? I don't think it is a good idea to ignore the requirement that at least 25 on-site parking spaces must be provided for parking by the public for special events, because this will just encourage every little shop down here to have a special event and this is going to overrun our neighborhoods.

Jennifer Thompson: Ron Parker Park is owned by St. Johns County, so I am not sure what the County's rules are in regard to allowing parking for special events for local businesses.

Kevin Kincaid: How does the City do it, when we have a City event that provides shuttle service? Is this the City, or the County that does that?

Brian Law: Melinda Conlon, the City's Communication and Events Coordinator, orchestrates events like Beach Blast-Off, which has vendors and shuttles, but these are not the events we are talking about here. We are talking about local businesses on privately owned commercial properties like the Sunshine Shop, which has been having sidewalk swimwear sales for years. Using the average commercial parking requirement of one space for every 250 square feet of gross floor area, a commercial building would have to be a minimum of 6,250 square if it were to have 25 on-site parking spaces. A new business, Outer Banks Boil Company, which recently opened in the City, wanted to have a special event for their grand opening, but the City could not approve a special event

permit for this because the business does not have the required 25 on-site parking spaces. Cindy's Gift Shop, on the corner of 13<sup>th</sup> Street and A1A Beach Boulevard, also would not be allowed to have a special event without 25 on-site parking spaces, even though this business is in a huge walk-up destination area. This is why we are trying to find a solution to help these smaller businesses that do not have a minimum of 25 on-site parking spaces. We are not changing the parking regulations, but maybe the fact that the City has public parking available every few blocks could be taken into consideration, along with the fact that the City's Police Department has the ability to ticket vehicles that are illegally parked. The City has been striving, with the evolution of the Vision Plan, to make a shift to a walk-up community. We've all seen the mixed use development, which allows buildings to be pushed forward, closer to the Boulevard, so you get that feel of a walk-up community, grow up over the years. We're just trying to find a way to help smaller businesses have little outdoor events. Right now, unless a business is a bank or in a strip mall or a shopping center, it cannot meet the minimum on-site parking spaces required for a special event.

Chris Pranis: My opinion is that as long as a business meets the minimum parking requirements, the City has public parking, as Brian just said, so then it becomes a parking enforcement issue, just like anything else. If someone goes to the beach and is illegally parked, the Police Department or whoever enforces that should take care of it.

Hester Longstreet: Right, and there are signs everywhere, down every street, designating where there is public parking and where no parking is allowed.

Kevin Kincaid: So, are we asking to get rid of paragraph F in Section 3.02.05, which requires at least 25 on-site parking spaces for special event permits?

Chris Pranis: We could modify it, instead of taking this whole paragraph out.

Jennifer Thompson: This is why we brought this to the Board, because we don't really know what the true intent of this code was when it was crafted. If the Board decides to stick with the 25 on-site parking space rule, one possible solution might be to alter this to state if the business has less than 25 parking spaces, only a certain number of them can be blocked off for a special event. This would basically ensure a business could not block off its entire parking lot to put merchandise or vendors outside during a special event.

Brian Law: My big concern is obviously always about providing accessible parking. Take, for example, the west side of A1A Beach Boulevard, where you see multiple strip businesses, with three or four suites per building. It is always a huge concern of my department that there is handicap-accessible parking available in that strip parking lot during a special event, as we would hate to see one of our business owners inadvertently end up in a lawsuit. Traditionally, we only issue a few special event permits per year. The Oasis Restaurant gets a couple a year, the Sunshine Shops gets one or two a year for their sidewalk sales, and a few other businesses have special events every now and then. But since it has now come to my attention that some special event permits have been allowed for businesses that do not have at least 25 on-site parking spaces, which is contrary to the code, this has been brought before the Board for discussion on amending the code.

Kevin Kincaid: As we are not expecting to be inundated with requests for special event permits, changing the code would not become a burden or cause issues, correct?

Brian Law: Correct, the intent is to keep the special events that have traditionally been happening, and then if new businesses, such as the Outer Banks Boil Company, wanted to hold a grand opening party and have little food stations outside, changing the minimum parking requirements for a special event permit could allow this to happen.

Chris Pranis: I'd like to suggest businesses must have 50 percent of existing parking spaces, as well as all handicap-accessible spaces, available for parking during a special event. That leaves the opportunity for all handicap-accessible parking and other spaces to be available, while still granting all businesses the possibility of having a special event.

**Motion:** to recommend Section 3.02.05.F of the LDRs, pertaining to regulations for special events for business/promotional/sales permits on privately-owned property in the commercial land use district, be amended to require businesses to have 50 percent of existing parking spaces, and 100 percent of required accessible parking spaces, available for public parking for a special event. **Moved** by Chris Pranis, **seconded** by Larry Einheuser, **passed 7-0** by the Board by unanimous voice-vote.

**VII. OLD BUSINESS**

There was no old business.

**VIII. BOARD COMMENT**

There was no further Board comment.

**IX. ADJOURNMENT**

The meeting was adjourned at 7:14 p.m.

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Kevin Kincaid, Chairperson

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Bonnie Miller, Recording Secretary

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE AUDIO/VIDEO CAN BE OBTAINED BY CONTACTING THE CITY MANAGER'S OFFICE AT 904-471-2122.)



## MINUTES

**SUSTAINABILITY & ENVIRONMENTAL PLANNING ADVISORY COMMITTEE MEETING  
THURSDAY, DECEMBER 14, 2023, AT 6:00 P.M.  
CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080**

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I. CALL TO ORDER

Chair Krempasky called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

The Committee recited the Pledge of Allegiance.

III. ROLL CALL

Present: Chair Sandra Krempasky, and Members Craig Thomson and Karen Candler.

Vice Chair Lana Bandy and Member George O'Brien were absent.

Also present: City Clerk Dariana Fitzgerald and Grounds Foreman Tom Large.

Chair Krempasky advised that this meeting should adjourn no later than 7:00 p.m. due to impending weather conditions.

IV. APPROVAL OF MINUTES OF OCTOBER 12, 2023, REGULAR MEETING

**Motion:** to approve the minutes of October 12, 2023. **Moved by:** Member Thomson. **Seconded by:** Member Candler. Motion passed unanimously.

V. PRESENTATION OF REPORTS:

1. Reforestation and Landscaping Projects

- a. Mickler Boulevard
- b. Parkette Planning/Green Infrastructure
- c. Urban Forestry
- d. Environmental Planning Projects

Foreman Large advised that 8<sup>th</sup> Street looks very good, but there were a few plants that did not make it and Leonardi's put more plants in. He said that the reason they did not make it was probably because the water truck was dumping too much water, so he backed off on the watering. He said that it probably needs about ten or fifteen more bundles of pine straw because it is already breaking down. Foreman Large introduced Shayan Khatibi, Ruah Gardens, LLC, who the Committee had hired to maintain the 8<sup>th</sup>

Street eco-garden. Chair Krempasky asked if they needed approval to buy more pine straw. Foreman Large said yes and advised that he would like to have Shayan put it down.

**Motion:** to approve Tom Large to purchase 10-15 bundles of pine straw to replenish 8<sup>th</sup> Street. **Moved by:** Chair Krempasky. **Seconded by:** Member Thomson. Motion passed unanimously.

Chair Krempasky advised that she was at the eco garden recently and that Lonnie told her that dwarf Fakahatchee grass would be better, but the plant list showed that they were not dwarf, so he thought that we should move one to another area because it will get too big. Foreman Large advised that he would monitor the grasses for now and when they get bigger, then he could move them and/or split them to be used elsewhere such as the Mickler Boulevard project.

Foreman Large moved on to the Mickler Boulevard wildflower garden and advised that it is being taken over by grass and that Public Works does not have the workforce or time to take care of it. He said that for the garden to look good by spring, SEPAC would need to move forward with having either Shayan or someone else take care of it and he provided a proposed cost from Ruah Gardens to maintain the wildflower garden on Mickler Boulevard [Exhibit A]. He suggested for SEPAC to think about it now before the grass encroaches even more in the spring. Member Thomson questioned whether SEPAC had \$1,400 in the budget to cover it. Chair Krempasky advised that it was not covered in this year's budget. She said that SEPAC has \$4,000 to spend on a planting project. Foreman Large suggested to keep in mind the continuing maintenance if SEPAC does another project on Mickler Boulevard because it stays wet in that area and the grass seems to come in a lot faster. Chair Krempasky said that Mickler Boulevard may not be an ideal place for SEPAC projects, and that they only did the wildflower garden there because Mr. Tredik wanted it to be beautified. She said that maybe SEPAC should spend some money to maintain the wildflower garden, but not do any other projects there.

Member Thomson asked Foreman Large to research what FDOT (Florida Department of Transportation) does to maintain their rights-of-ways/medians that have wildflower gardens. Foreman Large advised that he researched it about a year ago and that their process is to just mow it over, let it come back next year, but that over time the grass will take over and they would just start the process all over again. Member Thomson said that the City cannot even maintain its plazas very well let alone the rights-of-ways and he suggested that we look into it more.

Chair Krempasky said that Lonnie worked on some signage for the eco-garden, and she showed the draft for a 24" x 18" sign at 8<sup>th</sup> Street [Exhibit B]. She said it is pretty understandable, but he is open to changes and to email him directly. Member Thomson said that it was very good for communicating a good example to the public. Chair Krempasky advised that if SEPAC approves this sign, the money would come from our budget for the parkette this coming year and it should not cost any more than a couple hundred dollars. Foreman Large asked if it would be a sign that can be mounted on metal poles as we have done before. Chair Krempasky said that she thought it would be the same as what Lonnie did for the bioswale and the sign company could put holes in it. Foreman Large advised that he would use the poles that SEPAC already purchased.

**Motion:** to approve the proposed sign draft and approve up to \$250 for Public Works to follow through with the order. **Moved by:** Member Thomson. **Seconded by:** Member Candler. Motion passed unanimously.

Foreman Large advised that the water truck is better equipped with a pump now to take care of things, and as we get through winter, we can look at doing more. He said that the palm trees that Leonard's planted look good and he believed we would be in good shape come springtime.

Chair Krempasky advised that the proposal from Ruah Gardens would be discussed at the next meeting. Mr. Khatibi stated that he was open to negotiations on the proposal, if they wanted maintenance done as needed or to skip certain months. He also suggested that the Committee could place a small barrier around the area for protection, just a string or something simple. Foreman Large said that the area gets a lot of traffic, and he suggested placing more pollinator boxes as barriers on Mickler Boulevard or possibly using some on 8<sup>th</sup> Street. Member Candler said that she would not want to put them on Mickler Boulevard if the flower bed is not going to survive. Foreman Large said that there are already a couple pollinator boxes there that are being used non-stop. Member Thomson said that the City has fifty-two plazas, and 8<sup>th</sup> Street is the only one that has an eco-garden, which was a good start, and that concept could be used at other plazas along with the pollinator boxes. He said that he liked the idea of evaluating it every spring and mulching/weeding it so the plants can become established, which might be a better use of funds and maintenance going forward. He said that we are promoting eco-gardens so that homeowners can do them in their own yards. For the next meeting, he suggested that SEPAC consider another plaza such as the one at D Street and the Boulevard, which is low enough and could be utilized. He said that he has put in some hurricane lilies and dune daisies and that he would like to get permission from Public Works to start modifying those beds and create some troughs around the trees to prevent the weed eater from scarring them. Foreman Large advised that he talked to the Public Works guys, and they definitely do not want to damage the trees, but we do not have the workforce to do it. He said that Public Works has mulch that could easily be done. Member Thomson said that he would try to create grass away from the tree trunks as an experiment to see how long it takes and then bring it back for discussion. Foreman Large advised that it is in the Charter, and it is something to look forward to trying to do in the future.

Member Thomson showed an email that he sent to Foreman Large regarding tree damage at the D Street plazas [Exhibit C]. He said that he would volunteer to do the experiment with Public Works. Chair Krempasky said that SEPAC spent just over \$2,500 on the 8<sup>th</sup> Street eco-garden and we have some money that we could spend on putting buffers around the palm trees. Foreman Large asked if she meant money to purchase buffers or to create our own. Chair Krempasky said money to purchase the buffers. Member Thomson said that he would like to know what that protective mechanism is for protecting the hard woods of the red Cedars and Oaks. Foreman Large advise that he would bring back information for the next meeting. Member Thomson said that otherwise we would need to extend the current design so the grass does not grow up against the trees and there are low areas that could easily take on an eco-garden. He suggested that it should be something that the City considers as part of its stormwater management, which is under environmental planning and projects.

Member Thomson advised that he emailed a City of St. Augustine ordinance regarding how to control runoff, grading plans, eco-gardens, etc. to the City Manager, the City Clerk, and Foreman Large today, which he would like to be a planning project [Exhibit D]. He asked the City Clerk to forward his email to everyone. City Clerk Fitzgerald advised that the last email she saw from City Manager Royle said that it should be directed to the Planning Board. Member Thomson said that he would like for SEPAC to at least look at the ordinance, the City of St. Augustine had a committee that studied it, and this site-grading ordinance is the way to do it. Member Candler said that it would only apply to new builds. Member Thomson said that it would apply to existing too, because if you are creating flooding on someone else's property and the ordinance says that you are not allowed to do that, then it could be a Code Enforcement issue. He said that he asked the City Clerk to distribute this to SEPAC and he does not mind talking to the Engineering and Planning Departments to make sure that they review it, but it may be inappropriate for SEPAC to go to the Planning Board without expertise from the Engineering/Planning Departments saying whether it is a good thing or not. Chair Krempasky asked if by Engineering and Planning Departments, he meant Engineer Sparks and Building Official Law. Member Thomson said no because he did not think that Building Official Law should wear two hats and that Jennifer Thompson and/or Bonnie Miller are the City Planners. Chair Krempasky said that if they agree that it is a good product, then they would take it to the Planning Board. Member Thomson said that they do this all the time, and it is what is needed because it is not going to get any better.

**It was the consensus of the SEPAC members to authorize Member Thomson to work with staff on it.**

Chair Krempasky asked when the City of St. Augustine adopted the ordinance. Member Thomson said that it was new, and he was not sure whether it was codified yet. Chair Krempasky said that she would talk with the City of St. Augustine's Public Works Director, Todd Grant, about it.

## 2. Educational Programs

- a. Environmentally Friendly Landscaping Recognition
- b. Environmental Speaker and Film Series
- c. Newsletter Topics
- d. Environmental Education Materials

## VI. OTHER COMMITTEE MATTERS

Chair Krempasky advised that one of the things that we should be discussing at this meeting is the selection of the new Chair and Vice Chair. She said that she believed that something would be changing with Vice Chair Bandy's job, and she would not want to elect her as Vice Chair tonight without her being here. City Clerk Fitzgerald advised that it could be put off and done at the beginning of the January meeting.

Member Thomson thanked Chair Krempasky for going to the Commission to get SEPAC's quorum reduced to five members. He said that right now we do not have any alternate members, so we need to concentrate on finding people. Chair Krempasky agreed and she asked Shayan if he was

interested. City Clerk Fitzgerald advised that he cannot be a member because he is working for SEPAC now.

Member Thomson asked what the status was for doing an environmental education flyer for Item V.2.d. Chair Krempasky advised that we do not have money in the budget to do it. She said that she had some materials that Engineer Sparks created that SEPAC used for its October film series. She said that Engineer Sparks is looking for opportunities to follow up with grants that he has to comply with educational materials so it may be worth talking to him to find out what he wants to work on next or possibly provide him with suggestions. Member Thomson suggested to make a flyer from the eco-garden sign that Lonnie created, and he asked if Engineer Sparks had seen the sign. Chair Krempasky said no but that she would send it to him. Member Thomson asked the Chair to also let Engineer Sparks know that SEPAC wants to do a flyer for eco-gardens.

Chair Krempasky said that there was only about twelve people at the Environmental Speaker Film Series on October 26<sup>th</sup> and that we should discuss it at our January meeting and decide whether we want to continue with it. She said that it is a lot of work for the small audiences it has had and there are opportunities to work with other groups that are already doing film series events such as the one at the Yacht Club, which she had tried to coordinate with. She said that there is a great adult-rated documentary about "fast-fashion", which are clothes that are not sustainable and are being sent to Africa. She asked if Dr. Sandy Bond was still involved with them. Member Thomson said that she was involved with the Sierra Club but had to give it up. Chair Krempasky said that she could follow up with Eco Cinema to see how SEPAC could support them because they get those speakers for their series. She said that the one at the Yacht Club has vendors, etc. Member Thomson said that the Sierra Club usually had a table with different programs they were running along with other environmental groups. Chair Krempasky said that maybe SEPAC could get a table there. Member Thomson said yes, it would be perfect for handing out eco-garden flyers. Chair Krempasky said that she would send this to Engineer Sparks to get his feedback and talk to Lonnie about repurposing the sign as a flyer.

Chair Krempasky said that she did not know if Ms. Conlon had sent a press release to Cliff Logsdon of the Beaches News Journal about the awards that SEPAC did but that Mr. Logsdon emailed her and mentioned that he was at the meeting, and he should have taken a group picture. City Clerk Fitzgerald said that she did not know if Ms. Conlon provided him with the information. Chair Krempasky said that she would email Ms. Conlon.

vii. ADJOURNMENT

**Motion:** to Adjourn. **Moved by** Member Thomson. **Seconded by** Member Candler. Motion passed unanimously.

Chair Krempasky adjourned the meeting at 6:37 p.m.

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Sandra Krempasky, Chair

ATTEST

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Dariana Fitzgerald, City Clerk



## MINUTES

CHARTER REVIEW COMMITTEE MEETING  
WEDNESDAY, DECEMBER 13, 2023, AT 6:00 P.M.

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

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### I. CALL TO ORDER

Dr. Dumont called the meeting to order at 6:00 p.m.

### II. PLEDGE OF ALLEGIANCE

The Committee recited the Pledge of Allegiance.

### III. ROLL CALL

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

Member Kevin Cavanaugh was absent.

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

### IV. INTRODUCTIONS AND RECAP OF PUBLIC PARTICIPATION

Mr. Marc Craddock introduced himself.

### V. REVIEW OPEN TOPICS FROM MEETING 1

Dr. Dumont recapped what was reviewed at the last meeting.

#### a. Memo From Staff

Dr. Dumont advised that staff provided a memo answering questions from the last meeting. Mr. Mulligan asked when the City would ever have \$18,333 set aside in its budget for a special election. City Manager Royle advised that it would need to come from reserves. Mr. George asked how much money was in reserves right now. City Manager Royle stated that it was more than \$18,000.

#### b. Section 1-4(C) & (D) – Commission Vacancies

Dr. Dumont noted the change in red to add the verbiage: “*or sworn into office*” to the last sentence of Section 1-4(c), which would clear up a loophole because not everyone in office is elected.

**It was the consensus of the Committee to agree to the change.**

Dr. Dumont advised that the change to Section 1-4(d) is to remove the words “*shall be*” and replace it with “*are*”. She said this Section pertained to having a special election to fill a vacancy, which was an item the Committee asked for more information on. Mr. Mulligan said that the City

of St. Augustine's Charter, Section 6.05 regarding primary and general elections said that a tie vote shall be decided by lot to be conducted by the City Attorney, City Manager, and City Clerk. He suggested that the City's Charter should use that same verbiage instead of having a special election. Dr. Dumont asked for any discussion or consensus on his suggestion. Mr. George said that that is what City Manager Royle had suggested at the last meeting. Ms. Neville said that she would be okay with that change, but when we get to the City Clerk section, that she would not want someone appointed by the City Manager because it might muddy the water since they are currently in a staff level position. Dr. Dumont said that it would be by lot, so someone selects it, and it would be chosen at random. Mr. George read the suggestion from the City Manager's memo to consider proposing a Charter amendment: that if the Commission, within sixty calendar days of the vacancy, has not appointed an interim Commissioner, then the selection of the interim Commissioner will be decided by chance by drawing the name of an applicant from a box or hat and the drawing can be done by the City Attorney. Dr. Dumont asked Mr. Mulligan if that aligned close enough with the City of St. Augustine's. Mr. Mulligan said yes. Mr. Craddock asked if sixty days was enough time. Mr. George said that this was sixty days from when they could not agree on an interim Commissioner so there would be plenty of time before that. Dr. Dumont asked if there was a consensus to make the change from a special election to doing it by lot/chance.

**It was the consensus of the Committee to make the changes as stated above.**

c. Section 1-5 Legislative Body – Reorganization/Clarifying Language

Dr. Dumont said that she cleaned this section up and cut the second sentence regarding emergency meetings from Section 1.5(a) and pasted it to a new Section 1.5(e). She said in Section 1.5(d) there were questions about how an emergency ordinance differs from an emergency meeting, so for clarity, she added, "*Time sensitive ordinances will be deemed...*". Mr. Wiles said that Dr. Dumont did a good job and that the issue is whether the Mayor and Vice Mayor could be self-serving by calling an emergency meeting. He said that there is an affirmative action by the balance of the board to be in agreement that it is an emergency meeting. Dr. Dumont said that this is not for an emergency meeting, it is for an emergency ordinance, and it is something that would come to the board at a regular meeting that was not deemed as something that needed to be voted on at the time that the agenda was drafted. Ms. Neville asked if Section 1.5(c) conflicted with the paragraph above it and not after. Dr. Dumont advised that emergency meetings did not belong in Section 1.5(a), which is for regular meetings. Ms. Neville said that it also flip flopped from three members to four-fifths affirmative, so you probably already took care of it.

Mr. Wiles asked for a definition of "time sensitive ordinances" and if this would be ordinances that are not priorly advertised. Dr. Dumont said right, and that it would have to be deemed an emergency but there is no language as to who would deem it an emergency and that it needs to be voted on at the Commission meeting. City Clerk Fitzgerald advised that in this case it would be something that the City needed to pass right away in one meeting due to its urgency. She said that typically ordinances need two or three readings that are advertised in order to pass. She gave the example that in 2018, there was a Supreme Court decision that invalidated a lot of municipalities' sign ordinances and the City got on it very quickly to make the appropriate changes to the ordinances, but other cities that did not make the change early had to pass emergency ordinances in one meeting, which bypassed the normal notification and multiple reading process. Mr. Wiles asked if there is a better way to describe time sensitive ordinances and to clearly define it. Dr. Dumont said that she would think about how to rephrase it. Ms. Neville said that there was nothing to deem it time sensitive and maybe it could be selected to be an emergency by way of the action, and you would need to have a vote to select it as an emergency and being time sensitive has to be elected by a vote by whoever is present plus one for a majority. She said that the elected officials could deem it as time sensitive and you would not need to define time

sensitive. Dr. Dumont said that the vote that Ms. Neville is talking about is to actually have an emergency meeting. Ms. Neville said that Dr. Dumont mentioned that there was nothing in there to deem it as time sensitive so maybe just having those present elected officials deem it as time sensitive instead of trying to define it might be a better way because it would be hard to do for every instance.

City Clerk Fitzgerald advised that Florida Statute 166.041 defines emergency ordinances as anything that bypasses Paragraph (a), which specifies at least two readings on two separate days at least ten days prior to adoption. Mr. Wiles suggested that maybe that is what we should use. Dr. Dumont suggested to add to Section 1.5(d), "*Time sensitive ordinance as defined in the State Statute.*" Mr. Wiles agreed and said that he believed that it protects the general public from one or more Commissioners doing something that might be questionable. He said that public noticing them twice and reading them twice is the beauty of Florida's Government in Sunshine Law. Dr. Dumont asked if the Committee was in agreement with 1.5(d) to read: "*Time sensitive ordinances as defined in State Statute will be deemed...*"

**It was the consensus of the Committee to make the change as stated above.**

Dr. Dumont read new Section 1.5(e) regarding emergency meetings and said that you need to have the majority plus one to affirm that it is an emergency meeting and whatever they are trying to pass would require two-thirds of a quorum affirmative vote. Mr. Patrou said that he reads it differently and to him the two-thirds part meant that you could take other actions than adjournment for things that are not voting on an ordinance, but it would still remain the four-fifths for ordinances. Dr. Dumont advised that they are two different things. One is the ordinance, and this is for whatever is going to be discussed in the meeting, which might be an ordinance, or it could be something else. Mr. Wiles said that if there is a time sensitive ordinance as defined by State Statute, it would be brought up during an emergency meeting that still requires a four-fifths affirmative vote. Dr. Dumont said that she could not think of a situation where you would need to have an emergency meeting for an emergency ordinance because an emergency ordinance would take place at a regular meeting that was noticed and is on the agenda. Ms. England said that it could be at an emergency meeting, but it does not have to be. City Clerk Fitzgerald said that an ordinance is essentially a law change and would not necessarily need an emergency meeting unless it was something extreme. Dr. Dumont asked if there was a consensus on Section 1.5(e) and she noted that the old Section 1.5(e) is now Section 1.5(f).

**It was the consensus of the Committee to make the noted changes to Section 1.5(e) and to move the old Section 1.5(e) to Section 1.5(f).**

Dr. Dumont advised that we did not have a consensus at the last meeting regarding Section 1.2 for the boundaries of the City.

**It was the consensus of the Committee to agree with Section 1.2.**

## VI. MEETING 2 TOPICS:

### a. City Manager (Sec. 1.8)

Dr. Dumont advised that when we are looking at City Charters, there are non-negotiables because you have a lot of positions that are contracted. She read Section 1.8 and said that usually when a city manager is hired, there would be a national search asking for key qualifications. Mr. George said that it was debated back and forth whether the Police Chief needed to live in the City and whether it was even possible with such a small City, which is something that the Commission can decide on. Dr. Dumont said that this Section specifies that the City Manager should live in the City or that the Commission could waive it.

Dr. Dumont read the second sentence of Section 1.8 regarding removal of the City Manager by four-fifths vote and that it would stay in there until the current City Manager is no longer with the City. She recommended that it should be removed in the next ten, twenty, thirty or forty years from now. Mr. George said that he has been watching the recent Commission meetings and that it was the will of the Commission that it should be changed back to what it was originally ten years ago to be a simple majority. Dr. Dumont said that that is what it is. She said that after City Manager Royle leaves, all subsequent City Managers shall be appointed or removed by a majority vote of the full City Commission. She read the remaining sentences from Section 1.8 on page 7 of her presentation [Exhibit A-7]. She advised that the Commission could remove future City Managers with a simple majority vote and that the City Manager could then request a hearing. She said that the reason for the removal does not matter and that some cities have it in their Charter while other cities keep the City Manager specifics in their contract. She said that there is no distinction in the Charter for removal with or without cause and it is up to the Committee whether it is important to add or to leave it with the contract.

Ms. Neville asked to discuss it further because it was worded strangely. She asked why we are not putting a term on the contract with an option to renew. Dr. Dumont advised that there is no contract right now and that this was just saying that the City would enter into a contract with a new City Manager and that the terms, the salary, etc., would be determined in the contract. Ms. Neville said that if no one else wanted to talk about it, that she would not talk about it either. She said that it is strange not to have a contract in place and that it goes back to our discussion about terms for elected officials, it allows for having something that says a contract, and you could renew contracts all the time. It allows for more open discussions and to have a contract review after the first year because performance is talked about for staff but not for the City Manager. She said that any organization with a board that she has been a part of would constantly assess performance. The City Manager is at the will of the Commissioners who are at the will of the community, and if we are going to talk about the elected officials, and giving people an opportunity, that it not be so combative. She has personally watched what has occurred in the City and it is embarrassing as a resident and a lot of it could have been avoided if there were contracts because you can do a review and set expectations. She has also seen some ugly things happen at the County and the City of St. Augustine. She said that she believed that we are afraid to talk about it because the City Manager is in the room, but this has nothing to do with him personally, it is for all Commission appointed positions, which she thinks should include the City Clerk. It would allow for open discussions about expectations and would allow people to have better guidance for what those expectations are and hold each other accountable. It has been her experience that if you set expectations, that people will meet those expectations, or they decide that they are not interested anymore. She advised that she has had conversations with several officials, staff, and residents, and there seemed to be a consensus about those kinds of measures and not just in the terms of the contract, which probably could be left up to the Commissioners. Mr. George said that he believed that the Commission is working on a contract right now. Ms. Neville said that this is for going forward and that she has watched some unfortunate things roll out, which could be in part from lack of structured things to answer to and could lead to hearsay, accusations, etc. If we had some kind of structure, there would be something to look forward to, and if someone is doing a great job, then you have nothing to worry about.

Dr. Dumont said that she is hearing that Ms. Neville would like to add that an annual performance evaluation be done by the Commission. Ms. Neville said that there should be a contract with a term and a review a year out from the end of that term. Ms. England said that it was a good point because there is something in Section 1.8 stating that the City Manager is appointed for an "indefinite term", which causes a problem because you are trying to do a contract on the side,

and she believed that the Commission wanted to move forward with all City Managers to be hired under a contract, which could be negotiated. She suggested to remove the verbiage from the first paragraph, third sentence, of Section 1.8 *"...for an indefinite term,..."* because it could be in conflict of what the Commission wants. She also suggested to add *"The City Manager will be hired under a contract, which will be negotiated."*

Mr. Wiles asked if there was a generally accepted standard across cities for city manager contracts. Dr. Dumont advised that they are done by contract and hired by the elected body, which is what the Commission wants but you also want to be able to attract a city manager. Mr. Wiles said that this is a small City, and our salary may not be competitive with others in the area and if we pile on requirements, it may make it more difficult to hire a good city manager down the road with a three- or five-year contract where other cities do not have an expiration date. He said that it would certainly be appropriate to review the performance of the City Manager. Ms. Neville suggested to add a note in the Charter that there is a contract so it would take away the "indefinite term" verbiage. Mr. Wiles suggested to see what else is out there and that he did not have an issue putting a time limit in a contract, but it could restrain the Commission in the future, which could harm the search for a new city manager. Ms. England said that contracts are negotiable, and personnel policies can be changed by the Commission and those policies will normally have the requirement of an annual review. Mr. Wiles advised that it is in the Charter that the City Manager or a designee has to do a review of employees. Ms. Neville suggested to add that there is a contract with a review at a certain point to alleviate any confusion of what the performance measures are.

Ms. England advised that this is the Charter, and it should not be too specific. She said that the Commission has been through several performance reviews, which is in the Personnel Manual. Ms. Neville asked if it was for the City Manager. Ms. England said yes and that the only two people that the Commission currently reviews are the Police Chief and the City Manager. She said that the Commissioners worked on the format for the reviews and set the primary goals, but it should not be specific in the City Charter. Ms. Neville said that she was not suggesting that at all.

Dr. Dumont advised that she would make the second sentence a new paragraph. Ms. Neville said that it is strange that it says, "The current city manager". Dr. Dumont advised that it needed to be like that while the current City Manager is still here because that is his legal safeguard with the four-fifths vs. the simple majority, which would go into effect with the next City Manager. Dr. Dumont suggested to change the verbiage, *"...for an indefinite term"* to, *"...for a term agreed upon in the negotiated contract between the incoming city manager and the Commission"*. Ms. Neville asked if the City Manager could be removed without a super majority. Dr. Dumont said only after City Manager Royle. Ms. Neville said that the City would be better off getting contracts and that she liked super majorities when it comes to removing top tier leadership. She said that it is weird that we are going from "indefinite" to a three-two vote, which is not hard to do. Mr. George said that it was three-two since 1959 up until ten years ago but it could go the other way too because with a super majority, it would be very difficult to get rid of someone, so there are arguments either way. Dr. Dumont said that would be where "with" or "without" cause would matter. For example, if three new people got elected and they campaigned about how horrible the City is being run, they could then remove someone "without cause", which would give added benefits to the City Manager, whereas "with cause" does not have those added benefits. Mr. Patrou said we definitely do not want any of that in the Charter and he would rather the Commission have the authority to do what they need to do and that he would not support getting rid of the "indefinite term" because the term should be defined in a contract. Ms. Neville said indefinite would mean indefinite so why would we not put contract terms. Mr. Patrou said that it is only for the appointment itself and indefinite just means that if they cannot come to an agreement, then

they could get someone else. Dr. Dumont said yes, or until three of them decide that it is not indefinite anymore.

Dr. Dumont suggested to add to the end of the second sentence, "... for a term agreed to in a negotiated contract between the incoming city manager and the commission." Ms. England said that it seemed like a conflict if you say that the City Manager shall be appointed or removed by a majority vote for an indefinite term, which might be setting up a conflict with what a Commission might want to set as a term. Mr. Craddock asked what the definition of an indefinite term is. Mr. Mulligan said "for an unknown or unstated length of time". Mr. Craddock said that he liked what was suggested, that it would be negotiated and defined in a contract. Ms. England said right. Dr. Dumont suggested to remove "*indefinite term*" and replace it with, "*for a term agreed to.*" Mr. Patrou said that he would leave "*indefinite term*" because the next part of the sentence clarifies it. Dr. Dumont said that Ms. Neville was concerned about not having reference to a contract in the Charter. Mr. Patrou said that that might be a separate issue and maybe we could put something else in the Charter that says that we should have a contract with the City Manager and let the terms be defined within that agreement. Mr. Wiles said that we may be in search of a problem that does not exist and that he was fine with putting a contract in the Charter, just suggested that it be cleaned up a bit.

Mr. Mulligan said that any person that is interested in being the City Manager would look at a contract and want to talk about "cause" because they do not want to be terminated without cause and they would want some protection, which should be built into their contract. Mr. Craddock asked if we should revisit the super majority vs. four-fifths because it is in there for the next City Manager. Mr. Patrou said that any competent city manager coming in would demand a contract. Mr. Wiles said that he believed that the County Manager that had been there for a while was removed by a majority vote by the County Commission. Mr. Mulligan said that he had a golden parachute in his contract that compensated him. Mr. George said that the average tenure for city managers in Florida is three years. Dr. Dumont said that when the Commission turns over, they usually get rid of them, and they are known as "gypsies" because they are at their political whim.

Mr. Mulligan said that he did not see any reason to change any of this. Mr. George said that if the City Manager has a contract for ten years and a new commission fires him, then the City has to pay them, which gets expensive. Dr. Dumont said yes but only if it was done without cause.

Dr. Dumont asked if the Committee wanted to keep all of it in including the "*indefinite term*". Ms. England said that she did not want to keep the "*indefinite term*" and we may need to have a vote on it because it seemed like a complete conflict to her for a Charter to state that the City Manager is appointed for an indefinite term and then turn around and negotiate a contract for a specific term. Mr. Patrou said that it just means that it is unstated, and the Charter is not going to define the terms and would allow it to be contractual. Mr. Mulligan said that this is a good sampling of people because that word creates enough confusion, and in the interest of simplification, it is easy to remove that to bring clarity.

Dr. Dumont suggested "*for a term agreed to in the negotiated contract between the incoming city manager and the commission*". Ms. Neville suggested cleaning it up farther by removing the duplicate reference of "*removal by majority vote*". Dr. Dumont said that after the first sentence where it gets into the removal of the City Manager, she would put that into the second paragraph, and the first paragraph is where she would add that there would be a contract.

Dr. Dumont asked the Committee how they felt about putting the evaluation of the City Manager in the Charter. Mr. George said that he agreed with Mr. Mulligan to keep it the way it is because we are taking it out of context when you look at "*indefinite term*" because you have to read the whole thing and we could debate it all night long. Mr. Mulligan said that he did not see any reason

to change it but that the change would not be offensive and would not create a big problem other than having to present it to the electors. Ms. Neville said that it is pretty standard for attracting talent and that city managers are accustomed to having contracts. Mr. Mulligan said that he would be offended if they did not ask for a contract.

Dr. Dumont asked for a vote on the "*indefinite term*". Mr. George asked if it was to replace it with the verbiage that you stated. Dr. Dumont said yes. Ms. Neville asked if it was "yes" to replacement.

**It was the consensus of the Committee to replace the verbiage "indefinite term" with Dr. Dumont's previously suggested verbiage.**

Dr. Dumont said that there was also the suggestion to remove, "*may be removed by a majority vote*", which appears twice. Ms. England suggested to end the third sentence after "*...a majority vote of the full city commission*" and to remove the rest of that sentence to make it simple. Dr. Dumont said that she would add the contract information after the first sentence, which is the logical place to add it. Ms. England suggested to start a new paragraph about the removal of the City Manager. Dr. Dumont asked if she wanted to start a new paragraph at the second sentence, which is where it starts to get into the removal process.

Ms. Neville said that if there is a contract in place, and we do not put it in the Charter that there needs to be a review, then how do we protect that person. Mr. Mulligan said that the person protects themselves with their contract. Ms. Neville said that the elected officials would only need a three-two vote. Mr. George said that it would be part of the contract and the Commission would negotiate it with the applicant. Dr. Dumont said that an annual review with a full contract renegotiation, a salary increase, etc. would all be in the contract. Ms. Neville said that she understands the flip side because a super majority makes it hard, but having a three-two vote... Dr. Dumont said that when she was on a council of seven members, she pushed to have a super majority to remove the City Manager.

Mr. Patrou asked if we are setting ourselves up for the full commission because if we are short one Commissioner and we are trying to appoint someone by drawing lots and having special meetings. Mr. Mulligan said that we are looking for more problems and that he reads this as the majority vote of the full City Commission has to be three people because the whole commission is five. Dr. Dumont said that in the Charter, if it is just the majority of the quorum, it is stated as such.

Dr. Dumont recapped the changes and said that the first paragraph will be regarding the City Manager contract and the second paragraph will be regarding the removal of the City Manager and she asked if they wanted to also end the third sentence after "*appointed or removed by a majority vote of the full city commission.*" and removed the rest of the sentence.

Mr. Craddock asked if the fourth sentence, which ends with, "*no vested rights in his or her office other than those specifically provided in this Charter or by contract.*", means that it would be possible that the City Manager could have a contract with more rights than what is in the Charter and would that be a conflict. Mr. Mulligan advised that the City Manager could not vest themselves in something that would contradict the Charter such as asking for a super majority to be fired, but if the Charter stated three-fifths, the three-fifths would win because the Charter would take precedence over the contract, but the contract would have everything else the City Manager wants for their protection.

Dr. Dumont asked if everyone agreed with the changes.

**It was the consensus of the Committee to agree with Dr. Dumont's above-stated changes.**

Dr. Dumont moved on to the next part of Section 1.8 regarding the City Manager's residency within the City.

**It was the consensus of the Committee for it to remain as is.**

Dr. Dumont moved on to the next part of Section 1.8(1) regarding the City Manager being the chief executive officer, which are things that the City Manager must do by the Charter and are non-negotiable.

**It was the consensus of the Committee for it to remain as is.**

Dr. Dumont moved on to the next part of Section 1.8(2), (3), (4). Ms. Neville questioned Section 1.8(4), which states that the City Manager shall attend all City Commission meetings, which she said was weird and very rigid. Dr. Dumont advised that is the City Manager's job to be at all City Commission meetings because the City Manager is the one that put forth the majority of the information for discussion. She said that it is standard language and if the City Manager is sick, then their assistant would fill in.

**It was the consensus of the Committee for it to remain as is.**

Dr. Dumont moved on to the next part of Section 1.8(5-17). Ms. Neville said that in some cities she has seen where they countersign at the will of the commission, and she questioned if Section 1.8(10 and 11) gives the City Manager the ability to sign all of them or is there a certain threshold. Dr. Dumont advised that it is to countersign, which is usually the Mayor and the City Manager.

**It was the consensus of the Committee for all of Sections 1.8(5-17) to remain unchanged.**

Ms. Neville advised that she had three things to discuss. She said that the first item might be covered under Section 1.8(16), dealing with communication and public engagement. She also suggested having language in the Charter about maintaining a succession plan for all positions and to move people up the chain. She said that some Charters have thresholds where the City Manager can have some control over contracts for a certain budget amount. Dr. Dumont advised that dollar amounts should be put in policy not in the Charter, which is standard procedure. Ms. England asked the City Clerk if there was already something in the City's policies. City Clerk Fitzgerald advised that the Financial Policies Manuals contain all of that and have multiple levels for Department Heads, the City Manager/Police Chief, etc., as well as for regular staff members to be able to go to Home Depot or other stores to buy necessities. Dr. Dumont advised that she has also seen where larger expenditures could be made if they are an emergency, which would be approved afterwards by the Commission. City Clerk Fitzgerald advised that the City follows the advice of the Florida Government Finance Officers Association (FGFOA), which is to have a separate Financial Policies Manual that is approved by the Commission and updated periodically. She advised that the City can only update the Charter every ten years, but expenses and cost-of-living increase annually. Ms. Neville said that contract authority lives in the Charter, and she did not know if the Code had contract writing authority in it.

Dr. Dumont said that "public involvement"; and "communication" could be added at the end of Section 1.8(16). She said that the succession plan for the City Manager is done by the Commission and that this would be succession planning for the City Departments. Mr. Wiles asked if that would generally fall under the administration department. Dr. Dumont said yes. Ms. Neville asked if the City had a succession plan. City Manager Royle said yes. Ms. Neville said okay.

Dr. Dumont moved on to the first paragraph in the next part of Section 1.8. and said that it basically means that the Commissioners cannot get their families hired. She read the second paragraph in that Section, which discusses that a letter be on file with the City Clerk designating an "Acting City Manager". Mr. Wiles asked if it was a standard letter on file or is it done when the

City Manager becomes disabled. City Clerk Fitzgerald advised that it is standard, and is done by email these days.

**It was the consensus of the Committee for it to remain as is.**

b. Law Enforcement (Sec. 1-9)

Dr. Dumont advised that when she highlights something in her presentation it is because there had been questions about it and that law enforcement was a hot topic for the Charter ten years ago. She said that she highlighted the verbiage in the first sentence because it is no longer the practice and that the City Commission only hires the Police Chief. She suggested to remove, "..., and there may be such police officers as may from time to time be determined by the city commission to be necessary."

**It was the consensus of the Committee to remove the suggested verbiage from the first paragraph as stated above by Dr. Dumont.**

Dr. Dumont moved on to the next part of Section 1.9, which she said was similar to what was in Section 1.8. for the City Manager except the Police Chief has no contract. Ms. Neville said that it should mirror a lot of the language that we adopt for Section 1.8 for the City Manager because they are parallel in stature. She said that there are some things in this Section that do not add up because you need to have a four-fifths vote to remove the Police Chief and she would like for it to reflect the same as the City Manager with a contract and the language that we already discussed. Dr. Dumont asked for any comments. Mr. Wiles said that most, if not all, police chiefs serve at the pleasure of the Commission, and he did not know if law enforcement has the same contractual authority. He believed that the reason for the four-fifths vote in this Section was because there is no contract, and the protection would be a super majority vote to remove the Chief, which he believed was similar to the City of St. Augustine's. Dr. Dumont asked if everyone was good with it. Ms. Neville said that there is some repetitive language again.

Dr. Dumont moved on to the next part of Section 1.9 and said that she highlighted the word "He" because it should be gender neutral language and she suggested changing it to "The chief".

**It was the consensus of the Committee to make the change as stated above by Dr. Dumont.**

Mr. Mulligan asked to go back to the previous paragraph, and he questioned what would happen if the Chief did something horrific or was arrested. Mr. George said that if he does not get removed by four-fifths vote, then those people should be voted out the next time. Mr. Craddock said that he was concerned about paying the Chief for sixty days. Mr. Wiles suggested to word it "unless terminated for cause." Dr. Dumont suggested to add at the end of the second sentence, "unless removed due to malfeasance." Mr. Mulligan suggested to think about the language because it needed to be more than just malfeasance. Dr. Dumont advised that she would work on the language. Mr. Wiles said that there had to be a city that removed their chief for something like that.

Dr. Dumont moved on and read the last sentence in Section 1.9.

**It was the consensus of the Committee for the last sentence to remain the same.**

c. Public Improvements (Sec. 1-10)

Dr. Dumont suggested to remove the verbiage "does hereby find and determine" as shown with a strike-through. She read the rest of the paragraph and said that it pertained to the City not preventing the County from constructing, repairing, or maintaining the roads that go out to the beach. Mr. Mulligan said that there was an incident a few years ago where a resident did some inappropriate work on a dune, and it was questioned who had the authority to prevent them from

doing it. He asked if it would be appropriate to put something in the Charter to restrict that type of thing. Building Official Law advised that the issue is addressed in the Land Development Code and the Comprehensive Plan. He said that the reason that instance happened was because it was held up for about a year and a half in permitting and he utilized the Florida Building Code, which required an expert statement from a professional engineer. A full hydrology analysis was done along with a wave run up and he asked them to increase it to the analysis from the CCCL monuments, and that he had no choice but to approve it after a year and a half based on the opinion of the City Attorney at that time. He said that since then, the Codes have been changed and there is no way that we would ever modify a dune again. He said that in his opinion specific Codes should not be in the Charter. He said that there never used to be a Code, but now the Zoning Department could never say that a naturally occurring dune could be modified. He said that an applicant could appeal the decision to the Planning and Zoning Board, then to the Commission, and then to the court system. Mr. Craddock said that he appreciated the idea that we do not want to put Codes in the Charter, but he would like the Charter to reflect environmental protection. Building Official Law suggested possibly putting something about the City maintaining its naturally occurring dune system but to stay away from Codes. Dr. Dumont advised that there is a place for it in the January meeting schedule.

**It was the consensus of the Committee to remove the verbiage that Dr. Dumont suggested above.**

d. Fire Protection, Trash and Garbage Removal, and Other Municipal Services (Sec. 1-11)

Dr. Dumont read Section 1.11(a & b). Mr. Patrou asked if there was a standard for determining whether a city has a fire department vs. a police department. Dr. Dumont advised that they should look at what the citizens are willing to pay for and the insurance rates, because if there is no fire department within a certain number of houses, then your insurance rates go up. She said that it would be up to the City whether it is done in-house or contacted. Mr. George said that there was a volunteer fire department at one time and then they made the decision to have it through the County. Dr. Dumont advised that this Section is just stating that the City has the right to have its own fire department. Mr. Patrou said that his concern was for cost with the County vs. implementing our own, and the same for the Police Department because every time he sees a Beach police officer responding, there is a County police officer as well and there might be a lot of potential savings. He said that this has us rigged so that we have to have a police department but not a fire department and he questioned whether we should create the same provision. Ms. Neville suggested adding subsection (c), which could relate to law enforcement, and we would also have to specify something for subsection (a) to allow the City Manager to hire a fire chief so there is an inconsistency there. Dr. Dumont advised that if the City started a fire department, the City Manager would have to present a proposed budget to the Commission, and it would then be up to the City Manager to hire a fire chief. She advised that this does not provide an option to get rid of the City's Police Department. Ms. Neville pointed out that it is an inconsistency and that she believed that the City had a couple of other municipal services that may belong in the Charter. Mr. George advised that the police department was debated by the full Commission over-and-over again and that the minutes covered everything that they are talking about. Mr. Mulligan said that he believed that it would be a referendum of all the voters but that he personally hates the idea of getting rid of the police department because he has seen it happen and the municipality usually suffers. Mr. George said those were the same arguments made at those Commission meetings.

Dr. Dumont read Section 1.11(b) and said that it covers all the other City services. Ms. Neville said that there is always a big discussion about City assets and whether they are City or County, and

she did not know if it belonged in here. Dr. Dumont said that it would be a topic at the January meeting.

**It was the consensus of the Committee to keep Section 1.11 as is.**

e. Validation of Individual Sections (Sec. 1-12)

Dr. Dumont said that if one piece of the City Charter is no longer viable, then that one Section would be removed and everything else would remain the same such as if the State makes a change and the Charter goes against that change, then it would be removed.

f. City Clerk (Sec. 1-13)

Mr. Wiles said that it seemed odd that we are jumping back and talking about personnel, and he suggested that the City Attorney should be moved under the City Manager. Dr. Dumont agreed and said so should the Police Chief. Mr. George agreed. Ms. Neville suggested that the City Clerk should be a contracted position and she said that it is interesting that the City Manager appoints the position because it is typically appointed by the Commission. She said that it has been her experience that city clerks that have the ability to communicate with the Commissioners directly are able to work a little bit easier with that direct relationship.

City Clerk Fitzgerald advised that general practice is for a city clerk to answer to an intermediary such as a city manager because when you have a clerk directly under a Commission, it could become an inappropriate gray area, which could put the clerk in an awkward position. She said that an intermediary could filter those directives to make sure that they are appropriate.

**It was the consensus of the Committee to leave Section 1.13 as is.**

g. City Attorney (Sec. 1-14)

Dr. Dumont pointed out that the highlighted portion was because it was done the same way that the City Manager's Section was, and it was done for a city attorney that is no longer with the City. She suggested removing the second and third highlighted sentences in Section 1.14., which state, *"The current city attorney at the time of adoption of this amendment may only be removed by a four-fifths vote of the full city commission. Upon the retirement, resignation, or removal of the current city attorney, all subsequent city attorneys shall be appointed or removed by a majority vote."* Ms. Neville asked if this was an "indefinite" appointment. She said that she has been to meetings with no attorney present, and there is no mention of attendance in the Charter, which may be in the contract. Mr. Mulligan said that it is in the contract and if he remembers correctly the contract did not have a term either, but it had a termination provision. Dr. Dumont asked if she wanted language about a contract in the Charter. Ms. Neville said that there is no mention of a timeline or a contract. Dr. Dumont asked if everyone agreed to add the contract language. Ms. Neville said that it could have a timeframe since it is a contracted position because they would need to go through a qualifications process, which would have definite terms for their services. Mr. Mulligan advised that it would be in the contract. Dr. Dumont asked if the Committee approved removing the highlighted sentences from Section 1.14 and keeping the remaining portion as is.

**It was the consensus of the Committee to remove the highlighted portion as referenced by Dr. Dumont and to keep the rest as is.**

VII. REVIEW FINDINGS/LIST OF QUESTIONS FOR MEETING 3

Dr. Dumont advised that she would work on the language and would present it with the same strike-through format at the next meeting on January 10, 2024.

VIII. NEXT MEETING: JANUARY 10, SECTIONS 1-16 THROUGH SECTION 2-7. TOPICS:

- a. Commission Limitations
- b. Election Procedures
- c. Absentee Ballots
- d. Commission Offices, Groups, and Terms
- e. Runoff Elections
- f. Determining Winners; Tie Votes
- g. Form of Ballot
- h. Recall of Elected Officials

IX. ADJOURNMENT

Dr. Dumont asked for a motion to adjourn.

**Motion:** to adjourn. **Moved by** Member Mulligan, **Seconded by** Member Wiles. Motion passed unanimously.

Dr. Dumont adjourned the meeting at 7:50 p.m.

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Max Royle, City Manager

ATTEST:

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Dariana Fitzgerald, City Clerk

## COMMISSION REPORT

January 2024

**TO:** MAYOR/COMMISSIONERS

**FROM:** DANIEL P. CARSWELL, CHIEF OF POLICE

**DEPARTMENT STATISTICS December 28th, 2023 – January 21 2024**

**CALLS FOR SERVICE – 970**

**OFFENSE REPORTS - 47**

**CITATIONS ISSUED - 42**

**LOCAL ORDINANCE CITATIONS - 1**

**DUI – 1**

**TRAFFIC WARNINGS- 111**

**TRESSPASS WARNINGS- 6**

**ANIMAL COMPLAINTS - 10**

**ARRESTS - 8**

- **ANIMAL CONTROL:**
- St. Johns County Animal Control handled **10** complaints in St. Augustine Beach area.

**MONTHLY ACTIVITIES –**

**Blood Drive- January 2nd 12pm**

**Ron Parker – January 12th 10am**

**St. Augustine Beach Public Works/Engineering Monthly Project Report**

**01/22/2024**

Grant Project	Grant Type	Grant Amount	Grant Expiration Date	Project Stage	Status
Ocean Hammock Park Phase 3	CPI	\$60,000	9/30/2023	Final Reimb/ Canceled	01/16: DSands to review/revise management plan and include JSparks notes by 01/19/2024. 01/12: Management plan revisions in progress; Initial 01/09 Meeting with MOrozco and direction is to revise mgmt plan by end of January if at all possible.
Ocean Walk Drainage Impvmts	Leg. Appr.: LPA0222	\$694,000	3/31/2025	Phase I Pre-Bid	01/17: Per CBecker phone call, ok with using piggyback contracts to expedite contractor selection and award; draft final plans sent to G&H for review/quote. 01/16: Per CBecker, we may have to have a discussion on whether we need to revise the Grant Work Plan; 14 Lee Dr easement restaked on west side by Mickler Rd. 01/12: Qtrly report accepted by CBecker.
Ocean Walk Drainage Impvmts	SJRWMD (25% Cost Share)	\$354,087	09/30/2025	Phase I Pre-Bid	01/17: Per SDriggers phone call, SJRWMD ok with piggyback contracts. See above. 01/11: SDriggers questions answered by JSparks regarding completion of phases and meeting cost-share timeline. 01/10: Qtrly report submitted
Sea Oats	FDEP (Matching Funds): 19SJ3	\$25,000	9/30/2024	PreConstruction	01/04 ALamb acknowledgement email of receipt of qtrly report. 11/30: Amendment 19SJ3_A4 signed and sent by City. Amendment is for requesting an additional time extension to 06/30/2026 due to conflict with beach renourishment/Sea Turtle Nesting Season.
C.R. A1A/Pope Road Storm Surge Protection	FEMA/ FDEM: 4468-017-R	\$52,500	10/18/2024	FDEM Phase II Review	01/17: Per MWeiss phone call, trying to schedule meeting the week of the 26 <sup>th</sup> or the week after. 01/10: Per CPurser, information was passed along to Carmen Acosta and she will be contacting us. 01/03: RFR #1R3 signed and submitted. 01/02: Qtrly report submitted.
Dune Walkovers	SJC Port and Waterway (Matching Funds)	\$190,025	N/A	Year 2 Complete	<del>12/07 As of today, 10th and 6th Streets (year 2 construction) completed. To be removed from this report. Port and Waterway approved funding for OHP boardwalk repairs.</del>

Magnolia Dunes/ Atlantic Oaks Circle Drainage Impvmts	Leg. Appr. : LPA0387	\$1,200,000	12/31/2026	Design Proposal Phase	01/16: Design/Permitting Scope received from JE; need to review. 01/12: Signed commission memo sent to ALewis, FDEP. 01/11 Email sent to ECT for revised invoice 01/10 and response by RHerzallah that revised invoice package is being worked on. 01/05: Quarterly report submitted.
7th 8th and 9th Street Drainage	Leg. Appr. : LPA0386	\$90,000	12/31/2024	Design/ Permitting	01/18: Final 100% plans received. City continues bid doc/project manual review. FDEP continues with revision to grant agreement for funding reallocation. 01/16: Geotech report received. 01/03: Per JNovak, FDEP, no other funding sources available at this time,
Vulnerability Assessment Update	FDEP: 23PLN30	\$50,000	06/30/2026	Kick-Off Mtg/ Background Data Acquisition	01/22/24: City received comments related to quarterly report form. 01/18/24: 23PLN30 revised grant work plan provided to MOvadek. 01/05: Per MOvadek, Grant Work Plan will need to be revised because of the addition of 24PLN67 (expansion of funding). The Exposure Analysis will be fully funded under 23PLN30. 01/02: Qtrly report submitted. 12/29: JE kickoff meeting minutes and schedule received.

**St. Augustine Beach Public Works/Engineering Monthly Project Report**

**01/22/2024**

<b>Non-Grant Project</b>	<b>Contract Expiration Date</b>	<b>Project Stage</b>	<b>Completion</b>	<b>Status</b>
<b>2<sup>nd</sup> St Widening and Extension</b>	01/16/24	Construction	01/16/24	01/22: 2 <sup>nd</sup> Bac-T test result received. 01/19: 1 <sup>st</sup> Bac-t test passed, await results of second. 01/16: All needed documents received; waiting on new bac-t with pH to be scheduled and taken. 01/11: Site visit with ESanders to review 3 <sup>rd</sup> Alley punch items.
<b>A Street to 1st Street West Parking Lot</b>	G&H SJC 2025/2027	Bidding	05/17/24	01/22: Matthews provided direction on trees, CAD dwg forthcoming. 01/18: CAD drawings needs to be sent to G&H. 01/16: Pre-con scheduled for 01/19/2024; SJC ROW permit #2023-0531 has been renewed and new expiration date is 7/14/24; shop drawing submittals received and need review. 01/12: G&H PO Executed, PO #24-00613. 01/08: Commission approved \$94k mid-year budget adjustment.
<b>Citywide Pavement Management</b>	02/2024	In Progress	2nd Qtr FY2024	01/05: Late Feb/Early March draft data submittal. Asset Mgmt to follow. 12/21: Streetscan pavement Inventory/inspection completed; City awaiting receipt of report and Streetlogix Asset Mgmt module implementation.
<b>11th Street Drainage &amp; Roadway</b>	TBD	Pre-Design/ Permitting	FY24	01/18: Contact 23-07 companies for quotes. 01/03: Confirmed that 11 Street is City maintenance; project webpage updated. 12/29: Decision made to clean/camera/line the pipe this year and budget funds for roadway design in FY25 then roadway construction in FY26.
<b>Stormwater Utility Rate Structure Determination</b>	TBD	Contract Negotiations	FY24-25	01/12: Notice of Award, Final contract & approved PO sent to Consultant. 01/04: Commission agenda item for Jan 8, 2024; budget resolution to increase by ~\$15k: Approved.
<b>RFQ 23-06 Continuing Contracts for Professional Services</b>	5 yrs	Evaluations	2nd Qtr FY2024	01/19/24: Began Contract execution/issuance. 01/08: Commission approved awarding top 2 in each category; need to issue contracts. 01/04: Commission agenda item for Jan 8, 2024; recommend award to top two consultants in each category.
<b>Bid 23-07 Citywide Pipe and Manhole Lining, Renewal and Rehabilitation Services</b>	3 yrs, w/ one 2 yr renewal option	Contract Award	2nd Qtr FY2024	01/19: Issue last contract, Vortex. 01/18: Issued ManCon contract. 01/02: Contracts received from Vortex, ManCon, and Inliner solutions. Inliner issued.
<b>Enterprise Asset Management/Smart N FL</b>	TBD	Ongoing	TBD	01/18 Clayton followed up in December; City still unsure of a well defined scope of work.

Proposed Appropriations Projects	Funding	Estimated Amount	Scope
<p>Mizell Stormwater Treatment Facility Improvements (Pond Berm, Weir and Discharge Canal)</p>	<p>24-25 Appropriations</p>	<p>\$2,000,000</p>	<p>12/20: Attestation forms signed by MRoyle and sent to H-Rep. Stevenson office. 11/06: DRAFT Senate/House Forms. Evaluate increasing weir and pond berm height to provide additional storm surge protection at the Mizell Weir. Evaluate downstream and upstream impacts. Benefits majority of the City's drainage service area, as well as County and FDOT facilities. Note that had Hurricane Ian's storm surge been a few inches higher, the weir would have overtopped, resulting in inundation of the city's drainage system. Combined with intense rainfall, this could be severely damaging to properties. (estimated benefit 5,000 people). Armor canal, renew S side bulkhead W of Fiddlers' Point Drive</p>
<p>Mickler Blvd Ditch Erosion Mitigation 16th Street to 11th Street; A Street to 11th Street.</p>	<p>24-25 Appropriations</p>	<p>\$4,100,000</p>	<p>12/20: Attestation forms signed by MRoyle and sent to H-Rep. Stevenson office. 11/07: DRAFT Senate/House Forms Regrade ditch at 11th Street, south of 16th Street. Armor ditch throughout project limits with semi-permeable product to mitigate erosion/stabilize ditch bank and increase ease of maintenance. Culvert improvements beneath 16th Street, 11th Street and at 3 independent driveway locations north of A Street will reduce system head loss and promote positive drainage. Mag Dunes/Atlantic Oaks project may absorb this project to armor ditch.</p>
<p>Oceanside Circle Roadway and Drainage Improvements</p>	<p>24-25 Appropriations</p>	<p>\$2,000,000</p>	<p>12/20: Attestation forms signed by MRoyle and sent to H-Rep. Stevenson office. 11/07: DRAFT Senate/House Forms Oceanside Circle is ~915 linear feet dead end road connected to, and north of, Versaggi Dr. in SAB. Prior to 2011, the road was shell/dirt. In late 2011, for cost reasons (30% less), the City paved the road with a double chip seal instead of a typical road build (stabilized subbase, limerock base, and asphaltic concrete surface). The average life span of a chip seal is 7 years, versus up to 25 years for a typical constructed traditional asphaltic concrete road. The chip seal surface on Oceanside Circle is now deteriorating and in need of replacement. Oceanside Circle also has no drainage system and runoff causes localized flooding in low areas prior to eventual ground percolation. Flooding is worsening due to increasing impervious surface areas associated with new residential development on the roadway. Roadway flooding significantly reduces the life of a roadway, leading to base failure and potholes. Construction of a drainage system is essential prior to reconstruction of the roadway.</p>
<p>FDOT Ditch 500/400 Capacity Expansion</p>	<p>24-25 Appropriations</p>	<p>\$3,000,000</p>	<p>12/20: Attestation forms signed by MRoyle and sent to H-Rep. Stevenson office. 11/08: DRAFT Senate/House Forms. Expand storage capacity for COSA floodwater mitigation projects. FDOT retains O&amp;M Authority.</p>

Future FY Projects	Project Stage	Status
Parking Improvements - 4th Street East Parallel Parking, 5th Street Parking, 8th Street Lot SW	FY25-26 ARPA & City Paid	\$370K (\$215K + \$155k) & \$305K
Citywide Parking Improvements	FY25-26 City Paid	Pushed to FY25-26
4 <sup>th</sup> St Opening	FY24-27 City Paid	08/11/23 mtg: \$5k FY24 for Eng Cons-OPCC. \$75k FY25 des/perm. \$1.1M FY26-27 Construction
CRA1A / Pope Road	FY25-26 Federal Grant	\$750k each year
Citywide Pavement Management Program	FY25-28 City Paid	~\$300k/year
Ocean Walk Drainage Improvements	FY25 State Grant	\$305,086.00 (FDEP) and \$177,043 (SJRWMD)
Magnolia Dunes / Atlantic Oaks Circle Drainage Improvements	FY25 State Grant	\$499,000.00
11th Street Roadway and Drainage improvements	FY25-26 City Paid	\$200k/yr
Sea Oats	FY25 City Paid	\$25k (grant reimbursement)
Oceanside Circle	FY25-26 City Paid	\$750k/yr (Legislative Appropriations?)
A Street/1st Street West Lot Parking Improvements	FY25 City Paid	\$313,000
Replace Storm Drainage pipes on Mickler Blvd	FY26-27 City Paid	\$50k & \$200k

Site Plan reviews/Bldg Dept projects	Status
Publix Drainage	01/02: Digital draft plans ready for review; digital plan review scheduled for 01/23.
A1A and F St	Initial review complete.
Old Beach Rd	Fill placement in question. Retaining wall likely required
King's Quarry	Final CO issuance

Misc Projects	Status
Sea Oaks ponds	01/18: Survey CADD prep underway.
OTR/Sabor Del Sal	01/12: No SJRWMD permit exists for Spanish Trace Ocean Club. 01/03: Situational update meeting with City staff and Mayor.
Oceanside Circle	01/10: Consider rehab/upgrade to Linda Mar LS in conjunction with this project. 11/21: Unofficial peer review comments align with current design. Alternative suggestion to acquire property and build pond at end of Circle or analyze for smaller pump station at end of Circle pumping to Linda Mar station. Legislative Appropriations
Mizell Canal/Marsh Creek	11/30: Email from Mr. Rau regarding short term solution and routine maintenance. 10/18: Met with Mr. Rau. City providing sandbags and fill. Truemont provided Redi Block budgetary quote from Pump station to ICWW, both sides. Received quote for new bulkhead along S Side from C&H Marine.
11th St/A1A ADA Ramp med	<del>12/14: Pause for now. 11/21: No response from contractor. Estimated \$10,000 construction cost. 08/21: On site meeting with Contractor; Requested quote from multiple contractors to demo and reconstruct ramp with a longer/wider turning radius and to modify handrail. No response to date.</del>
NPDES StH2O Insp memo	For B Law presentation at CC meeting, proposed fees for site plan review for commercial, stormwater erosion and sed ctrl, lot grading/lot grading final, waste control and IDDE inspections. Ref permit requirements.
Stormwater Code Revision	Address during Stormwater Utility Rate Determination
NPDES Erosion and Sedimentation Control Ordinance 05-08	Ordinance review for addition of monetary penalty amount and verbiage regarding project size.
Contractor Continuing Svcs Bid	01/22: Not started, SJC piggyback
9th Lane Opening (Developer Project)	01/22/24: Meeting Wednesday to discuss with GDG and Attorney. City requests developer to fund independent engineering review and CEI services during construction.
Sandpiper and Linda Mar LSs	01/10 City met with RSM Utilities, Martin Whitt, at Linda Mar and Sand piper Pump Stations to discuss LS rehabilitation.

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M E M O R A N D U M

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**TO:** MAX ROYLE, CITY MANAGER  
**FROM:** PATTY DOUYLLIEZ, FINANCE DIRECTOR  
**SUBJECT:** MONTHLY REPORT  
**DATE:** 1/24/2024

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**Finance**

The finance department is currently focused on the FY23 audit that will begin January 29<sup>th</sup> and go through February 9<sup>th</sup>. Revenue is flowing in as budgeted with 52% of the Ad Valorem Taxes already received and expenditures are being monitored to ensure they comply with the budget as well.

**Communications and Events**

<https://www.staugbch.com/events>

Melinda is currently working on the schedule of events for 2024.

## PENDING ACTIVITIES AND PROJECTS

1. LAND DEVELOPMENT REGULATIONS CHANGES. At its September 19<sup>th</sup> meeting, the Planning Board reviewed changes to the parking regulations for special events for business promotional/sales permits and approved it. The Board reviewed it at its January 16, 2024, meeting and recommended to the Commission that the ordinance be approved. The ordinance will have its second reading at the Commission's February 5<sup>th</sup> meeting.

2. VISION PLAN. After discussion and making changes to it, the Commission adopted the Plan at its March 6, 2023, meeting. On November 13, 2023, the Commission held a workshop concerning incorporating Smart City concepts on the Vision Plan with Mr. Clayton Levins, Executive Director of Smart North Florida. He explained how Smart North Florida could help the City. The outcome was that the Commission determined the priorities for utilizing Smart City concepts were obtaining data for pedestrian/bicycle improvements, stormwater management and parking for beach access.

ON A RELATED MATTER: It concerns a Smart City concept to assess the condition of the City's streets. A company, Street Logic, using advanced technology, reviewed every City street and will provide a report in late February/early March 2024. The report will help City staff to plan and budget for repairs.

3. PARKING IMPROVEMENTS. At this time, the only parking project is paving the dirt plazas on the west side of the Boulevard between A and 1<sup>st</sup> Streets. Plans were prepared, permits obtained and the deadline for bids was November 28<sup>th</sup>. As the lowest cost presented in the one bid received for asphalt paving was \$487,716, was well above the amount, \$187,000, appropriated in the budget for this project, the Commission at its December 4<sup>th</sup> meeting tabled the bid and asked City staff to work with the contractor and other contractors for a lower cost and checking with contractors used by St. Johns County for what they would charge. At its January 8, 2024, meeting, the Commission approved the contract with G&H Underground Construction of St. Augustine for \$281,000. Construction of the parking area began in late January. The project should be finished by June 2024.

There are no plans at this time for the Commission to consider paid parking.

### 4. JOINT MEETINGS:

a. With the County Commission: At the City Commission's October 2<sup>nd</sup> meeting, Commission Morgan asked about having a joint meeting. As the County Commission has hired new Administrator, the City Manager will meet with the new Administrator, Ms. Joy Andrews, to discuss matters of mutual concern, such as the maintenance of pier park, the County's plans to relocate the fire station and what the County's plans are for a new fishing pier.

b. With the Comprehensive Planning and Zoning Board and the Sustainability and Environmental Planning Advisory Committee (SEPAC): No date has been proposed for a meeting.

5. UPDATING PERSONNEL MANUAL. City staff has begun reviewing the Manual section by section. When the review is done, a labor attorney will be asked to review the Manual to make certain it complies with current regulations and laws. Then a draft will be prepared for the Commission to review.

6. GRANTS. The City has received grants from the following agencies:

a. Coastal Partnership Initiative: The City received a Partnership grant for \$60,000. It was proposed that this amount along with \$110,000 from American Rescue Plan Act funds would be used to construct a nature trail and scenic overlook in Ocean Hammock Park. The deadline for bids was May 23<sup>rd</sup>. One bid FOR \$826,210 was received. As this was well above the \$170,000 appropriated for this project, the Commission at its June 5, 2023, meeting rejected the bid and decided to ask the Florida Communities Trust (FCT), which provided grants to help purchase the Park, to allow the City to stop construction of any more facilities, such as the scenic overlook, in the Park. This will change the focus of the park from active recreation to passive recreation/conservation. The Florida Communities Trust responded favorably to this request and asked that the City provide documentation to what improvements have been made to the Park to date, which the City provided. The City informed the state that it wouldn't use the Coastal Partnership Initiative grant. The State has requested a revised management plan that would make the park more passive than active. To date, the state has not replied yet as to whether the Park can be converted to passive recreation/conservation.

b. Vulnerability Assessment. The City received a \$50,000 grant from the Florida Department of Environmental Protection's Resilient Florida Program. The grant will help pay the costs to create the City's vulnerability study to ensure that it complies with recent changes to state law. The state sent a draft work plan for the City to review and comment, which the City provided. The grant agreement has been executed. In July 2023, the City applied for an additional \$151,549 to complete the study, and this additional funding has been approved. A purchase order has been issued; the City Engineer has met with the consultant and the consultant has begun performing the tasks, such as data acquisition and exposure analysis.

#### 7. FLOODING COMPLAINTS. Citizens have expressed concerns about the following areas:

a. Ocean Walk Subdivision. The subdivision is located on the east side of Mickler Boulevard between Pope Road and 16<sup>th</sup> Street. Earlier in 2020, the ditch that borders the subdivision's west side was piped. Ocean Walk residents complained that the piping of the ditch caused flooding along the subdivision's west side. To improve the flow of water, the Public Works Director had debris cleared from the Mickler and 11<sup>th</sup> Street ditches. The Commission approved the hiring of a civil engineering consultant, the Matthew Design Group. It provided a plan for swales, a pump station and other improvements. Also, in 2022, the City received a state appropriation of \$694,000 for the project. The St. Johns River Water Management District will provide up to an additional \$354,087 for the project. In October, the City Manager signed the agreement with the District for the money. As the estimated cost for the project is \$1.4 million, the project will be done in stages, which the Florida Department of Environmental Protection has approved. Additional funding will be sought for the later stages. The City has received an easement from one subdivision resident. The City will advertise for bids for Phase 1 by the end of January 2024.

b. Oceanside Circle. This street is located in the Overby-Gargan unrecorded subdivision, which is north of Versaggi Drive. Three bids were received for a new, paved road and drainage improvements. As all the bids were well above the \$500,000 estimate provided by the City's civil engineering consultant, the City Commission at its February 6, 2023, meeting, approved the Public Works Director's recommendation to reject the bids. This project has been postponed. It could be funded in the future by one or more of the following means: a stormwater utility fee, assessing the owners of the properties

adjacent to the street, grants or an appropriation by the Florida Legislature. The City has applied for legislative funding in the state's Fiscal Year 2024-25 budget.

c. St. Augustine Beach and Tennis Complex and the Sabor de Sal subdivision. During periods of intense rainfall, two retention ponds can become full, which threatens adjacent residential properties. Because the ponds and adjacent road to one of them are privately owned and public money cannot be spent to improve private property, the City cannot develop a solution that will require the spending of public funds. The St. Johns River Water Management District determined that the areas were developed in the 1970s and early '80s, before permits were required. On June 22, 2023, the City Engineer and the City Manager held a meeting with concerned residents about the need for them to organize themselves to hire a civil engineering consultant to advise them about possible solutions. Since then, Water Management District staff has provided the City with an analysis of two private ponds. City staff met with concerned residents on August 17, 2023, to discuss possible solutions that they will have to develop and pay for. Afterwards, the Commission at its September 11<sup>th</sup> meeting approved the City pumping excess water from the Sabor de Sal and Atlantic Beach and Tennis Club ponds, if needed, during the current hurricane season.

On October 18<sup>th</sup>, the Public Works Director and City Manager met with two representatives from the St. Augustine Beach and Tennis Condos. Their large parking lot was flooded for several days from a storm on October 12<sup>th</sup>. A possible solution is for the condos to have an underground pipe from the parking lot to the City's Linda Mar drainage system, which is connected to the Florida Department of Transportation system under State Road A1A. However, at a meeting with Florida DOT, the City Engineer and the Assistant Public Works Director learned that the DOT won't accept additional water into its system under State Road A1A. The next step will be another meeting with the condo representatives, Sabor de Sal homeowners and Mr. Bill Brothers, owner of the Atlantic Beach Tennis Club, about developing a solution to their drainage problems. The City has informed Mr. Bill Brothers that he no longer can pump water from his pond to the Linda Mar system.

In a meeting with City staff of November 20, 2023, Ms. Janice Lauroesch of Sabor de Sal suggested the City obtain an easement over a short bridge at the pond's east end for a pumping system. The questions then are to where is the pond water to be pumped and who is to pay the pumping costs?

In December, the Palm Coast City Attorney advised the City Council that public resources, including money, cannot be used to benefit private property owners. Our City Attorney agrees with this advice.

d. Pipes under Pope Road and A1A Beach Boulevard. Application for \$557,702, 75% of which will come from the Hazard Mitigation Grant Program. The contract with the Florida Division of Emergency Management has been executed. The Public Works Director prepared a Request for Qualifications for a design consultant. The responses were reviewed and ranked by a City staff committee and the Commission at its September 12, 2022, meeting authorized the City Manager to negotiate with the firm ranked first, the Matthews DCCM. The contract was executed in October 2022 and the design has been completed. The City has submitted the design and bid documents to the Florida Division of Emergency Management for evaluation and approval of construction funding. Florida DEM requested additional engineering information leading to the realization that the City would be obligated to maintain County roadway and drainage assets. Therefore, the City requested FDEM to either cancel the project or transfer it to the County.

e. Magnolia Dunes/Atlantic Oaks Subdivisions. Thanks to the efforts of Vice Mayor Rumrell, state representative Cyndi Stevenson and state senator Travis Hutson, \$1,200,000 was put in the state's Fiscal Year 2023, which went into effect on July 1, 2022. The appropriation survived the Governor's veto pen. The Florida Department of Environmental Protection prepared a grant agreement, which was signed in late October 2022. The next step is for the City to advertise a Request for Qualifications for a design consultant to do design and permitting work. At its February 6<sup>th</sup> meeting, the City Commission approved the staff negotiating a fee for services with Environmental Consulting and Technology of Jackson. Negotiations are under way. The consultant has been hired and the pre-design study is currently being done. The state has extended the grant agreement for an additional year. It will expire on June 30, 2026. At the Commission's September meeting, City staff asked that discussion of plans for the drainage improvements be postponed so that the staff could research more options. The City Engineer presented the options at the Commission's October 2<sup>nd</sup> meeting. The Commission decided the staff should explore using the Florida Department of Transportation retention pond on State Road A1A.

On October 26<sup>th</sup>, the City Engineer, Assistant Public Works Director and City Manager held a town hall meeting with residents of the two subdivisions. The final pre-design study was received on November 2, 2023. The City has requested a design phase scope/proposal from a consultant. It is being reviewed by the City Engineer.

f. West end of 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> Streets. The Legislature in its 2023 budget approved an appropriation of \$90,000 for this project. The City has signed a grant agreement with the Florida Department of Environmental Protection (FDEP). Design and permitting work began in July 2023 and will be completed by November 2023. The City has asked FDEP to approve this schedule. The City has issued a purchase order for a consultant to do the design phase of the project. The deadline for the consultant to complete the design is November 30, 2023. A town hall meeting to review the design was held on November 2<sup>nd</sup>. Final plans and bid package have been prepared. However, the City lacks sufficient grant funds for this project.

g. Maintenance of Ponds in Sea Oaks Subdivision

In 2009, the City signed an easement and maintenance agreement with the Sea Oaks Homeowners' Association for the City to maintain two ponds in the subdivision as part of the City's responsibility to management of the Sea Oaks' stormwater system. At its December 4, 2023, meeting, the Commission approved a budget resolution to appropriate \$24,275 for surveying and civil engineering services. The services are needed to restore the ponds so that they will function as designed. Surveying has been done. It will be sent to Jones Edmonds, an engineering firm retained by the City. It will do an analysis of what must be done to bring the ponds into compliance with St. Johns River Water Management District regulations.

8. STORMWATER UTILITY FEE. The Commission decided at its October 4, 2021, meeting that the time to levy the fee wasn't right in light of the recent increase in the non-ad valorem fee for the collection of household waste and recyclables and the increase in property taxes due to the rise of property values in the City. The Commission discussed the fee at its October 3, 2022, meeting and approved having a public hearing on November 14<sup>th</sup> meeting. At that meeting, the Commission approved a resolution stating the City's intent to adopt the non-ad valorem assessment. At its March 6, 2023, meeting, the Commission adopted an ordinance that will allow the Commission to levy a stormwater utility fee in 2024. At that meeting, the Commission did not approve a budget resolution to appropriate \$13,000 for a civil

engineering consultant to research the data needed for the City to propose a range of fees for the utility but as the fees cannot be recommended by the June or July deadline for submission of the range to the Tax Collector. Money has been appropriated in the FY 24 budget to pay a consultant to develop a fee schedule for Fiscal Year 2025. In the meantime, the City staff prepared a Request for Qualifications from consulting firms. The deadline for responses was September 11<sup>th</sup>. Only Jones Edmonds provided a response. City staff has provided a draft contract to the consultant for review and execution.

9. RENOVATING THE FORMER CITY HALL AND CIVIL RIGHTS MONUMENT. On March 23, 2022, the City Commission held a workshop, the purpose of which was to discuss with citizens the renovation of the second floor of the former city hall at pier park, future uses of the building and a civil rights monument. Ms. Christina Parrish Stone, Executive Director of the St. Johns Cultural Council, made a PowerPoint presentation that described the building's history and the \$500,000 historic grant that can be spent on renovating certain features of the building, such as the upstairs windows and exterior awnings, and a smaller \$25,000 grant that can be spent on interpretative signage for the building. Ms. Stone highlighted that the building's designation as historic by the federal government enhanced its eligibility for the \$500,000 grant. The outcome of the workshop is that the building is to be used as a cultural arts center with the second floor possibly having artists' studios and a small museum. Artwork outside the building, such as a new civil rights monument to replace the old one that commemorates the 1964 civil rights struggle to integrate the adjacent beach, would be created. City staff will work with Ms. Stone and the Cultural Council on such matters as the building's structural strength, building code requirements to renovate the second floor, accessibility to the second floor for the public, fund raising and seeking citizens to serve as volunteers on a citizen advisory committee. The money from the \$500,000 grant must be spent by June 2024.

On July 12<sup>th</sup>, Ms. Christina Parrish Stone and Ms. Brenda Swan of the Cultural Council met with the Public Works Director and the City Manager and reported that the Council was advertising for proposals from architectural firms for the civil rights monument. Also discussed was where the monument would be located. One possible site is on the concrete walkway next to seawall and the stairs to the beach, so that the monument will be positioned where visitors can see it and the beach where the civil rights wade-in occurred in 1964.

At the Commission's March 2, 2023, meeting Ms. Parrish Stone showed illustrations of the proposed civil rights memorial to commemorate the "wade in" of the City's beach in front of the former city hall in 1964. She and a local architect, Mr. Connor Dowling, also showed illustrations of the new, second floor windows and some interior renovations. The memorial and other work will be paid by state grant funds. One delay is the columns along the building's north side to which the memorial panels will be attached may have to be replaced.

The latest update concerning grants for the building's renovation and the civil rights memorial is:

- Florida Department of State, Division of Historical Resources, \$500,000: \$110,251 has been spent on window replacement, roof repair, heating/air unit repair/replacement, second floor access improvements, balcony repair and repair/replacement of exterior columns.
- National Trust for Historic Preservation, \$25,000. It has been spent for visual displays to commemorate the 1964 wave-in to desegregate the beach in front of the former city hall. The displays will be put on the exterior columns once they have been repaired or replaced.

- National Park Service grant, \$50,000. This will pay for an interactive exhibition panel on the wave-in that will be in the new lobby of the restored building.

At its September 11, 2023, meeting, the City Commission agreed by consensus to provide an easement to the state. This was done at the request of the Cultural Council to help it obtain a grant of up to \$750,000 for renovations to the interior of the building.

Ms. Christina Parish-Stone provided a progress report at the City Commission's October 2<sup>nd</sup> meeting, such as roof repairs and replacing three air conditioning units. She said a contractor, DiMare, has been selected for further repairs, such as the columns, windows and awnings. She added that the Cultural Council would apply for a \$750,000 state grant with a \$100,000 match to be provided by the Cultural Council. This money will be used for a new lobby and entrance, an elevator, conference space and improvements to the area now leased by the Art Studio.

In late October, the Building Department received plans from DiMare Construction to replace the second floor windows, reconstruct the columns for an awning along the building's north side and repair the balcony on the building's east side. The City Department has issued the permit for construction.

In 2026, the long-term agreement the Cultural Council has to lease the former city hall from the City will expire. The Commission will discuss the future of the agreement at a meeting in early 2024.

10. BEACH RESTORATION. According to the U.S. Army Corps of Engineers, 2.5 million cubic yards of sand will be put on the beach from the middle of Anastasia State Park to south of A Street. The project will be done between February and September 2024. The federal government will pay the entire \$35 million cost.

11. INTERGOVERNMENTAL PROJECTS. When the Commission discussed the strategic plan at its February 1, 2021, meeting, more involvement with the County and St. Augustine was mentioned as desirable. Below is a summary of the City's current involvement with various area governmental entities.

a. Mobility: No formation to report.

b. River-to-Sea Loop: This is a Florida Department of Transportation, St. Johns County, St. Augustine and St. Augustine Beach project to construct 26 miles of a paved bike/pedestrian trail as part of the 260-mile trail from the St. Johns River in Putnam County to the ocean in St. Johns County. The Loop will then go south through Flagler and Volusia counties to Brevard County. This is a long-term, multi-year project. It's proposed that the Loop will enter St. Augustine along King Street, go across the Bridge of Lions, south along State Road A1A to the State Park, through the Park or along State Road A1A to A1A Beach Boulevard. Though possibly not feasible in all locations, the goal is to have a wide, perhaps 10-foot, bike/pedestrian trail separate from the adjacent road.

The Loop's proposed route through the City is along the west side of A1A Beach Boulevard from Pope Road to A Street, then transition to the east side of the Boulevard from A Street to the where the Boulevard merges with State Road A1A. The Loop will then go south along SR-A1A into Flagler County and has been funded by the Florida Department of Transportation.

c. Transportation Development Plan: The development of the plan involves several agencies, such as the County, St. Augustine, our City, the North Florida Transportation Organization and the Sunshine Bus System. On February 25, 2021, the City Manager attended by telephone a stakeholders' meeting for an

update on the development of the plan's vision, mission goals and objectives. Most of the presentation was data, such as population density, percentage of residents without vehicles, senior citizens and low income and minority residents in the County and the areas served by the Sunshine Bus. The next stakeholders' meeting has yet to be announced. The agenda will include transit strategies and alternatives and a 10-year implementation plan.

d. Recycling Glass Containers. St. Augustine Beach has joined St. Augustine's program. St. Augustine has put a dumpster in the south city hall parking lot for glass containers, the City's Communications Coordinator, Ms. Melinda Conlon, has informed the public of this new service and to date the dumpster has been well-used.

12. BEACH ACCESS WALKOVERS. The Assistant Public Works Director and City Manager asked the St. Augustine Port, Waterway and Beach Commission at its July 18<sup>th</sup> meeting to appropriate money in its Fiscal Year 2024 budget for walkovers. The Port Commission at its July 18, 2023, meeting appropriated \$190,025 for walkovers. The City matched this amount to construct walkovers at 10<sup>th</sup> and 6<sup>th</sup> Streets in Fiscal Year 2024. These two were completed in November. Money for two more walkovers, C and E Streets, will be requested for the Fiscal Year 2025 budget. At a November 17, 2023, meeting of the County's Transportation Advisory Group, an agreement for the County to maintain the walkovers was discussed, once the C and E Street ones are completed next year.

13. HAMMOCK DUNES PARK. This Park is located on the west side of A1A Beach Boulevard between the shopping center and the Whispering Oaks subdivision. At this time, it has no amenities, such as walking trails, and the City has no money for them because of significant drainage and other projects.

14. UNDERGROUNDING OF ELECTRIC WIRES ALONG A1A Beach Boulevard. Because of the estimated cost of \$1 million per mile and the City's current focus is on drainage improvements, there is no current action to report. However, in accordance with Commission policy, the undergrounding of the lines will be done on new residential streets, such as 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue.

15. TRAFFIC SIGNAL ON STATE ROAD A1A AT MADRID STREET AND THE ENTRANCE TO MARSH CREEK SUBDIVISION. This has been requested by City residents. The signal would benefit the residents of two private, gated subdivisions, Whispering Oaks and Marsh Creek, and one ungated subdivision, Sevilla Gardens, with public streets. In response to emails from the City Manager, the Florida Department of Transportation responded that there aren't enough residents in Sevilla Gardens to justify the signal and the two gated subdivisions would be responsible for having a traffic study done, and, if the study showed the signal was justified, paying for the signal. The City Manager forwarded this information to a Whispering Oaks resident, who said he would contact Marsh Creek. At the Commission's December 5, 2022, meeting, Commissioner George said she would contact the Marsh Creek Homeowners Association about the traffic signal proposal. She reported at the Commission's April 3, 2023, meeting that the cost of the signal system, according to the Florida Department of Transportation, would be \$1 million. At the Commission's August 7<sup>th</sup> meeting, she reported that she met with the board members of the Marsh Creek Homeowners Association and that some of the members were not in favor of the signal. She said she would follow up with the board again to see if they wanted more information or if they would take a formal position concerning the signal.

16. NEW STREETLIGHTS ON 11<sup>TH</sup> STREET

The City has asked Florida Power and Light to put two new lights on the north side of 11<sup>th</sup> Street between Mickler Boulevard and the entrance to the Ocean Ridge subdivision. The City Manager has signed the contract for the lights. A deposit of \$1,400 for the new lights has been sent to FP&L. The schedule is for the lights to be in place by February 2024.

17. NEW STREETS. There are two projects: 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue and 4<sup>th</sup> Street between A1A Beach Boulevard and 2<sup>nd</sup> Avenue. The 2<sup>nd</sup> Street project also included rebuilding the existing street between the Boulevard and 2<sup>nd</sup> Avenue. Both sections of 2<sup>nd</sup> Street were paved in October. Release of liens by the contractor and submission of certain documents to the County's Utility Department remain to be done.

Fourth Street is a platted street, most of which between the Boulevard and 2<sup>nd</sup> Avenue is unpaved. The City's policy is that the cost to open and pave such streets is paid by the owners of the lots adjacent to them and the City. The owners are charged an assessment. At its November 14, 2022, meeting, the City Commission approved the City Manager notifying the owners of the City's intent to open the street and charge them an assessment. In early December, the Manager sent the notification letters to the four owners. In late February, one property owner in response to his inquiry was told the cost to construct the street would be between \$460,000 and \$500,000, though the City Engineer considers this estimate to be low. The other property owners did not respond. An Engineer will get a revised estimate and the City staff will schedule a meeting with the owners to discuss a special assessment.

18. CLEANING OF STATUES IN LAKESIDE PARK. Some of the statues are showing wear and their age. The City Manager wrote to Ms. Marianne Lerbs, the wife of sculptor Thomas Glover, who is now deceased, for guidance to clean the statues.

19. REVIEW OF PUBLIC WORKS OPERATIONS. The City Manager held a meeting with the Finance Director, Public Works Director and Assistant Public Works Director, to discuss doing a review of public works operations to see where changes can be made to save money and improve efficiency. One outcome of the discussion was to meet with staff of St. Augustine and Flagler Beach to see what can be learned from how they do their operations, especially recycling.

20. REQUEST FOR QUALIFICATIONS. The City Engineer has prepared a Request for Qualifications for firms to provide various types of services, which include architectural, surveying, environmental, GIS, general civil engineering and mechanical/electrical/plumbing engineering. He has also requested bids for City-wide pipe and manhole lining renewal and rehab services. Proposals from numerous companies were received by the November 9, 2023, deadline. A committee of senior City employees has evaluated and ranked the proposals. The City Commission at its January 8, 2024, meeting approved the committee's recommendations as to which firms should be hired on a continuing contract basis. This topic will no longer be included in this Report.