



AGENDA
CITY COMMISSION MEETING
CITY OF ST. AUGUSTINE BEACH
April 3, 2017 6:00 PM.

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

NOTICE TO THE PUBLIC

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

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES OF THE REGULAR CITY COMMISSION MEETING OF MARCH 6, 2017
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO ORDER OF TOPICS ON THE AGENDA
- VII. PUBLIC COMMENTS
- VIII. PRESENTATIONS
 - A. Proclamation, to Declare April 21, 2017, as Arbor Day in the City
 - B. Code Enforcement Board: Appointments of Members
 - C. Beautification Advisory Committee's Five-Year Plan
 - D. Recycling Pickup Service: Review of Revised Bids
- IX. PUBLIC HEARINGS

None
- X. CONSENT
 - 1. Drainage Improvement Grant: Request to Approve Amendments to Contract between City and Stone Engineering for Civil Engineering Services
- XI. OLD BUSINESS

2. Consideration of Settlement Agreement re: Driveway to Commercial Property on South Side of Versaggi Drive
3. Public Comment / Rules for Conduct and Related Matters Concerning Meetings: Continuation of Discussion
4. Award of Bids:
 - A. Paver Blocks for Parking Improvement Along 16th Street Right-of-Way
 - B. Piping Ditch on East Side of Ocean Woods Subdivision
5. Ordinance 17-01, First Reading: to Vacate Alley in Block 19, Chautauqua Beach Subdivision
6. Regulating Medical Marijuana: Continuation of Discussion
7. Discussion of Possible Dates for Meetings:
 - A. Workshop Concerning Transfer of Lease for Former City Hall
 - B. Joint Meeting with County Commission
 - C. Special Meeting to Review Draft of Land Development Regulations
 - D. Workshop to Review Sign Regulations and Residential Parking Plan
8. City's New Year's Eve Event: Review of Information re: Handling of Money and Public Records

XII. NEW BUSINESS

9. Local Mitigation Strategy Plan: Consideration of Resolution to Adopt

XIII. COMMISSIONER / STAFF COMMENTS

XIV. ADJOURNMENT

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NOTICES TO THE PUBLIC

1. TREE BOARD / BEAUTIFICATION ADVISORY COMMITTEE. It will hold its monthly meeting on Thursday, April 6, 2017, starting at 6 p.m. in the Commission meeting room.
2. COMPREHENSIVE PLANNING AND ZONING BOARD. It will hold its monthly meeting on Tuesday, April 18, 2017, at 7:00 p.m. in the Commission meeting room. Topics

on the agenda may include: request for land use change from low density residential to commercial for a vacant lot in the Sabor de Sal subdivision, east of the Oasis restaurant.

3. ARBOR DAY. It will be celebrated in the City on Friday, April 21, 2017, at city hall, 2200 A1A South, from 5 p.m. to 7 p.m.

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NOTE:

The agenda material containing background information for this meeting is available on a CD in pdf format upon request at the City Manager's office for a \$5 fee. Adobe Acrobat Reader will be needed to open the file.

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

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



**MINUTES
REGULAR COMMISSION MEETING
CITY OF ST. AUGUSTINE BEACH
MONDAY, MARCH 6, 2017
6:00 P.M.**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

I. CALL TO ORDER

Mayor O'Brien called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor O'Brien asked Commissioner Snodgrass to lead the Pledge of Allegiance.

III. ROLL CALL

Present: Commissioner England, Commissioner George, Commissioner Kostka, Commissioner O'Brien, and Commissioner Snodgrass.

Also Present: City Manager Royle, City Attorney Wilson, Police Chief Hardwick, Chief Financial Officer Burns, City Clerk Raddatz, Building Official Larson and Public Works Director Howell.

IV. APPROVAL OF MINUTES OF THE REGULAR CITY COMMISSION MEETINGS OF JANUARY 3, 2017 AND FEBRUARY 6, 2017; THE SPECIAL COMMISSION MEETING ON FEBRUARY 6, 2017 AND SHADE MEETING ON FEBRUARY 27, 2017

Mayor O'Brien asked for a motion.

Motion: to approve Regular City Commission meeting minutes of January 3, 2017 and February 6, 2017; the Special Commission meeting minutes on February 6, 2017 and the Shade meeting minutes of February 27, 2017. **Moved by** Mayor O'Brien, **Seconded by** Commissioner Snodgrass. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

Mayor O'Brien asked for any additions or deletions of the agenda. Being none, Mayor O'Brien moved on to Item VI.

VI. CHANGES TO ORDER OF TOPICS ON THE AGENDA

Mayor O'Brien asked if there were any changes to the order of topics on the agenda.

City Manager Royle advised that Mayor O'Brien requested to move Item 7 "Tourist Development Council and Other Boards: Discussion of City Representation" up in the agenda.

Mayor O'Brien advised that this item was important to discuss tonight there has been no representation from our City for two Tourist Development Council meetings.

Commission agreed to move the Item 7 after Presentations.

Mayor O'Brien thanked the Information Technology Department for adjusting the sound system so people can hear better.

VII. SPECIAL PRESENTATION

A. Resolution from City Attorney Concerning Rules for Public Comments at Meetings

Mayor O'Brien introduced Item VII.A and asked City Attorney Wilson to give a staff report.

City Attorney Wilson advised that this was part of a series of requests that the Commission asked him to review in the Policies and Procedures Manual. He explained that this item was one of the more pressing ones. He advised that Florida Statutes 286.0114 allows public input during meetings, which should be reasonable and allowed before a decision is made. He explained that public comments do not have to be at the same meeting that the item is being heard, but should be done prior to a decision being made. He advised that the Board can limit the time that a party is allowed to speak as long as the party is able to speak on the item. He commented that in his experience, most boards do not allow public comments on items that come up on the agenda unless it is a public hearing or if the Board wants to take public input on a particular item being addressed. He gave an example of the City of St. Augustine allowing public comment per person for three minutes only once in the meeting, unless there was a public hearing where the public could speak again. He explained that the Board could always allow the public to speak on an item if they want to. He advised that this resolution is content neutral and allows public comments once or allows the Board to decide on each item if they would like to hear public comments. He read and explained the proposed resolution. He advised that there is a Florida Statute that relates to the decorum of the meeting where the public cannot disrupt the meeting. He commented that it would be up to the Commission to decide if they like the resolution or if they want changes. He advised that he does not make policies, but he reviews and drafts what is legal. He explained that the Commission makes the decision to approve the policy or not.

Mayor O'Brien asked for Commission discussion.

Vice Mayor George asked City Attorney Wilson if someone directed him to prepare this resolution and was the City charged for this work.

City Attorney Wilson advised that this subject matter came before the Commission a few months ago and was requested by the Commission for him to review the policy and create an updated resolution. He advised that it did not cost any additional expense to the City.

Vice Mayor George explained the history of this item and felt that this should be a formal agenda item with the history of what the existing resolutions and policies are. She advised that she would consider changes, but would not be comfortable adopting this resolution without a real understanding of what the existing resolutions and policies are. She commented that without looking into the history, the Commission could adopt something contradictory or redundant. She advised that on the website there is a listing of all resolutions and staff should review all the other resolutions before the Commission moves forward. She thanked City Attorney Wilson for his work on the resolution, but advised that she does not feel there was enough information to move forward at this time.

Commissioner Kostka advised that this was in the Policies and Procedures Manual and felt that the Commission should take its time to make sure the policies are not redundant or adding things that are inappropriate.

Mayor O'Brien advised that this resolution achieves a balance. He explained that it has been clear at the last few meetings that there needs to be more of a balance, which the meetings do not have presently.

Commissioner England advised that the City does have parliamentary procedures and Roberts Rules of Order. She advised that if there are resolutions currently, then they should be encompassed with this resolution. She requested a permanent manual on the new resolutions at the dais. She commented she didn't feel the five rules needed to be displayed on the screen or a buzzer because we all are adults. She further commented that the Commission doesn't need on the request cards that the speaker would obey all the rules. She advised that she likes the concept that speakers can speak for three minutes at the Public Comment section and then again at any public hearings. She commented that that would achieve a good balance at the meetings. She advised that she wants the other resolutions that are enforced now to be terminated or replaced. She requested to change Section 10.A and advised that the speaker should come to the podium not speak from the audience. She explained that she was for the concept of this resolution.

Commissioner Snodgrass thanked City Attorney Wilson for taking the initiative on this issue. He explained that the Commission has been grappling with these issues for some time. He advised that he has had several conversations with City Attorney Wilson on the inefficiency and effectiveness of the Commission meetings. He agreed that the Commission should repeal and replace resolutions. He commented that the meetings' quality, value, efficiency and effectiveness have been deteriorating in the last several months. He advised that it has been increasingly difficult to have adequate time to discuss and make decisions in a timely basis on matters that could affect the health, safety, and welfare of the residents and tourists. He explained that the Commission needs a more efficient and effective protocol in handling public

comments and he remarked that the approach City Attorney Wilson took in the resolution is spot on. He advised that some public comments can be very constructive. He explained that one constructive public comment was when there is a recognized expert on the subject matter who can enlighten the Commission on a specialized issue, when the matter directly involves the citizen, and when a person has been in the same situation in the past and could add value. He commented that it is less helpful or constructive when people are compelled to speak who are not experts on the subject, who are not directly involved in the issue, and who have no experience or background on the issue. He advised that as talented as this Commission is, our Commission meetings should be a model of best practices, instead he commented that most observers would say we are worst practice. He commented that others have told him that the Commission is a laughing stock. He advised that immediate changes to public comment protocol are indicated right now. He explained that the Commission should approve the proposed resolution tonight and can tweak it as necessary later. He advised that people in the audience have chastised the Commission for not moving forward quicker to update Resolution 89-5. He advised that this resolution would help with the efficiency and effectiveness of the Commission meetings and it is the approach of the nation's oldest city, St. Augustine.

Mayor O'Brien advised that he completely agrees with Commissioner Snodgrass.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission: Ed Slavin, P.O. Box 3084, St. Augustine, FL; Tom Reynolds, 880 A1A Beach Blvd., St. Augustine Beach, FL; Rosetta Bailey, 403 A Street, St. Augustine Beach, FL; Robert Kahler, 29 Sunfish Drive, St. Augustine Beach, FL; Ann Palmquist, 213 10th Street, St. Augustine Beach and Merrill Roland, 6281 Old Dixie Drive, St. Augustine, FL.

Mayor O'Brien closed the Public Comment section and asked for any further Commission discussion.

Mayor O'Brien asked City Attorney Wilson if this resolution violates any freedom of speech rights or any federal or state laws of any kind.

City Attorney Wilson advised no, the resolution complies with the Florida Statutes and the Constitution. He commented that the resolution does not prohibit free speech and is content neutral. He explained that the resolution is legal.

Mayor O'Brien asked how long the City of St. Augustine adopted this style of meetings.

City Attorney Wilson advised that the City of St. Augustine had this in place for the 12 years when he was there. He advised that this resolution would stand on its own and advised that if there was a conflict with another resolution, the most current resolution would be what the Commission would follow.

Vice Mayor George asked City Attorney Wilson to look at the rules and bring all information together so the Commission knows what is in effect. She advised that it

would be the same procedures as the Land Development Regulations and should not deal with this issue alone. She commented that it would be appropriate and wise to do a comprehensive review of all the resolutions. She advised that there is a lot of weight on this issue as a public topic and it should be dealt with respect. She proposed that the Commission continue this item and direct staff to bring back the agenda topic with a survey of all resolutions, rules and ordinances regarding this topic. She asked how much time in advance would staff need for exhibits to be loaded on the overhead and whether the three minute public comments would include setting up exhibits, etc.

Commissioner England questioned whether 10 copies are necessary to show an exhibit under Section 5 of the resolution. She commented that that would be onerous to the citizens. She requested to repeal all the previous resolutions and start fresh. She suggested bringing this back at the next meeting after the revisions are made.

City Attorney Wilson asked how many exhibit copies should be put in the resolution.

Commissioner Snodgrass asked City Clerk Raddatz how many were needed for the record.

City Clerk Raddatz advised one for the record; however, the other copies would be for the Commission, City Attorney, and City staff so they could review it.

Vice Mayor George advised that as long as she can see the exhibit on the overhead it would be fine, but the exhibitor should come in advance to set up the information. She advised that she would agree to the minimum number.

Commissioner Snodgrass and Mayor O'Brien agreed.

Commissioner Snodgrass advised that this has been a good discussion and that these policies should be cleaned up. He advised that City Attorney Wilson should be applauded for doing this resolution. He advised that the resolution talks about the quality, value, efficiency and effectiveness of the meetings. He remarked that he didn't think the Commission would disagree that the meetings have deteriorated recently and it has been difficult for the Commission to get to the people's business because of the extended protocols that we have. He commented that public comments are instructive and constructive when the Commission hears from people who bring insight and value to the discussion as opposed to someone who wants to hear themselves speak. He advised that the meetings drag on because the same people feel compelled to speak on every issue. He advised that the Commission wants public comments, but public comments needs to be managed more efficiently and effectively. He agreed to bring this back to next Commission meeting and have a robust conversation about it.

Mayor O'Brien agreed to bring this item back at the April 3, 2017 Commission meeting.

Vice Mayor George advised that she had some resolutions from other cities on public comments and quasi-judicial procedures and asked staff to put these resolutions in the Commission packets for the next Commission meeting (Exhibit 3).

It was the consensus of the Commission to bring this item back on April 3, 2017 Commission meeting.

VIII. PUBLIC COMMENTS

Mayor O'Brien opened the Public Comment section. The following addressed the Commission: Tom Reynolds, 880 A1A Beach Blvd, St. Augustine Beach; Ann Palmquist, 216 10th Street, St. Augustine Beach, FL; Ed Slavin, P.O. Box 3084, St. Augustine, FL; Mary Katherine Rosser, 106 Sandpiper Blvd., St. Augustine Beach, FL; Merrill Roland, 6281 Old Dixie Drive, St. Augustine, FL; Robert Kahler, 29 Sunfish Drive, St. Augustine Beach, FL; Jan Thomas, 672 Sun Down Circle, St. Augustine Beach, FL; Rosetta Bailey, 403 A Street, St. Augustine Beach, FL; and County Commissioner Henry Dean, 244 North Forest Dunes, St. Augustine Beach, FL.

Mayor O'Brien advised that the Commission appreciated the help Neal Shinkre, Engineering Manager with St. Johns County Utilities Department as well as the County Commissioners regarding the beach renourishment.

Vice Mayor George asked if there was a 30-day timeline to resubmit the objection.

County Commissioner Dean advised that he didn't believe that they would resubmit the objection because they voluntarily dismissed the objection.

Mayor O'Brien explained that he called Governor Scott's office regarding this matter and he advised that he had the Acting Director of the Department of Environmental Protection (DEP) contact him. He commented that DEP would expedite the beach renourishment program. He also advised that the City applied for \$1.5 million grant for the Ocean Hammock Park property, which ranked in top three. He explained that City Manager Royle and he went to Tallahassee to give a presentation and in the last 10 days, the committee for the Florida Communities Trust did a site inspection and they felt very strongly that the City would be reimbursed \$1.5 million. He advised that the final ruling would be in the next 30 days.

IX. PRESENTATIONS

A. Proclamation to Designate April, 2017, as Water Conservation Month

Mayor O'Brien introduced Item IX.A and asked if Geoff Sample, could come to the podium.

Mayor O'Brien presented the proclamation to Mr. Sample.

Mr. Sample, Intergovernmental Coordinator, Office of Communications and Intergovernmental Affairs, St. Johns River Water Management District, 7775

Baymeadows Way, Jacksonville, FL, advised that the St. Johns River Water Management District commended the City for considering the proclamation and explained that there was a need for water preservation due to growth in population and they rely on water conservation to have enough water for the future. He gave statistics on water usages and advised that this area uses 81 gallons per person, which is better than most areas.

Mayor O'Brien asked for a motion.

Motion: to adopt the proclamation. **Moved by** Commissioner Snodgrass, **Seconded by** Commissioner Kostka. Motion passed unanimously.

B. North Florida Transportation Planning Organization's Proposal for Charging Station for Plug-in Electric Vehicles

Mayor O'Brien introduced Item IX.B and asked for a staff report.

City Manager Royle advised that Ms. Wanda Forrest was here to discuss a proposal for two charging stations, which Public Works Director Howell advised could be done at city hall.

Wanda Forrest, Transportation Planning Manager of North Florida Transportation Planning Organization (NFTPO), 980 N. Jefferson Street, Jacksonville, FL, advised that they have funding for charging stations for plug-in electric vehicles. She explained that NFTPO is working on Phase II of their project and asking to identify locations on government owned land that is accessible and well lighted. She advised and requested the Commission to complete the application and return it to NFTPO for evaluation.

Vice Mayor George asked if NFTPO would be responsible for 100 percent of the costs of installation.

Ms. Forrest advised yes. She explained that there will be a two-year warranty and it would be networked.

Commissioner Snodgrass asked if the two spaces were identified.

City Manager Royle advised that they would be in the parking lot at city hall, next to Building C. He explained that the spaces need one pole with two plugs and they would be designated areas for electric vehicles only.

Discussion ensued regarding the branding of the spaces; safety precautions; JEA Utilities completing the installation because they are a municipal owned utility and Florida Power and Light is not; whether the spaces could be between the handicap spaces; how long it would take to charge the vehicle; how long would the car be in the space; parking being an issue in the City; deadline for the application being March 17th; how many vehicles in this area would benefit from these charge stations; and whether the City should pay for the electricity for these spaces or charge for usage.

It was the consensus of the Commission to have City Manager Royle complete the application and send it to NFTPO.

C. Review of Bids for Recycling Pickup Service

Mayor O'Brien introduced Item IX.C and asked for a staff report.

City Manager advised that staff advertised requests for proposals and two companies submitted bids, Republic Services and Advanced Disposal. He advised that Public Works Director Howell recommended in his memo that the Commission should continue with Advanced Disposal.

Mayor O'Brien asked if Public Works Director Howell would like to give a report to the Commission before the presentations from the companies.

Public Works Director Howell summarized that seven companies requested bids and explained that five companies were able to do the job. He commented that out of those five companies, only two companies submitted bids. He explained that he asked for a bid option for residents to use the larger wheel carts. He advised that Advanced Disposal was the lowest responsible bidder, which had an increase of 37 percent on the based bid and an 85 percent increase for the larger wheel carts. He recommended to the Commission to use the current service for this year and if the Commission is interested in the larger wheel carts, to start that in the next fiscal year.

Discussion ensued regarding both companies did an outstanding job responding to the proposals; safety concerns; Republic Services' increase for current services would be over 60 percent; rates being locked in for two years at a time; having a possible increase of four percent after two years; current provider having minimal complaints; why the City of St. Augustine did not submit a bid; bid requiring the vendor to provide carts and a performance bond; whether the City staff could do the recycling and what increase to the staffing and equipment costs would there be; outsourcing being more cost effective; using day laborers if the City does the recycling; buying another lift truck would cost \$250,000; residential homes being charged per address, not per bin; whether to use the larger wheel carts and only have a pickup once every other week; standard length of term for the contract being five years with options for renewals; and the costs that are under the current contract with Advanced Disposal are currently below market costs.

Greg Huntington and John Hipp, Advanced Disposal, 90 Fort Wade Road, Ponte Vedra, FL, gave their presentation to the Commission and explained that there are increased costs for staffing and recycling processing.

Commissioner Snodgrass asked what the gross profit margin was on this contract and how does it compare with the other municipalities using this service.

Mr. Huntington advised that he didn't feel it was appropriate to share what Advanced Disposal's gross profit margin was. He advised that Advanced Disposal could not do it at the previous rate.

Discussion ensued regarding whether Advanced Disposal's rates were comparable to other municipalities; whether the City was getting penalized because the City didn't chose to renew the contract; the cost increased due to contamination rates; and whether the rates were open to negotiations.

Mr. Huntington advised that they took a risk going out to bid and gave their most competitive price, which allowed them to increase their prices.

Mayor O'Brien requested Republic Services to come to the podium.

Jenni Holdt, 445 Republic Drive, St. Augustine, FL, gave her presentation to the Commission and advised that if the City changed from the current bins to the larger wheel carts and only have recycling once every other week, the City could save money. She advised that educating the children helps to educate the adults on recycling. She commented that Republic Services owns the recycling facility and invested \$24 million in 2012 in their facility and uses rear loader and automated lift trucks for tight neighborhoods like the City of St. Augustine Beach.

Discussion ensued regarding why Republic Services' bid came in higher if they own the recycling facility; costs of commodities being low; and Republic Services having 35 and 96 gallon wheeled carts.

Mayor O'Brien commented that the City has options to keep the costs at where we are now by using the 96 gallon wheeled carts every other week, which would also increase recycling.

Commissioner Kostka asked if they have the cost for pickup every other week.

Ms. Holdt advised no, that it was not in the bid.

Commissioner England advised that the Commission does not have enough information to make a decision.

Vice Mayor George suggested to amend the bid for the additional option.

Mayor O'Brien asked if a new Request for Proposals would have to be done because of a new option.

City Attorney Wilson advised no. He explained that the new option could be given to Advanced Disposal and Republic Services.

Commissioner England requested a bid option for a 96-gallon wheel cart, every other week and another option with the 35-gallon wheel carts, every other week.

Mayor O'Brien advised that both options should be done because some people are not physically able to handle a 96-gallon wheel cart and apartment buildings might want a smaller cart.

Commissioner Kostka asked if residents could choose the size of the cart.

Ms. Holdt advised that Republic Services gives the residents two weeks to swap out a 35-gallon wheel cart to a 96-gallon wheel cart if the residents need to.

Mayor O'Brien suggested having staff work on the new options and then bring this item back to the Commission for a decision.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission: Tom Reynolds, 880 A1A Beach Blvd, St. Augustine Beach, FL; Ann Palmquist, 213 10th Street, St. Augustine Beach, FL and Ed Slavin, P.O. Box 3084, St. Augustine Beach, FL.

Commissioner Snodgrass advised that the Commission received a letter from Advanced Disposal certifying that they were complying with all labor and employment laws.

Mayor O'Brien advised that any green certified hotel with the State of Florida must recycle. He explained that his hotel does recycling.

Vice Mayor George requested a detailed analysis of how many years it would take to offset the cost for labor and equipment if the City did the recycling, in order to compare the difference on outsourcing.

It was the consensus of the Commission to revise the bid with Option 2 for a 96-gallon wheel cart every other week pickup and Option 3 for a 35-gallon wheel cart pickup every other week.

Public Works Director Howell commented that there were several cart sizes, but he didn't know if the costs would change. He did point out that the residents are currently not paying for this service.

City Manager Royle advised that the costs come out of the resident's taxes and the disposal fee is charged on the property bill.

Mayor O'Brien advised that the Commission is not looking to increase resident's costs for recycling and hope to keep the current costs in place.

Mayor O'Brien recessed the meeting at 8:12 p.m. and reconvened the meeting at 8:20 p.m.

X. PUBLIC HEARINGS

1. Request to Vacate Alley between A1A Beach Boulevard and 2nd Avenue North of 3rd Street, Block 19, Chautauqua Beach Subdivision, Mr. David Mullins, Applicant

Mayor O'Brien introduced Item X and asked Mr. Mullins to the podium.

David Mullins, 645 A1A Beach Blvd, St. Augustine Beach, FL, advised that he was asking to vacate the alleyway behind his home.

City Manager Royle advised that Mr. Mullins has received over seventy percent of his neighbors' approval. He advised that the Planning and Zoning Board approved vacating the alleyway subject to the Commission's approval. He advised that the ordinance would still require the preservation in the alleyway of an easement for utilities and drainage.

Vice Mayor George commented that all the lot owners surrounding the property agreed except lot number 17.

Mr. Mullins advised that he did not get a response.

Mayor O'Brien opened the Public Comment section. Being none, Mayor O'Brien asked for a motion.

Motion: to approve. **Moved by** Vice Mayor George, **Seconded by** Commissioner Kostka. Motion passed unanimously.

2. Request for Renewal of Conditional Use Permits for Outside Serving/Consumption of Food and Beverages, and for Consumption of Canned Beer Outside of an Enclosed Building at the Oasis Restaurant, 4000 State Road A1A, Mr. Peter Messler, Agent for Oasis on the Island, Applicant

Mayor O'Brien introduced Item X and asked Peter Messler to come to the podium.

Peter Messler, 7124 Middleton Avenue, St. Augustine, FL, stated that he would like to renew his conditional use permits. He explained that he has been serving outside consumption of food and beverages for ten years, with no complaints.

Mayor O'Brien asked if the outside serving of canned beer takes place in the outside building.

Mr. Messler advised yes, in the parking lot.

Mayor O'Brien asked City Manager Royle and Police Chief Hardwick if they had heard of any complaints.

City Manager Royle and Police Chief Hardwick advised they had received no complaints.

Mr. Messler asked for the permits to be forever.

Commissioner Snodgrass advised that he would not allow the conditional use permit to go forever, but would consider five years.

Mr. Messler requested ten years.

Vice Mayor George advised that the Comprehensive Planning and Zoning Board recommended five years.

It was the consensus of the Commission to allow five years for the conditional use permits.

Vice Mayor George asked about Ms. Rosser's concerns about a proposed parking lot behind the building.

Mr. Messler advised that the property next to the Oasis Restaurant has been listed for years. He advised that he was planning to put in employee parking on that lot.

Mayor O'Brien asked Mr. Messler if he would reach out to Ms. Rosser to see what her concerns were.

Mr. Messler advised that Ms. Rosser had a vacant lot behind them for 20 years and now it is not vacant anymore. He advised that that is what happens when you buy a house next to a vacant property.

Mayor O'Brien asked staff to follow up with Ms. Rosser to hear her concerns.

Commissioner Snodgrass made a motion to approve.

Mayor O'Brien opened the Public Hearing. The following addressed the Commission: Tom Reynolds, 880 A1A Beach Blvd., St. Augustine Beach, FL and Ed Slavin, P.O. Box 3094, St. Augustine, FL.

Mayor O'Brien advised that it was on the record to have City Manager Royle get Ms. Rosser's phone number so he could contact her regarding her concerns. He advised that this issue has nothing to do with the parking, but only the conditional use permits.

Vice Mayor George agreed with Mayor O'Brien that we need to respect the application before us and not confuse the issues.

Commissioner Kostka made a motion to approve the conditional use permits for five years.

City Clerk Raddatz advised that there was a motion on the floor made by Commissioner Snodgrass and asked if Commissioner Snodgrass would confirm his motion and if Commissioner Kostka would like to second the motion.

Motion: to approve the conditional use permits for five years. **Moved by** Commissioner Snodgrass, **Seconded by** Commissioner Kostka. Motion passed unanimously.

XI. CONSENT

3. Budget Resolutions:

- A. 17-01, to Amend the Fiscal Year 2017 General Fund Budget to Transfer \$5,320 from the City Commission's Records Management Account to Its Office Equipment Account to Upgrade the Laserfiche System for Records Management

Mayor O'Brien introduced Item 3 and requested a staff report.

City Manager Royle advised that there were two resolutions which Chief Finance Officer Burns' memos explained. He advised that Resolution 17-01 was budgeted and money needed to be transferred to a different account.

Motion: to approve Resolution 17-01. **Moved by** Commissioner Snodgrass, **Seconded by** Mayor O'Brien. Motion passed unanimously.

- B. 17-02, to Amend the Fiscal Year 2017 General Fund Budget to Transfer \$5,000 from the Parks and Recreation Department's Emergencies/Contingencies Account to Its Special Events Account for Beach Blast Off and Arbor Day Expenses.

Mayor O'Brien requested a staff report.

City Manager Royle advised Resolution 17-02 was to transfer funds to the special events account because of the Beach Blast Off event expenses. He also advised that the Arbor Day event would have expenses as well.

Mayor O'Brien advised that when Ms. Laquidara was giving her presentation there was approximately \$14,000 profit.

City Manager Royle advised that there were expenses for overtime for the Police Department and Public Works Department, which have to be paid.

Mayor O'Brien asked if we lost that \$5,000.

Chief Financial Officer Burns advised that when she prepared the budget for special line items, she budgeted based on the expenses of Beach Blast Off in 2015-2016. She explained that there was a 63 percent budget increase this year and she was transferring the money to cover the costs.

Vice Mayor George asked if the number represented to the Commission of \$14,000 profit from the event was accurate.

Chief Financial Officer Burns advised that it was an accurate number between the revenue and the sponsorships.

Vice Mayor George advised that the budget item expenses were more expensive so the City has to fund it, but the City still has the same amount of revenue from the Beach Blast Off event.

Chief Financial Officer Burns advised yes.

Vice Mayor George asked if the City still netted \$14,000.

Chief Financial Officer Burns advised yes.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission: Tom Reynolds, 880 A1A Beach Blvd, St. Augustine Beach, FL and Merrill Roland, 6281 Old Dixie Drive, St. Augustine, FL.

City Manager Royle asked City Clerk Raddatz why the tickets for the Beach Blast Off events were not public records.

City Clerk Raddatz advised that they had a secondary retention schedule, but explained that she did not have the information readily available to give him the answer.

City Manager Royle asked Chief Financial Officer Burns if her and her assistant counted the money.

Chief Financial Officer Burns advised that was correct. She explained that she had the beginning ticket number and ending ticket number and there was only one dollar or ticket missing. She explained that all the tickets reconciled but for one ticket.

City Manager Royle advised that there was no theft involved.

Mayor O'Brien asked out of the \$5,000 requested, how much would the expenses be for Arbor Day.

Chief Financial Officer Burns advised \$1,500.

Mayor O'Brien reopened the Public Comment section. The following addressed the Commission: Ed Slavin, P.O. Box 3084, St. Augustine, FL.

Mayor O'Brien closed the Public Comment section.

Vice Mayor George advised that this was not totally relevant to this budget resolution and the Commission should move forward with approving the resolution; however, she advised that these are relevant concerns for the City and there for would like to ask City Manager Royle to work on new policies that the

Commission could consider in advance of next year's Beach Blast Off event, which guarantees that there will be oversight and transparency.

Commissioner England agreed that this subject resolution was separate from the allegations. She advised that she has indicated that there needs to be adequate controls in place. She requested to have a staff report in writing on the controls in place for serving alcohol and the handling of the money.

Commissioner Snodgrass advised that the Chief Financial Officer Burns has given the Commission a report on this activity and is a highly valued employee who does an outstanding job. He advised that every external financial audits have come back clean as a whistle. He thanked Chief Financial Officer Burns for her good work and for having clean audits for years. He encouraged Mr. Reynolds and Mr. Roland to participate in the Beach Blast Off event planning and he would welcome their ideas to be incorporated them into the City's planning.

Motion: to approve Resolution 17-02. **Moved by** Commissioner Snodgrass, **Seconded by** Mayor O'Brien. Motion passed unanimously.

XII. OLD BUSINESS

4. Cultural Council's Request to Assign Lease for Former City Hall to The Dance Company: Continuation of Discussion

Mayor O'Brien introduced Item 4 and advised that the Commission would give each party involved five minutes to state their case.

Mayor O'Brien asked Barbara McNees, President of the St. Johns County Cultural Council to come to the podium. She advised that they requested to go to the Arts Studio's Board and were refused. She commented that they did not submit a financial statement because they said the Florida Sunshine Law did not apply to them. She explained that the Cultural Council has given the Commission everything that they asked for in good faith. She requested that the Commission release the lease to The Dance Company. She explained that The Dance Company has the financial ability to maintain the building. She commented that visual arts are not the only type of art. She advised that the drawing that The Arts Studio showed to the Commission regarding extra space was only a draft and never was approved or was represented by the Cultural Council. She commented that when The Art Studio made repairs to the building for their space, the Cultural Council worked with them. She remarked that The Dance Company has tried to work with The Art Studio and would like to have them continue as a tenant.

Commissioner Snodgrass asked if the Cultural Council proposed a meeting between all three parties.

Ms. McNees advised that she asked if they could meet with The Art Studio's Board to discuss the plans for the building and advised that they were not invited to their Board meeting.

Commissioner England asked if the Cultural Council's request was to release the obligation and liability for the lease.

Ms. McNees advised yes and also to transfer the lease to The Dance Company.

Vice Mayor George asked if the City was willing to pay off the note and assume both subtenants, would the Cultural Council agree to that.

Ms. McNees advised that the Cultural Council would consider that, but that request would have to go back to the Cultural Council's Board.

Larry Roselle, President of The Dance Company, 4342 Highway 305, Elkton, FL, recapped the history of what The Dance Company did in the building and the lease arrangements through the Cultural Council. He addressed some of the issues discussed during the previous meetings. He explained that The Dance Company has been opened to having meetings with The Art Studio and has offer to extend the lease until 2026. He explained that The Dance Company has a volunteer Board of Directors who are in no way related to one another per IRS requirements.

Judy Shaulis, President of The Art Studio, 20 River Road, St. Augustine, FL, advised that The Art Studio would like to take over the lease. She advised that The Art Studio recognizes dance as an art, but The Dance Company is not open to the public. She proposed to build a low cost studio and build out the upstairs. She commented that they want to display their art and sell art there. She explained that The Art Studio needs more space. She commented that The Dance Company will not be in the building permanently because they will need more space in the future. She commented that The Art studio will apply for grant funding to buildout the premises. She stated that The Art Studio has a balance of \$10,000. She showed Exhibit 1 on how much the Cultural Council spends on repairs yearly and Exhibit 2 on what security system payment was for the building per year. She advised that The Art Studio is open to the public and The Dance Company is not. She commented that the Cultural Council and The Dance Company did not request to go to The Art Studio's Board meeting, but demanded to speak.

Commissioner Snodgrass asked what The Art Studio's funding was currently.

Ms. Shaulis advised that they have \$10,000 in the bank account. She advised that according to IRS laws, The Art Studio has to give money back to the public. She explained that the relationship with The Dance Company was not good even before this issue came up because they were not included in The Dance Company's decisions and their decisions affect The Art Studio. She advised that she has extended an invitation to the Cultural Council and The Dance Company, but would like them to be more forthcoming and truthful on this issue.

Mayor O'Brien asked for Commission discussion.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission: Robert Kahler, 29 Sunfish Drive, St. Augustine Beach, FL; Ann Palmquist, 213 10th Street, St. Augustine Beach, FL; Jill Hawk, 2244 Commodores Club Blvd., St. Augustine, FL; Shirley DeWitt, 408 Flagler Blvd, St. Augustine, FL; Ed Slavin, P.O. Box 3084, St. Augustine, FL; Tom Reynolds, 880 A1A Beach Blvd., St. Augustine Beach, FL; Dr. Irene Porter, 1806 Prestwick Place, St. Augustine, FL; John Grapsas, 390 A1A Beach Blvd., St. Augustine Beach, FL; Rosemary Douaif, 122 Grand Ravine, St. Augustine, FL and Ann Hughes, 4 Florida Avenue, St. Augustine, FL.

Mayor O'Brien advised that the Cultural Council has worked very hard to improve the building and to get grants and private funding. He commented that The Dance Company and The Arts Studio have been good tenants. He explained that if The Dance Company takes over the lease, nothing will change and The Dance Company has offered The Art Studio to extend their lease until 2026. He commented that he was in favor of The Dance Company taking over the lease.

Commissioner Kostka explained that she was concerned that the City has deviated from its own policies. She advised that in the Policies and Procedures Manual the City cannot continue to give things away for free. She read on page 7 regarding City Facilities, Items D-H of the Policies and Procedures, what the policies say. She advised that the Commission needs more time on this issue and was concerned that The Art Studio and The Dance Company still have not had a meeting to work out these issues. She highly encouraged the Commission to have a tour of the building, especially the second floor, to see what repairs are needed. She advised that even though the Cultural Council asked to transfer the lease, the Commission needs to do what would be in the best interest of the City and for all the residents, not just the current leasee. She commented that the City cannot do a Request for Proposals because the City is under an obligation of a lease and needs to work out arrangements with the leasee.

Commissioner Snodgrass advised that he was disappointed in The Art Studio and The Dance Company not coming together under mediation. He commented that he would like to reflect on the issue and asked the Cultural Council to think about the offer that Vice Mayor George suggested about the City taking the lease back and then working with The Dance Company and The Art Studio.

Commissioner England asked Commissioner Snodgrass and Vice Mayor George if they were suggesting to take on an unsecured note of \$70,000.

Vice Mayor George advised that there was enough rental income from both leases to pay off the note and do the maintenance. She explained that if the City assigns the lease to the current tenants, the sublease goes away. She commented that the lease should specify the amount and type of maintenance needed for the building and when it should be completed. She explained that the Commission would be responsible if they do a reassignment lease. She advised that the City could release the Cultural

Council of their lease obligation and assume the subleases without the consent of either tenants. She advised that in four years when the tenants, lease needs to be renegotiated, the City could renegotiate the price of their lease to a marketable value.

Mayor O'Brien asked if she was suggesting paying off the \$70,000 loan.

Vice Mayor George advised yes by paying the loan off in one lump sum or paying the loan over the time with the monies received from the tenants.

Commissioner Snodgrass commented that if the City did pursue this route, he would want a structural audit of the building by an external engineering firm.

Vice Mayor George suggested to give a list of repairs in the new leases, which would be divided between the two tenants.

Commissioner England advised that when the lease agreement is released, the landlord could review some potential applicants and could write up a new lease depending on their credit scores. She explained that if there was a loan on the property, the landlord has to pay off the loan before the lender would start the new loan. She advised that the current lease should be redone to reflect new improved maintenance agreements and whether the City should charge rent. She suggested doing a new lease agreement and not a reassignment of the lease. She advised that the City cannot afford to do the maintenance of the property, unless someone donates the money for the maintenance of the building. She commented that she felt it was very clear at the last meeting that the Commission wanted to bid.

Vice Mayor George agreed with Commissioner England regarding requesting bids.

City Attorney Wilson advised the Cultural Council spoke to him. He explained that the City should not go out to bid when the loan is not in default. He remarked that the City does not have to accept the assignment of the lease because it is not in the lease document. He advised that if there is an assignment, it would be under the City's terms and conditions. He explained that the sub-lesors could also want out of their leases, but everything is up to negotiation. He advised that the Commission needs to decide what they would like to do in order for the Cultural Council to decide what they should do. He commented that the City is not under the same time constraints as the Cultural Council or The Dance Company.

Commissioner Snodgrass suggested having a Commission workshop on this issue instead of putting this issue on the regular Commission meeting. He suggested to have the Cultural Council bring the suggestion to the Board. He then suggested to the Commission to think about what is the mission and vision for this building. He requested a structural assessment to be done on the property. He advised that this was a complex matter and that the Commission needs to fully examine and consider all the options.

Commissioner England advised that there needs to be more than nine years to make improvements to the building and to recoupe the \$70,000 loan and the Commission should start the new lease from scratch.

Commissioner Snodgrass requested Public Works Director Howell to get an extensive structural report with more data than the last one.

Commissioner England asked to make sure what would be feasible on the second floor of the building.

Mayor O'Brien advised that a restaurant was suggested, but that the use could not be supported on the second floor. He commented that the building use should be arts and cultural only and there were grants approved for that purpose.

Discussion ensued regarding the date of the Commission workshop and whether it would be feasible to get a structural report back by April 1, 2017.

Public Works Director Howell advised that he would get back to City Manager Royle with approximate time to complete the structural report.

It was the consensus of Commission to bring this item back on April 3rd in order to schedule a date for a workshop.

5. Joint Meeting with County Commission: Selection of Possible Dates in April and Topics for it

Mayor O'Brien introduced Item 5 and asked the Commission what dates they have available.

Discussion ensued regarding whether City Manager Royle should contact St. Johns County Commissioner Dean to ask him to coordinate a joint meeting with the Board of County Commissioners; what items the Commission want to discuss at the Joint Meeting with the County Commission in April; whether the Board of County Commissioners would consider having a meeting on Saturday; the Board of County Commissioners requesting that the City Commission come to their meeting facility; and items to discuss such as beach renourishment, parking, repair and renovation of Pier Park, transportation, repairs to Ron Parker Park, and repair of County roads.

City Attorney Wilson requested a motion to extend the meeting.

Motion: to extend the meeting. **Moved by** Vice Mayor George, **Seconded by** Mayor O'Brien. Motion passed unanimously.

It was the consensus of the Commission to get a firm commitment with St. Johns Board of Commissioners for April 2017 and bring those dates item back for approval for the City Commission.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission: Ed Slavin, P.O. Box 3084, St. Augustine, FL.

Mayor O'Brien closed the Public Comment section and moved on to an added agenda item regarding scheduling a Shade meeting.

Commissioner Kostka asked to put Commissioner Comments at the beginning of the next agenda because the Commission has not had Commissioner comments for two months in a row.

Commissioner England requested to know what the status was on the bond issue.

City Manager Royle advised that the bond has been finalized.

*** ADDED ITEM - Scheduling of a Shade Meeting

City Attorney Wilson requested a Shade meeting on April 3, 2017 at 5:00 p.m. regarding Edmonds v. City of St. Augustine Beach.

It was the consensus of the Commission to schedule the Shade meeting on April 3, 2017 at 5:00 p.m.

Police Chief Hardwick advised that he would like to schedule a Shade meeting to discuss an analysis on the security in city hall one hour before the May Regular Commission meeting.

Public Works Director Howell requested to speak to the Commission regarding public transportation from the City of St. Augustine to the City of St. Augustine Beach. He advised that as part of St. Johns County Transportation Plan, they have been discussing a loop circulator for both cities. He explained that it would provide a 30-minute service between the two cities and would be coming to the Commission at the next Regular Commission meeting.

Commissioner England asked where that analysis was coming from.

Public Works Director Howell advised that it was part of St. Johns County Transportation Development Program.

6. Regulating Medical Marijuana: Continuation of Discussion

This item was not discussed.

XIII. NEW BUSINESS

7. Tourist Development Council and Other Boards: Discussion of City Representation

Mayor O'Brien introduced Item 7 and advised that former Mayor Samuels was on the Tourist Development Council (TDC) and he was going to go in her place, but felt that

an appointment from the Commission should be done first. He advised that the TDC has had two meetings without representation from the City, so the Commission should make a decision tonight on who should be appointed.

Commissioner Snodgrass asked what the past practice was for being on the TDC Board.

City Manager Royle advised that a Commissioner volunteers and then the Commission appoints.

Mayor O'Brien advised that TDC monies benefit all of St. Johns County and even if the City does not get money for a project on one decision, the City might get all the money on another project. He advised that the City needs someone who would be a voice for the City.

Commissioner Kostka advised that she would be interested in being involved on the TDC Board.

After Commission discussion on all the Boards, the Commission agreed on the following:

Mayor O'Brien would represent the City on the TDC Board.

Vice Mayor George would continue on the Economic Development Council and the Intragovernmental Board.

Commissioner England would represent the City on the Transportation Planning Organization (TPO).

Commissioner Kostka would represent the City on the Visitors Bureau and Convention Board.

Commissioner Snodgrass would represent the City on beach renourishment matters.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission: Ed Slavin, P.O. Box 3084, St. Augustine, FL and Tom Reynolds, 880 A1A Beach Blvd.

Mayor O'Brien advised that transportation was an issue between the beach and downtown and he would try to see if there were any TDC monies available for that. He advised that he felt that St. Johns County has reached the number of people to come into this area with advertising and now should work on the visitor's experience.

XIV. COMMISSIONER / STAFF COMMENTS

This item was not discussed.

XV. ADJOURNMENT

Mayor O'Brien asked for a motion to adjourn.

Motion: to adjourn. **Moved by** Commissioner Snodgrass, **Seconded by** Mayor O'Brien.
Motion passed unanimously.

Mayor O'Brien adjourned the meeting at 10:41 p.m.

Rich O'Brien, Mayor

ATTEST:

City Clerk

MEMORANDUM

TO: Mayor O'Brien
Vice Mayor George
Commissioner Snodgrass
Commissioner England
Commissioner Kostka

FROM: Max Royle, City Manager 

DATE: March 28, 2017

SUBJECT: Presentations:

- A. Proclamation to Declare April 21, 2017, as Arbor day in the City
- B. Code Enforcement Board: Appointment of Members
- C. Beautification Advisory Committee's Five-Year Plan
- D. Recycling Pickup Service: Review of Revised Bids

ITEM A. PROCLAMATION

Each April the City has its Arbor Day celebration. This year the event will be held on Friday, April 21st, from 5:00 p.m. to 7:00 p.m. in the city hall and at the south parking lot. It's being organized by the City's Events Coordinator, Ms. Hala Laquidara, and the City's Tree Board.

The proclamation is attached as page 1.

ITEM B. CODE ENFORCEMENT BOARD

In April, 2017, the three-year term of four members of the City's seven-member Code Enforcement Board will expire. In accordance with Resolution 16-14, the City Clerk, Ms. Beverly Raddatz, asked the four, by written notice, if each wanted to be re-appointed. Three said that they did. One decided not to continue.

Also, in accordance with Resolution 16-14, the City Manager had a notice posted on the City's website and advertised in the St. Augustine Record that there might be vacancies on the Code Enforcement Board. City residents were informed they could obtain an application and apply to serve. No applications were received and there were no pending applications in the file.

Attached as page 2 is a memo from Ms. Raddatz, in which she describes the results of the re-appointment process.

Action Requested

A

It's that you re-appoint the following to the Board: Mr. Alan Anthony, Mr. Bill Genovese, and Ms. Trish Gilpin.

As Mr. Steve Brennan no longer wants to be on the Board, the senior alternate, Mr. Ernesto Torres, will become a regular member in his place. Mr. Edward Pritchett will become the Board's senior alternate and the City will advertise for a junior alternate.

ITEM C. BEAUTIFICATION PLAN

At your November 14, 2016, meeting, you reviewed the Beautification Advisory Committee's five-year beautification plan. Ms. LeaAnn Lombardi, the Committee's chair, explained the projects that the Committee wants to accomplish over the next five fiscal years. It was the Commission's consensus that the Committee submit three conceptual plans: good, better, and best.

Attached from the Committee as pages 3-7 are its good, better, and best plans. On pages 3-4, the Committee provides the goals on which each plan is based.

The costs of each plan have been estimated as follows:

- Good: \$38,000
- Better: \$65,000
- Best: \$103,000

Ms. Alex Farr, a member of the Beautification Advisory Committee, will be at your meeting to explain each plan in more detail and to answer your questions.

Action Requested

It's that you decide which of the plans you prefer, keeping in mind the financial limitations the City faces each fiscal year.

Possibly, there may be some projects in each of the three plans that you want done and others that you think can be postponed. You can provide suggestions to Ms. Farr and the Beautification Advisory Committee can develop a new plan based on those suggestions. This plan can be brought back to you at a future meeting for review and approval. Money for what you've approved can be appropriated in the fiscal year 2018 budget.

ITEM D. RECYCLE BIDS

Introduction

The City's current contract with Advanced Disposal for recycling pickup service expires on April 30, 2017. At your January 3, 2017, meeting, you approved the City advertising for bids. Two companies, Advanced Disposal and Republic Services, responded. You reviewed and discussed the two bids at your March 6th meeting, when it was your consensus to revise the bid with two

options: one for a 96-gallon cart picked up every other week, the second for a 35-gallon cart picked up every other week. Also, Vice Mayor George asked for a detailed analysis of how many years it would take to offset the cost for labor and equipment if the City provided the recycling pickup service.

The Public Works Director then prepared a request for each of the two bidders to submit an amended proposal in accordance with what you decided at your March meeting. Each bidder provided what was requested.

Attachments

Attached for your review is the following information:

- a. Pages 8-10, the minutes of that part of your March 6th meeting when you reviewed and discussed the bids.
- b. Pages 11-16, a memo from the Public Works Director, Mr. Joe Howell, with related information, in which he provides an analysis of the bid options and how many years it would take for the City's costs of providing the service to match the costs proposed by each bidder.

Mr. Howell's Memo

As he states in the first sentence, his memo is "a number/date heavy presentation", meaning that (1) it's based on a number of assumptions; and (2) there are different calculations based on frequency of pickup (once-week vs. every other week) and different sizes of carts/recycling containers used. Mr. Howell will be at your meeting to explain to you and the public the calculations and conclusions in his memo.

On the final page of his memo (page 13), Mr. Howell presents, at the top, several points for you to consider. He concludes the memo with several recommendations.

Action Requested

It is that you accept Advanced Disposal's base bid with the five-year contract to begin on May 1, 2017. This recommendation is based on the following reasons:

- a. While the City could take over the recycling pickup service on May 1st, the number of trucks the City has to provide its regular solid waste pickup service is limited. With little backup resources in the event one of those trucks is out of service.
- b. The City has a limited amount of savings with which to purchase a new sanitation truck. While the City will receive, we expect, a \$1.5 million grant from the Florida Communities Trust to reimburse it for part of the \$4.5 million it paid to acquire the 4.5 remaining acres of the former Maratea subdivision, the money hasn't yet arrived. Even when it does, the City will need to be financially sound, i.e. have sufficient savings, to provide the financial

resources it would need to recover from any storms that the upcoming hurricane season may bring. Also, the savings may be needed because of proposals in the Florida Legislature to limit the ability of cities and counties to levy property taxes, as well as legislative proposals to limit other sources of revenue, such as business tax receipts. In addition, the Legislature may impose unfunded mandates on cities and counties. Finally, even if the City now had the \$200,000 to purchase a new truck, it would take several months from the date a purchase order is issued for the truck to be delivered. If one of its existing trucks was out-of-service because of an accident or mechanical reasons, the City could ask St. Augustine for help, but a loan of one of that City's vehicles could be done only for a short term.

- c. The City doesn't have the employees to take on this new service. While the City could use contract labor, a current City employee would have to drive the vehicle.
- d. The City needs time to survey its citizens to see if they are (a) in favor of carts and what size they prefer; and (b) if they would accept having every other week recycling service. Without such information, the City doesn't know what size carts it should buy and how much to budget for their purchase.
- e. The five years of the contract with Advanced will give the City time to develop a funding source for its solid waste operations. The source would likely be a non-ad valorem assessment, which is what the City now levies to pay the cost for the disposal of household waste and yard trash. The new assessment would pay the cost to collect household yard trash/special wastes and recyclables. Proposing a new revenue source is one of the strategic goals that you adopted in 2015.

PROCLAMATION

WHEREAS, the people of St. Augustine Beach gain great joy from trees, experiencing connections with them beyond gratitude for their utilitarian value; and

WHEREAS, the City will hold its annual Arbor Day celebration on April 21, 2017; and

WHEREAS, the Tree Board/Beautification Advisory Committee will host an Arbor Day celebration at the St. Augustine Beach City Hall with exhibits, music and an opportunity for tree lovers to have light refreshments together; and

WHEREAS, the Tree Board / Beautification Advisory Commission has approved the planting of cedar trees, live oaks and elms on City plazas; and

WHEREAS, the Public Works Department has continued its project to make up for the loss of the City's tree canopy by planting 26 trees (14 oaks, nine cedars, two elms and one magnolia) in the plazas; and

WHEREAS, the Public Works Department has continued the Avenue of Palms project by planting 14 new palm trees along with the City's "Main Street, "A1A Beach Boulevard and has planted two palms along 2nd Avenue.

NOW, THEREFORE, I, Rich O'Brien, by the authority vested in me as Mayor of the City of St. Augustine Beach, Florida do hereby proclaim Friday, April 21, 2016 as

Arbor Day

in the City of St. Augustine Beach and invite all our citizens to join me in appreciating the blessings of trees.

IN WITNESS WHEREOF I have hereunto set my hand and caused to be affixed the official seal of the City of St. Augustine Beach, Florida, this 3rd day of April, 2017.

ATTEST:

Mayor Rich O'Brien

City Manager



CITY OF ST. AUGUSTINE BEACH

Date: March 20, 2017
To: Max Royle, City Manager
From: Beverly Raddatz, City Clerk
Subject: Re-Appointment of Code Enforcement Board Members

Background:

On September 12, 2016, by Resolution 16-14, the City Commission adopted policies for appointments to City Boards / Committees when members' terms of office ends. Resolution 16-14 required staff to advertise in The Record and placed on the City's website notification of vacancies two months before the members' term of office ended and to notify the Commission of the incumbent's response as to whether they would like to continue as Board members or if any new applications were received. Both advertisements were done on February 3, 2017.

Analysis:

After notifying the incumbents of their ending terms of office and asking if they would like to continue as Code Enforcement Board members for another term, the following members requested to continue: Mr. Alan Anthony, Ms. Trish Gilpin, and Mr. Bill Genovese. Mr. Steve Brennan advised that he could not continue as a Code Enforcement Board member for another term.

Mr. Ernesto Torres, Code Enforcement Board alternate member, requested to become a regular Board member and Mr. Edward Pritchett requested to move up from junior alternate to alternate.

Staff has not received any new applications.

Budget Impact:

None.

Staff Impact:

Minimum.

Recommendation:

The recommendation is to re-appoint the current Code Enforcement Board members who have requested to continue for another term as presented.

City of St Augustine Beach

Beautification Committee

5 Year Plan

Overview

Conceptual Role of Beautification Advisory Committee in a five year plan to implement unifying actions within the City of St Augustine Beach promoting environmentally friendly actions in compliance with LDR, codes and Comprehensive Plan

A1A Beach Boulevard Corridor

- Promote a unified, sustainable aesthetic that creates an identifiable sense of place applied to the aspects of Path, Node and Landmark along A1A Beach Boulevard
 - i. Examples of unifying elements that currently exist and work to create an identity and sense of place within the city include:
 1. Palm trees – Avenue of Palms (Path)
 2. A1A Scenic Byways Signage (Path)
 3. Paver hardscape in various plazas and parkettes (Nodes)
 4. Coquina 'boulders' in various plazas (Landmark)
 5. Bike paths
 6. Oak trees – heavily canopied neighborhoods
- Review previous beautification projects for conformance with sustainability goals and determine if further beautification is desirable at these locations
- Review of landscape plans for new businesses and make recommendations to the commission regarding the approval of those plans
- Where possible use pervious solutions to hardscape areas, parking and drive aisles in City owned plazas and parkettes
- Use/ encourage the use of native and adaptive plants that do not require irrigation after establishment
- Use/ encourage the use of plants with a higher salt tolerance in areas along A1A Beach Boulevard

Expansion of the Committee's Role to include consideration of beautification matters, where applicable, throughout the entire City of Saint Augustine Beach. Advise the City Commission in matters relating to the overall beautification of the city including the following:

- Promote a unified, sustainable aesthetic that creates an identifiable sense of place applied to the aspects of Path, Node and Landmark throughout the city of Saint Augustine Beach
- Review previous beautification projects for conformance with sustainability goals and determine if further beautification is desirable at these locations
- Review of landscape plans for new businesses and make recommendations to the commission regarding the approval of those plans
- Where possible use pervious solutions to hardscaped areas, parking and drive aisles for City projects
- Use/ encourage the use of native and adaptive plants that do not require irrigation after establishment

Education

- Develop and enforce a unified aesthetic for historical markers, landmark signage, parks and points of interest.
- Promote a sustainable environment by encouraging local citizens and business owners to cultivate sustainable landscapes on their own property by means of
 - i. Beautification awards
 - ii. Educational programs including the Arbor Day Celebration
 - iii. Signage
 - iv. Future programs or initiatives in conjunction with support/ approval of the City Commission

Action Items

GOOD

Year One

- Design/Implement cohesive entrances to the City, including actions and materials required, provide estimated cost
\$10,000 this includes design and irrigation
- Identify requirements to complete the Avenue of Palms Project
\$ 0. No work to be done
- Advise/design/ implement a comprehensive program of buffers between public parking and different use along the AIA Beach Blvd from 16th St as required by City Code, provide estimated cost. Identify irrigation needs for A1A Beach Blvd, north from 16th to 1st
\$20,000this includes necessary irrigation
- Continue signage for City public parketts
\$3,000 continuation of project
- Continuation of tree canopy restoration
\$5,000 –
- Implement a procedure to incorporate “green” consideration to City projects, including ground water disposal
\$ 0 no cost, portions of project to be assigned to committee members and liaisons from public works

Action Items

BETTER

Year One

- Design/Implement cohesive entrances to the City, including actions and materials required, provide estimated cost
\$18,000 this includes design and irrigation
- Identify requirements to complete the Avenue of Palms Project
\$ 10,000 To include irrigation
- Advise/design/ implement a comprehensive program of buffers between public parking and different use along the AIA Beach Blvd from 16th St as required by City Code, provide estimated cost. Identify irrigation needs for A1A Beach Blvd, north from 16th to 1st, begin A St north
\$26,000 this includes necessary irrigation
- Continue signage for City public parketts
\$5,000 continuation of project
- Continue canopy restoration
\$ 6,000
- Implement a procedure to incorporate "green" consideration to City projects, including ground water disposal
\$ 0 no cost, portions of project to be assigned to committee members and liaisons from public works

Action Items

BEST

Year One

- Design/Implement cohesive entrances to the City, including actions and materials required, provide estimated cost
\$25,000 this includes design and irrigation
- Identify requirements to complete the Avenue of Palms Project
\$ 25,000. To include irrigation
- Advise/design/ implement a comprehensive program of buffers between public parking and different use along the AIA Beach Blvd from 16th St as required by City Code, provide estimated cost. Identify irrigation needs for A1A Beach Blvd, north from 16th to 1st, begin A St north
\$38,000 this includes necessary irrigation
- Continue signage for City public parketts
\$5,000 continuation of project
- Implement a procedure to incorporate “green” consideration to City projects, including ground water disposal
\$ 0 no cost, portions of project to be assigned to committee members and liaisons from public works
- Continue tree Canopy restoration
\$ 10,000, include irrigation

MINUTES OF CITY COMMISSION MEETING,
MARCH 6, 2017

C. Review of Bids for Recycling Pickup Service

Mayor O'Brien introduced Item IX.C and asked for a staff report.

City Manager advised that staff advertised requests for proposals and two companies submitted bids, Republic Services and Advanced Disposal. He advised that Public Works Director Howell recommended in his memo that the Commission should continue with Advanced Disposal.

Mayor O'Brien asked if Public Works Director Howell would like to give a report to the Commission before the presentations from the companies.

Public Works Director Howell summarized that seven companies requested bids and explained that five companies were able to do the job. He commented that out of those five companies, only two companies submitted bids. He explained that he asked for a bid option for residents to use the larger wheel carts. He advised that Advanced Disposal was the lowest responsible bidder, which had an increase of 37 percent on the based bid and an 85 percent increase for the larger wheel carts. He recommended to the Commission to use the current service for this year and if the Commission is interested in the larger wheel carts, to start that in the next fiscal year.

Discussion ensued regarding both companies did an outstanding job responding to the proposals; safety concerns; Republic Services' increase for current services would be over 60 percent; rates being locked in for two years at a time; having a possible increase of four percent after two years; current provider having minimal complaints; why the City of St. Augustine did not submit a bid; bid requiring the vendor to provide carts and a performance bond; whether the City staff could do the recycling and what increase to the staffing and equipment costs would there be; outsourcing being more cost effective; using day laborers if the City does the recycling; buying another lift truck would cost \$250,000; residential homes being charged per address, not per bin; whether to use the larger wheel carts and only have a pickup once every other week; standard length of term for the contract being five years with options for renewals; and the costs that are under the current contract with Advanced Disposal are currently below market costs.

Greg Huntington and John Hipp, Advanced Disposal, 90 Fort Wade Road, Ponte Vedra, FL, gave their presentation to the Commission and explained that there are increased costs for staffing and recycling processing.

Commissioner Snodgrass asked what the gross profit margin was on this contract and how does it compare with the other municipalities using this service.

Mr. Huntington advised that he didn't feel it was appropriate to share what Advanced Disposal's gross profit margin was. He advised that Advanced Disposal could not do it at the previous rate.

Discussion ensued regarding whether Advanced Disposal's rates were comparable to other municipalities; whether the City was getting penalized because the City didn't chose to renew the contract; the cost increased due to contamination rates; and whether the rates were open to negotiations.

Mr. Huntington advised that they took a risk going out to bid and gave their most competitive price, which allowed them to increase their prices.

Mayor O'Brien requested Republic Services to come to the podium.

Jenni Holdt, 445 Republic Drive, St. Augustine, FL, gave her presentation to the Commission and advised that if the City changed from the current bins to the larger wheel carts and only have recycling once every other week, the City could save money. She advised that educating the children helps to educate the adults on recycling. She commented that Republic Services owns the recycling facility and invested \$24 million in 2012 in their facility and uses rear loader and automated lift trucks for tight neighborhoods like the City of St. Augustine Beach.

Discussion ensued regarding why Republic Services' bid came in higher if they own the recycling facility; costs of commodities being low; and Republic Services having 35 and 96 gallon wheeled carts.

Mayor O'Brien commented that the City has options to keep the costs at where we are now by using the 96 gallon wheeled carts every other week, which would also increase recycling.

Commissioner Kostka asked if they have the cost for pickup every other week.

Ms. Holdt advised no, that it was not in the bid.

Commissioner England advised that the Commission does not have enough information to make a decision.

Vice Mayor George suggested to amend the bid for the additional option.

Mayor O'Brien asked if a new Request for Proposals would have to be done because of a new option.

City Attorney Wilson advised no. He explained that the new option could be given to Advanced Disposal and Republic Services.

Commissioner England requested a bid option for a 96-gallon wheel cart, every other week and another option with the 35-gallon wheel carts, every other week.

Mayor O'Brien advised that both options should be done because some people are not physically able to handle a 96-gallon wheel cart and apartment buildings might want a smaller cart.

Commissioner Kostka asked if residents could choose the size of the cart.

Ms. Holdt advised that Republic Services gives the residents two weeks to swap out a 35-gallon wheel cart to a 96-gallon wheel cart if the residents need to.

Mayor O'Brien suggested having staff work on the new options and then bring this item back to the Commission for a decision.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission: Tom Reynolds, 880 A1A Beach Blvd, St. Augustine Beach, FL; Ann Palmquist, 213 10th Street, St. Augustine Beach, FL and Ed Slavin, P.O. Box 3084, St. Augustine Beach, FL.

Commissioner Snodgrass advised that the Commission received a letter from Advanced Disposal certifying that they were complying with all labor and employment laws.

Mayor O'Brien advised that any green certified hotel with the State of Florida must recycle. He explained that his hotel does recycling.

Vice Mayor George requested a detailed analysis of how many years it would take to offset the cost for labor and equipment if the City did the recycling, in order to compare the difference on outsourcing.

It was the consensus of the Commission to revise the bid with Option 2 for a 96-gallon wheel cart every other week pickup and Option 3 for a 35-gallon wheel cart pickup every other week.

Public Works Director Howell commented that there were several cart sizes, but he didn't know if the costs would change. He did point out that the residents are currently not paying for this service.

City Manager Royle advised that the costs come out of the resident's taxes and the disposal fee is charged on the property bill.

Mayor O'Brien advised that the Commission is not looking to increase resident's costs for recycling and hope to keep the current costs in place.

Mayor O'Brien recessed the meeting at 8:12 p.m. and reconvened the meeting at 8:20 p.m.

MEMORANDUM

Date: March 27, 2017

To: Max Royle, City Manager

From: Joe Howell, Public Works Director

Subject: Recycled Waste Collection Break Even Cost Analysis

This is a number/data heavy presentation. The Bid Tabulation and cost analysis spreadsheets for the Bid Options are attached. There are numerous assumptions. I have assumed costs out ten years, which is the length of time the current contractor has held the contract, i.e. two – five year terms.

To calculate and compare the break-even cost for the City versus Advanced Disposal and/or Republic Services I considered the following data:

- Purchase of a new rear load solid waste vehicle,
- Staff increases of two maintenance workers,
- Recently identified cost increases for recycle waste disposal costs at the transfer station plus environmental and fuel fees,
- Current diesel fuel costs,
- Average monthly diesel fuel usage per rear load solid waste vehicle,
- Current (12/31/16) residential/commercial customer base, and
- Total 2016 recycled waste volume by weight.

I assumed across the board annual increases to the CPI of the 4% maximum allowed under the Sample Agreement for the contractors. I used the full hourly cost plus benefits for the two maintenance workers, and one equipment operator, and assumed a total 4% annual hourly wage adjustment. I looked at two scenarios, a once per week collection of residential recycled waste and an every other week collection of residential recycled waste. In both of these scenarios commercial collection is assumed to be twice per week.

The analysis did not consider:

- Future recycled waste disposal costs increases (or reductions) at the transfer station,
- Future diesel fuel cost increases (or reductions), or
- Changes to the residential/commercial customer base.

In reality, neither the City nor the contractor requires a 100% full 5-day week to pick up all of the residential/commercial recycled waste. It is more likely that a once per week pickup and disposal effort will require approximately three out of five days, or 60% of a full time City crew. This (or a similar) level of effort is already built in to the contractor proposals. My analysis of the Base Bid and Bid Option #1 account for this 60% effort on the City's end.

For the Base Bid the City's total, cumulative costs are lower than Advanced Disposal beginning in Year 6 and lower than Republic Services beginning in Year 4. Over the total 10-year period of analysis the City's costs are \$205,000 lower than Advanced Disposal and \$515,000 lower than Republic Services.

The analysis of Bid Option #1 relies on all of the previous data and assumptions but includes the City purchase of 3,000 95-gallon 2-wheel carts from the same manufacturer as those recently provided to the County residents for recycled waste. For Bid Option #1 the City's total costs are lower than Advanced Disposal and Republic Services beginning in Year 6. Over the total 10-year period of analysis the City's costs are \$504,000 lower than Advanced Disposal and \$622,000 lower than Republic Services.

For the Base Bid after the initial Year 1 purchase of the proposed truck the City's annual operational and disposal costs are substantially lower than either of the two contractors. Beginning in Year 2 (after purchase of the proposed truck) through Year 10, for the Base Bid the City's annual operating costs are \$29,000 - \$58,000 (per year) lower than Advanced Disposal, and \$56,000 - \$94,000 (per year) lower than Republic Services.

The initial up front cost for a new rear load solid waste truck is \$200,000. The unit cost for the 95-gallon 2-wheeled recycling carts is \$96.00, and for the City to implement Bid Option #1 we would be required to purchase 3,000 carts at a cost of \$288,000. For Bid Option #1 beginning in Year 2 (after purchase of the proposed truck and 3,000 95-gallon recycling carts) through year 10, the City's annual operating costs are \$78,000 - \$127,000 (per year) lower than Advanced Disposal and \$90,000 - \$141,000 (per year) lower than Republic Services.

The Supplemental Bid Options #2, #3, and #4 involved every other week pickup of residential recycled waste and twice per week pickup of commercial recycled waste. I estimate this will require approximately four out of ten days, or 40% of a full time crew for the City.

The analysis of Bid Option #2 relies on all of the previous data and assumptions identified previously for Bid Option #1 (and the Base Bid). For Bid Option #2 the City's total costs are lower than Advanced Disposal and Republic Services beginning in Year 7. Over the total 10-year period of analysis the City's costs are \$333,000 lower than Advanced Disposal and \$351,000 lower than Republic Services.

For Bid Option #2 beginning in Year 2 (after purchase of the proposed truck and 3,000 95-gallon recycling carts) through year 10, the City's annual operating costs are \$65,000 - \$106,000 (per year) lower than Advanced Disposal and \$67,000 - \$108,000 (per year) lower than Republic Services.

Bid Options #3 and #4 do not vary significantly (and in the case of Republic not at all) from Bid Option #2.

Beyond the cost analysis there are several points to consider:

- Aside from long term cost advantages, what do City residents gain from the City taking over recycling? Better, more responsive service?
- Aside from long term cost disadvantages associated with contracting recycled waste collection/disposal, which are not recognized until Year 6-7, what are the potential benefits to the City for selecting either contractor? Better, more stable cost control?
- In contrast to the County and St. Augustine, our residents do not currently “see” the cost to the City associated with recycling.
- Can the City distribute the upfront cost associated with equipment / material purchases to lessen the initial upfront costs?

The path forward most likely involves a mix of the above scenarios/Bid Options. At this point in time it is highly unlikely that we will be in position on May 1, 2017 to do anything other than continue with our existing collection cycle, the Base Bid. If you choose to move towards using the 2-wheeled carts we will need to educate the residents (using a mail out or on-line survey) and implementation could possibly begin as early as the start of FY 18 or contract Year 2. It is time to reconsider implementing an Enterprise Fund for municipal solid waste collection, disposal and recycling, which could include increasing the non-ad valorem assessment and adjusting the commercial rates. Both the County and St. Augustine already have something similar in place.

Recommendations:

1. If you choose a contractor to continue recycled waste collection I recommend Advanced Disposal on the basis of lower overall price.
2. We should move towards a Solid Waste Enterprise Fund, including separating and identifying the costs associated with solid waste collection, disposal and recycling. This should be directly assessed to the users of the services.
3. If you choose the City to take over recycled waste collection I recommend a “phased approach”. One scenario could potentially include the contractor continuing the current collection practice (the Base Bid) for a five-year term while the City implements the Solid Waste Enterprise Fund and budgets for the anticipated initial equipment/material costs associated with a take over.

RECYCLED WASTE COLLECTION
BID TABULATION

	Current	Base Bid		Bid Option 1		Bid Option 2		Bid Option 3		Bid Option 4	
	Cost	Advanced	Republic	Advanced	Republic	Advanced	Republic	Advanced	Republic	Advanced	Republic
Residential Bin / Cart	\$ 2.42	\$ 3.46	\$ 4.36	\$ 5.75	\$ 5.31	\$ 4.48	\$ 3.80	\$ 4.46	\$ 3.80	\$ 4.42	\$ 3.80
Commerical Cart	\$ 25.02	\$ 29.50	\$ 25.50	\$ 5.75	\$ 25.50	\$ 5.75	\$ 25.00	\$ 5.70	\$ 25.00	\$ 5.68	\$ 25.00
Commerical Bin	\$ 2.42	\$ 3.46	\$ 6.00								

Current Cost - what the City pays Advanced Disposal under the expiring contract

Base Bid - continuing the current level and means of service using the existing 18-gallon bins once per week for residential,
and a mix of 18-gallon bins and 95-gallon carts for commercial once/twice per week

Bid Option 1 - using 95-gallon or 65-gallon carts for residential and commercial with residential collection once per week, commercial once/twice per week

Bid Option 2 - using 95-gallon carts for both residential and commercial collection with residential service every other week, commercial once/twice per week

Bid Option 3 - using 65-gallon carts for both residential and commercial collection with residential service every other week, commercial once/twice per week

Bid Option 4 - using 35-gallon carts for both residential and commercial collection with residential service every other week, commercial once/twice per week

RECYCLED WASTE COLLECTION BREAK EVEN COST ANALYSIS
BASE BID AND BID OPTION #1

City Costs for Base Bid		
Rear Load Solid Waste Truck	\$ 200,000.00	ea
Maintenance Worker (x2)	\$ 80,304.00	yr
Equipment Operator (x1)	\$ 54,000.00	yr
Recycle Disposal Costs	\$ 45.00	ton
Diesel Fuel Costs	\$ 2.20	gal

12/31/2016	2669 residential customers
	3000 assumed cart purchase

City Average Diesel Fuel Usage per Rear Load Solid Waste Truck	
180 gal/month	
2160 gal/yr	

OTTO Recycled Waste 2-wheel carts		
\$ 95.95	95-gallon	
\$ 91.95	65-gallon	
\$ 73.95	35-gallon	

	City Base Bid	
	Annual cost	Total Project
YEAR 1 (FY 18)	\$ 315,774.73	\$ 315,774.73
YEAR 2	\$ 118,998.03	\$ 434,772.76
YEAR 3	\$ 122,221.32	\$ 556,994.08
YEAR 4	\$ 125,444.62	\$ 682,438.70
YEAR 5	\$ 128,667.91	\$ 811,106.61
YEAR 6	\$ 131,891.21	\$ 942,997.82
YEAR 7	\$ 135,114.51	\$ 1,078,112.33
YEAR 8	\$ 138,337.80	\$ 1,216,450.13
YEAR 9	\$ 141,561.10	\$ 1,358,011.23
YEAR 10	\$ 144,784.39	\$ 1,502,795.62

	Advanced Base Bid	
	Annual cost	Total Project
	\$ 142,277.04	\$ 142,277.04
	\$ 147,968.12	\$ 290,245.16
	\$ 153,886.85	\$ 444,132.01
	\$ 160,042.32	\$ 604,174.33
	\$ 166,444.01	\$ 770,618.34
	\$ 173,101.77	\$ 943,720.12
	\$ 180,025.84	\$ 1,123,745.96
	\$ 187,226.88	\$ 1,310,972.84
	\$ 194,715.95	\$ 1,505,688.79
	\$ 202,504.59	\$ 1,708,193.38

	Republic Base Bid	
	Annual cost	Total Project
	\$ 168,028.08	\$ 168,028.08
	\$ 174,749.20	\$ 342,777.28
	\$ 181,739.17	\$ 524,516.45
	\$ 189,008.74	\$ 713,525.19
	\$ 196,569.09	\$ 910,094.28
	\$ 204,431.85	\$ 1,114,526.13
	\$ 212,609.13	\$ 1,327,135.26
	\$ 221,113.49	\$ 1,548,248.75
	\$ 229,958.03	\$ 1,778,206.78
	\$ 239,156.35	\$ 2,017,363.13

	City Bid Option 1	
	Annual cost	Total Project
YEAR 1 (FY 18)	\$ 603,624.73	\$ 603,624.73
YEAR 2	\$ 118,998.03	\$ 722,622.76
YEAR 3	\$ 122,221.32	\$ 844,844.08
YEAR 4	\$ 125,444.62	\$ 970,288.70
YEAR 5	\$ 128,667.91	\$ 1,098,956.61
YEAR 6	\$ 131,891.21	\$ 1,230,847.82
YEAR 7	\$ 135,114.51	\$ 1,365,962.33
YEAR 8	\$ 138,337.80	\$ 1,504,300.13
YEAR 9	\$ 141,561.10	\$ 1,645,861.23
YEAR 10	\$ 144,784.39	\$ 1,790,645.62

	Advanced Bid Option 1	
	Annual cost	Total Project
	\$ 191,130.00	\$ 191,130.00
	\$ 198,775.20	\$ 389,905.20
	\$ 206,726.21	\$ 596,631.41
	\$ 214,995.26	\$ 811,626.66
	\$ 223,595.07	\$ 1,035,221.73
	\$ 232,538.87	\$ 1,267,760.60
	\$ 241,840.42	\$ 1,509,601.02
	\$ 251,514.04	\$ 1,761,115.07
	\$ 261,574.60	\$ 2,022,689.67
	\$ 272,037.59	\$ 2,294,727.25

	Republic Bid Option 1	
	Annual cost	Total Project
	\$ 200,974.68	\$ 200,974.68
	\$ 209,013.67	\$ 409,988.35
	\$ 217,374.21	\$ 627,362.56
	\$ 226,069.18	\$ 853,431.74
	\$ 235,111.95	\$ 1,088,543.69
	\$ 244,516.43	\$ 1,333,060.12
	\$ 254,297.08	\$ 1,587,357.21
	\$ 264,468.97	\$ 1,851,826.17
	\$ 275,047.73	\$ 2,126,873.90
	\$ 286,049.64	\$ 2,412,923.54

Recycled Waste Vol.	
Month	Tons
Jan-16	45.49
Feb-16	49.03
Mar-16	57.24
Apr-16	53.02
May-16	48.97
Jun-16	59.79
Jul-16	50.79
Aug-16	50.79
Sep-16	47.01
Oct-16	32.09
Nov-16	52.04
Dec-16	60.99
Jan-17	39.89
TOTAL	607.25
AVERAGE	50.60
WEEKLY	12.65

Republic Recycle Disposal Costs		
Processing Fee	\$ 45.00	per ton
Fuel Fee	5.38 %	
Environmental Fee	\$ 15.00	per load

RECYCLED WASTE COLLECTION BREAK EVEN COST ANALYSIS

BID OPTION #2

City Costs for Base Bid		
Rear Load Solid Waste Truck	\$ 200,000.00	ea
Maintenance Worker (x2)	\$ 80,304.00	yr
Equipment Operator (x1)	\$ 54,000.00	yr
Recycle Disposal Costs	\$ 45.00	ton
Diesel Fuel Costs	\$ 2.20	gal

12/31/2016	2669 residential customers
	3000 assumed cart purchase

City Average Diesel Fuel Usage per Rear Load Solid Waste Truck	
180 gal/month	
2160 gal/yr	

OTTO Recycled Waste 2-wheel carts

\$ 95.95	95-gallon
\$ 91.95	65-gallon
\$ 73.95	35-gallon

	City Base Bid	
	Annual cost	Total Project
YEAR 1 (FY 18)	\$ 288,913.93	\$ 288,913.93
YEAR 2	\$ 91,062.79	\$ 379,976.72
YEAR 3	\$ 93,211.66	\$ 473,188.38
YEAR 4	\$ 95,360.52	\$ 568,548.91
YEAR 5	\$ 97,509.39	\$ 666,058.29
YEAR 6	\$ 99,658.25	\$ 765,716.54
YEAR 7	\$ 101,807.11	\$ 867,523.66
YEAR 8	\$ 103,955.98	\$ 971,479.63
YEAR 9	\$ 106,104.84	\$ 1,077,584.48
YEAR 10	\$ 108,253.71	\$ 1,185,838.18

Every Other Week 95-gallon

	City Bid Option 2	
	Annual cost	Total Project
YEAR 1 (FY 18)	\$ 576,763.93	\$ 576,763.93
YEAR 2	\$ 91,062.79	\$ 667,826.72
YEAR 3	\$ 93,211.66	\$ 761,038.38
YEAR 4	\$ 95,360.52	\$ 856,398.91
YEAR 5	\$ 97,509.39	\$ 953,908.29
YEAR 6	\$ 99,658.25	\$ 1,053,566.54
YEAR 7	\$ 101,807.11	\$ 1,155,373.66
YEAR 8	\$ 103,955.98	\$ 1,259,329.63
YEAR 9	\$ 106,104.84	\$ 1,365,434.48
YEAR 10	\$ 108,253.71	\$ 1,473,688.18

Advanced Bid Option 2

	Annual cost	Total Project
\$ 150,454.44	\$ 150,454.44	
\$ 156,472.62	\$ 306,927.06	
\$ 162,731.52	\$ 469,658.58	
\$ 169,240.78	\$ 638,899.36	
\$ 176,010.41	\$ 814,909.78	
\$ 183,050.83	\$ 997,960.61	
\$ 190,372.86	\$ 1,188,333.47	
\$ 197,987.78	\$ 1,386,321.25	
\$ 205,907.29	\$ 1,592,228.54	
\$ 214,143.58	\$ 1,806,372.12	

Republic Bid Option 2

	Annual cost	Total Project
\$ 152,006.40	\$ 152,006.40	
\$ 158,086.66	\$ 310,093.06	
\$ 164,410.12	\$ 474,503.18	
\$ 170,986.53	\$ 645,489.71	
\$ 177,825.99	\$ 823,315.69	
\$ 184,939.03	\$ 1,008,254.72	
\$ 192,336.59	\$ 1,200,591.31	
\$ 200,030.05	\$ 1,400,621.36	
\$ 208,031.25	\$ 1,608,652.62	
\$ 216,352.50	\$ 1,825,005.12	

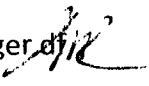
Recycled Waste Vol.	
Month	Tons
Jan-16	45.49
Feb-16	49.03
Mar-16	57.24
Apr-16	53.02
May-16	48.97
Jun-16	59.79
Jul-16	50.79
Aug-16	50.79
Sep-16	47.01
Oct-16	32.09
Nov-16	52.04
Dec-16	60.99
Jan-17	39.89
TOTAL	607.25
AVERAGE	50.60417
WEEKLY	12.65104

Republic Recycle Disposal Costs

Processing Fee	\$ 45.00	per ton
Fuel Fee	5.38	%
Environmental Fee	\$ 15.00	per load

MEMORANDUM

TO: Mayor O'Brien
Vice Mayor George
Commissioner Snodgrass
Commissioner England
Commissioner Kostka

FROM: Max Royle, City Manager 

DATE: March 28, 2017

SUBJECT: Drainage Improvement Grant: Request to Approve Amendments to Contract Between City and Stone Engineering for Civil Engineering Services

INTRODUCTION

Attached is a memo from the Public Works Director, Mr. Joe Howell, in which he describes an opportunity for the City to obtain money from the over \$10 million provided to St. Johns County from federal post-Hurricane Matthew disaster mitigation funding. The City has two significant and needed projects for its drainage system that would qualify for funding: improvements to the Mizell Road pond pumping station and improvements to the outfall canal that goes from the pond to the Intracoastal Waterway marsh. The funding would reimburse the City for 75% of the total project costs. To reduce the City's obligation to pay the remaining 25%, the City can apply to the St. Johns County Water Management District for a grant, which could reduce the City's share of the total project costs to 12.5%. We should note that both of these projects are highly ranked on the Local Mitigation Strategy Plan list, so funding for them should be assured.

ACTION REQUESTED

We thought we'd have for your April 3rd meeting the amendments to the City's contract with its civil engineering consultant, Stone Engineering. However, these will be provided later along with the budget resolution to pay Stone for its services. As there is a June 9, 2017, deadline for the City's application to be submitted for post-disaster mitigation funding, we ask that you approve the amendments now, subject to them being submitted to you later with the budget resolution.

Mr. Howell will be prepared at your April 3rd meeting to explain this request in more detail and to answer your questions.

MEMORANDUM

Date: March 27, 2017

To: Max Royle, City Manager

From: Joe Howell, Public Works Director

Subject: Hazard Mitigation Grant Program, Application Development Services

Following the Presidential Disaster Declaration associated with Hurricane Matthew, St. Johns County has been allocated \$10.645 million in Tier 1 Post Disaster Mitigation funding. St. Augustine Beach has two ranked projects on the Local Mitigation Strategy Planning List that qualify for the Tier 1 funds. The funding will reimburse 75% of the total project costs, with the City, or other sponsors, responsible for the remaining 25%. Other potential sponsors include the SJRWMD's Cost Share grant program.

Our two projects are:

1. Master Stormwater Pump Station Improvements - \$500,000
2. Increase Primary Stormwater Outfall Capacity - \$350,000

The first project involves increasing the weir height at the Mizell Pond to separate and isolate the City's stormwater system from tidal and storm effects and replacing the two pumps. The second project will improve the cross section profile of our outfall canal, originally excavated as a mosquito control ditch.

The next step in the process is to complete the State of Florida – Hazard Mitigation Grant Program Application. This is a lengthy, detailed form that will be reviewed from several varied aspects at the state and federal level including; engineering feasibility (50% preliminary design plans, hydrologic and hydraulic calculations), Florida Division of Historical Resources, Florida Fish and Wildlife Conservation Commission, US Fish and Wildlife, National Environmental Policy Act (NEPA), and a detailed benefit / cost analysis of the proposed project and two alternatives.

Developing all of the supporting background information for the application is beyond available staff resources, and the deadline date for the application is June 9, 2017. The City's engineering consultant, Stone Engineering Group has successful experience developing the HMGP application, as well as other grant applications. I have asked them for project specific amendments to prepare the two HMGP applications but at the writing of this memo have not received them. They have estimated \$15,000 of the first project and \$13,000 for the second.

At this point in time I am requesting that the Commission approve what will become:


- Amendment No. 25 – HMGP Application Development Services for Master Stormwater Pump Station Improvements in the amount of \$15,000
- Amendment No. 26 – HMGP Application Development Services for Increase Primary Stormwater Outfall Capacity in the amount of \$13,000

Due to the unforeseen nature of both Hurricane Matthew and the allocation of Post Disaster Mitigation funding, there is no specific funding for these grant application services in the FY 17 budget. The total amount of Tier 1 Post Disaster Mitigation funding allocated to St. Johns County, combined with our project ranking (#2 and #9 out of 13) provides a strong indicator of our likely success in being awarded the grants. This is an opportunity that we will hopefully not see again.

Action Requested: that you conceptually approve the proposed amendments for grant application services, pending staff review of the final documents, and the associated Budget Resolution.

MEMORANDUM

TO: Mayor O'Brien
Vice Mayor George
Commissioner Snodgrass
Commissioner England
Commissioner Kostka

FROM: Max Royle, City Manager 

DATE: March 23, 2017

SUBJECT: Consideration of Settlement Agreement re: Driveway to Commercial Property on South Side of Versaggi Drive

On February 27, 2017, at a shade meeting, you were informed by attorney Tyler Oldenburg of the circumstances of the lawsuit filed by the owner of the commercial properties north and south of Versaggi Drive. The City is being defended in that suit by Mr. Oldenburg, an attorney with Marks Gray, the law firm hired by the Florida League of Cities, which is the City's liability insurer.

Before your April 3rd regular meeting at 6:00 p.m., there will be another shade meeting with Mr. Oldenburg at 5:00 p.m. The purpose will be to discuss with you the results of a mediation that was held on February 28th with the attorney for the owner of the commercial properties. The City Attorney, Mr. Jim Wilson, and the City's Planning Director, Mr. Gary Larson, attended the meeting.

Attached is the proposed settlement agreement and releases. Also, attached (pages 6-7) is a letter that was sent by the City Manager to every resident of the Linda Mar and adjacent Overby/Gargan unrecorded subdivision. The letter outlines the agreement's three basic terms and informs the residents that you will review the proposed agreement at your April 3rd meeting.

ACTION REQUESTED

That you discuss the agreement and then decide whether or not to approve it.

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

**EDMONDS FAMILY PARTNERSHIP,
LLLP, a Florida limited liability
Partnership,**

Plaintiff,

v.

Civil Action No. 3:16-cv-385-J-34PDB

**CITY OF ST. AUGUSTINE BEACH,
FLORIDA, a Florida municipal corporation**

Defendant.

_____ /

SETTLEMENT AGREEMENT & RELEASES

This Settlement Agreement and Mutual Release (“Agreement”) is entered into as of April ____, 2017 (“Effective Date”) between **City of St. Augustine Beach, Florida** (hereinafter “the City”), on the one hand, and **Edmonds Family Partnership, LLLP, James Edmonds III Living Trust, James Edmonds III, and Steven L. Edmonds** (collectively “Plaintiffs”, together with the City, the “Parties”) on the other hand.

RECITALS:

WHEREAS, Plaintiff Edmonds Family Partnership, LLLP filed suit in the United States, District Court, Middle District of Florida, Case No. 3:16-cv-385-J-34PDB, against the City (the “Lawsuit”).

WHEREAS, in its Complaint, Plaintiff Edmonds Family Partnership, LLLP asserted claims concerning the City’s “Original Sign Ordinance” and “New Sign Ordinance” (as those phrases are defined in the Amended Complaint), and concerning the City’s denial of Plaintiffs’ requests for two “curb cuts” on Versaggi Drive on the two non-residential corner parcels owned by Plaintiffs on A-1-A and Versaggi Drive (the Edmonds Parcels).

WHEREAS, Defendants seeks to resolve all claims that were or could have been asserted by any of the Parties in the Lawsuit.

NOW THEREFORE, in consideration of the mutual covenants, agreements, conditions, representations, promises, and warranties made by the Parties to one another in this Agreement,

the adequacy and receipt of such being hereby mutually agreed and acknowledged by the Parties, it is hereby agreed by and between the Parties as follows:

1. RECITALS. The Recitals contained herein are true and correct and are incorporated herein by reference.

2. CONSIDERATION. The consideration for this Agreement consists of the mutual agreements of the Parties described below.

3. THE CURB CUTS:

- a) The City has agreed to allow Plaintiffs to construct a curb cut on the south side of Versaggi Drive on the east side of State Road A-1-A on the real property owned by the Plaintiff (the "South Side Curb Cut"). The South Side Curb Cut shall be constructed in accordance with Plaintiffs' most recent application for a curb cut at this location and shall be designed to only allow traffic to enter from the west into the real property owned by Plaintiff on the south side of Versaggi Drive. Additionally, Plaintiffs shall erect signage indicating that no exit is permitted out of the South Side Curb Cut.
- b) Two and one-half years after the Effective Date, Plaintiffs may also submit an application for a curb cut request on the north side of Versaggi Drive on the east side of State Road A-1-A on the real property owned by the Plaintiff (the "North Side Curb Cut"). The North Side Curb Cut shall be constructed in accordance with Plaintiffs' most recent application for a curb cut at this location and shall be designed to only allow traffic to enter from the west into the real property owned by Plaintiff on the north side of Versaggi Drive. The City retains the right to review Plaintiffs' North Side Curb Cut application to ensure it complies with the City's then existing code requirements, and the Plaintiffs reserve the right to modify the most recent application to the extent appropriate to respond to amendments or deletions to the City's applicable standards between the Effective Date of this Agreement and the date of application for the North Side Curb Cut. Regardless of code or other modifications to applicable standards, Plaintiffs shall not be entitled to a curb cut that would allow entry from or exit to the east. Additionally, Plaintiffs shall erect signage indicating that no exit is permitted out of the North Side Curb Cut.
- c) Plaintiffs hereby voluntarily waive any right to pursue any other curb cut requests or modifications from the City concerning its parcels at the intersection of Versaggi Drive and A-1-A.

4. SETTLEMENT PAYMENT. The City agrees to pay Plaintiff the sum of \$29,500 within 30 days after its receipt of a fully executed copy of this Agreement (the Settlement

Payment). The Settlement Payment shall be paid to Plaintiffs' counsel, as designated in writing to the City's attorney.

5. APPROVAL. The City has agreed to place the approval of this Agreement on the agenda of the April 3, 2017 City Commission meeting and, by and through its staff and counsel, to unequivocally sponsor its approval.

6. RELEASES. Plaintiffs shall execute and provide the City with the release attached hereto as **Exhibit A** and incorporated herein for all purposes.

7. DISMISSAL WITH PREJUDICE. Within 10 days of the approval of this Agreement, execution of the release attached as Exhibit A, and payment of the Settlement Payment, the Plaintiff shall file a Notice of Dismissal with Prejudice of the Lawsuit. The Parties expressly agree that Plaintiffs' release and the Notice of Dismissal with Prejudice shall not impact or impair Plaintiffs' right to assert any future "as applied" claims as to matters arising after the Effective Date of this Agreement.

8. CHOICE OF LAW. The Parties expressly agree that this Agreement is entered into and shall be interpreted in accordance with the laws of the State of Florida.

9. ENTIRE AGREEMENT. This Agreement embodies the entire agreement of the parties hereto. All other prior understandings and agreements, in whatever capacity, are hereby expressly terminated.

10. JOINT DRAFTING. The Parties hereto have been represented by counsel in the negotiations and preparation of this Agreement; therefore, this Agreement will be deemed to be drafted by each of the Parties hereto, and no rule of construction will be invoked respecting the authorship of this Agreement.

11. WAIVER OF BREACH. The waiver by either party hereto of a breach of any provision of this Agreement shall not operate to be construed as a waiver of any subsequent breach of the same or any other provision of this Agreement.

12. BINDING EFFECT. This Agreement shall be binding upon the Parties hereto and shall inure to the benefit of the successors, heirs, personal representatives, or assigns of the Parties.

13. OWN JUDGMENT. The Parties represent and declare that in executing this Agreement they relied solely upon their own judgment, belief and knowledge, concerning the nature, extent and duration of their rights and claims, and that they have not been influenced to any extent whatsoever in executing the same by any representations or statements governing any matter made by any other parties hereto or by any person representing any of such other parties hereto.

14. COUNTERPARTS. This Agreement may be executed in any number of counterparts and by different Parties hereto, and separate counterparts, with the same effect as if all Parties had signed the same document. All such counterparts shall be deemed an original, and shall be construed together, and shall constitute one and the same instrument. Counterparts of this Agreement may be exchanged via electronic means and a facsimile of any party's signature shall be deemed to be an original signature for all purposes.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

CITY OF ST. AUGUSTINE BEACH, FLORIDA

By: _____
Rich O'Brien, its Mayor

EDMONDS FAMILY PARTNERSHIP, LLLP

By: _____
Its: _____

JAMES EDMONDS, III LIVING TRUST

By: _____
Its: _____

James Edmonds, III

Stephen L. Edmonds

EXHIBIT A

PLAINTIFFS' RELEASE OF THE CITY

Edmonds Family Partnership, LLLP, James Edmonds III Living Trust, James Edmonds III, and Steven L. Edmonds, and their representatives, employees, agents, officers, directors, insurers, successors, heirs and assigns in consideration of the mutual releases, the terms and conditions stated herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby remise, release, acquit, satisfy and forever discharge **City of St. Augustine Beach, Florida**, and its officers, commissioners, employees, agents, representatives, successors, heirs and assigns, of and from all, and all manner of action and actions, cause and causes of action, damages, judgments, executions, claims and demands whatsoever, in law or in equity, which the undersigned ever had, or now has, whether known or unknown, from the beginning of time through the date of execution of this release, including all claims that were brought, or could have been brought, in that certain case before the United States, District Court, Middle District of Florida, styled *Edmonds Family Partnership, LLLP v. City of St. Augustine Beach, Florida*, Case No. 3:16-cv-385-J-34PDB.

EDMONDS FAMILY PARTNERSHIP, LLLP

By: _____
Its: _____

JAMES EDMONDS, III LIVING TRUST

By: _____
Its: _____

James Edmonds, III

Stephen L. Edmonds



City of St. Augustine Beach

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

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

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

March 22, 2017

Subject: Lawsuit Concerning Driveways to Commercial Property from Versaggi Drive

To Residents of the Linda Mar Subdivision,

In past years, the City Commission has refused several requests from the owner of the properties north and south of Versaggi drive at SR-A1A to allow driveways to the properties. However, in 2016, the owner filed a lawsuit concerning the City's sign ordinance and the denial of the driveways. The City is being defended by attorneys under contract with its liability insurer, the Florida League of Cities.

In late February, 2017, there was a daylong mediation session between the attorney defending the City and the attorney representing the property owner. The City Attorney and the City's Planning Director also attended the mediation. The outcome was a proposed agreement to settle the lawsuit. The agreement's main points are:

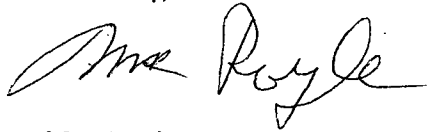
- a. The City is to allow a curb cut from Versaggi Drive to the property on the south side of the Drive. The curb cut will allow traffic only to enter, not exit, the property. The owner is to post a sign indicating that no exit is permitted from the property to Versaggi Drive.
- b. Two-and-a-half years from the effective date of the agreement, the owner may apply to the City for a curb cut from Versaggi Drive to the property on the north side of the Drive. Drivers will not be allowed to use this curb cut for an exit to Versaggi Drive and the owner will put up signage to state this prohibition. The owner also agrees not to ask for any more curb cuts.
- c. The City is to pay \$29,500 to the owner. This money will be paid by the City's insurer.

The City Commission will review the proposed settlement agreement at its regular meeting on Monday, April 3, 2017. That meeting will start at 6:00 p.m. and will be held in the Commission meeting room at city hall, 2200 A1A South. The agreement may be

viewed online after March 29th by going to the City's website, [staugbch.com](http://www.staugbch.com), and looking for the agenda book for the April 3rd meeting. The link will be:
<http://www.staugbch.com/archives/books/commission/2017/04-03.pdf>

Should you have questions concerning the proposed agreement, you may call me at 904-471-2122 or send an email to me at mroyle@cityofsab.org.


Sincerely,

A handwritten signature in black ink, appearing to read "Max Royle". The signature is fluid and cursive, with the first name "Max" written in a stylized, overlapping manner with the last name "Royle".

Max Royle, City Manager

MEMORANDUM

TO: Mayor O'Brien
Vice Mayor George
Commissioner Snodgrass
Commissioner England
Commissioner Kostka

FROM: Max Royle, City Manager 

DATE: March 24, 2017

SUBJECT: Public Comments/Rules for Conduct and Related Matters Concerning Meetings:
Continuation of Discussion

INTRODUCTION

At your March 6, 2017, meeting, you discussed a proposed resolution from the City Attorney concerning rules for public comments at meetings. During that discussion, Vice Mayor George said it would be appropriate to do a comprehensive review of all the City's regulations concerning public comments at meetings. She also gave the City Manager copies of resolutions from the City of Mascotte, Florida, which is west of Orlando, and asked that the resolutions be put in your agenda books for the next meeting. These resolutions concern ex parte communications and public comments at meetings. Vice Mayor George suggested that the City staff provide a survey of all our City's resolutions, rules, and ordinances concerning the topic of public comments at meetings. The consensus of the Commission was for the topic to be brought back to you at your April 3rd meeting.

We suggest that you also discuss at your April meeting ways to make your meetings more efficient, such as strictly limiting the time for presentations, determining that some topics do not, or should not, be on the agenda, and having one motion and vote to approve all items on the Consent Agenda.

ATTACHMENTS

For your review, we've attached the following information:

- a. Pages 1-4, the minutes of that part of your March 6th meeting, when you discussed the proposed resolution.
- b. Pages 5-8, Resolution 89-5, to set rules for City Commission meetings.
- c. Page 9, Resolution 02-06, to amend the City Commission's Policies and Procedures Manual concerning public comments at Commission meetings.
- d. Page 10, Resolution 05-07, to limit presentations at Commission meetings to 10 minutes.

- e. Pages 11-12, concerning the order of topics at Commission meetings.
- f. Pages 13-18, provisions in the City Commission's Policies and Procedures Manual concerning agenda format, when the meetings are to begin, presiding officer, rules of debate, addressing the Commission, time limit for addressing the Commission, decorum at Commission meetings, motions by the Commission, posting of the agenda, when Commission meetings are to be adjourned, regulating comments by Commissioners, and temporary suspension of the rules.
- g. Pages 19-33, resolutions from the City of Mascotte concerning ex parte communications and public comments/participation at meetings.
- h. Pages 34-44, our City's Ordinance 02-01, and related information, which establishes the procedure for ex parte communications with public officials.
- i. Pages 45-49, the proposed resolution (17-01) from the City Attorney. You reviewed the first draft at your last meeting. Corrections have been made to it as a result of your comments. Also, Mr. Wilson, in the resolution, has created two separate sections for public comment: The first part is for public comments on matters not on the agenda. Speakers are limited to three minutes. The second part is for public comments on matters that are on the agenda, with the speakers limited to five minutes.

QUESTIONS

For your review of the attached information and for your discussion at the April 3rd meeting, we suggest that you consider the following questions:

- a. What is the purpose of your meetings?
- b. How can you best accomplish that purpose?

We suggest that the purpose is to consider and make decisions about matters that concern the health, safety, and welfare of the City's residents and taxpayers; and that the way to accomplish that purpose is to have meetings that achieve a balance between your need to make decisions and the public's need to have an opportunity to comment on matters that you are considering. Clearly, allowing public comments without some limits at your meetings could prevent you from getting through the agenda and making decisions on matters that advance the public's health, safety, and welfare. Also, clearly, limiting public comment too strictly is neither fair nor helpful to the citizens. The key issue is determining that balance.

Related to that issue and the progress of your meetings are four questions: (1) Should time limits for presentations be strictly adhered to? (2) Do you need to have two meetings a month to avoid having to carry over unfinished business from one month to the next? (3) Should some topics not be on the agenda? (4) Are changes to the agenda format needed if you adopt the proposed resolution?

TIME LIMIT FOR PRESENTATIONS

Resolution 05-07 (page 10) has a 10-minute limit for each Presentation. We suggest that this be enforced by use of the time clock, with the realization that while a presentation itself may take only 10 minutes, additional time will be needed for Commissioner questions and comments; and then more time, possibly, for public comment, if you decide not to adopt the City Attorney's proposed resolution that will restrict public comment to Public Hearings and to the Public Comments section.

TWO MEETINGS A MONTH

Despite tightening up the agenda and limiting the time for presentations, you still may not be able to get through the entire agenda at a regular meeting. We suggest that when this happens, you simply stop the meeting at the prescribed time, 10:30 p.m., and continue it to a date later in the month when all or most of you will be in town and can attend it.

EX PARTE COMMUNICATIONS

The resolutions that Vice Mayor George requested be provided to you are attached as pages 19-28. We've also attached Ordinance 02-01 (pages 34-43), which is the City's current regulations concerning ex parte communications.

CIVILITY AND DECORUM

Mascotte's Resolution No. 2013-09-511 (pages 29-33) has that city's principles concerning civility, order, and proper decorum at public meetings. You can compare these principles with the policies outlined in our City's Resolution 89-5 (pages 5-8) and decide whether the policies in Resolution 89-5 should be changed. In his proposed resolution, Mr. Wilson, in Section 10 (pages 48-49), has language concerning civility and decorum at your meetings.

TOPICS ON THE AGENDA

To help your meetings be less time consuming, you may want to consider three possibilities: The first is having guidelines for the City staff as to what topics should or should not be on the agenda. For example, a citizen suggested recently that the update report to you about the City's New Year's Eve event didn't need to be on the agenda, because it was an informational item and didn't require a decision from you. Such a topic consumes time that can be better spent on matters that do require action from you, such as decisions concerning ordinances, resolutions, proclamations, conditional use permits, the award of bids, key policy issues (such as regulating medical marijuana), budget resolutions for unexpected expenditures, setting dates for workshops and special meetings, and so on. Also, there are organizations, such as the North Florida Transportation Organization, that request time to make a presentation to you. Topics that are more informational/non-controversial in nature could be provided to you in a written report. If one of you wanted such a topic to be discussed by the entire Commission, you could request the City Manager to put it on the agenda for an upcoming meeting.

The second way to make your meetings less time consuming is to remove needless complexity. An example is Resolution 16-14, which has policies for considering the re-appointment of member to boards and committee before the expiration of the members' terms. The resolution requires that the incumbents, if they wish to continue serving, be present at one of your meetings for a formal re-appointment. This imposes on a citizen who volunteers to continue serving the City. As the City doesn't get many, or even a few, applicants for its three boards and committees, we suggest making the re-appointment process more citizen friendly by requiring only that an incumbent member who wishes to remain on a board or committee provide that offer in writing. The offer can then be put on the Consent Agenda for approval.

The third way is utilizing the Consent Agenda as it is meant to be utilized, which is approving by a single motion and vote several usually housekeeping or non-controversial items, such as budget resolutions, rather than having a motion and vote for each Consent Agenda item. A Commissioner who wants to discuss a Consent Agenda item can ask that it be removed from the Consent Agenda.

ACTIONS REQUESTED

There are five:

1. That you discuss with Mr. Wilson the proposed resolution concerning public comments and decorum at your meetings. We suggest that the key question concerning the resolution is: Will it help achieve the balance between your need to discuss and make decisions concerning the public's business and the public's right to make comments? If you believe the resolution helps achieve that balance, then you can pass it at your April 3rd meeting. If you do, we suggest that you do so on a trial basis, so that the resolution can be brought back to you in four or six months, when you can decide whether it is working as intended.
2. That you decide the format for your meetings.

The current format for your meetings is outlined in Resolution 16-13 (page 11) and in the Commission's Policies and Procedures Manual (page 13). If you adopt the resolution proposed by Mr. Wilson, then the agenda format would be this:

- Call to Order
- Pledge of Allegiance
- Roll call
- Approval of Minutes
- Additions or Deletions to the agenda
- Changes to Order of Topics on the Agenda
- Public Comments for Matters on the Agenda Not Scheduled for Public Hearing
- Presentations
- Public Hearings
- Consent Agenda
- Old Business

- New Business
- Commissioner Comments
- Public Comments for Matters Not on the Agenda
- Adjournment

A variation to the above could be to have Commissioner Comments right after Public Comments for Matters on the Agenda Not Scheduled for Public Hearing.

Or you could decide to conclude your regular agenda at 10:00 p.m. and then have, during the meeting's remaining 30 minutes, Commissioner Comments followed by Public Comments for Matters Not on the Agenda. Any regular agenda topics that you didn't get to at that meetings could be postponed to a special meeting later in the month or carried over to your next regular meeting.

3. What you want to do to improve civility and decorum at your meetings. As noted above, Mr. Wilson has included wording in the resolution. You may want to add to what he has provided.
4. Whether you think the City's current policies concerning ex parte communications need to be revised.
5. For making your meetings less time consuming, whether you want to adopt guidelines for topics that should not be on the agenda and whether you want to eliminate wherever possible needless complexity that can make your meetings longer and impose a burden on the citizens.

Mayor O'Brien introduced Item VII.A and asked City Attorney Wilson to give a staff report.

City Attorney Wilson advised that this was part of a series of requests that the Commission made to review the Policies and Procedures Manual. He explained that this item was one of the more pressing ones. He commented that the Florida Statutes 286.0114 to allow public input during meetings, which should be reasonable and allowed before a decision should be made. He explained that public comment does not have to be at the same meeting that the item is being heard, but should be done prior to the decision being made. He advised that the Board can limit the time that a party is allowed to speak as long as the party is able to speak on the item. He commented that in his experience most Boards do not allow public comments on items that come up on the agenda unless it is a public hearing or if the Board wants to take public input on a particular item being addressed. He gave an example of the City of St. Augustine allowing public comment for a party of three minutes once in the meeting unless there was a public hearing where the party could speak again. He explained that the Board could always allow the public to speak on an item if they want to. He advised that this resolution is content neutral and allows public comments once or allows the Board to decide on each item if they would like to hear public comments. He read and explained the proposed resolution. He advised that there is a Florida Statute that relates to the decorum of the meeting where the public cannot disrupt the meeting. He commented that it would be up to the Commission to decide if they like the resolution or if they want changes, which he advised he would be more than happy to do so. He advised that he does not do policy, but he reviews or drafts what is legal and the Commission should adopt the policy.

Mayor O'Brien asked for Commission discussion.

Vice Mayor George asked City Attorney Wilson if someone directed him to prepare this resolution and was the City charged for this work.

City Attorney Wilson advised that this subject matter came before the Commission a few months ago and was requested by the Commission for him to review the policy and create an updated resolution. He advised that it did not cost any additional expense to the City.

Vice Mayor George explained the history of this item and felt that this should be a formal agenda item with the history of what the existing resolutions and policies are. She advised that she would consider changes, but would not be comfortable adopting this resolution without a real understanding of what the existing resolutions and policies are. She commented that without looking into the history, the Commission could adopt something contradictory or redundant. She advised that on the website there is a listing of all resolutions and staff should review all the other resolutions before the Commission moves forward. She thanked City Attorney Wilson for his work on the resolution, but advised that she does not feel there was enough to adopt this.

Commissioner Kostka advised that in the Policies and Procedures Manual this is addressed already and felt that the Commission should take its time to make sure the policies are not redundant or adding things that are inappropriate.

Mayor O'Brien advised that this resolution achieves a balance. He explained that it has been clear at the last few meetings that there needs to be more of a balance, which the meetings do not have presently.

Commissioner England advised that the City does have parliamentary procedures and Roberts Rules of Order. She advised that if there are resolutions currently, then they should be encompassed with this resolution. She requested a permanent manual on the new resolutions at the dais. She commented she didn't feel the five rules need to be displayed on the screen or a buzzer because we all are adults. She further commented that we don't need on the request cards that the speaker would obey all the rules. She advised that she likes the concept of speakers speak for three minutes at the Public Comment section and then again at any public hearings and commented that that would achieve a good balance at the meetings. She advised that she wants the other resolutions that are enforced now to be terminated or replaced. She requested a change Section 10.A that the speaker should come to the podium not from the audience. She advised that she was for the concept of this resolution.

Commissioner Snodgrass thanked City Attorney Wilson for taking the initiative on this issue. He explained that the Commission has been grappling with these issues for some time. He advised that he has had several conversations with City Attorney Wilson on the inefficiency and effectiveness of the Commission meetings. He advised that the Commission should repeal and replace resolutions. He commented that the meetings quality, value, efficiency and effectiveness have been deteriorating in the last several months. He advised that it has been increasingly difficult to have adequate time to discuss and make decisions on a timely basis on matters that could affect the health, safety, and welfare of the residents and tourists. He explained that the Commission needs a more efficient and effective protocol in handling public comments and he commented that the approach City Attorney Wilson took in the resolution is spot on. He advised that some public comments can be very constructive. He explained that one constructive public comment was when there is a recognized expert on the subject matter who can enlighten the Commission on a specialize issue. He advised constructive public comments come from citizens where the matter directly involves them. He further advised that the third constructive public comment would be where a person has been the situation in the past and could add value. He commented that it is less helpful or constructive when people are compelled to speak who are not experts on the subject, who are not directly involved in the issue, and who have no experience or background on the issue. He advised that as talented as this Commission is, our Commission meetings should be a model of best practices, instead he commented that most observers would say we are worst practice. He commented that others have told him that the Commission is a laughing stock. He advised that immediate changes to public comment protocol are indicated right now. He explained that the Commission should approve the proposed resolution tonight and can tweak it as necessary later. He

advised that people in the audience have chastised the Commission on not moving forward quicker to update Resolution 89-5. He advised that this resolution would help with the efficiency and effectiveness of the Commission meetings and it is the approach of the nation's oldest city, St. Augustine.

Mayor O'Brien advised that he completely agrees with Commissioner Snodgrass.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission: Ed Slavin, P.O. Box 3084, St. Augustine, FL; Tom Reynolds, 880 A1A Beach Blvd., St. Augustine Beach, FL; Rosetta Bailey, 403 A Street, St. Augustine Beach, FL; Robert Kahler, 29 Sunfish Drive, St. Augustine Beach, FL; Ann Palmquist, 213 10th Street, St. Augustine Beach and Merrill Roland, 6281 Old Dixie Drive, St. Augustine, FL.

Mayor O'Brien closed the Public Comment section and asked for any further Commission discussion.

Mayor O'Brien asked City Attorney Wilson if this resolution violates any freedom of speech rights or any federal or state laws of any kind.

City Attorney Wilson advised no, the resolution complies with the Florida Statutes and the Constitution. He commented that the resolution does not prohibit free speech and is content neutral. He explained that the resolution is legal.

Mayor O'Brien asked how long the City of St. Augustine adopted this style of meetings.

City Attorney Wilson advised that the City of St. Augustine had this in place for the 12 years he was there. He advised that this resolution would stand on its own and advised that if there was a conflict with another resolution, the most current would be what the Commission would follow.

Vice Mayor George asked City Attorney Wilson look at the rules and bring all information together so the Commission knows what is in effect. She advised that it would be the same procedures as the Land Development Regulations and not deal with the issue alone. She commented that it would be appropriate and wise to do a comprehensive review of all the resolutions. She advised that there is a lot of weight on this issue as a public topic and it should be dealt with respect. She proposed that the Commission continue this item and direct staff to bring back the agenda topic with a survey of all resolutions, rules, ordinances, regarding this topic. She asked how much time in advance it would staff need for exhibits, whether there three minutes would include setting up exhibits, etc.

Commissioner England questioned whether 10 copies are necessary to show an exhibit under Section 5 of the resolution. She commented that that would be onerous to the

citizens. She requested to repeal all the previous resolutions and start fresh. She suggested bringing this back at the next meeting after the revisions are made.

City Attorney Wilson asked how many exhibit copies should be put in the resolution.

Commissioner Snodgrass asked City Clerk Raddatz how many were needed for the record.

City Clerk Raddatz advised one for the record; however, the other copies would be for the Commission, City Attorney, and City staff so they could review it.

Vice Mayor George advised that as long as she can see it on the overhead it would be fine, but the exhibitor should come in advance to set up the information. She advised that she would agree to the minimum number.

Commissioner Snodgrass and Mayor O'Brien agreed.

Commissioner Snodgrass advised that this has been a good discussion and that these policies should be cleaned up. He advised that City Attorney Wilson should be applauded for doing this resolution. He advised that the resolution talks about the quality, value, efficiency and effectiveness of the meetings. He advised that he didn't think the Commission would disagree that the meetings have deteriorated recently and it has been difficult for the Commission to get to the people's business because of the extended protocols that we have. He advised that public comments are instructive and constructive when the Commission hears from people can bring insight and value to the discussion as opposed to someone who wants to hear themselves speak. He advised that the meetings drag on because the same people feel compelled to speak every issue. He advised that the Commission wants public comments, but public comments needs to be managed more efficiently and effectively. He advised that it is fine to bring this back to next Commission meeting and have a robust conversation about it and to move this forward.

Mayor O'Brien agreed to bring this item back at the April 3, 2017 Commission meeting.

Vice Mayor George advised that she has some resolutions from other cities on public comments and quasi-judicial procedures and asked that these resolutions would be put in the Commission packets for the next Commission meeting.

It was the consensus of the Commission to bring this item back on April 3, 2017 Commission meeting.

RESOLUTION 89-5

RESOLUTION SETTING RULES FOR CITY COMMISSION MEETINGS

WHEREAS, This is a Resolution relating to the Proposed Rules and Regulations of The City Commission of St. Augustine Beach.

NOW THEREFORE, BE IT RESOLVED by The City Commission of the City of St. Augustine Beach that:

1. Meetings of The City Commission are to be conducted in a manner as agreed upon by a majority of The Commission and by these rules and regulations. In cases where no agreement can be reached, resort shall be had with "Robert's Rules of Order".
2. PRESIDING OFFICER: Shall preserve strict order and decorum at all regular and special meetings of The Commission. He shall state every question coming before The Commission, announce the decision of The Commission on all subjects and decide all questions of order, subject, however, to an appeal by a member to The Commission, in which event a majority vote of The Commission shall govern and conclusively determine such question of order.
3. RULES OF DEBATE:
 - a. Getting the Floor - Improper References to be Avoided. Every member of The City Commission desiring to speak shall address The Chair, and upon recognition by The Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.
 - b. Interruptions - A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question or order can be determined, and, if in order, he shall be permitted to proceed.
 - c. Privilege of Closing Debate - The Commissioner moving the adoption of an ordinance or resolution shall have the privilege of making final comments on the motion.
4. ADDRESSING THE COMMISSION AFTER A MOTION IS MADE: After a motion is made by The Commission, and seconded, no person shall address The Commission without first securing the permission of The Presiding Officer to do so. Discussion by The Commission. NO MEMBER OF THE PUBLIC CAN INTERRUPT THE COMMISSION'S DELIBERATIONS. Commission directs questions to the staff. Public invited to comment. Vote called for by the Mayor.

5. MANNER OF ADDRESSING COMMISSION - TIME LIMIT:

Each person addressing The Commission shall step up to the microphone, shall give his name and address in audible tone of voice for the records, and unless further time is granted by The Presiding Officer, shall limit his/her address to three (3) minutes. All remarks shall be addressed to The Commission as a body and not to any member thereof. Only The Commission and the person having the floor, shall be permitted to enter into any discussion, except with the permission of The Presiding Officer. A question shall be asked a Commissioner only through The Presiding Officer.

6. DECORUM:

- a. By the Commissioners and the Public - While The Commission is in session, order and decorum must be preserved and any person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of The Commission nor disturb any person while speaking or refuse to obey the orders of The Commission or its Presiding Officer, except as otherwise herein provided. Boisterous, impertinent or irrelevant, personal or general remarks directed to or against any individual shall not be considered orderly or decorous. Any person who shall become disorderly or who shall fail to confine remarks to the identified subject or business shall be forthwith, by The Presiding Officer, cautioned and given the opportunity to complete remarks on the subject in a decorous manner. Any person failing to comply as cautioned shall not be allowed to continue the remarks unless permission to continue be granted by a majority vote of The Commission.
- b. Upon failure of The Presiding Officer to maintain decorum within the context of this section, a call for "Point of Order" by a member of The Commission shall cause all proceedings to cease until a decision is made by the majority of members.
- c. Enforcement of Decorum - The Chief of Police or a member of the Police Department whom he may designate shall carry out all orders and instructions given by The Presiding Officer for the purpose of maintaining order and decorum at the Commission Meeting. Upon instructions of The Presiding Officer, it shall be the duty of the Chief of Police or his designee, to either escort back to his/her seat, or remove from the meeting, any individual who violates the order and decorum of the meeting.

7. MOTIONS: Any member of The City Commission, including the Mayor, shall be entitled to make a motion and shall likewise be entitled to second a motion.
8. AGENDA:
 - a. The Agenda which is sent to all Commissioners and posted at City Hall for the public, shall be the normal operating procedure, but The Presiding Officer shall have the authority, during any meeting, and after approval by The City Commission, to change the order of business and the Agenda if the circumstances so warrant.
 - b. That any item to go on the Agenda must be submitted by Wednesday 12:00 noon, preceding the next monthly meeting. This is to be directed to the City Manager in writing. Inclusion of any item for the Agenda will depend upon the completeness of information and on the time element for the meeting.
9. ADJOURNMENT: The City Commission shall adjourn its regular meetings promptly at 10:30 p.m. Should The Commission so elect, it may go to 11:00 p.m., but then must adjourn.
10. COMMUNICATIONS:
 - a. All communications to The Commission, when read into the record, shall be considered, received and filed without the necessity of a motion.
 - b. No member of The Commission shall speak more than twice on one question without first obtaining permission of the Mayor, or Presiding Officer, nor more than once until the other members have spoken, if they desire to speak, nor shall any member be permitted to speak longer than ten minutes on one occasion, but the Mayor or Presiding Officer may extend member's time for five minutes longer.
 - c. The Mayor may extend the courtesies of the floor to any person he may see fit, at any time during the deliberations of this Commission, unless there be an objection. It shall not be necessary for a member of The Commission to move that the courtesies of the floor be extended. It shall be sufficient if The Commissioner makes the request and the Mayor shall grant such request unless there be objections. Any person addressing the Commission shall do so from the podium and name and address must be presented.
11. TEMPORARY SUSPENSION OF RULES:
 - a. Any provision of this division may be temporarily suspended for special reasons by a vote of the majority of the members of The Commission present, but no permanent alteration shall be made without

notice specifying the purpose of the change given at the previous meeting.

- b. In all cases involving points of parliamentary law, "Robert's Rules of Order" shall be the book of reference, and its rules, so far as they are applicable and not in conflict with the provisions of the Charter, ordinances, or of the rules in this division, shall be the rules of The Commission.
- c. While The Commission is in session, The Presiding Officer shall preserve order and decorum, and a Commissioner shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of The Commission, nor disturb any Commissioner while speaking, or refuse to obey the orders of The Commission or its Presiding Officer.
- d. No Commissioner shall speak on any question or discuss any matter, nor interrupt another, nor make a motion without first addressing The Presiding Officer and obtaining his/her recognition. When two or more Commissioners desire to speak at once, The Presiding Officer shall name the Commissioner who is first to speak. No Commissioner shall be interrupted by another without the consent of the Commissioner who has the floor, except by rising to a question of order. Every Commissioner, in speaking on any matter, shall confine himself to the question, shall not use unbecoming, abusive or unparliamentary language, and shall avoid personalities.
- e. Any person, not a Commissioner, making personal, impertinent or slanderous remarks or who shall become boisterous while The Commission is in session, shall forthwith be barred from further audience before The Commission by The Presiding Officer at his/her discretion. No demonstrations of approval or disapproval from the audience shall be permitted. The Presiding Officer shall call upon the Chief of Police to enforce directions given by The Presiding Officer for any violation of this Rule.

PASSED this 11th day of September, 1989.

CITY COMMISSION OF THE CITY
OF ST. AUGUSTINE BEACH

BY: W. H. Pete Jordan
Mayor-Commissioner

ATTEST:

BY: [Signature]

City Manager

RESOLUTION 02-06

CITY OF ST. AUGUSTINE BEACH
ST. JOHNS COUNTY
FLORIDA

RE: TO AMEND CITY COMMISSION'S
POLICIES AND PROCEDURES MANUAL
CONCERNING PUBLIC COMMENTS
AT COMMISSION MEETINGS

The City Commission of St. Augustine Beach, St. Johns County, Florida, in regular meeting duly assembled on Monday, May 6, 2002, resolves as follows:

WHEREAS, the City Commission has adopted a format for the agenda for its regular meetings; and

WHEREAS, on the agenda there is a section titled "Public Comments;" and

WHEREAS, it may be helpful to persons attending regular City Commission meetings for the intent of the "Public Comments" section of the agenda to be defined.

NOW, THEREFORE, BE IT RESOLVED that the City Commission adds the following sections under "Agenda Format" in its Policies and Procedures Manual:

2. The "Public Comments" section of the agenda is where persons attending regular City Commission meetings may speak to the City Commission about matters that are not listed as topics on the agenda for Commission review and action and that are not topics that may be subject to a quasi-judicial hearing by the City Commission at some date in the future. "Quasi-judicial hearing" is defined as one where the topic concerns changing the land use or zoning of a particular piece of property, or a request for a conditional use permit, or the appeal of decisions by the Planning Board concerning variances.
3. Public comments on ordinances will be allowed only at meeting when the ordinances have been duly advertised for public hearing.
4. Persons wishing to speak to the Commission about a topic that is listed on the agenda may do so when the Mayor announces topic to the public.

RESOLVED AND DONE this 6th day of May, 2002 by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida.


Mayor - Commissioner

ATTEST:


City Manager

Resolution No: 05-07

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA AMENDING RESOLUTION 89-5 TO PROVIDE THAT UNLESS OTHER AUTHORIZED BY VOTE OF THE CITY COMMISSION PRESENTATIONS SET ON THE COMMISSION AGENDA SHALL BE LIMITED IN DURATION TO TEN MINUTES AND SHALL PERTAIN TO THE CITY OF ST. AUGUSTINE BEACH OR ITS RESIDENTS.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH;

Section 1. Section 8 of Resolution No. 89-5 be and the same is amended by the addition of a new subsection to be known as Section 8. c. to read as follows:

8. AGENDA:

*** * * ***

c. Upon receipt of a request by a member of the public or an organization to place a presentation upon the agenda, the office of the City Manager shall advise such member of the public or the organization that presentations are limited to ten minutes in length and must pertain to the City of St. Augustine Beach or its residences. Requests for greater length of time shall be addressed to the discretion of the Presiding Officer of the City Commission.

Section 2. This ordinance shall take effect for the Agenda for the regular City Commission meeting for May, 2005.

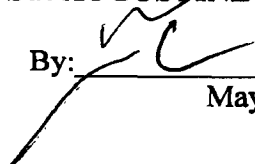
DONE AND ORDERED this 4th day of April, 2005.

**CITY COMMISSION OF THE CITY OF
ST. AUGUSTINE BEACH**

ATTEST:


City Manager

By:


Mayor-Commissioner

RESOLUTION 16-13

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

**RE: TO AMEND THE POLICIES AND
PROCEDURES MANUAL
CONCERNING ADDITIONS OR
DELETIONS, CHANGES TO
ORDER OF TOPICS ON THE
AGENDA, PRESENTATIONS,
AND COMMISSION COMMENTS
FOR COMMISSION MEETINGS
AND TO UPDATE RESOLUTION
94-01**

The City Commission of St. Augustine Beach, St. Johns County, Florida, in regular meeting duly assembled on September 26, 2016, resolves as follows:

WHEREAS, the City Commission has adopted a format for the agenda for its regular meetings; and

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of St. Augustine Beach, St. Johns County, Florida, that:

Section 1. The regular commission meeting agenda format has been updated as follows:

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO ORDER OF TOPICS ON THE AGENDA
- VII. PRESENTATIONS
- VIII. PUBLIC COMMENTS
- IX. PUBLIC HEARINGS
- X. CONSENT
- XI. OLD BUSINESS
- XII. NEW BUSINESS
- XIII. COMMISSIONER / STAFF COMMENTS
- XIV. ADJOURNMENT

Section 2. The "ADDITIONS OR DELETIONS OF THE AGENDA" section of the agenda to allow the Commission to add or delete items on the agenda which

should be postponed, have a time urgency, or need more information before being heard.

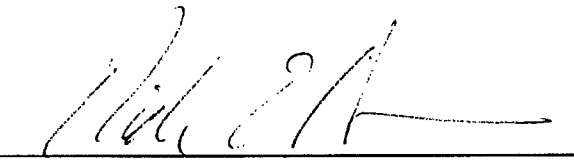
Section 3. The "CHANGES TO ORDER OF TOPICS ON THE AGENDA" is to allow the Commission to move items within the agenda due to the public, speaker, or Commission's request.

Section 4. "Presentations" are for City employee service awards, proclamations, special recognitions, and public or organization presentations.

Section 5. Upon receipt of a request by a member of the public or an organization to place a presentation upon the agenda, the office of the City Manager shall advise such member of the public or the organization that presentation is limited to ten minutes in length and must pertain to the City of St. Augustine Beach or its residents. Requests for greater length of time shall be addresses to the discretion of the Presiding Officer of the City commission.

Section 6. "Commission / Staff Comments" is to allow the Commission and staff to give an update to the public on what meetings they have attended outside of the City, what topics they would like to discuss, and any items pertinent to the City.

RESOLVED AND DONE, this 26th day of September, 2016, by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida.


Rich O'Brien, Mayor

ATTEST:

City Manager

POLICIES AND PROCEDURES
ADOPTED BY CITY COMMISSION

AGENDA FORMAT

1. The City Commission has adopted the following format for the agenda of regular Commission meetings.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES
- V. PUBLIC HEARINGS: 7:00 P.M.
- VI. COMMISSIONER REPORTS
- VII. PUBLIC COMMENT
- VIII. CONSENT AGENDA
- IX. OLD BUSINESS
- X. NEW BUSINESS
- XI. ADJOURNMENT

Upon receipt of a request by a member of the public or an organization to place a presentation upon the agenda, the office of the City Manager shall advise such member of the public or the organization that presentations are limited to ten minutes in length and must pertain to the City of St. Augustine Beach or its residents. Requests for greater length of time shall be addressed to the discretion of the Presiding Officer of the City Commission.

3. Commission meetings are to begin at 7:00 p.m.
4. Special Meetings: Topics for the agendas for special meetings will be determined in advance by the City commission, and no additional topics may be added to the agenda unless the topic or topics are of an urgent or emergency nature.

"Urgent" shall be defined as an unexpected or overlooked action that needs to be taken care of prior to the next regular meeting.

"Emergency" shall be defined as a reasonable, unforeseen breakdown of machinery, development of a dangerous condition, threatened termination of an essential service, or the development of an unforeseen circumstance which could result in curtailment or reduction of an essential service or cause possible liability or harm to the public, the City or its employees.

5. Attendance at City Commission meetings by employees other than the City Manager/Police Chief:

The City Manager shall decide when and which employees under his direction are to attend Commission meetings: regular, special or workshop.

The Police Chief shall decide when and which employees under his direction are to attend Commission meetings: regular, special or workshop.

This policy shall also apply to meetings of other City boards or committees.

6. Commissioners absent from meeting can participate by telephone due to extraordinary circumstances as determined by the sitting Commissioners by a simple majority vote of such Commissioners.
7. The City Commission can determine at the time of an absence if the absence is excused or unexcused based on the information relayed to the Commission.

The Commission can amend its decision if information about the absence is forthcoming within two (2) months after the absence.

8. Meetings of the City Commission are to be conducted in a manner as agreed upon by a majority of the Commission and by these rules and regulations. In cases where no agreement can be reached, resort shall be had with "Roberts Rules of Order".
9. PRESIDING OFFICER: Shall preserve strict order and decorum at all regular and special meetings of the Commission. He shall state every question coming before the Commission, announce the decision of the Commission on all

subjects and decide all questions of order, subject, however, to an appeal by a member to the Commission, in which event a majority vote of the Commission shall govern and conclusively determine such question of order.

10. RULES OF DEBATE:

- A. Getting the Floor – Improper References to be Avoided. Every member of the City Commission desiring to speak shall address the Chair, and upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.
- B. Interruptions – A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question or order can be determined, and, if in order, he shall be permitted to proceed.
- C. Privilege of Closing Debate – The Commissioner moving the adoption of an ordinance or resolution shall have the privilege of making final comments on the motion.

11. ADDRESSING THE COMMISSION AFTER A MOTION IS MADE: After a motion is made by the Commission, and seconded, no person shall address the Commission without first securing the permission of the Presiding Officer to do so. Discussion by the Commission. NO MEMBER OF THE PUBLIC CAN INTERRUPT THE COMMISSION'S DELIBERATIONS. Commission directs questions to the staff. Public invited to comment. Vote called for by the Mayor.

12. MANNER OF ADDRESSING COMMISSION – TIME LIMIT: Each person addressing the Commission shall step up to the microphone, shall give his name and address in audible tone of voice for the records, and unless further time is granted by the Presiding Officer, shall limit his/her address to three (3) minutes. All remarks shall be addressed to the Commission as a body and not to any member thereof. Only the Commission and the person having the floor shall be permitted to enter into any discussion, except with the permission of the Presiding Officer. A question shall be asked a Commissioner only through the Presiding Officer.

13. DECORUM:

- A. By the Commissioners and the Public – While the Commission is in session, order and decorum must be preserved and any person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Commission nor disturb any person while speaking or refuse to obey the orders of the Commission or its Presiding Officer, except as otherwise herein provided. Boisterous, impertinent or irrelevant,

personal or general remarks directed to or against any individual shall not be considered orderly or decorous. Any person who shall become disorderly or who shall fail to confine remarks to the identified subject or business shall be forthwith, by the Presiding Officer, cautioned and given the opportunity to complete remarks on the subject in a decorous manner. Any person failing to comply as cautioned shall not be allowed to continue the remarks unless permission to continue be granted by a majority vote of the Commission.

- B. Upon Failure of the Presiding Officer to maintain decorum within the context of this section, a call for "Point of Order" by a member of the Commission shall cause all proceedings to cease until a decision is made by the majority of members.
 - C. Enforcement of Decorum – The Chief of Police or a member of the Police Department whom he may designate shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Commission meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Chief of Police, or his designee, to either escort back to his/her seat, or remove from the meeting, any individual who violates the order and decorum of the meeting.
- 14. MOTIONS: Any member of the City Commission, including the Mayor, shall be entitled to make a motion and shall likewise be entitled to second a motion.
 - 15. AGENDA:
 - A. The Agenda which is sent to all Commissioners and posted at City Hall for the public, shall be the normal operating procedure, but the Presiding Officer shall have the authority, during any meeting, and after approval by the City Commission, to change the order of business and the Agenda if the circumstances so warrant.
 - B. That any item to go on the Agenda must be submitted by Wednesday 12:00 noon, preceding the next monthly meeting. This is to be directed to the City Manager in writing. Inclusion of any item for the Agenda will depend upon the completeness of information and on the time element for the meeting.
 - 16. ADJOURNMENT: The City Commission shall adjourn its regular meetings promptly at 10:30 p.m. Should the Commission so elect, it may go to 11:00 p.m., but then must adjourn.
 - 17. COMMUNICATIONS:

- A. All communications to the Commission, when read into the record, shall be considered, received and filed without the necessity of a motion.
- B. No member of the Commission shall speak more than twice on one question without first obtaining permission of the Mayor, or Presiding Officer, nor more than once until the other members have spoken, if they desire to speak, nor shall any member be permitted to speak longer than ten minutes on one occasion, but the Mayor or Presiding Officer may extend member's time for five minutes longer.
- C. The Mayor may extend the courtesies of the floor to any person he may see fit, at any time during the deliberations of this Commission, unless there be an objection. It shall not be necessary for a member of the Commission to move that the courtesies of the floor be extended. It shall be sufficient if the Commissioner makes the request and the Mayor shall grant such request unless there be objections. Any person addressing the Commission shall do so from the podium and name and address must be presented.

18. TEMPORARY SUSPENSION OF RULES:

- A. Any provision of this division may be temporarily suspended for special reasons by a vote of the majority of the members of the Commission present, but no permanent alteration shall be made without notice specifying the purpose of the change given at the previous meeting.
- B. In all cases involving points of parliamentary law, "Robert's Rules of Order" shall be the book of reference, and its rules, so far as they are applicable and not in conflict with the provisions of the Charter, ordinances, or of the rules in this division, shall be the rules of the Commission.
- C. While the Commission is in session, the Presiding Officer shall preserve order and decorum, and a Commissioner shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Commission, nor disturb any Commissioner while speaking, or refuse to obey the orders of the Commission or its Presiding Officer.
- D. No Commissioner shall speak on any question or discuss any matter, nor interrupt another, nor make a motion without first addressing the Presiding Officer and obtaining his/her recognition. When two or more Commissioners desire to speak at once, the Presiding Officer shall name the Commissioner who is first to speak. No Commissioner shall be interrupted by another without the consent of the Commissioner who has the floor, except by rising to a question of order. Every Commissioner, in speaking on any matter, shall confine himself to the question, shall not use

unbecoming, abusive or unparliamentary language, and shall avoid personalities.

- E. Any person, not a Commissioner, making personal, impertinent or slanderous remarks or who shall become boisterous while the Commission is in session, shall forthwith be barred from further audience before the Commission by the Presiding Officer at his/her discretion. No demonstrations of approval or disapproval from the audience shall be permitted. The Presiding Officer shall call upon the Chief of Police to enforce directions given by the Presiding Officer for any violation of this rule.

RESOLUTION NO. 2006-10-377

A RESOLUTION OF THE CITY OF MASCOTTE, FLORIDA, ADOPTING THE PROVISIONS OF SECTION 286.0115, FLORIDA STATUTES, TO PROVIDE ACCESS TO PUBLIC OFFICIALS OF THE CITY OF MASCOTTE REGARDING QUASI-JUDICIAL MATTERS BY ESTABLISHING PROCEDURES TO DISCLOSE EX-PARTE COMMUNICATIONS; CREATING PROCEDURES FOR DISCLOSURE OF EX-PARTE VERBAL AND WRITTEN COMMUNICATIONS, INVESTIGATIONS, SITE VISITS, AND EXPERT OPINIONS TO REMOVE THE PRESUMPTION OF PREJUDICE ARISING THEREFROM; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, local public officials have been obstructed or impeded from the effective discharge of their sworn duties and responsibilities due to expansive interpretations of Jennings v. Dade County, a decision rendered by the Third District Court of Appeal; and

WHEREAS, the City Council of the City of Mascotte believes that it is in the best interest of the City for the public to be able to voice its opinions regarding quasi-judicial issues to the elected and appointed public officials of the City of Mascotte; and

WHEREAS, Section 286.0115 of the Florida Statutes creates procedures to disclose ex-parte communications to allow public access to local public officials without a presumption of prejudice arising from such ex-parte communications; and

WHEREAS, the City Council of the City of Mascotte finds it in the best interest of the City of Mascotte to adopt the procedures in Section 286.0115, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED, THAT:

SECTION I. That the following procedures are hereby created as provided in Section 286.0115 of the Florida Statutes:

(1) Access to Public Officials. Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any public official of the City of Mascotte the merits of any matter on which action may be taken by any board or commission of which the public official is a member. Adherence to the following procedures shall remove the presumption of prejudice arising from ex-parte communications with public officials of the City of Mascotte regarding quasi-judicial issues:

- (a) The substance of any ex-parte communication with a public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the verbal communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.
 - (b) Public officials may read written communications from any person. However, a written communication that relates to quasi-judicial action pending before a public official shall not be presumed prejudicial to the action if such written communication is made a part of the record before final action on the matter.
 - (c) Public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial actions pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion regarding quasi-judicial action is made a part of the record before final action on the matter.
 - (d) Disclosure made pursuant to sub-paragraphs (a), (b), and (c) must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex-parte communication are given a reasonable opportunity to refute or respond to the communication. This Resolution does not subject public officials to part III of Chapter 112 for not complying with this section.
- (2) Definition. As used in this Resolution, the term "public official" means any elected or appointed public official of the City of Mascotte holding a municipal office who recommends or takes quasi-judicial action as a member of a board or commission of the City of Mascotte.

SECTION II. CONFLICTS. All Resolutions or parts of Resolutions, or laws in conflict with any of the provisions of this Resolution are hereby repealed to the extent of any conflict.

SECTION III. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Resolution is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, phrase, word, or portion of this Resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION IV. EFFECTIVE DATE. That this Resolution shall become immediately upon its adoption.

The foregoing Resolution was passed and adopted by the City Council of the City of Mascotte, Florida, on the 16th day of October, A.D., 2006.

By: _____

JEFF KRULL
Mayor

Attest:

Marge Strausbaugh
MARGE STRAUSBAUGH, MMC
City Manager, City Clerk/Administrator



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RESOLUTION NO. 2011-10-455

A RESOLUTION OF THE CITY OF MASCOTTE,
FLORIDA, ADOPTING THE ORDER OF PROCEEDINGS
AND RULES OF ORDER FOR MAJOR QUASI-JUDICIAL
PUBLIC HEARINGS; PROVIDING FOR CONFLICTS,
SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE
DATE.

WHEREAS, to ensure that public meetings remain civil and to ensure that order and proper decorum is maintained when City business is conducted in public meetings, City Council passed Resolution 2011-06-446; and

WHEREAS, Resolution 2011-06-446 sets forth principles regarding public discussion on specific agenda items; and

WHEREAS, the City Council recognizes that, when it sits in its quasi-judicial capacity, it is required to fairly and properly apply the codes and laws of the City to a particular applicant or application; and

WHEREAS, the U.S. and Florida Constitutions require that basic procedural due process of law must be afforded in quasi-judicial proceedings, which includes notice and an opportunity to be heard and, in some instances, the right to cross-examine witnesses; and

WHEREAS, Florida law requires that, in addition to affording due process to maintain fairness and impartiality, the City must base any quasi-judicial decision on competent substantial evidence and must follow the essential requirements of the law as set forth in its codes and the Florida Statutes; and

WHEREAS, the City Council determines that it is in the best interests of the public safety and welfare of its citizens to supplement the principles in Resolution 2011-06-446 by establishing the order of proceedings and rules of order to be followed in formal quasi-judicial hearings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MASCOTTE, FLORIDA:

SECTION 1. The order of proceedings to be followed in formal quasi-judicial hearings are attached as Exhibit "A" and are incorporated herein by reference as though fully set forth herein. Such rules and proceedings shall be enforced.

SECTION 2. City Council hereby sets forth the rules of order which shall be followed in formal quasi-judicial proceedings:

43 1. Under the City's Charter, the Mayor is the Chairperson and presiding officer of public
44 meetings. The Mayor Pro-Tem shall preside in place of the Mayor in the event the Mayor
45 declines to do so, is absent, or is disabled.

46 2. All questions, statements, testimony, and comments during a quasi-judicial public
47 hearing shall be addressed to the presiding officer, except that an applicant/property owner has
48 the right to ~~cross-examine~~ ^{question} witnesses.

49 3. All cell phones and pagers, shall be either turned off or otherwise silenced during the
50 public hearing.

51 4. Personal conversations among persons attending the public hearing shall be
52 conducted outside Council chambers to avoid disruptions.

53 5. During the public hearing, no person shall make obscene, vulgar, or abusive remarks.
54 No person shall be allowed to clap, whistle or heckle, nor shall any person be allowed to speak
55 out or make any comments unless the person is recognized and given permission to speak by the
56 presiding officer. No person shall interrupt a speaker recognized by the presiding officer.
57

58 6. Any person who violates paragraphs 2 through 5 above shall be escorted immediately
59 out of Council chambers by the Chief of Police or other member of the Police Department acting
60 as sergeant-at-arms, unless a majority of Council grants such person permission to remain in the
61 Council chambers.
62

63 7. The sergeant-at-arms shall carry out all orders and instructions given by the presiding
64 officer or a majority of Council for the purpose of maintaining order and decorum during the
65 Council hearing.

66 8. No questions shall be asked of a council member, City Staff, Attorney, or other City
67 consultant except through the presiding officer.

68 SECTION 3. CONFLICTS. All Resolutions or parts of Resolutions, or laws in
69 conflict with any of the provisions of this Resolution are hereby repealed to the extent of any
70 conflict.

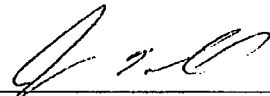
71 SECTION 4. SEVERABILITY. If any section, sentence, phrase, word, or portion of
72 this Resolution is determined to be invalid, unlawful, or unconstitutional, said determination
73 shall not be held to invalidate or impair the validity, force, or effect of any other section, phrase,
74 word, or portion of this Resolution not otherwise determined to be invalid, unlawful, or
75 unconstitutional.

76 SECTION 5. EFFECTIVE DATE. That this Resolution shall become immediately
77 upon its adoption.

78 The foregoing Resolution was passed and adopted by the City Council of the City of
79 Mascotte, Florida, on the _____ day of October, 2011.

80

By:


Jeff Krall, Mayor

Attest:

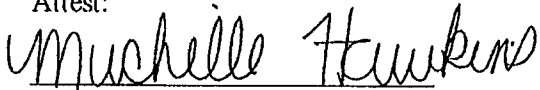

Michelle Hawkins, CMC
City Clerk



EXHIBIT "A"
Resolution 2011-10-455
City of Mascotte

ORDER OF PROCEEDINGS IN FORMAL QUASI-JUDICIAL PUBLIC HEARINGS

- A. **Order of presentation; time limits:** The order of presentation, with corresponding time limits for each presentation, shall be as follows:

<u>Procedural Order</u>	<u>Time Limits</u>
1. Read title to ordinance/introduction	
2. Submittal of written ex parte communication by Council	
3. Determination of affected parties	
4. Opening public hearing; swearing in of witnesses	
5. Staff presentation	
6. Applicant presentation	5 min. per witness
7. Affected party (if any) <i>for</i>	5 min. per witness
8. Affected party (if any) <i>against</i>	5 min. per witness
9. Public comment period for other members of the public	3 min. per person
10. Staff closing	
11. Rebuttal by applicant	5 min.
12. Disclosure of ex parte communication by Council members	
13. Close of testimony and public comment; deliberation by Council	
14. Motion and vote of Council	

The time limits set forth above may be modified by Council upon request of applicant, affected party, or staff. If the request is for additional time, the requesting person shall advise Council of how much time is desired and the subjects to be discussed during the additional time, if granted. **A request for extension of time should be considered by Council to assure all parties have a full and fair opportunity to participate without undue repetition and delay.**

- B. **Representation of parties:** Any party may be represented by an attorney. If an attorney represents one or more parties, the attorney shall complete the required form and identify the person or persons (s)he represents and whether his/her client supports or opposes the matter. The form shall be delivered to the City Clerk prior to the commencement of the hearing.

- C. **The hearing:**

1. Reading title of ordinance/introduction. The introduction of the case will be presented by the City Manager and/or the City Attorney and may include a brief

description of the matter and the questions to be decided by the Council. This introduction shall not be considered evidence, and the introducer(s) shall not be subject to cross-examination.

2. Submittal of ex parte communications. Council members will submit any written ex parte communications to the City Clerk if such communication has not previously been submitted.

3. Determination of affected parties. Based on completion of the required form, the Council shall consider whether a person has affected party status prior to the commencement of the hearing. The Council may seek advice from staff or the City Attorney. The decision of Council shall be final.

a. *Generally.* An affected party is any person who received actual written notice of the matter before the Council. An affected party who did not receive actual written notice but who believes (s)he has a special interest or would suffer an injury different in kind and degree from that shared by the public in general may request affected party status.

b. *Comprehensive Plan consistency.* For purposes of determining whether a development order is consistent with the City's Comprehensive Plan, an affected party is any person or local government that will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons.

4. Opening of public hearing and swearing in of witnesses. In the interest of time, all witnesses testifying shall be collectively sworn in by the City Clerk or City Attorney. When each witness comes forward to testify, (s)he may be asked to confirm whether (s)he has been sworn in.

5. Staff presentation. Staff or any experts requested by staff will present a report regarding the issues to be decided by Council. Council members may ask the staff member or expert questions which are relevant to the issues to be decided. Such presentations and any written documentation are considered evidence.

6. Witness testimony.

a. Testimony of witnesses shall be limited to matters which are relevant and material to the issues before Council. Written reports and other documentary evidence shall become part of the record.

217 b. No one may present testimony or evidence that is unduly cumulative or
218 repetitious of previously presented testimony or evidence by a fellow opponent or
219 proponent. Prior to testimony being taken, opponents and proponents should agree that a
220 spokesperson may speak on their behalf to avoid repetitious testimony.
221

222 c. Testimony or other evidence which is irrelevant or immaterial to the issues
223 to be decided by Council is inadmissible. A Council member, applicant, affected party, or
224 member of staff may raise an objection to the possibly irrelevant and immaterial
225 testimony or evidence. Such objection must be directed to the presiding officer. The
226 Council shall make rulings on objections to the relevance and materiality of the testimony
227 or evidence.
228

229 d. After each witness testifies, any Council member or the applicant is
230 permitted to question the witness. All questions shall be directed through the presiding
231 officer, who shall ask the witness the proper question, unless the presiding officer deems
232 the question to be irrelevant, immaterial, or repetitive. The presiding officer may seek
233 advice from the City Attorney to determine the proper scope of the questioning. The
234 questioning party is not permitted to make any statements but only shall ask questions
235 which are directly related to the testimony of the witness.
236

237 7. ~~Public comment.~~ After presentation of testimony by staff, applicant, and affected
238 parties, ~~those members of the public who are not affected parties, staff, or applicant~~
239 ~~/applicant's witnesses may be permitted to present their comments and/or testimony~~
240 ~~before Council. No applicant, applicant's witnesses, staff, or affected parties shall be~~
241 ~~allowed to speaking during the public comment portion of the proceedings.~~
242

243 8. Staff closing. Staff or any experts requested by staff may provide closing
244 comments and testimony at the request of Council. Council members may ask the staff
245 member or expert questions which are relevant to the issues to be decided. Such
246 presentations and any written documentation are considered evidence.
247

248 8. Rebuttal by applicant. The applicant shall be afforded an opportunity to rebut
249 testimony or evidence presented by opponent witnesses.¹
250

251 9. Disclosure of ex parte communication. In accordance with § 286.0115, Fla. Stat.,
252 and Resolution 2006-10-377, each Council member will disclose any oral or written ex
253 parte communication in regard to the application. Ex parte communication includes site
254 visits.
255

256 10. Close of testimony and public comment; deliberation by Council.
257

258 a. In reaching its decision, Council may only consider the evidence presented
259 at the hearing (both oral and documentary) and base its decision on competent,
260 substantial evidence of record. It must apply its codes and any relevant Florida Statutes.
261

¹ See *Carillon Community Residential Etc., Et Al. v. Seminole County*, 45 So. 3d 7 (Fla. 5th DCA 2010).

262 b. City Attorney may give guidance on what questions must be decided by
263 Council and what comprises legal competent and substantial evidence and the essential
264 requirements of the law.
265

266 c. When testimony and public comment is closed, and while Council is
267 deliberating, Council may, on its own motion, open testimony to receive clarification or
268 more information on a discrete and limited point. Rebuttal by the applicant shall be
269 afforded, and Council may seek testimony from staff. Testimony is then closed again, and
270 Council resumes deliberation.
271

272 11. Motion and vote of Council.
273

274 a. Council will orally announce its decision.
275

276 b. If Council denies the application, § 166.033, Fla. Stat., requires that
277 Council provide written notice of the denial to the applicant. The written notice must cite
278 to the applicable ordinance or rule as the basis for denial.

1 RESOLUTION NO. 2013-09-511

2 A RESOLUTION OF THE CITY OF MASCOTTE,
3 FLORIDA, AMENDING RESOLUTION 2011-06-446 TO
4 ADOPT ADDITIONAL POLICIES REGARDING PUBLIC
5 COMMENT AND PUBLIC PARTICIPATION IN
6 COMPLIANCE WITH FLORIDA STATUTES 286.0114
7 (2013); PROVIDING FOR SEVERABILITY, CONFLICTS,
8 AND AN EFFECTIVE DATE.

9 WHEREAS, the City Council of the City of Mascotte has traditionally permitted public
10 participation in its public meetings; and

11 WHEREAS, public participation in government business is the bedrock of American
12 government and should be protected, permitted, and not discouraged consistent with principles of
13 common and statutory law; and

14 WHEREAS, in 2013, the Florida Legislature adopted § 286.0114, Florida Statutes, that
15 requires municipal boards, councils, and commissions to provide members of the public a
16 reasonable opportunity to be heard on a proposition before a board, council, or commission
17 before official action is taken; and

18 WHEREAS, § 286.0114, Florida Statutes, allows councils and commissions to adopt
19 certain specific rules or policies to ensure orderly conduct and proper decorum at public
20 meetings, and, if a council or commission adopts and follows such rules or policies in
21 compliance with the statute, then a board, council, or commission within that local jurisdiction is
22 deemed to be acting in compliance with the statute.

23 NOTE: Words ~~stricken~~ are deletions and words underlined are additions to Resolution
24 2011-06-446.

25
26 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
27 CITY OF MASCOTTE, FLORIDA:

28 SECTION 1. Legislative Findings. The Whereas clauses above are hereby adopted as
29 legislative findings of the City Council.

30 SECTION 2. Principles of Civility, Order, and Proper Decorum in Public Meetings.

31 A. We hereby recommit ourselves to maintaining civility in our public and
32 political discourse and we pledge our commitment to the following principles:

33 1. We will respect the rights of all citizens in our community, staff, members of Council,
34 and others to hold different opinions.

Resolution 2013-09-511

35 2. We will respect the diversity of citizens, staff, members of Council, and others and
36 will provide fair and equitable treatment in all areas.

37 3. We will lead by example, using appropriate interpersonal skills, and will strive to
38 maximize citizen and staff involvement to further the visions of the City.

39 4. We will avoid communication which is hurtful to others, which is humiliating or
40 disparaging, or which marginalizes those whose opinions are different from ours.

41 5. We will strive to listen well to the views of others, to suspend personal judgment, and
42 to understand differing perspectives.

43 6. We will use words which encourage collaboration rather than words which are
44 emotionally charged and negative.

45 7. We will speak truthfully without accusation and we will avoid distortion.

46 8. We will speak out against violence, prejudice and incivility in all of their forms,
47 whenever and wherever they occur.

48 9. We will not make promises or commitments which we cannot reasonably expect to
49 fulfill.

50 10. We pledge to maintain the highest standards of professional behavior and to comply
51 with the laws, regulations, and policies under which we operate.

52 **B. We hereby recommit ourselves to maintaining order and proper decorum during**
53 **public meetings and we pledge our commitment to the following principles:**

54 1. The Mayor is the Chairperson and presiding officer of public meetings. Under the
55 Charter, the Mayor Pro Tem acts in place of the Mayor when required. All business shall be
56 addressed to the Mayor or Mayor Pro Tem acting in place of the Mayor. The Mayor shall be
57 charged with the duty of enforcing the rules of order as set forth in this resolution. If the rest of
58 Council disagrees with the decision of the Mayor, a majority vote of the Council shall be
59 binding. In the event a decision cannot be reached by the Council as to the manner of
60 proceeding on any matter, the Council may use Roberts' Rules of Order or standard rules of
61 parliamentary procedure as a guide to assist the Council in making a final determination.

62 2. All electronic devices, including cell phones and pagers, shall be either turned off or
63 otherwise silenced during public meetings.

65 3. Prolonged personal conversations, which are disruptive and distracting to others in
66 the room, shall be conducted outside Council meeting hall.

67 4. No person attending Council meetings shall be allowed to whistle or heckle, nor shall
68 any person be allowed to interrupt a speaker recognized by the Mayor (or Chair). No person shall

69 make obscene, vulgar, or abusive remarks, nor shall any person be allowed to make repetitive
70 remarks so as to become disruptive to the purpose of the meeting. No person shall be allowed to
71 become violent, aggressive, belligerent, or boisterous. Any such person shall be instructed by
72 the Mayor to cease making such remarks or engaging in such improper conduct. If the person
73 fails to comply with the Mayor's instruction, (s)he may be removed from the Council meeting
74 hall upon the Mayor's directive, unless a majority of Council grants such person permission to
75 remain in the Council meeting hall.
76

77 5. It shall be the duty of the Chief of Police or a member of the Police Department
78 acting as sergeant-at-arms to forcibly evict, if necessary, any person from the Council meeting
79 upon the order of the Mayor or Council at any such meeting. The sergeant-at-arms shall carry
80 out all orders and instructions given by the Mayor for the purpose of maintaining order and
81 decorum at the Council meeting.
82

83 6. Only those individuals who have signed the speaker list and/or who have been
84 recognized by the Mayor (or Chair) may address comments to the Council.
85

86 7. No questions shall be asked of a Council member, City Staff, Attorney, or other City
87 consultant except through the Mayor.
88

89 8. Only one speaker will be acknowledged at a time.
90

91 89. Public Participation during "Public Comments." There shall be an item on each
92 regular Council meeting agenda entitled "Public Comments." Each citizen wishing to address
93 the Council under this agenda item must submit his/her name, address, and the subject to be
94 discussed, at the beginning of the meeting to the City Clerk or City Manager, on a form provided
95 by the City. Each citizen shall state his/her name and whether (s)he is a citizen of Mascotte prior
96 to beginning his/her comments. The presentation by the citizen shall be limited to one (1)
97 appearance for a duration not to exceed five (5) minutes unless a majority of the Council feels
98 some other time limit is appropriate, and must address a subject or subjects other than a specific
99 item appearing on the agenda. Members of the public, though entitled to be heard by Council,
100 are not entitled to an immediate response by either administrative staff members or Council
101 members. If the Council decides that a matter arising during Public Comments requires further
102 review and discussion that cannot take place within the time allocated, the matter shall be
103 referred to City staff and placed on a subsequent agenda.
104

105 910. Public discussion on specific agenda items. The Mayor shall also allow citizens to
106 participate in the discussions of specific agenda items prior to a motion being made and
107 seconded by the Council. Each citizen wishing to address the Council concerning an agenda
108 item shall state his/her name and whether (s)he is a citizen of Mascotte prior to beginning his/her
109 discussion. Citizens shall be limited to one (1) appearance on each agenda item and may not
110 speak for more than five (5) minutes, unless a majority of the Council feels some other time limit
111 is appropriate. Members of the public, though entitled to be heard by Council, are not entitled to
112 an immediate response by either administrative staff members or Council members. Once public
113 discussion is closed, Council discussions will take place which may or may not include a
114 response. No question by the public should be addressed directly to any member of the

administrative staff – all must be directed to the Mayor. After all citizens who wish to speak on the item are afforded the opportunity, the Council will then make a motion, if deemed appropriate, deliberate the issue, and take the final appropriate action.

11. When multiple speakers appear to speak on one topic. In the event a group of persons supporting or opposing the same position desires to be heard, in the interest of time and to avoid repetitious comments, a spokesperson shall be designated to express the group's concerns. However, a person in the group may make comments which were not included in the spokesperson's comments.

12. Public participation in workshops. During workshops, which are open to the public, Council typically considers propositions but takes no formal vote. Council shall invite public comment at workshops. However, when no proposition is being considered, Council is under no obligation to invite public comment. Examples of workshops when no propositions are usually considered include and are not limited to: visits by state or county officials to educate or raise awareness of the workings of the state or county government; and educational workshops for boards or council members on topics such as sunshine law, public records, parliamentary procedure, quasi-judicial proceedings, and statutory ethical requirements.

13. Public participation on Consent Agenda matters. The Council agenda typically includes a Consent Agenda, during which Council adopts a series of measures listed on the Consent Agenda in one vote. If one or more Council members requests that an item(s) be removed from the Consent Agenda for discussion during the main agenda, the item(s) shall be removed and placed on the main agenda without necessity of a formal vote of Council. The Mayor or Mayor Pro Tem, acting as presiding officer, shall invite any of the public to request that an item be removed from the Consent Agenda and placed on the main agenda for discussion and public comment. However, no public comment shall be required for ministerial items on the Consent Agenda, such as, and not limited to, approval of minutes of meetings, ceremonial proclamations, and items provided for informational purposes only and are not propositions.

14. Exceptions when public participation is not required. The right of the public to a reasonable opportunity to be heard does not apply:

- (a) When an official act must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements for public participation would cause an unreasonable delay in the ability of the Council to act;
- (b) When an official act involves a ministerial act, including but not limited to, approval of minutes and ceremonial proclamations;
- (c) When the Council holds an executive session pursuant to § 286.011, Florida Statutes;
or
- (d) When a public hearing is held before Council acting in its quasi-judicial capacity, pursuant to Resolution 2011-10-455. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

SECTION 23. We hereby further pledge to exhibit and encourage the kinds of personal qualities that are emblematic of and predominate our communities and society in general:

161 gratitude, humility, openness, passion for service to others propriety, kindness, honesty, caring,
162 faith, sense of duty, and a commitment to doing what is right.

163 **SECTION 4.** If any section, sentence, clause or phrase of this Resolution is held to be
164 invalid or unconstitutional by any court of competent jurisdiction, that holding in no way affects
165 the remaining portions of this Resolution.

166
167 **SECTION 5.** All resolutions in conflict herewith are hereby repealed to the extent of
168 such conflict.

169
170 **SECTION 6.** This resolution shall take effect immediately upon its approval.

171 **PASSED AND APPROVED** this _____ day of September, 2013.

172 **CITY OF MASCOTTE, FLORIDA**

173
174
175
176 _____
177 Tony Rosado, Mayor

178 ATTEST:

179
180 _____
181 Michelle Hawkins, City Clerk

182 (Seal)

ORDINANCE NO. 02-01 (as amended)

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH,
FLORIDA IMPLEMENTING THE PROVISIONS OF
SECTION 286.0115, FLORIDA STATUTES, TO ESTABLISH A
PROCEDURE GOVERNING EX PARTE COMMUNICATIONS
WITH LOCAL PUBLIC OFFICIALS; AND PROVIDING FOR
AN EFFECTIVE DATE.**

WHEREAS, the City of St. Augustine Beach, Florida (the “City”) desires to implement Section 286.0115(1) Fla. Stat., by establishing a process to disclose ex parte communications (communications made on behalf of one side only. without the presence of the other side) with local public officials; and

WHEREAS, the purpose of the process is to eliminate the presumption of prejudice resulting from inadvertent communications from citizens who might be unaware of the implications of ex parte communications on issues of due process in quasi-judicial hearings, and

WHEREAS, it is the policy of the City that ex parte communications in quasi-judicial matters are to be discouraged; and

WHEREAS, all members of any Board of the City are requested by the City Commission to discourage any such ex parte communications and to advise any person making such an ex parte communication relating to a quasi-judicial matter to

provide such comments either at a scheduled hearing or in writing through the Office of the City Manager;

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, AS FOLLOWS:

Section 1 ARTICLE IV, Chapter 2 of the St. Augustine Beach Code is amended by the addition of a new section to be known as Section 2-121 to read as follows:

Sec. 2-121. Ex parte Communications.

Communications with local public officials [as defined in Sec. 286.0115(1)(b)], Fla.Stat. regarding quasi-judicial matters [as defined in Board of County Commissioners of Brevard County v. Snyder, 627 So.2d 469 (Fla. 1993)], including the adjudication of the rights of persons and the application of a general rule or policy to a specific individual, property, interest or activity shall be governed by the following procedure:

Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official representing the City the merits of any matter on which action may be taken by any board, council or commission on which the local public official is a member. Such communication shall not raise any presumption of prejudice provided that the following process of disclosure occurs:

(a) The subject and substance of any ex parte communication with a local public official representing the City which relates to quasi-judicial action pending before the official, as well as the identity of the person, group or entity with whom the communication took place, is disclosed and made a part of the record before final action is taken on the matter.

(b) A local public official representing the City may read a written communication from any person; however, a written communication that relates to quasi-judicial action pending before such official shall be made a part of the record before final action is taken on the matter.

(c) A local public official representing the City may conduct investigations, make site visits and receive expert opinions regarding quasi-judicial action pending before him or her, provided that such activities and the existence of such investigations, site visits, or expert opinions is made a part of the record before final action is taken on the matter.

(d) Disclosure made pursuant to paragraphs (1), (2) and (3) above must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.

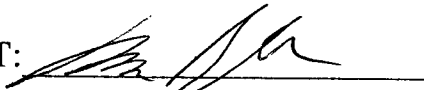
Section 2. Effective Date. This Ordinance shall be effective immediately

upon adoption on second reading.

PASSED by the City Commission of the City of St. Augustine Beach, Florida, upon Second Reading 1st day of April, 2002.

**CITY COMMISSION OF THE
CITY OF ST. AUGUSTINE
BEACH**

ATTEST:



City Manager

By:



Mayor-Commissioner

First reading: March 4, 2002

Second reading: April 1, 2002

Motion

It is moved by Commissioner Holmberg , and seconded by Commissioner Ratz-Broudy , that Proposed Ordinance 02-01 be amended by the addition of the underlined text contained in Findings provisions of the proposed Ordinance.

Motion Passed: March 4, 2002

City Attorney's Comments:

Florida Statutes 286.0115 provides:

286.0115 Access to local public officials; quasi-judicial proceedings on local government land use matters.--

(1)(a) A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(b) As used in this subsection, the term "local public official" means any elected or appointed public official holding a county or municipal office who recommends or

takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(c) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.

1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

(2)(a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government land use matters, a person who appears before the decisionmaking body who is not a party or party-intervenor shall be allowed to testify before the decisionmaking body, subject to control by the decisionmaking body, and may be requested to respond to questions from the decisionmaking body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decisionmaking body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an

expert witness, as appropriate.

(c) In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decisionmaking body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decisionmaking body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decisionmaking body. All decisions of the decisionmaking body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3) This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

From the above you will observe that there are several requirements as to Ex Parte communications and that the use of the section is not quite as simple as several speakers at your December meeting would have had you believe. The Statute specifically requires that the ex parte communication is authorized if: “the subject of the communication and the **identity** of the person, group, or entity with whom the communication took place is **disclosed**.” (Emphasis supplied).

Additionally, it should be noted that the purpose of the statute is to eliminate

a **presumption** of prejudice as a result of ex parte communications. The presumption of prejudice arises out of a case, *Jennings v. Dade County*, 589 So.2d 1337, (Fla.App. 3 Dist.,1991) which held:

“A quasi- judicial hearing generally meets basic due process requirements if the parties are provided notice of the hearing and an opportunity to be heard. In quasi- judicial zoning proceedings, the parties must be able to present evidence, cross-examine witnesses, and be informed of all the facts upon which the commission acts.”

The Court further held:

The reported decisions considering the due process effect of an ex parte communication upon a quasi-judicial decision are conflicting. Some courts hold that an ex parte communication does not deny due process where the substance of the communication was capable of discovery by the complaining party in time to rebut it on the record. *See, e.g.* Richardson v. Perales, 402 U.S. 389, 410, 91 S.Ct. 1420, 1431-32, 28 L.Ed.2d 842 (1971); United Air Lines, Inc. v. C.A.B., 309 F.2d 238 (D.C.Cir.1962); Jarrott v. Scrivener, 225 F.Supp. 827, 834 (D.D.C.1964). Other courts focus upon the nature of the ex parte communication and whether it was material to the point that it prejudiced the complaining party and thus resulted in a denial of procedural due process. E.g., Waste Management v. Pollution Control Bd., 175 Ill.App.3d 1023, 125 Ill.Dec. 524, 530 N.E.2d 682 (Ct.App.1988), appeal denied, 125 Ill.2d 575, 130 Ill.Dec. 490, 537 N.E.2d 819 (1989); Professional Air Traffic Controllers Org. (PATCO) v. Federal Labor Relations Auth., 685 F.2d 547, 564-65 (D.C.Cir.1982); Erdman v. Ingraham, 28 A.D.2d 5, 280 N.Y.S.2d 865, 870 (Ct.App.1967).]

The county adopts the first position and argues that Jennings was not denied due process because he either knew or should have known of an ex parte communication due to the mandatory registration required of lobbyists. The county further contends that Jennings failed to avail himself of section 33-316 of the Dade County Code to

subpoena the lobbyist to testify at the hearing so as to detect and refute the content of any ex parte communication. We disagree with the county's position..

Ex parte communications are inherently improper and are anathema to quasi-judicial proceedings. Quasi-judicial officers should avoid all such contacts where they are identifiable. However, we recognize the reality that commissioners are elected officials in which capacity they may unavoidably be the recipients of unsolicited ex parte communications regarding quasi-judicial matters they are to decide. The occurrence of such a communication in a quasi-judicial proceeding does not mandate automatic reversal. Nevertheless, we hold that the allegation of prejudice resulting from ex parte contacts with the decision makers in a quasi-judicial proceeding states a cause of action. E.g., *Waste Management; PATCO*. Upon the aggrieved party's proof that an ex parte contact occurred, its effect is presumed to be prejudicial unless the defendant proves the contrary by competent evidence. § 90.304. See generally *Caldwell v. Division of Retirement*, 372 So.2d 438 (Fla.1979) (for discussion of rebuttable presumption affecting the burden of proof). Because knowledge and evidence of the contact's impact are peculiarly in the hands of the defendant quasi-judicial officer(s), we find such a burden appropriate. See *Technicable Video Sys. v. Americable*, 479 So.2d 810 (Fla. 3d DCA 1985); *Allstate Finance Corp. v. Zimmerman*, 330 F.2d 740 (5th Cir.1964).

In determining the prejudicial effect of an ex parte communication, the trial court should consider the following criteria which we adopt from *PATCO*, 685 F.2d at 564-65:

[w]hether, as a result of improper ex parte communications, the agency's decisionmaking process was irrevocably tainted so as to make the ultimate judgment of the agency unfair, either as to an innocent party or to the public interest that the agency was obliged to protect. In making this determination, a number of considerations may be relevant: the gravity of the ex parte communications; whether the contacts may have influenced the agency's ultimate decision; whether the party making the improper contacts benefited from the agency's ultimate

decision; whether the contents of the communications were unknown to opposing parties, who therefore had no opportunity to respond; and whether vacation of the agency's decision and remand for new proceedings would serve a useful purpose. Since the principal concerns of the court are the integrity of the process and the fairness of the result, mechanical rules have little place in a judicial decision whether to vacate a voidable agency proceeding. Instead, any such decision must of necessity be an exercise of equitable discretion. Accord *E & E Hauling, Inc. v. Pollution Control Bd.*, 116 Ill.App.3d 586, 71 Ill.Dec. 587, 603, 451 N.E.2d 555, 571 (Ct.App.1983), *aff'd*, 107 Ill.2d 33, 89 Ill.Dec. 821, 481 N.E.2d 664 (1985).

Accordingly, we hold that the allegation of a prejudicial *ex parte* communication *1342 in a quasi-judicial proceeding before the Dade County Commission will enable a party to maintain an original equitable cause of action to establish its claim. Once established, the offending party will be required to prove an absence of prejudice.

The question of the impact of the statute on the validity of proceedings in which an *ex parte* communication has been received has not yet been fully determined by the Courts. Quite clearly, however, the only thing the statute purports to do is eliminate an automatic presumption of prejudice. It does not eliminate a challenge to a final determination where the *ex parte* communication has been received. Additionally, it should be noted that the question of an *ex parte* communication is a two-way street. In *Jennings* it was the developer who lobbied the member. Frequently, prior to *Jennings* it was developers and their engineers who lobbied commission members and board members with private “dog and pony” shows as to how great the proposed development would be. The members of the

public, thus, had little opportunity to rebut these private ex parte communications, particularly where, as a result, members of a planning and zoning board had already made up their minds as a result.

Currently, The City of St. Augustine and St. Johns County have adopted ordinances similar to that proposed here. There has, to my knowledge, been one challenge to a County action as a result of an ex parte communication. The question of the constitutionality of the statute was not raised and the Court sustained the County's action. The Town of Hastings has not adopted such an ordinance.

RESOLUTION NO. 17-01

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

**RE: PROVIDING FOR RULES FOR
PUBLIC COMMENTS AND
DECORUM FOR MEETINGS
AND HEARINGS OF THE CITY
COMMISSION AND
APPOINTED BOARDS AND
COMMITTEES**

WHEREAS, the city commission wishes to provide uniform rules for public comment and decorum for the orderly operations of public meetings and public hearings scheduled for the city commission and its appointed boards and committees; and

WHEREAS, pursuant to chapter 286.0114, Florida statutes, members of the public are given a reasonable opportunity to be heard on propositions before the commission; and

WHEREAS, pursuant to chapter 286.0114, Florida statutes city is empowered to provide rules, policies and procedures for public meetings consistent with Florida law; and

WHEREAS, pursuant to chapter 286.0114, Florida statutes, boards and commissions may maintain orderly conduct and proper decorum in a public meeting; and

WHEREAS, the presiding officer at a local government meeting has a significant governmental interest in managing an efficient public meeting agenda, in conserving time, and ensuring that others have an opportunity to speak, and

WHEREAS, removing a disruptive individual from the meeting is a reasonable time place and manner restriction of speech; and

WHEREAS, public meetings are attended by a diverse group of individuals, including minor children, and such meetings are routinely broadcast live on the Internet and by cable television providers;

NOW, THEREFORE, BE RESOLVED BY, the City Commission of the City of St. Augustine Beach, Florida that:

Section 1.

Except for public hearings required by law, comments by the public should be allowed on items on the agenda and matters of particular interest to speakers only at Public Comments section of the agenda. There shall be two separate Public Comment sections in the agenda, one section for the public to speak on matters not on the agenda, and one for matters on the agenda. At Public Comments for items not on the agenda, speakers are limited to three (3) minutes per speaker, as

provided hereafter. For Public Comments for matters on the agenda, speakers are limited to five (5) minutes per speaker, as provided hereafter.

Section 2.

If a group wishes to make a presentation to the commission, board or committee, whether on public hearings, agenda items or in general public comments, they may appoint a representative that will be allowed to make their presentation for a reasonable time exceeding three minutes, which may be ended by the Mayor or Presiding officer if the presentation becomes repetitive. Other members of the group would still be allowed their three minutes to comment individually.

Section 3.

The Commission, board or committee shall not take formal action upon issues or matters presented by the citizenry under public comments at the same meeting. If formal action is required, the item will be scheduled for the next regular Commission meeting for consideration. Items not requiring commission action shall be directed to the city manager for consideration and further action. Commission may, by majority vote, act on items that are declared by the Commission to constitute an emergency.

Section 4.

The Mayor or Chairperson may extend the courtesies of the floor to any person he or she may see fit at any time during the deliberations of the City Commission unless there is an objection. It shall not be necessary for a member of the City Commission to move that the courtesies of the floor be extended. It shall be sufficient if the City Commissioner makes the request, and the Mayor shall grant such request unless there is an objection. Any person addressing the Commission shall do so from the lectern after stating their name and physical address for the record.

Section 5.

If a person or agent of a person wishes to address the City Commission to make general public comments or discuss items listed on the agenda but not requiring a separate public hearing, the person desiring to speak should complete a *Request to Speak* card available at the back of the meeting chamber. The speaker should indicate on the card the subject of the comment and should submit the card to the City Clerk who will then forward it to the Vice Mayor. At the appropriate portion of the meeting, under *Public Comment* or at the time of the *Public Hearing* on agenda items requiring a public hearing, the Deputy Mayor will call the name of each person submitting a card and request that person to come forward. After being recognized, the person should come to the podium and, for the public record, state his or her name and physical address. For agenda

items, the speaker should state whether he or she favors or disfavours the item he or she wishes to address. For non-agenda items, the speaker should identify the subject of the presentation and make his or her statement. Agents shall identify themselves, identify their client by name and client's address. The speaker should then proceed to state his or her position or present information. Appearances on all items will be limited to three (3) minutes, and no person may speak for more than three (3) minutes during any Public Comment or Public Hearing period unless the Mayor allows otherwise. Upon notice by any Commissioner, the Commission may, by majority vote, overrule the Mayor's decision and extend the speaker's time. A speaker may not donate speaking time to another speaker. Persons desiring to distribute handouts must provide copies to the City Clerk. Persons wishing to display an electronic presentation, drawing or rendering must contact the City Clerk prior to the meeting and make arrangements for a copy for the record.

Section 6.

City Commission meetings are formal governmental meetings conducted to transact public business. In conducting the public's business, the City commits to the principles of civility, honor and dignity. Individuals appearing before the City are requested to observe the same principles when making comments on items and issues presented to the City for their consideration. The City Commission may request that individuals providing testimony and evidence in a quasi-judicial proceeding be sworn-in as witnesses.

Section 7.

When submitting petitions to the City Commission at a public meeting when the petition is not part of another agenda item, the person should present the petition during the Public Comment period. The person presenting the petition to the City Commission should give it to the Mayor at the beginning of the presentation and provide a brief overview of the reason behind the petition. The presentation must be limited to three (3) minutes. The City Commission may accept the petition for further review and determine whether and when to schedule the item for discussion.

There are occasions when petitions are submitted to the City through the mail or brought into the City Offices. When petitions are received by the City in this way, a copy of the petition will be presented to the City Manager who will determine whether to schedule the item for discussion with the City Commission.

Any City Commissioner may schedule as an agenda item or make a presentation during Commissioner Comments regarding a petition received by the City.

Petitions received in relation to a quasi-judicial matter shall be maintained as part of the record of that hearing but will not be used as evidence in the proceeding.

Section 8.

Workshop Sessions of the Commission shall be open to the public. The purpose of the meetings shall be for Commission discussion with City staff, boards, committees or other specific persons. The City Commission will provide for an opportunity for public comment on the agenda for each workshop, in the same manner as regular meetings.

Section 9.

All exhibits presented at a Commission meeting shall be presented in a manner allowing viewing by the public, as reasonably possibly. The City Clerk will retain all exhibits in accordance with the Florida Public Records Act and make them available to the public. The City Clerk may release the exhibits to the individual submitting the exhibits provided no appeal has been filed within the court system relative to the matter concerning the exhibits; and provided that the individual reclaims the exhibits with a signature of release. In the event the original exhibit is released, the individual reclaiming the exhibit must provide a copy, photograph or recording fairly capturing the original for retention by the City Clerk in accordance with the State of Florida public records retention policy.

Section 10.

Speaker may present their viewpoint in this limited public forum without using terminology or gestures that cause a disruptive environment for public officials in the discharge of their duties or cause a disruptive environment hostile to the participation of other members of the public. Any person violating the rules of decorum as described in the section or otherwise displaying disruptive behavior, such as but not limited to, shouting, noisemaking, issuing threats, harassing or intimidating members of the public, interfering with the duties of elected or appointed officials and city staff during a public meeting, or otherwise interrupting or disrupting the proceedings may be removed from the public assembly pursuant to law. Each speaker must comply with the following rules of decorum when addressing the Commission, Board or Committee:

- a. the speaker may not address the commission, board or committee from the audience.
- b. The speaker may only approach the podium to speak when recognized by the chairperson.
- c. Speaker may not approach the dais without the chairperson's permission.
- d. Speaker must direct questions and comments at the commission, board or committee through the chairperson.
- e. The speaker must observe the time limits set for public comment.

- f. The speaker at the public hearing must limit his or her comments to the subject of the hearing.
- g. Speaker must avoid making irrelevant repetitive personal impertinent or slanderous comments.

A speaker violating these rules of decorum or otherwise disrupting a meeting may be gaveled out of order by the chairperson, and if the speaker willfully refused to abide by the lawful order of the chairperson to cede the floor and cease and desist all disruptive behavior, the speaker may be removed for disrupting a public assembly pursuant to chapter 871.01, Florida statutes.

Section 11. That this resolution shall supersede all resolutions or rules previously adopted on the subjects contained herein and in the event of any conflict in terms, this resolution shall govern.

Section 12. This resolution shall become effective immediately upon its adoption.

RESOLVED AND DONE, this ____ day of _____, 2017, by the city commission of the city of St. Augustine Beach, St. Johns County Florida.

Rich O'Brien, Mayor

ATTEST:

City Manager

MEMORANDUM

TO: Mayor O'Brien
Vice Mayor George
Commissioner Snodgrass
Commissioner England
Commissioner Kostka

FROM: Max Royle, City Manager 

DATE: March 28, 2017

SUBJECT: Award of Bids:

- A. Paver Blocks for Parking Improvements Along 16th Street Right-of-Way
- B. Piping Ditch on East Side of Ocean Woods Subdivision

ITEM A. PARKING IMPROVEMENTS

Attached (page 1) is a memo from the Public Works Director, Mr. Joe Howell, in which he describes this project and the bids received for it. The project will provide porous paver blocks along the north side of the 16th Street right-of-way east of A1A Beach Boulevard and additional paver blocks to the ones that were laid in Fiscal Year 2016 along the north side of 16th Street, west of the Boulevard. These additional blocks will increase the number of parking spaces along that section of 16th Street.

Please note that the Public Works Director and the City Manager informed the owners/residents of the properties along 16th Street east of the Boulevard of this project and invited them to a meeting at city hall to learn about the project. None of the residents were against it.

The same had been done in 2016 for the owners/residents of the properties along 16th Street west of the Boulevard. No one objected to the project then, which is a major reason the paver blocks were put along that section of 16th Street last year.

Please note that the same notification/public information process will be used for proposed parking improvements along the north side of 4th Street and the south side of 5th Street, both east of the Boulevard. These projects may be included in the Fiscal year 2018 budget.

Action Requested

That you award the bid to the lowest bidder, A.W.A. Contracting, for \$56,725.00.

ITEM B. OCEAN WOODS DITCH

Along the east side of the Ocean Woods subdivision, which is on the south side of 16th Street and east of Mickler Boulevard, there is a platted drainage easement. For years, the City received requests from residents adjacent to it that the ditch be piped. They have said that the ditch is overgrown, unsightly, snake-infested, and thus a danger to children and pets. The City, from time to time, has trimmed the vegetation in the ditch. In response to the residents' concerns, you appropriated money in the Fiscal Year 2015 budget for the City's civil engineering consultant, Stone Engineering, to do the engineering, planning, and permitting phase to pipe the ditch. Then, in FY 2017, you approved the funding for the project.

Attached is a memo (page 2) from the Public Works Director, in which he describes the project and lists the bids received. You'll note that the lowest bidder, A.W.A. Contracting, is well under its competitors. The Director has spoken to A.W.A. and Stone Engineering about this and is satisfied that A.W.A. is a responsible bidder.

Action Requested

That you award the bid to A.W.A. Contracting for \$292,386.50.

Mr. Howell can explain this project and the parking improvements one in more detail at your April meeting and answer any questions you may have concerning them.

PLEASE NOTE: 1. You appropriated \$442,000 for drainage improvements in the FY 2017 budget. As of the end of February, \$410,295 remained in the account.

2. A letter has been sent to those residents who live adjacent to the ditch, informing them that you will review the bids for the project at your April 3rd meeting and inviting them to the meeting.

3. There may be some citizens who will ask you not to approve the piping of the ditch, because they believe that ditches provide habitat for wildlife such as frogs, turtles, and snakes. We must point out that drainage ditches can also provide habitat for species of mosquitoes that are dangerous to humans. As the Ocean Woods ditch is largely adjacent to private property, it is difficult for Mosquito Control workers to spray it to eliminate the mosquitoes. Also, the piping of the Ocean Woods ditch is part of the City's long-term effort to pipe ditches wherever feasible. The next project, depending on the availability of funding, will be the piping of the ditch between Pope Road and 16th Street.

MEMORANDUM

Date: March 27, 2017

To: Max Royle, City Manager

From: Joe Howell, Public Works Director

Subject: 16th Street Parking Improvements Project – Recommendation of Award of Bid

In FY 17 the City budgeted to construct off beach parking improvements along 16th St. east of Beach Blvd. similar to those previously constructed on the west side. In an effort to provide as many improved parking spaces as possible within the constraints of the budget, five additional parking spaces were added on the west side of Beach Blvd. to the original concept, bringing the total constructed by this project to 25 improved parking spaces. In a further effort to reduce the project costs the Public Works Department has directly purchased, or contracted for the delivery of all of the materials outside of the construction contract.

There were a total of ten companies that requested bid documents. Five companies responded and submitted bids for the project. The bid tabulation is provided below.

16th Street Parking Improvements Bid Tabulation

BIDDER	BID AMOUNT
Sparks Concrete, LLC	\$160,000
A.W.A. Contracting Co.	\$56,725
BGCO, Inc.	\$151,614
Lakeview Dirt Company, Inc.	\$63,500
Crossroads Site Development, LLC	\$79,500

A.W.A. Contracting Co. is the lowest responsible bidder. They are currently the St. Johns County Miscellaneous Project contractor and have successfully completed many projects for the City.

Action Requested: Award the bid for the 16th St. Parking Improvements Project to A.W.A. Contracting Co. in the amount of \$56,725.

MEMORANDUM

Date: March 27, 2017

To: Max Royle, City Manager

From: Joe Howell, Public Works Director

Subject: Ocean Woods Ditch Drainage Improvement Project
Recommendation of Award of Bid

In FY 16 the City budgeted for the engineering design and permitting of the Ocean Woods Ditch Drainage Improvement Project. The project will pipe in an existing drainage ditch beginning at the west end of 12th St., extending west across the back yards of the residents on Deanna Dr., angling 90° to the north at the Ocean Woods subdivision and extending across the back yards of residents of Ocean Woods Dr., and connecting to the drainage pipe under 16th St. In FY 17 the City budgeted to construct the drainage improvement project.

There were a total of 11 companies that requested bid documents. Five companies responded and submitted bids for the project. The bid tabulation is provided below.

16th Street Parking Improvements Bid Tabulation

BIDDER	BID AMOUNT
Grimes Utilities, Inc.	\$611,892
Vallencourt, Inc.	\$657,153.44
A.W.A. Contracting Co., Inc.	\$292,386.50
BGCO, Inc.	\$682,119
VJ Usina Contracting, Inc.	\$685,000

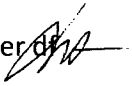
It is worth noting the obvious that four of the five contractors submitting bids are within approximately 11% of one another in price, while the low bidder is less than half the price of the second lowest bidder. It is also worth noting that there is only \$400,000 budgeted for the project. I have spoken directly with the low bidder and our engineering consultant. The contractor is confident in their price and our consultant does not see that we have anything to lose by moving forward with the low bidder.

A.W.A. Contracting Co. is the lowest responsible bidder. They are currently the St. Johns County Miscellaneous Project contractor and have successfully completed many projects for the City.

Action Requested: Award the bid for the Ocean Woods Ditch Drainage Improvements Project to A.W.A. Contracting Co. in the amount of \$292,386.50.

MEMORANDUM

TO: Mayor O'Brien
Vice Mayor George
Commissioner Snodgrass
Commissioner England
Commissioner Kostka

FROM: Max Royle, City Manager 

DATE: March 16, 2017

SUBJECT: Ordinance 17-01, First Reading, to Vacate Alley in Block 19, Chautauqua Beach Subdivision

BACKGROUND

Mr. David Mullins, owner of the Sunshine Shop, which is adjacent to the alley, has requested that it be vacated. The alley is located between his business and the Tides Oyster Company (the former Dunes Cracker House restaurant) and goes from A1A Beach Boulevard west to 2nd Avenue.

The Comprehensive Planning and Zoning Board reviewed the request at its February 21, 2017, meeting and by unanimous vote recommended to you that it be vacated. More than 70% of the owners of the lots adjacent to the alley had signed a petition requesting that it be vacated.

At your March 6th meeting, you held a public hearing concerning the request. No member of the public objected to it. The City Attorney then prepared an ordinance.

ATTACHMENTS

Attached for your review is the following:

- a. Pages 1-5, the application for the vacation from Mr. Mullins.
- b. Page 6, a memo from the Planning Board's Secretary, Ms. Bonnie Miller, in which she states the Board's unanimous recommendation to you that the alley be vacated.
- c. Pages 7-8, Ordinance 17-01.

ACTION REQUESTED

It's that you pass Ordinance 17-01 on first reading.

If you do, the Ordinance will then be scheduled for a public hearing and final reading at your May 1st meeting.

PLEASE NOTE: As is customary for alley vacation requests, the Ordinance states that an easement along it has been reserved for drainage and public utilities.

Memorandum

TO: Members of the Comprehensive Planning and Zoning Board
FROM: Gary Larson, Building Official
DATE: February 15, 2017
RE: Vacating Alley File No. V 2017-01

Mr. Dave Mullins has placed before you for consideration, a request to vacate the unused alleyway between 3rd and 4th Streets, west of the Boulevard to 2nd Avenue. The required signatures are with the application. The subject parcels are within Block 19, Chautauqua Beach Subdivision.

You will provide a recommendation to the City Commission regarding your decision following review and discussion.

APPLICATION FOR VACATING STREET/ALLEY/EASEMENT
CITY OF ST. AUGUSTINE BEACH, FLORIDA

APPLICATION AND ZONING SIGN FEE: \$257.50 DATE: 1/19/17

NAME OF APPLICANT: David Mullins

ADDRESS: 605 Stafford Lane, St Augustine, FL 32086

PHONE: 904-669-1650

LEGAL DESCRIPTION OF ALLEY/STREET TO BE VACATED: _____

3rd and 4th Street (Block 19 Alley, Chautauqua Beach)

LOCATION: ON The West SIDE OF A1A Beach Blvd

BETWEEN 3rd Street AND 4th Street

RECORDED IN MAP BOOK: 2 PAGE(S): 5 OF THE PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLORIDA

REASON FOR VACATION OR ABANDONMENT OF STREET/ALLEY/EASEMENT: _____

Alley Way Unused

THE FOLLOWING ITEMS ARE INCLUDED WITH THIS APPLICATION:

- ☒ PLAT, MAP OR LOCATION DRAWING OF ALLEY/STREET TO BE VACATED
- ☒ NAMES AND ADDRESS OF OWNERS OF REAL PROPERTY ABUTTING AND ADJOINING THE ALLEY/STREET FOR WHICH THE VACATION IS REQUESTED (To be acquired from St. Johns County Real Estate/Survey Department, telephone number 904-209-0760)
- ☒ STAMPED AND ADDRESSED ENVELOPES OF OWNERS OF REAL PROPERTY ABUTTING AND ADJOINING THE ALLEY/STREET TO BE VACATED
- ☐ OTHER RELEVANT INFORMATION WHICH MAY BE REQUIRED BY THE CITY:

NAME:

ADDRESS:

1. The Mullins Group - 605 Stafford Lane, St Augustine, FL 32086
2. Kevin and Jo Ann Vahey - 40 Jessica Lynn Place, St Augustine, FL 32080
3. Dwight L Preheim Trust - P.O. Box 208, St Augustine, FL 32080
4. Wayne Tregler - 106 3rd Street, St Augustine, FL 32080
5. Nick Deren Rev Living Trust - 108 3rd Street, St Augustine, FL 32080
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Per Ordinance No. 15-05, Section 18-51(e) of the St. Augustine Beach Code, which is attached to this application, the names and addresses of the owners of the real property bounding and abutting the property for which the vacation is requested and shall be taken from the current tax assessment roll. The written consent of each owner shall be obtained by the applicant and filed upon application with the office of the City Manager, but if 100% of the real property owners do not sign written consent, **then a minimum of 70% of the real property owners must sign a written consent and the applicant must demonstrate that the vacation will not adversely affect nor negatively impact those property owners who have not signed a written consent, which demonstration may necessitate the applicant obtaining the opinion of a traffic engineer, surveyor or other professional.** Nothing about this subsection changes the way in which vacated streets, alleys and/or easements vest property rights.

David C. Mullins
SIGNATURE OF APPLICANT

1/19/17
DATE

STATE OF FLORIDA
COUNTY OF St. Johns

Sworn to (or affirmed) and subscribed before me this 19th day of January
2017, by David Mullins
who is personally known to me _____ or who has produced identification _____.

Type of identification produced _____

Bonnie J. Miller
Signature of Notary Public—State of Florida

Bonnie J. Miller
Name of Notary Public Typed, Printed or Stamped



NOTARY PUBLIC
STATE OF FLORIDA
Comm# FP942361
Expires 3/30/2020

FEE CHARGES

VACATING ALLEY/STREET APPLICATION FEE: \$250.00 (Acct. #34120)

ZONING SIGN FEE: \$7.50 (Acct. #50471.515)

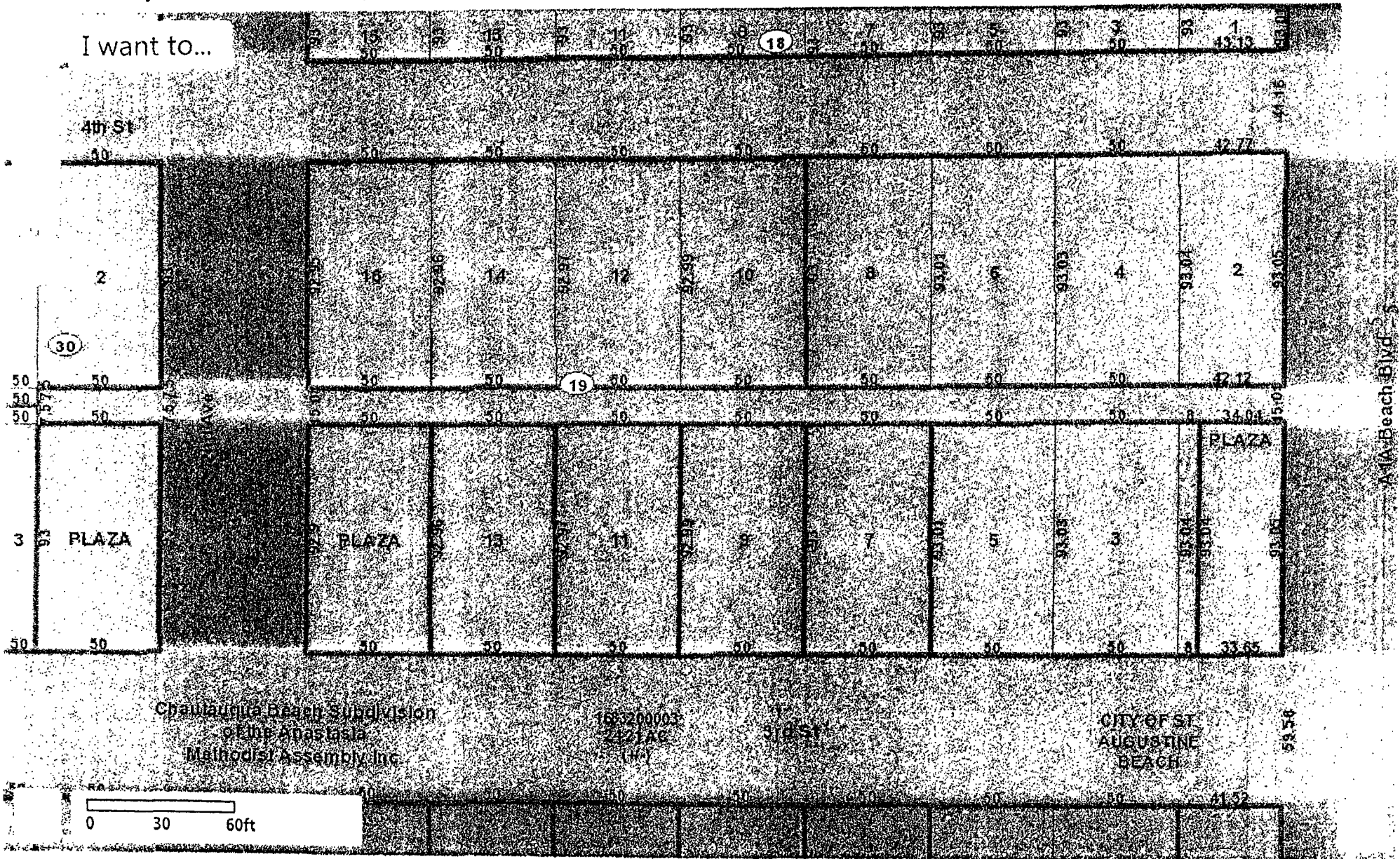
DATE PAID: 1-19-2017 CASH/CHECK #: 5187

RECEIVED BY: BM RECEIPT #: 26535

Tools Navigation Find Data Measurement Draw

- Home
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- Clear
- Print
- Export
- Disclaimer

I want to...



MEMO

To: Max Royle, City Manager
From: Bonnie Miller, Executive Assistant
Subject: Vacating Alley File No. V 2017-01
Date: Wednesday, February 22, 2017

Please be advised that at its regular monthly meeting held on Tuesday, February 21, 2017, the City of St. Augustine Beach Comprehensive Planning and Zoning Board voted unanimously to recommend the City Commission approve an application to vacate a 15-foot-wide alley right-of-way, to incorporate said alley right-of-way into the square footage of the owners of real property adjacent to and/or abutting the alley.

The application was filed by David Mullins, 605 Stafford Lane, St. Augustine, Florida, 32080, PERTAINING TO A STRIP OF LAND 15 (FIFTEEN) FEET IN WIDTH IN BLOCK 19, CHAUTAUQUA BEACH SUBDIVISION, BEING ALL THAT STRIP OF LAND LYING EAST OF THE WEST LINE OF SAID BLOCK 19, WEST OF THE EAST LINE OF SAID BLOCK 19, NORTH OF THE NORTH LINE OF LOTS 3, 5, 7, 9, 11, AND 13 OF SAID BLOCK 19, AND SOUTH OF THE SOUTH LINE OF LOTS 2, 4, 6, 8, 10, 12, 14, AND 16 OF SAID BLOCK 19, ALL IN SECTION 34, TOWNSHIP 7, RANGE 30, AS RECORDED IN MAP BOOK 2, PAGE 5, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, located north of 3rd Street, south of 4th Street, east of 2nd Avenue, and west of A1A Beach Boulevard, per Article III, Sections 18-50--18-56 of the St. Augustine Beach Code, as amended by Ordinance No. 15-05.

The motion to recommend the City Commission vacate the City-owned right-of-way of the above-described alley in Block 19, Chautauqua Beach Subdivision, was made by Mr. Holleran, seconded by Mr. Bradfield, and passed 7-0 by the Board by unanimous voice-vote.

ORDINANCE NO. 17-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA RELATING TO STREETS AND PUBLIC RIGHTS-OF WAY; VACATING AND ABANDONING PART OF AN UNNAMED 15 FOOT ALLEY LYING WITHIN BLOCK 19, CHAUTAUQUA BEACH SUBDIVISION, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND DESCRIBED MORE FULLY HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Commission of the City of St. Augustine Beach finds that the following described property is no longer required for use of the General Public, and;

WHEREAS, That the same was not acquired or dedicated for state, county or federal highway purposed, and;

WHEREAS, The property does not provide access to the ocean and/or beach, and;

WHEREAS, All conditions precedent as set forth in Article III, Chapter 18 of the St. Augustine 2016-04.

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

Section 1. Findings. It is the finding of the City Commission of the City of St. Augustine Beach, Florida, that all that part of an unnamed alley lying within Block 19, Chautauqua Beach Subdivision, Public Records of St. Johns County, Florida, as more fully described as follows:

A STRIP OF LAND 15 (FIFTEEN) FEET IN WIDTH IN BLOCK 19, CHAUTAUQUA BEACH SUBDIVISION, BEING ALL THAT STRIP OF LAND LYING EAST OF THE WEST LINE OF SAID BLOCK 19, WEST OF THE EAST LINE OF SAID BLOCK 19, NORTH OF THE NORTH LINE OF LOTS 3, 5, 7, 9, 11 AND 13 OF SAID BLOCK 19, AND SOUTH OF THE SOUTH LINE OF LOTS 2, 4, 6, 8, 10, 12, 14 and 16, OF SAID BLOCK 19, ALL IN SECTION 34, TOWNSHIP 7, RANGE 30, AS RECORDED IN MAP BOOK 2, PAGE 5, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Said land being within the corporate limits of St. Augustine Beach, Florida is no longer required for use of the General Public; that the same was not acquired or dedicated for state, county or federal highway purposes; does not provide access to the ocean and/or beach, or other

recreational resources; and that all conditions precedent as set forth in Article III, Chapter 18 of the City Code have been complied with as set forth in Alley Vacation Application V 2016-04.

Section 2. Vacation of Street. All that portion of an unnamed alley lying within Block 19, Chautauqua Beach Subdivision, as described hereinabove, St. Augustine Beach, Florida, is hereby vacated, discontinued and abolished and is hereby declared no longer a public right-of-way, street or alley of the City, reserving, however, to the City and the Public an easement over, under and along said alley an easement for public utilities and drainage. It is specifically the intent of this ordinance not to vacate any portion of said alley lying adjacent to any plaza or parkette within said Chautauqua Beach Subdivision.

Section 3. Effective date. This Ordinance shall take effect upon recording as provided by Section 18 of the City Code.

PASSED by the City Commission of the City of St. Augustine Beach, Florida, upon Second Reading this ____ day of May, 2017.

**CITY COMMISSION OF THE
CITY OF ST. AUGUSTINE BEACH**

By: _____
Rich O'Brien, Mayor


ATTEST: _____
City Manager

First reading: April 3, 2017

Second reading: May 2, 2017

MEMORANDUM

TO: Mayor O'Brien
Vice Mayor George
Commissioner Snodgrass
Commissioner England
Commissioner Kostka

FROM: Max Royle, City Manager 

DATE: March 13, 2017

SUBJECT: Regulating Medical Marijuana: Continuation of Discussion

This topic has been carried over from your March 6th meeting because you ran out of time to consider it then.

At your January 3rd meeting, you discussed regulating where medical marijuana could be sold in the City. The outcome of that discussion was for the staff to get more information and for the City Attorney to prepare a policy.

Attached for your review is the following:

- a. Page 1, a memo from Mr. Wilson, in which he asks the City Manager to again put the topic on the agenda and for you to provide direction to him for the preparation of the appropriate ordinances. He also recommends that the sale of medical marijuana be allowed by exception only along State Road A1A.
- b. Pages 2-4, a list of other Florida cities and what regulations concerning medical marijuana they have or haven't adopted.
- c. A copy of four ordinances from St. Augustine: 2014-24, which provides for a definition of medical marijuana; 2014-25, which provides that facilities for the cultivation of medical marijuana be allowed by exception in the industrial and warehouse zoning districts; 2014-26, that facilities for the manufacturing, production, or processing of medical marijuana be allowed by exception in the industrial and warehouse zoning districts; 2014-27, that the sale, display, storage, or on-site consumption of medical marijuana be allowed by exception only in the Commercial Medium Two zoning category that has direct vehicular access to U.S. Route 1.

ACTION REQUESTED

It is that you discuss Mr. Wilson's proposal with him. Please note that the areas in the City along State Road A1A that are in a commercial land use district are along the east side at the City's northern end from Pope Road south to 16th Street; along the east side between Madrid Street south to the junction where SR-A1A meets A1A Beach Boulevard; along the east side of SR-A1A

from the junction to the little commercial strip south of the entrance to Sandpiper Village subdivision; and along the west side of SR-A1A from the Zaharias restaurant to the private children's school on the south side of Ocean Trace Road.

There is a commercial area in the Sea Grove subdivision on the west side of SR-A1A, but the addresses for those businesses are not on State Road A1A; and the Umwalla Insurance office (north of the Compass Bank on the west side of SR-A1A) is in a commercial land use district, as is the Watson Realty office on the west side of SR-A1A, opposite the Serenity Bay subdivision.

If you agree with Mr. Wilson's proposal, then the required ordinances can be prepared for review and first reading at your April 3rd meeting.

Memo

To: City Manager Max Royle

From: James P. Wilson city attorney

Subject: Medical marijuana

I have studied the state website for the Florida Department of Health, Division of Compassionate Use, which governs the implementation of the recent constitutional amendment relating to medical marijuana cultivation, prescription, distribution and sale. I have also reviewed what other local governments in the area have done in anticipation of the local distribution of marijuana by the agencies that have been permitted by the state.

The state has established seven districts where authorized businesses have been authorized as dispensing agencies. The dispensing agency authorized to distribute product in St. John's County is named CHT Medical, located in Alachua County. CHT Medical has not announced its plans for distribution nor has it announced any local offices where marijuana will be sold in St. John's County. I do not expect that to happen until the state completes its proposed rulemaking on the constitutional amendment which will not occur until sometime this summer, although I am certain they are well along the planning process for determining where the local offices will be.

Locally, it is my understanding that the St. Johns County intends to impose a moratorium on the sale and cultivation of marijuana, at least until the state finalizes the regulations on the subject. The City of St. Augustine has already implemented four separate ordinances relating to the cultivation and distribution of marijuana. The first city ordinance defines legally available marijuana, the second ordinance limits cultivation of the product to an exception use in the industrial and warehouse zoning district, the third ordinance allows the manufacturing, production and processing of legally available marijuana in the industrial and warehousing zoning district as an exception use and the fourth ordinance allows the sale and distribution of legally available marijuana as an exception use in the CM - 2 zoning district, which is the heavy commercial zoning district for the city, but limits the location of such exception use to the principal arterial roadway of US#1.

The City of St. Augustine Beach does not have an industrial warehouse category and I believe that all industrial uses are prohibited in the city. Therefore, I would recommend that the production, cultivation and processing of the marijuana for sale be prohibited in the city, as there is no area in the city that would be appropriate for such intense uses. The city only has one commercial district and the arterial roadways through the city are limited to A1A and A1A Beach Boulevard. If the city commission determines that the sale of legally available marijuana should be permitted, I would recommend at a minimum that it be limited to SR A1A by exception use to reduce the impact on adjacent properties and prohibited adjacent to residential zoning districts.

I believe this matter should be placed on the agenda for city commission consideration and will be prepared to prepare the appropriate ordinances upon direction of the commission.

City	Have in place	Considering one	Type
Anna Maria	x		Growing, cultivating, and sale all prohibited effective Sep 2016
Alachua	x		Land ordinance
Altamonte Springs	x		Land ordinance and dispensing organization. Sets permit regulations
Apopka	x		Temporary moratorium
Atlantic Beach	x		Temporary moratorium
Bartow	x		Temporary moratorium
Boca Raton	x		Temporary moratorium
Bonita Springs	x		Establishes limitations on public smoking of marijuana, recently passed moratorium.
Bradenton Beach	x		Temporary moratorium
Bradenton	x		Temporary moratorium. Zoning requirements to be considered
Callaway		x	Considering an eight-month moratorium
Cape Canaveral	x		Zoning
Clearwater	x		Temporary moratorium on any additional dispensaries
Cocoa Beach	x		Zoning
Coral Gables	x		Zoning and procedural regulations
Coral Springs	x		Temporary moratorium
Crestview	x		Temporary moratorium Through Sep. 2017
Dade City	x		Zoning
Davie	x		Temporary moratorium
DeBary	x		270-day moratorium
Deerfield Beach	x		Temporary moratorium
Delray Beach	x		Temporary moratorium
Deltona	x		Zoning
Destin	x		Zoning
Edgewood	x		Zoning and land ordinances
Esterro	x		Temporary moratorium
Flagler Beach	x		Zoning
Fort Lauderdale		x	Considering a temporary moratorium
Fort Walton Beach		x	Considering regulating dispensaries
Gainesville	x		Zoning
Hallandale Beach	x		Temporary moratorium
Grant-Valkaria	x		Zoning
Green Cove Springs	x		Moratorium
Gulf Breeze		x	Voting on a temporary moratorium January 17th
Haverhill	x		Moratorium that expired in August 2015
Hollywood	x		Limits dispensaries to 2 and sets zoning requirements
Indian Harbour Beach	x		Zoning requirements for dispensaries
Jacksonville Beach	x		One year moratorium of treatment centers and dispensaries

Juno Beach	x	
Lady Lake	x	
Lake City		x
Lakeland		x
Largo	x	
Lauderdale-By-The-Sea	x	
Leesburg	x	
Longboat Key	x	
Madeira Beach	x	
Maitland	x	
Marathon	x	
Marco Island		x
Miami Shores	x	
Miramar	x	
Mount Dora	x	
Mulberry	x	
Naples	x	
Neptune Beach	x	
New Smyrna Beach		x
Niceville		x
North Miami Beach	x	
North Port	x	
Ocala	x	
Orange Park	x	
Orlando	x	
Palmetto	x	
Palm Springs	x	
Panama City Beach	x	
Parkland	x	
Plantation	x	
Pompano Beach	x	
Ponce Inlet	x	
Port Orange	x	
Port St. Joe	x	
Redington Shores	x	
Riviera Beach	x	
Royal Palm Beach	x	
Sanibel		x
Safety Harbor	x	

Zoning requirements
 Zoning requirements
 Considering a temporary moratorium
 Voting on a temporary moratorium January 2017
 Temporary moratorium
 Zoning and business regulation
 Moratorium
 Temporary moratorium on dispensaries through 2017
 Establishes an approval process for new dispensaries
 Zoning laws
 Temporary moratorium
 Considering a 12-month moratorium voting March 6th
 Temporary moratorium
 Dispensary regulations
 Zoning and land development requirements
 Temporary moratorium
 Bans farms, dispensaries, and operation of treatment centers within the city.
 Three year moratorium enacted January 2017
 Temporary moratorium approved on first reading. Zoning Enacted
 Considering a temporary moratorium
 Zoning and licensing requirements
 Ordinance to establish zones for 2 dispensaries within city limits
 Moratorium
 Moratorium
 Temporary moratorium on any new dispensaries effective through July 2017
 Zoning
 Zoning
 Temporary moratorium takes effect January 12, 2016
 Zoning
 Moratorium
 Temporary moratorium
 Land use requirements. Voting on temporary moratorium 2/28
 Moratorium
 Regulations for the sale and use of medical marijuana
 Moratorium
 Moratorium
 Village council is discussing zoning regulations
 Considering a temporary moratorium
 Temporary moratorium

Sarasota	x
Sebring	x
Seminole	x
Sewall's Point	x
South Daytona	x
St. Augustine	x
St. Augustine Beach	
Tallahassee	x
Tampa	x
Vero Beach	x
Walton Manors	x
Wauchula	x
Windermere	x
Winter Garden	x
Winter Haven	x
Winter Park	x
Zephyrhills	x

x

Temporary moratorium
 Moratorium on dispensaries until 30 days after the state adopts regulations
 Temporary moratorium
 Zoning
 One year moratorium through 2017
 Zoning
 Considering varoious ordinances
 Considering temporary moratorium on any new dispensaries
 Moratorium
 Zoning
 Zoning and land regulations
 Zoning
 Moratorium through May 2017
 Temporary moratorium
 Temporary moratorium on any new dispensing facilities and treatment centers
 Zoning
 One year moratorium on dispensaries

ORDINANCE NO. 2014-24

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 28-2 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR A DEFINITION OF LEGALLY AVAILABLE MARIJUANA; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances by municipalities; and

WHEREAS, the 2030 Comprehensive Plan states that the City's Future Land Use Goal is, "(t)o create an environment within the City and adjacent areas in which its residents have the opportunity to maximize the potential for economic benefit, and the enjoyment of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation;" and

WHEREAS, the 2030 Comprehensive Plan Future Land Use Objective 1 states that, "(t)he Future Land Use Map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development;" and

WHEREAS, the City consists of approximately thirteen square miles, inclusive of water bodies, and is substantially urbanized and built-out; and

WHEREAS, the 2030 Comprehensive Plan Future Land Use classifications do not include a land use classification for agricultural lands; and

WHEREAS, the cultivation of marijuana can be accomplished indoors in warehouse-type structures on properties within a land use classification of Industrial and a zoning category of Industrial and Warehousing (IW); and

WHEREAS, the 2030 Comprehensive Plan Map T-5 identifies the St. Augustine Roadway Functional Classifications and specifically identifies U.S. Highway 1 as a Principal Arterial-Urban road; and

WHEREAS, the 2030 Comprehensive Plan Infrastructure Element at SS Objective 1.3 and PW Objective 1.4 states that it shall be the objective of the City to continue to discourage the proliferation of urban sprawl and maximize the use of the existing wastewater and potable water facilities; and

WHEREAS, the State of Florida recently adopted a limited form of legally available marijuana codified in Chapter 381.986, Florida Statutes, titled “Compassionate use of low-THC cannabis;” and

WHEREAS, a constitutional amendment regarding legally available marijuana in Florida was proposed and narrowly defeated with approximately 57% voter approval in the 2014 general election; and

WHEREAS, the City has the legal authority pursuant to its Charter and the laws of Florida to regulate the land use and zoning of property within its municipal boundaries; and

WHEREAS, various state and national entities have begun addressing the direct and secondary impacts relating to the legalization of marijuana, including the American Planning Association, Denver Fire Department, Rocky Mountain High Intensity Drug Trafficking Area, U.S. Department of Justice, Florida cities and counties, Florida for Care Blue Ribbon Commission, and the Florida League of Cities-Florida Association of Counties-Florida Police Chiefs Association-Florida Sheriffs Association Medical Marijuana Workgroup; and

WHEREAS, local zoning regulations that define emerging uses of land and allow for these new uses pursuant to a use by exception controlled as to number, area, location or relation to the neighborhood serves the public purpose to direct development to compatible areas already serviced by appropriate utility infrastructure and higher intensity roadways that provide for ease of access in emergency response situations; and

WHEREAS, on November 4, 2014, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance that provides for a definition of legally available marijuana; and

WHEREAS, the City Commission for the City of St. Augustine finds that providing for the public health, safety and general welfare requires amendment to Section 28-2 of the City Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Section 28-2. Section 28-2 of the Code of the City of St. Augustine is hereby amended to read as follows (deletions and additions are identified using a strike-through and underline format, respectively):

“Sec. 28-2. Definitions.

For the purpose of this chapter, certain words and terms used herein shall be interpreted to have meanings as defined below. Where words or terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular. The word ‘shall’ is mandatory; the word ‘may’ is permissive. The word ‘used’ or ‘occupied’ includes the words ‘intended, designed or arranged to be used or occupied.’ The word ‘lot’ includes the word ‘plot’ or ‘parcel.’ The word ‘structure’ includes the word ‘building’ as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. The word ‘land’ includes the word ‘marsh,’ ‘water’ or ‘swamp.’ The word ‘map’ shall mean the ‘Zoning Maps of the City of St. Augustine, Florida’ and the ‘city’ shall mean the City of St. Augustine, Florida, a corporation of the State of Florida.

Abutting means having a common border with or being separate from such common border by an alley or easement.

Access means a means of approach or entry to or exit from property.

Accessory apartment means a dwelling unit, less than eight hundred (800) square feet or twenty-five (25) percent of the primary dwelling unit, whichever is less, contained in an owner-occupied building or premises comprising three (3) or less dwelling units, including garage apartments and single-family type buildings used as apartments and sharing a common entrance.

...

Legally available marijuana shall mean any form or variant or species of the cannabis plant including but not limited to *cannabis sativa* L., *C. ruderalis*, *C. indica* and its constituent cannabinoids, such as tetrahydrocannabinol (THC) and cannabidiol (CBD) commonly referred to as marijuana, that is currently legal to possess, or may become legal to possess in the State of Florida, whether such possession is direct or indirect. A person or entity who is in possession of legally available marijuana in this context includes any person or entity who legally possesses any form of marijuana, including but not limited to, patients prescribed marijuana for medical treatment and their caregivers, anyone legally cultivating the marijuana plant or its seeds, anyone legally manufacturing, producing, processing or creating any goods or foods utilizing any part of the marijuana plant including buds, leaves, roots or seeds, or making available for legal sale, trade, gift, display, storage, delivery or on-site commercial consumption any part of the marijuana plant including buds, leaves or seeds in any processed or unprocessed form. *Cannabis sativa* L. subsp. *sativa* var. *sativa* is the variety of cannabis sativa with THC levels below 0.5% grown for non-consumable industrial uses such as hemp cloth products and hempcrete concrete building blocks, and is not intended to be included in this definition.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. 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. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2014.

ATTEST:

Nancy E. Shaver, Mayor-Commissioner

Alison Ratkovic, City Clerk

(SEAL)

Coding: Words ~~stricken~~ are deletions; words underlined are additions.

ORDINANCE NO. 2014-25

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 28-226 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR FACILITIES FOR HYDROCULTURAL, AGRICULTURAL OR CULTIVATION OF LEGALLY AVAILABLE MARIJUANA AS A USE BY EXCEPTION IN THE INDUSTRIAL AND WAREHOUSING (IW) ZONING CATEGORY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances by municipalities; and

WHEREAS, the 2030 Comprehensive Plan states that the City's Future Land Use Goal is, "(t)o create an environment within the City and adjacent areas in which its residents have the opportunity to maximize the potential for economic benefit, and the enjoyment of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation;" and

WHEREAS, the 2030 Comprehensive Plan Future Land Use Objective 1 states that, "(t)he Future Land Use Map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development;" and

WHEREAS, the City consists of approximately thirteen square miles, inclusive of water bodies, and is substantially urbanized and built-out; and

WHEREAS, the 2030 Comprehensive Plan Future Land Use classifications do not include a land use classification for agricultural lands; and

WHEREAS, the cultivation of marijuana can be accomplished indoors in warehouse-type structures on properties within a land use classification of Industrial and a zoning category of Industrial and Warehousing (IW); and

WHEREAS, the 2030 Comprehensive Plan Map T-5 identifies the St. Augustine Roadway Functional Classifications and specifically identifies U.S. Highway 1 as a Principal Arterial-Urban road; and

WHEREAS, the 2030 Comprehensive Plan Infrastructure Element at SS Objective 1.3 and PW Objective 1.4 states that it shall be the objective of the City to continue to discourage the proliferation of urban sprawl and maximize the use of the existing wastewater and potable water facilities; and

WHEREAS, the State of Florida recently adopted a limited form of legally available marijuana codified in Chapter 381.986, Florida Statutes, titled "Compassionate use of low-THC cannabis;" and

WHEREAS, a constitutional amendment regarding legally available marijuana in Florida was proposed and narrowly defeated with approximately 57% voter approval in the 2014 general election; and

WHEREAS, the City has the legal authority pursuant to its Charter and the laws of Florida to regulate the land use and zoning of property within its municipal boundaries; and

WHEREAS, various state and national entities have begun addressing the direct and secondary impacts relating to the legalization of marijuana, including the American Planning Association, Denver Fire Department, Rocky Mountain High Intensity Drug Trafficking Area, U.S. Department of Justice, Florida cities and counties, Florida for Care Blue Ribbon Commission, and the Florida League of Cities-Florida Association of Counties-Florida Police Chiefs Association-Florida Sheriffs Association Medical Marijuana Workgroup; and

WHEREAS, local zoning regulations that define emerging uses of land and allow for these new uses pursuant to a use by exception controlled as to number, area, location or relation to the neighborhood serves the public purpose to direct development to compatible areas already serviced by appropriate utility infrastructure and higher intensity roadways that provide for ease of access in emergency response situations; and

WHEREAS, on November 4, 2014, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance that provides for facilities for hydrocultural, agricultural or cultivation of legally available marijuana as a use by exception in the Industrial and Warehousing (IW) zoning category; and

WHEREAS, the City Commission for the City of St. Augustine finds that providing for the public health, safety and general welfare requires amendment to Section 28-226 of the City Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Section 28-226. Section 28-226 of the Code of the City of St. Augustine is hereby amended to read as follows (deletions and additions are identified using a strike-through and underline format, respectively):

“Sec. 28-226. Industrial and warehousing: IW.

Intent. This district is intended to allow light manufacturing and related service, storage and commercial uses.

(1) *Permitted uses and structures:*

- a. Wholesaling, warehousing, storage or distribution establishments and similar uses.
- b. Light manufacturing and processing, including food processing, packaging or fabricating; however, any food processing, packaging or fabricating plant engaged in the processing or packaging of shellfish shall be wholly contained within completely enclosed buildings with no odor, fumes or steam detectible to normal senses from off the premises.
- c. Printing, lithographing, publishing or similar establishments.
- d. Bulk storage yards, not including bulk storage of flammable liquids and acids.

- e. Outdoor storage yards and lots, provided, such outdoor storage yard shall not be located closer than twenty-five (25) feet to any public street and that such yard shall be completely enclosed by a solid fence or wall or equivalent visual barrier not less than eight (8) feet high except for entrance and exit and such openings shall be equipped with eight-foot-high visual barrier gates; and provided further that this provision shall not permit wrecking yards (including automobile wrecking yards), junkyards or yards used in whole or in part for scrap or salvage operations, or for processing, storage, display or sales of any scrap, salvage or secondhand building materials, junk automotive vehicles, or secondhand automotive parts.
- f. Vocational, technical, trade or industrial schools and similar uses.
- g. Miscellaneous uses such as express office, telephone exchange, commercial parking lots and parking garages, motor bus or truck or other transportation terminal.
- h. Radio or television broadcasting offices, studios, transmitters or antennas.
- i. Any existing industrial use.
- j. Railroad right-of-way, tracks, sidings, yard, etc.
- k. Boatbuilding.

(2) *Permitted accessory uses and structures:*

- a. See section 28-348
- b. Residential facilities (including not more than one (1) mobile home) located on the same premises as an industrial use for the use of watchmen or caretakers whose employment requires residence on the premises.

(3) *Permissible uses by exception:*

- a. Retail establishments for sale of new and used automobiles, motorcycles, trucks and tractors, boats, automotive vehicle parts and accessories, heavy machinery and equipment, farm equipment and supplies, lumber and building supplies, monuments and similar uses.
- b. Service establishments catering to commerce and industry, including linen supply, laundry package dry cleaning plants, freight movers, communications services, business machine services, canteen services, restaurants (including drive-in restaurants), hiring and union halls, employment agencies, sign companies, automobile service stations and truck stops, and similar uses.
- c. Bulk storage yards for flammable liquids and acids.
- d. Special cabarets to the extent otherwise authorized by law.
- e. Facilities for hydrocultural, agricultural or cultivation of legally available marijuana.

(4) *Minimum lot requirements.* None.

(5) *Minimum yard requirements:*

- a. Front, none.
- b. Side, five (5) feet.
- c. Rear, five (5) feet.

(6) *Maximum lot coverage by all buildings.* Eighty (80) percent.

(7) *Maximum height of structures.* Thirty-five (35) feet for buildings and structures set back at least twenty (20) feet from the front property line or public right-of-way. Thirty (30) feet for buildings

and structures set back at least fifteen (15) feet, but not more than twenty (20) feet, from the front property line or public right-of-way. Twenty-five (25) feet for buildings and structures set back at least ten (10) feet, but not more than fifteen (15) feet, from the front property line or public right-of-way. Twenty (20) feet for buildings and structures set back at least five (5) feet, but not more than ten (10) feet, from the front property line or public right-of-way. Fifteen (15) feet for buildings and structures set back not more than five (5) feet, from the front property line or public right-of-way.”

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. 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. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2014.

ATTEST:

Nancy E. Shaver, Mayor-Commissioner

Alison Ratkovic, City Clerk

(SEAL)

Coding: Words ~~stricken~~ are deletions; words underlined are additions.

ORDINANCE NO. 2014-26

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 28-226 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR FACILITIES FOR MANUFACTURING, PRODUCTION OR PROCESSING OF LEGALLY AVAILABLE MARIJUANA AS A USE BY EXCEPTION IN THE INDUSTRIAL AND WAREHOUSING (IW) ZONING CATEGORY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances by municipalities; and

WHEREAS, the 2030 Comprehensive Plan states that the City's Future Land Use Goal is, "(t)o create an environment within the City and adjacent areas in which its residents have the opportunity to maximize the potential for economic benefit, and the enjoyment of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation;" and

WHEREAS, the 2030 Comprehensive Plan Future Land Use Objective 1 states that, "(t)he Future Land Use Map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development;" and

WHEREAS, the City consists of approximately thirteen square miles, inclusive of water bodies, and is substantially urbanized and built-out; and

WHEREAS, the 2030 Comprehensive Plan Future Land Use classifications do not include a land use classification for agricultural lands; and

WHEREAS, the cultivation of marijuana can be accomplished indoors in warehouse-type structures on properties within a land use classification of Industrial and a zoning category of Industrial and Warehousing (IW); and

WHEREAS, the 2030 Comprehensive Plan Map T-5 identifies the St. Augustine Roadway Functional Classifications and specifically identifies U.S. Highway 1 as a Principal Arterial-Urban road; and

WHEREAS, the 2030 Comprehensive Plan Infrastructure Element at SS Objective 1.3 and PW Objective 1.4 states that it shall be the objective of the City to continue to discourage the proliferation of urban sprawl and maximize the use of the existing wastewater and potable water facilities; and

WHEREAS, the State of Florida recently adopted a limited form of legally available marijuana codified in Chapter 381.986, Florida Statutes, titled “Compassionate use of low-THC cannabis;” and

WHEREAS, a constitutional amendment regarding legally available marijuana in Florida was proposed and narrowly defeated with approximately 57% voter approval in the 2014 general election; and

WHEREAS, the City has the legal authority pursuant to its Charter and the laws of Florida to regulate the land use and zoning of property within its municipal boundaries; and

WHEREAS, various state and national entities have begun addressing the direct and secondary impacts relating to the legalization of marijuana, including the American Planning Association, Denver Fire Department, Rocky Mountain High Intensity Drug Trafficking Area, U.S. Department of Justice, Florida cities and counties, Florida for Care Blue Ribbon Commission, and the Florida League of Cities-Florida Association of Counties-Florida Police Chiefs Association-Florida Sheriffs Association Medical Marijuana Workgroup; and

WHEREAS, local zoning regulations that define emerging uses of land and allow for these new uses pursuant to a use by exception controlled as to number, area, location or relation to the neighborhood serves the public purpose to direct development to compatible areas already serviced by appropriate utility infrastructure and higher intensity roadways that provide for ease of access in emergency response situations; and

WHEREAS, on November 4, 2014, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance that provides for facilities for manufacturing, production or processing of legally available marijuana as a use by exception in the Industrial and Warehousing (IW) zoning category; and

WHEREAS, the City Commission for the City of St. Augustine finds that providing for the public health, safety and general welfare requires amendment to Section 28-226 of the City Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Section 28-226. Section 28-226 of the Code of the City of St. Augustine is hereby amended to read as follows (deletions and additions are identified using a strike-through and underline format, respectively):

“Sec. 28-226. Industrial and warehousing: IW.

Intent. This district is intended to allow light manufacturing and related service, storage and commercial uses.

(1) *Permitted uses and structures:*

- a. Wholesaling, warehousing, storage or distribution establishments and similar uses.
- b. Light manufacturing and processing, including food processing, packaging or fabricating; however, any food processing, packaging or fabricating plant engaged in the processing or packaging of shellfish shall be wholly contained within completely enclosed buildings with no odor, fumes or steam detectable to normal senses from off the premises.
- c. Printing, lithographing, publishing or similar establishments.
- d. Bulk storage yards, not including bulk storage of flammable liquids and acids.

- e. Outdoor storage yards and lots, provided, such outdoor storage yard shall not be located closer than twenty-five (25) feet to any public street and that such yard shall be completely enclosed by a solid fence or wall or equivalent visual barrier not less than eight (8) feet high except for entrance and exit and such openings shall be equipped with eight-foot-high visual barrier gates; and provided further that this provision shall not permit wrecking yards (including automobile wrecking yards), junkyards or yards used in whole or in part for scrap or salvage operations, or for processing, storage, display or sales of any scrap, salvage or secondhand building materials, junk automotive vehicles, or secondhand automotive parts.
- f. Vocational, technical, trade or industrial schools and similar uses.
- g. Miscellaneous uses such as express office, telephone exchange, commercial parking lots and parking garages, motor bus or truck or other transportation terminal.
- h. Radio or television broadcasting offices, studios, transmitters or antennas.
- i. Any existing industrial use.
- j. Railroad right-of-way, tracks, sidings, yard, etc.
- k. Boatbuilding.

(2) *Permitted accessory uses and structures:*

- a. See section 28-348
- b. Residential facilities (including not more than one (1) mobile home) located on the same premises as an industrial use for the use of watchmen or caretakers whose employment requires residence on the premises.

(3) *Permissible uses by exception:*

- a. Retail establishments for sale of new and used automobiles, motorcycles, trucks and tractors, boats, automotive vehicle parts and accessories, heavy machinery and equipment, farm equipment and supplies, lumber and building supplies, monuments and similar uses.
- b. Service establishments catering to commerce and industry, including linen supply, laundry package dry cleaning plants, freight movers, communications services, business machine services, canteen services, restaurants (including drive-in restaurants), hiring and union halls, employment agencies, sign companies, automobile service stations and truck stops, and similar uses.
- c. Bulk storage yards for flammable liquids and acids.
- d. Special cabarets to the extent otherwise authorized by law.
- e. ...
- f. facilities for manufacturing, production or processing of legally available marijuana.

(4) *Minimum lot requirements.* None.

(5) *Minimum yard requirements:*

- a. Front, none.
- b. Side, five (5) feet.
- c. Rear, five (5) feet.

(6) *Maximum lot coverage by all buildings.* Eighty (80) percent.

- (7) *Maximum height of structures.* Thirty-five (35) feet for buildings and structures set back at least twenty (20) feet from the front property line or public right-of-way. Thirty (30) feet for buildings and structures set back at least fifteen (15) feet, but not more than twenty (20) feet, from the front property line or public right-of-way. Twenty-five (25) feet for buildings and structures set back at least ten (10) feet, but not more than fifteen (15) feet, from the front property line or public right-of-way. Twenty (20) feet for buildings and structures set back at least five (5) feet, but not more than ten (10) feet, from the front property line or public right-of-way. Fifteen (15) feet for buildings and structures set back not more than five (5) feet, from the front property line or public right-of-way."

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. 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. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2014.

ATTEST:

Nancy E. Shaver, Mayor-Commissioner

Alison Ratkovic, City Clerk

(SEAL)

Coding: Words ~~stricken~~ are deletions; words underlined are additions.

ORDINANCE NO. 2014-27

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 28-209 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR FACILITIES FOR SALES, TRADE, GIFT, DISPLAY, STORAGE, DELIVERY OR ON-SITE COMMERCIAL CONSUMPTION OF LEGALLY AVAILABLE MARIJUANA AS A USE BY EXCEPTION IN THE COMMERCIAL MEDIUM-TWO (CM-2) ZONING CATEGORY; REQUIRING A CONDITION OF DIRECT VEHICULAR ACCESS TO A ROADWAY FUNCTIONAL CLASSIFICATION OF PRINCIPAL ARTERIAL-URBAN U.S. HIGHWAY 1; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances by municipalities; and

WHEREAS, the 2030 Comprehensive Plan states that the City's Future Land Use Goal is, "(t)o create an environment within the City and adjacent areas in which its residents have the opportunity to maximize the potential for economic benefit, and the enjoyment of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation;" and

WHEREAS, the 2030 Comprehensive Plan Future Land Use Objective 1 states that, "(t)he Future Land Use Map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development;" and

WHEREAS, the City consists of approximately thirteen square miles, inclusive of water bodies, and is substantially urbanized and built-out; and

WHEREAS, the 2030 Comprehensive Plan Future Land Use classifications do not include a land use classification for agricultural lands; and

WHEREAS, the cultivation of marijuana can be accomplished indoors in warehouse-type structures on properties within a land use classification of Industrial and a zoning category of Industrial and Warehousing (IW); and

WHEREAS, the 2030 Comprehensive Plan Map T-5 identifies the St. Augustine Roadway Functional Classifications and specifically identifies U.S. Highway 1 as a Principal Arterial-Urban road; and

WHEREAS, the 2030 Comprehensive Plan Infrastructure Element at SS Objective 1.3 and PW Objective 1.4 states that it shall be the objective of the City to continue to discourage the proliferation of urban sprawl and maximize the use of the existing wastewater and potable water facilities; and

WHEREAS, the State of Florida recently adopted a limited form of legally available marijuana codified in Chapter 381.986, Florida Statutes, titled "Compassionate use of low-THC cannabis;" and

WHEREAS, a constitutional amendment regarding legally available marijuana in Florida was proposed and narrowly defeated with approximately 57% voter approval in the 2014 general election; and

WHEREAS, the City has the legal authority pursuant to its Charter and the laws of Florida to regulate the land use and zoning of property within its municipal boundaries; and

WHEREAS, various state and national entities have begun addressing the direct and secondary impacts relating to the legalization of marijuana, including the American Planning Association, Denver Fire Department, Rocky Mountain High Intensity Drug Trafficking Area, U.S. Department of Justice, Florida cities and counties, Florida for Care Blue Ribbon Commission, and the Florida League of Cities-Florida Association of Counties-Florida Police Chiefs Association-Florida Sheriffs Association Medical Marijuana Workgroup; and

WHEREAS, local zoning regulations that define emerging uses of land and allow for these new uses pursuant to a use by exception controlled as to number, area, location or relation to the neighborhood serves the public purpose to direct development to compatible areas already serviced by appropriate utility infrastructure and higher intensity roadways that provide for ease of access in emergency response situations; and

WHEREAS, on November 4, 2014, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance that provides for facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana as a use by exception in the Commercial Medium-Two (CM-2) zoning category, and requiring a condition of

direct vehicular access to a roadway functional classification of principal arterial-urban U.S. Highway 1; and

WHEREAS, the City Commission for the City of St. Augustine finds that providing for the public health, safety and general welfare requires amendment to Section 28-209 of the City Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Section 28-209. Section 28-209 of the Code of the City of St. Augustine is hereby amended to read as follows (deletions and additions are identified using a strike-through and underline format, respectively):

"Sec. 28-209. Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) *Permitted uses and structures.* As for CM-1 (section 28-208), and in addition:

- a. Retail outlets for the sale of general merchandise excluding new or used automobiles, trucks, boats and tractors (but not automobile wrecking or storage yards, junkyards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery, lumber and building supplies, supermarkets and convenience stores and similar products.

- b. Service establishments of all kinds including automobile service station or truck stop (see section 28-338) excluding businesses where automotive vehicles are offered for rent or sale, repair and service garage, motor vehicle body shop, auto laundry, drive-in restaurant, laundry or dry cleaning establishments, veterinarian or animal boarding kennels in soundproof building, pest control, carpenter or cabinet shop, home equipment rental, ice delivery station, job printing or newspaper, marina, radio or television broadcasting transmitter, antenna, office and studio facilities, banks and financial institutions, video rentals, funeral homes, travel agencies, electronic equipment/TV repair shop, employment offices, upholstering, furniture refinishing and similar establishments.
- c. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.
- d. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one-and-one-half-ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.
- e. Hotels and motels with or without kitchenettes.
- f. Building trades contractor not requiring outside storage; nor the use of any vehicle in excess of one-ton capacity; nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
- g. Multifamily dwellings as for RG-1.

- h. Colleges.
 - i. Shopping plaza or shopping center.
 - j. Intermediate care facilities.
 - k. Home office, private.
 - l. Agricultural market, outdoor or indoor.
- (2) *Permitted accessory uses.* See section 28-348.
- (3) *Permissible uses by exception:*
- a. As provided in section 28-347.
 - b. Wholesale, warehouse, or storage use, to include miniwarehouses.
 - c. Building trades contractor with outside storage yard and heavy construction equipment.
 - d. Boatyard.
 - e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.
 - f. Bulk storage yards, including bulk storage of flammable liquids.
 - g. Open air theaters, but not drive-in theaters.
 - h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time

during a twenty-four-hour period constitutes a day.

- i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.
- j. Tattoo parlor or studio.
- k. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.
- l. Uses and structures as for RG-1 (section 28-163).
- m. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.

(4) *Minimum lot requirements (width and area):*

- a. Minimum lot width, one hundred (100) feet.
- b. Minimum lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.

(5) *Maximum lot coverage of all buildings.* Seventy-five (75) percent.

(6) *Minimum yard requirements:*

- a. Front, zero feet minimum, thirty (30) feet maximum, except for property abutting U.S. Highway No. 1 for which the front yard requirements shall be ten (10) feet minimum and no maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.

- b. Side, five (5) feet.
- c. Rear, five (5) feet.
- (7) *Maximum height of structures:* Thirty-five (35) feet.
- (8) *Vehicular access:* Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana shall require a condition of direct vehicular access to a roadway functional classification of principal arterial-urban U.S. Highway 1."

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. 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. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this
_____ day of _____, 2014.

ATTEST:

Nancy E. Shaver, Mayor-Commissioner

Alison Ratkovic, City Clerk

(SEAL)

Coding: Words ~~stricken~~ are deletions; words underlined are additions.

MEMORANDUM

TO: Mayor O'Brien
Vice Mayor George
Commissioner Snodgrass
Commissioner England
Commissioner Kostka

FROM: Max Royle, City Manager 

DATE: March 28, 2017

SUBJECT: Change to Agenda Item 7.B: Joint Meeting with the County


On March 28th, Ms. Katie Sapp, Assistant to the County Administrator, notified us of a change in the list of dates propose by the County for the joint meeting. She said that April 19th, 24th, and 25th were no longer suitable dates and provided a new list of possible dates. They are:

- Monday, May 1st
- Monday, May 8th
- Tuesday, May 9th
- Monday, May 15th

Please note that Monday, May 1st, is the date of your regular meeting.

MEMORANDUM

TO: Mayor O'Brien
Vice Mayor George
Commissioner Snodgrass
Commissioner England
Commissioner Kostka

FROM: Max Royle, City Manager 

DATE: March 24, 2017

SUBJECT: Discussion of Possible Dates for Meetings:

- A. Workshop Concerning Transfer of Lease for Former City Hall
- B. Joint Meeting with County Commission
- C. Special Meeting to Review Final Draft of Land Development Regulations
- D. Workshop to Review Sign Regulations and Discuss Residential Parking Plan

ITEM A. LEASE

At your March 6th meeting, you discussed the Cultural Council's request to transfer the lease of the former city hall to The Dance Company. The outcome of that discussion was your consensus to have the topic brought back to you at your April 3rd meeting, so that you could schedule a date for a workshop. Your discussion reminded us that there are a number of other pending topics, for which you may want to schedule a workshop or special meeting.

ITEM B. JOINT MEETING WITH COUNTY

On March 24th, Ms. Katie Sapp, Assistant to the County Administrator, sent the following list of possible dates for the joint meeting:

- Wednesday, April 19th
- Monday, April 24th
- Tuesday, April 25th
- Monday, May 1st
- Monday, May 15th

The time would be 9:00 a.m., the place would be the County Commission auditorium.

Please note that Monday, May 1st, is the date for your regular meeting at 6:00 p.m.

Please let us know which date you select and we will inform Ms. Sapp.

At your March 6th meeting, you suggested the following topics for the meeting: beach restoration, repair of pier and renovation of pier park, repair of County roads in the City, off-beach parking, public transportation, and the County's plans for the former Anastasia Mosquito Control District property.

ITEM C. LAND DEVELOPMENT REGULATIONS

Ms. Lindsay Haga, the land planning consultant, was to give the City Attorney the ordinance based on what you decided at a special noon meeting on February 6th. We've asked Ms. Haga twice if she forwarded the ordinance to the City Attorney, but haven't heard back from her. We may have information from her at your April 3rd meeting.

ITEM D. SIGN REGULATIONS AND PARKING PLAN

You last discussed the sign ordinance at a special meeting at 9:00 a.m. on Saturday, November 19, 2016. The outcome of that discussion was for the staff to do a review of non-conforming business signs and for you to decide on a date in the future for a special meeting. You wanted that meeting not to be scheduled on a Saturday or on a morning, because business owners are busy then.

Concerning the residential parking plan for the streets along A1A Beach Boulevard between 16th and F Streets: You asked the Planning Board to recommend a plan. At several meetings, the Board discussed the provisions for a plan. It is ready for you to consider. However, the question is whether you should review the plan at a regular meeting or have a special meeting. As your recent regular meetings have tended to run late, we suggest a special meeting.


CONCLUSION

We suggest the following:

1. That you schedule a special meeting in April with the Cultural Council, The Dance Company, and The Art Studio when a decision will be made whether to transfer the lease.
2. That you select one of the dates suggested by the County for the joint meeting.
3. That you ask Mr. Wilson to prepare a draft of the revised Land Development Regulations and that you schedule a special meeting in April or May to review the ordinance and pass it on first reading. Possibly, this topic could be discussed as part of your meeting concerning the transfer of the city hall lease.
4. That you schedule a special meeting in May to review both the new sign ordinance and the Planning Board's recommended parking plan.

MEMORANDUM

TO: Mayor O'Brien
Vice Mayor George
Commissioner Snodgrass
Commissioner England
Commissioner Kostka

FROM: Max Royle, City Manager 

DATE: March 20, 2017

SUBJECT: City's New Year's Eve Event: Review of Information re: Handling of Money and Public Records

At your March 6th meeting, allegations were made by citizens that there was a discrepancy in the accounting of the money received from beer and wine sales at the event and that public records related to the sales had been destroyed in violation of state law.

To clarify for both you and the public record, we have attached a report from Ms. Burns, the City's Chief Financial Officer, about the handling of the money and the sale of alcoholic beverages and other items at the event. Also, attached is a memo from Ms. Raddatz, the City Clerk, about the destruction after the event for the tickets related to the sales. You'll note from Ms. Burns' report that there is no discrepancy and from Ms. Raddatz's memo that no violation of the state's public records law was committed. Ms. Raddatz confirmed this with a supervisor at the state's Bureau of Archives and Records Management.

No action is requested concerning this matter. For the next New Year's Eve event, we will make certain that, though not required by state law, we hold the tickets related to sales at the event for two or three months after the event, in case there are any questions about the money that the City made from the sales.

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: MELISSA BURNS, CFO *MB*
SUBJECT: BEACH BLAST OFF 2017
DATE: 3/17/2017

At City Commission's March 6th meeting it was requested that a report be provided regarding handling of money, alcohol sales, tickets, etc. Ms. Raddatz has addressed the destruction of the tickets after a reconciliation had been performed. I'm providing to you a report on the standard operating procedures that are followed prior to, during and after the Beach Blast Off event.

Prior To

The rolls of tickets arrive in rolls of 2000 tickets, and the wristbands arrive in boxes of 500. Each roll is numbered on both sides; each box of tickets is numbered as well. A spreadsheet is prepared and each roll of tickets and each box of wristbands is entered and assigned to a ticket booth. Some excess rolls and boxes are reserved for safekeeping in the information booth that is manned by a police officer.

A starter "bank" in the amount of \$3,000 is created to have change available in each of the cash boxes distributed to the ticket booths. The money is distributed throughout a total of 8 cash boxes and these cash boxes are numbered, locked and assigned to a ticket booth.

The Start and During the Event

At the very start of the event, and when volunteers arrive at their assigned ticket booths, a box is handed to them containing the locked cash boxes, tickets and wristbands. The volunteers are reminded that the cash boxes are to remain out of site, and not placed on the counter in plain sight. They are also reminded to not give any money to anyone unless they are accompanied by a police officer, nor are they to give the police officer money unless the Finance Department employee is present. At this point, the cash boxes are unlocked in front of the volunteers and the police officer. The volunteers are instructed to only use two rolls of tickets at a time, and they can break the rolls down to strips of 10 tickets. They are also reminded to not keep the tickets or wristbands within easy reach of anyone outside the ticket booth.

During the evening money is collected by a City employee, typically one from the Finance Department and an armed St. Augustine Beach Police Officer. The collected money is placed in a locked safe in a secure location for safe keeping within the venue. At the end of the evening, the ticket booths are closed, remaining tickets and wristbands are taken to a central location to be taken back to City Hall, the cash boxes are emptied and the money is taken to the safe in the secure location. The locked safe is transported to another secure location within the confines of City Hall by the City employee and police officer. It remains in the secure location until the next business day.

After the Event

The tickets that have been sold and collected at the various venues that accept tickets as payment (Beer/Wine, T-Shirts, novelties, soda and water) are taken back to the Public Works building. The next business day, the safe containing the money collected is opened and the cash is sorted and counted twice. The counting took place within the confines of the City Manager Administration offices in an open-doored room. A deposit spreadsheet is prepared and the cash is taken to the bank for deposit. After the deposit is made, the remaining unused tickets are counted and subtracted from the beginning count. The result is how many tickets were sold. The same process is utilized for the wrist bands for the kid zone. Below are the results of the reconciliation of both the tickets and wristbands:

	Tickets (\$1)	Wristbands (\$15)
Beginning Count	80,000	10,000
Ending Count	49,383	9,272
Total Sold	30,617	728
Amount of Proceeds	\$30,617	\$10,920

The total proceeds from the event should be \$41,537. After the reconciliation has occurred with both the tickets and the wristbands, it is compared to what was deposited in the bank. This year \$44,923.65 was deposited as a result of the Beach Blast Off Event. To reconcile the cash received to the tickets and wristbands, the startup "bank" of \$3,000 must be deducted from the total as well as the \$387.65 in tips received at the beer garden. Please see calculation below:

Cash Deposited	\$ 44,923.65
Less: Startup	(3,000.00)
Less: Tips	<u>(387.65)</u>
Actual Proceeds	\$ 41,536.00
Ticket/Wristband Reconcile -	
Amount Sold	<u>\$ 41,537.00</u>
Difference	<u>\$ (1.00)</u>

If the difference had been greater, the tickets sold would have to be counted. The reconciliations have been completed and the sold tickets were deemed obsolete and were destroyed. After the tickets and wristbands are reconciled with the amount of money deposited, it is time to calculate the amount of alcohol used and the corresponding sales tax processed for payment.

Beer

A total of 28 kegs of beer were used for Beach Blast Off. These kegs contained 15.5 gallons of beer (this information was found on the invoice). There are 128 ounces in a gallon, therefore there is 1,984 ounces in 15.5 gallons (15.5x128). Multiply 1,984 ounces by 28 kegs used brings a total of 55,552 ounces of beer sold. Beer was sold in 16 ounce cups at \$5 per cup. 55,552 ounces equals to 3,472 cups at \$5 per cup is a total of \$17,360 sold in beer. It should be noted that an employee from the beer vendor, Burkhardt, was on site to tap the kegs as needed.

Wine

There was red and white wine and champagne available for sale at Beach Blast Off. The wine began with 144 1.5 Liter bottles, and 168 750-ml bottles of champagne. 102 bottles of wine were used and 166 bottles of champagne were used. Each 1.5-liter bottle contains 33.3814 ounces; and each 750-ml bottle contains 25.361 ounces. Utilizing the same method as the beer to calculate proceeds (using 5 oz. cups instead), a total of 3,405 ounces was sold; and 4,210 ounces of champagne was sold. Wine and champagne were sold for \$5 per 5 ounce glass, so the proceeds from the cups of wine and champagne sold was \$7,615.

The total proceeds (tickets) collected through the sale of beer and wine was \$24,975. Since 30,617 tickets were sold that leaves 5,642 tickets utilized for the mechanical bull, and the purchase of T-shirts, novelties and soda and water.

Novelties

There were several items sold at the novelty booth. There were a 26" Light up Ninja Sword with sound, double magic spin wand, 21" snowflake magic ball wand, rainbow light flashing glasses, Happy New Year light up headband. Below is a chart showing the beginning inventory, ending inventory, amount sold and proceeds.

Item	Beginning Inventory	Ending Inventory	Amount Sold	# of Tickets per item	Total
26" Light Up Ninja Sword	48	0	48	10	\$ 480.00
10.5" Double Magic Ball Spin Wand	60	19	41	15	615.00
21" Snowflake Magic Ball Wand	24	1	23	15	345.00
Happy New Year Lightup Headband	144	2	142	5	710.00
Rainbow Light Flashing Glasses	24	4	20	15	300.00
					<u>\$ 2,450.00</u>

T-Shirts

Event T-Shirts were sold for 15 tickets. There was a beginning inventory of a total of 405 shirts in various sizes and colors. There are a total of 144 T-shirts remaining. One of the benefits for volunteering for Beach Blast Off is that each volunteer received a t-shirt. According to the Event Coordinator's records, there were 205 volunteers for the event. So the calculation is simple to see what the proceeds were for the T-Shirts. 405 beginning inventory less 144 ending inventory is 261 less 205 volunteer t-shirts is 56 sold at 15 tickets is a total of \$840.

Soda

A total of 78 cases and 43 12-packs of soda was purchased for Beach Blast Off. Cans of soda was purchased for 2 tickets each. A total of 684 cans of soda was sold at the event for a total of \$1,368.

Mechanical Bull

Event goers could ride the mechanical bull for 5 tickets a ride. After calculating beer/wine, novelties, t-shirts and soda available and sold, 984 tickets remained which meant 196.8 people rode the mechanical bull throughout the night. Through logical progression of the above calculations, this is where the missing ticket would

have been lost. In the future, the tickets collected at this particular station will be physically counted at the end of the event.

If any further information is needed, please let me know.



CITY OF ST. AUGUSTINE BEACH

Date: March 8, 2017
To: Max Royle, City Manager
From: Beverly Raddatz, City Clerk *BR*
Subject: Record Retention Schedule for Beach Blast Off Tickets

Background:

At the March 6, 2017, Regular City Commission meeting, there was a question regarding the record retention for tickets sold at the Beach Blast Off event. The Commission requested information on what the record retention would be for the tickets and whether these tickets should have been destroyed after the post-event count.

Analysis:

After reviewing the General Record Schedule by the State of Florida, GS1-SL for State and Local Agencies, I found that the tickets fell under Item # 3, Administrative Support Records. The record retention for this type of record is "retain until obsolete, superseded, or administrative value is lost". I confirmed this conclusion with Beth Golding, Archivist Supervisor II at the Bureau of Archives and Records Management in the Division of Library and Information Services at the Florida Department of State.

In conclusion, the tickets could be discarded after the post-event count.

MEMORANDUM

Date: March 22, 2017

To: Max Royle, City Manager

From: Joe Howell, Public Works Director

Subject: Local Mitigation Strategy Plan

The Local Mitigation Strategy Plan is a document developed by a taskforce group composed of City and County representatives. The Plan identifies and addresses both naturally occurring, weather related and man-made hazardous events. The Plan is required to position the City for any potential Hazard Mitigation Grant funding.

The Local Mitigation Strategy Plan was last adopted by the City Commission at their May 4, 2015 meeting. Appendix F of the Plan – Local Mitigation Strategy Project Table – includes a list of hazard mitigation projects submitted by taskforce representatives. Section V of the Plan – Initiative Selection and Development – identifies the project selection criteria and the project scoring and prioritization criteria.

While projects can be added to the LMS Project Table with a simple majority vote of the taskforce, the current Plan does not identify who carries out the detailed methodology laid out in Section V. The revisions to the Plan create an Executive Committee and add By-laws for the committee, clarifying and defining the ranking and voting process. For point of reference, all bodies with publically elected officials have a single voting member on the Executive Committee. I am currently the City's representative on the LMS Taskforce Executive Committee.

These updates to the Plan were brought forward based on the need to equitably address the post-disaster mitigation funding available following Hurricane Matthew.

The following action is requested:

1. Approve the resolution adopting the revisions to the Local Mitigation Strategy Plan.

RESOLUTION 17-02

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

**RE: TO ADOPT THE ST. JOHNS
COUNTY LOCAL
MITIGATION STRATEGY
PLAN**

The City Commission of St. Augustine Beach., St. Johns County, Florida, in regular meeting duly assembled on Monday, April 3, 2017 resolves as follows:

WHEREAS, the St. Johns County Local Mitigation Strategy (LMS) Taskforce was created in August 1998, with the responsibility of developing a Local Hazard Mitigation Plan; and

WHEREAS, this Local Mitigation Strategy Plan is intended to provide a strategy to mitigate dangers and costs associated with weather and man-made hazards and to provide a priority for recovery of hazardous events occurring in the City of St. Augustine Beach and St. Johns County; and

WHEREAS, the St. Johns County LMS Taskforce has completed a Local Mitigation Strategy Plan which has been reviewed by the Florida State Division of Emergency Management as meeting the criteria for such plans and was last approved by the City of St. Augustine Beach City Commissioners in 2015; and

WHEREAS, the LMS Taskforce revised By-laws of the current Plan, further creating an Executive Committee to conduct the official business of the Taskforce, accepted the revised Plan by unanimous vote on February 23, 2017.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of St. Augustine Beach, St Johns County, Florida adopts the Local Mitigation Strategy Plan prepared by the LMS Taskforce.

RESOLVED AND DONE, this 3rd day of April, 2017 by the City Commission of the City of St. Augustine Beach. St Johns County, Florida

Mayor O'Brien

ATTEST:

City Manager

**BOARD AND DEPARTMENTAL REPORTS
FOR CITY COMMISSION MEETING, APRIL 3, 2017**

CODE ENFORCEMENT/BUILDING/ZONING

The report is attached as page 1.

COMPREHENSIVE PLANNING AND ZONING BOARD

As the Board did not meet in March, the minutes of its February 21st meeting and the report of its April 18th meeting will be provided with this Report prepared for the City Commission's May 1st meeting.

TREE BOARD/BEAUTIFICATION ADVISORY COMMITTEE

The minutes of the Board/Committee's February 23rd and March 16, 2017, meetings are attached as pages 2-11.

POLICE DEPARTMENT

Please see page 12.

PUBLIC WORKS DEPARTMENT

Please see pages 13-14.

FINANCE/ADMINISTRATION

Ms. Melissa Burns, the City's Chief Financial Officer, has provided a report as pages 15-16.

CITY MANAGER

1. Complaints

A. Need for Traffic Signal

A resident complained about the difficulty of exiting the Sevilla Gardens subdivision via Madrid Street, opposite the entrance to the Marsh Creek subdivision. Because the signal would be on State Road A1A, the resident was directed to contact the Florida Department of Transportation.

2. Major Projects

A. Road/Sidewalk Improvements

1) Pedestrian Safety at Crosswalks on A1A Beach Boulevard

Once 8th Street west of the Boulevard is constructed, there'll be spaces along it for public parking. A crosswalk/flag system may then be needed at the 8th Street/Boulevard intersection.

2) Opening 2nd Street West of 2nd Avenue

There has been no action by the owners of the lots on 2nd Street west of 2nd Avenue to open that street. The owners would have to sign an agreement and pay in advance the costs to construct the utilities and the road, just as the owners of the lots adjacent to 8th Street between the Boulevard and 2nd Avenue did.

B. Beach Matters

1) Off-Beach Parking

The next area for improvements for off-beach parking will be on the right-of-way of 16th Street, east of the Boulevard, where beach visitors are already parking. Paver blocks will be put on the unpaved right-of-way along the north side of the street, and possibly along a short section on the south side. This would be similar to what was done along the north side of 16th Street, west of the Boulevard. A survey has been done of the right-of-way location east of the Boulevard and the Public Works Director and City Manager invited the owners/residents of adjacent houses and from Pier Point South condos to a meeting on January 13, 2016, to discuss the use of the right-of-way for parking. Two residents attended and both were in favor of the project. In the Fiscal Year 2017 budget, \$90,000 was appropriated for the project. The City will advertise for bids in March, 2017, and the Commission will be asked at its April 3rd meeting to award the bid. In the future, other possible locations for improved right-of-way parking are the south side of 5th Street and the north side of 4th.

On July 26, 2016, then-Commissioner Andrea Samuels and the City Manager attended a County Commission meeting at which a paid parking study for beach visitors was reviewed. Paid parking is proposed for the County's parking areas adjacent to the beach. These include the east end of Pope Road and pier park in the City. The County Administrator was to work on the details as to how the paid parking system would be implemented. On August 10th, Mayor O'Brien and the City Manager met with the County Administrator, Mr. Michael Wanchick, to tell him of the City's strong interest to be involved in the County's plan for paid parking. Mr. Wanchick promised to involve the City in any plans for a paid parking system. To date, no proposal from the County has been received. This topic may be one for the County and City Commissions to discuss at their joint meeting in 2017.

In the meantime, the City Commission asked the Planning Board to develop a plan to prevent the side streets adjacent to the beach from becoming parking lots by beach visitors. At its November 15, 2016, meeting, the Board met with the residents/owners of properties east of the A1A Beach Boulevard and one block west of the Boulevard. Over 30 residents attended. Nearly all who spoke didn't favor having their streets used for visitor parking.

The Planning Board continued the discussion at its December 20th meeting and recommended that the City Commission start a pilot parking program for the streets east of the Boulevard between 8 a.m. and 5 p.m. The Board also recommended that existing public parking spaces and lots within the City be clarified. The Public Works Director did this, and provided the information to the Board.

The Board continued the discussion to its January 17th meeting, at which it approved three motions: a. to include three pages of supplemental information to the Commission concerning a parking permit system that Board member Mr. Zach Thomas proposed; b. to recommend to the Commission that the number of off-beach parking spaces provided by the Public Works Director to the Board in December be reconciled

with the number of spaces the County identified as needed to be counted for beach restoration purposes; and c. to recommend that the Commission explore new ways to inform the public of the availability of off-beach parking spaces. The Commission will consider at its April 3, 2017, meeting whether to have a special meeting to discuss the proposed parking plan and related matters.

ON A RELATED MATTER: The City Commission appropriated money in the Fiscal Year 2017 budget to put paver blocks along the 16th Street right-of-way, both east and west of the Boulevard. The Commission will review the bids for this project at its April 3rd meeting.

C. Parks

1) Ocean Hammock Park

This Park is located on the east side of A1A Beach Boulevard between the Bermuda Run and Sea Colony subdivisions. It was originally part of an 18-acre vacant tract. Two acres were given to the City by the original owners for conservation purposes and for where the boardwalk to the beach is now located. The City purchased 11.5 acres in 2009 for \$5,380,000, and received a Florida Communities Trust grant to reimburse it for part of the purchase price. The remaining 4.5 acres were left in ownership. In 2011, the City applied for a Florida Communities Trust grant, which could have enabled the City to purchase the 4.5 acres, if the owners agreed to the value of the property established by the City's appraiser. However, because the Florida Legislature severely reduced the funding for the grant program, the City didn't receive a grant.

Thanks to The Trust for Public Land, which purchases land for conservation purposes on behalf of cities and counties, the City acquired the remaining 4.5 acres in 2015 for the appraised price of \$4.5 million. In November 2015, the City made one payment of \$1.5 million from its savings to The Trust. The remaining \$3 million was paid on November 15, 2016. This money came from bond revenue through the Florida League of Cities Municipal Loan Council. The bond documents were signed by Mayor O'Brien and other City officials on September 22nd. Paying the \$3 million owed to The Trust for Public Land enabled the City to save money on interest on the debt owed to the Trust and nearly \$400,000, because money from the new bond issue was also used to refinance two past bond issues the City had. Money to pay the new bond debt will come from property taxes and perhaps from electric franchise fees. In the primary election in 2008, 60.7%, or 690 voters, approved the City levying up to half a mill in property taxes for 20 years to acquire land to protect it from development. (Opposing the proposition were 447 voters, or 39.3% of those who voted.) In 2009, the City bought 11.5 acres of the land adjacent to the 4.5 acres. As the total purchase price exceeded the amount of the grant, the Commission has levied 0.08 mills each year since 2010 to pay the debt to acquire the initial 11.5 acres. For Fiscal Year 2017, the debt millage was increased to the voter-authorized limit of .50 mills, or 50 cents for every \$1,000 of a property's assessed value, to provide money to pay the debt incurred for the purchase of the remaining 4.5 acres.

In June, the City Manager was told by a planner for the Florida Communities Trust that the grant cycle for applications in 2016 was open, though the Legislature had appropriated only \$10 million for grants throughout the State. In June, the Chief Financial Officer and the City Manager participated in a webinar, in which Florida Communities Trust staffers went through the application process. The Chief Financial Officer updated the grant application that she had prepared several years ago, before the Legislature stopped funding the Florida Communities Trust program, and the City Manager helped with the preparation. The application was submitted to the Trust by the August 31st deadline for a grant of \$1.5 million. In early October, the City was informed by the FCT staff that the application had been accepted

and would be scored by the staff. The City was informed in January that the score was 150 points. This made the City's application the third highest on the list of 17 projects that were submitted by other Florida cities and counties. The highest score was 171 points. The Florida Communities Trust Board reviewed the applications at a meeting in Tallahassee on Wednesday, February 8th. Mayor O'Brien and City Manager attended, and the Mayor spoke on behalf of the City. The Board voted to accept the staff's recommendation of 150 points for the City's application, which remained third from the top. In late February, Mayor O'Brien and City staff members met with Florida Communities Trust staff persons, who inspected the 4.5 acres. The City's score of 150 points will likely not be changed. The only remaining step is for the City to receive the \$1.5 million.

ON A RELATED MATTER: Ms. Sallie O'Hara, President of the Rotary Club of Coastal St. Johns, met with the Public Works Director and the City Manager about the Club providing money for improvements to the Park, such as contributing to the construction of a picnic pavilion/scenic overlook where education classes for children on the Park's flora and fauna could be held. Ms. O'Hara proposed to the City Commission at its February 6th meeting that the Coastal Rotary Club would work with the City on a long-range basis on improvements to the Park. The Commission accepted the proposal.

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. The County purchased the property in 2005 for \$2.5 million. By written agreement, the City reimbursed the County half the purchase price, of \$1,250,000, plus interest. At its June 14, 2016, meeting, the City Commission appropriated the final payment of \$39,650 and approved the Mayor sending a letter to the County, asking that the title of the property be transferred to the City. The letter was sent and at its July 26, 2016, meeting, the County Commission approved the transfer of the property's title to the City, with the condition that if the City ever decided to sell the property, it would revert back to the County. Such a sale is very unlikely, as the City Charter requires that the Commission by a vote of four members approve the sale, and then the voters in a referendum must approve it. In 2017, the City will apply for a Florida Communities Trust grant of \$1,250,000, to reimburse it for its share of the cost to acquire the land.

D. Drainage Improvements

1) Piping Ocean Woods Subdivision Ditch

Money for the project was been appropriated in the Fiscal year 2017 budget. Permits have been obtained and the project's specifications approved. The City will advertise for bids in March. The award of a bid will be on the agenda for the Commission's April 3rd meeting.

2) Piping of Mickler Boulevard Ditch between Pope Road and 16th Street

Some residents of the Ocean Walk subdivision, east of Mickler Boulevard, have requested this project. It was last discussed by the Commission in 2008, as part of the Commission's discussion of the proposed Fiscal Year 2009 budget. Because of the reduction in revenue to the City due to the downturn in the economy at that time and the significant decline in the assessed value of real property in the City, the Commission decided not to proceed with the project. In 2008, the then-Public Works Director, Marc Chattin, estimated that the cost to pipe this section of the ditch would be \$365,000. The current Public

Works Director, Mr. Joe Howell, will provide an updated cost estimate for discussion at a future Commission meeting.

E. Review of Comprehensive Plan/Land Development Regulations

Information about this topic is provided under Item 5.B, strategic plan update, below.

3. Construction in the City

As of Monday, March 27, 2017, there were 27 permits active for single-family residences in the City.

SUBDIVISION	ADDRESS	DATE PERMIT ISSUE
Anastasia Dunes	402 Ocean Forest Drive	03/22/16
	1007 Island Way	03/11/16
	429 Ocean Forest Drive	12/21/16
Atlantic Beach	115 14 th Street	01/18/17
	124 13 th Street	02/29/2016
	3 15 th Street	02/11/2015
Chautauqua Beach	111 7 th Street	04/14/15
	2 2 nd Lane	07/08/15
	5 2 nd Street	03/23/16
	1 2 nd Lane	07/14/16
	4 5 th Street	02/02/17
Coquina Gables	312 B Street	2/12/15
	14 F Street	11/08/16
	16 F Street	11/08/16
	3 D Street	02/08/17
Lake Sienna	145 Kings Quarry Lane	07/18/16
Linda Mar	2 Oceanside	09/18/2015
	29 Linda Mar	11/29/16
	6 Oceanside	03/09/17
Raintree	2 Deanna Drive	12/09/16
Sea Colony	724 Ocean Palm Way	10/28/15
	896 Ocean Palm Way	10/25/16
	904 Ocean Palm Way	11/30/16

SUBDIVISION	ADDRESS	DATE PERMIT ISSUE
Sea Grove	1348 Smiling Fish Lane	10/27/16
	740 Tides End Drive	01/11/17
Woodland	207 Azalea Court	02/02/17

NEW RESIDENTIAL CONSTRUCTION

Mr. Jay McGarvey, the developer of the Sea Colony, Anastasia Oaks and Sea Grove subdivisions, has purchased the 23 acres of undeveloped land east of Mickler Boulevard and south of 11th Street. The name of the new subdivision is Ocean Ridge. A final development plan for 72 single family homes was approved by the Planning Board at its May 16, 2006, meeting. In 2007, the City Commission extended the expiration date of the final development plan to February 16, 2018. In mid-March, 2016, the Building Department issued a clearing permit for where the roads will be constructed in the subdivision to the owner, Mr. Jay McGarvey. On April 26, 2016, the City Commission held a public meeting concerning Ocean Ridge, to provide an opportunity for the public to learn of the subdivision's background, permitting, lot sizes, etc. Mr. McGarvey also attended, to learn of the public's concerns. The clearing of land for the roads was done, with efforts being made to save a large oak tree, which will be in the middle of a retention pond near the subdivision's entrance on 11th Street, and a pine tree with such a huge trunk that it may be one of the oldest trees in the City. Clearing also was done where the amenity center will be built and a sewer lift station by Mickler Boulevard and 11th Street will be located. The County Utility Department will construct a reclaimed water line to the subdivision to provide water for irrigation. The City may connect to the line to irrigate the landscaping at city hall and Lakeside Park. The contractor has constructed the water and sewer lines, and the storm water system. A preliminary plat of the subdivision may be submitted to the Planning Board at its May 16th meeting for a recommendation to the City Commission.

COMMERCIAL CONSTRUCTION

A. Holiday Inn Express

This was proposed to be a 94-room motel constructed on the west side of the Boulevard on the vacant land between 4th and 5th Streets. So that the Inn could be built on the entire block, a land use change from medium density residential to commercial was needed for the six of the 16 lots that comprise the block. At its June 16, 2015, meeting, the Planning Board reviewed the proposal to change the land use designation of the six lots and by a 4-3 vote recommended approval of the change. At its September 28, 2015 meeting, the Commission voted not to approve the land use change.

In November, 2015, the owner of the property submitted to the Building Department a one-page concept plan for a 62-room Holiday Inn Express on the six commercial lots. When a formal application is made to the City, the first step will be to submit the application to the Planning Board for review and recommendation to the City Commission. Under a new ordinance, the Commission will make the final

decision whether the motel will be approved, even if no land use change is requested by the owner. The owner hasn't yet submitted a revised proposal.

4. Finance and Budget

A. Fiscal Year 2016 Budget

Fiscal Year 2016 began on October 1, 2015, and ended on September 30, 2016. The next step will be an audit of the FY 16 budget. That is usually completed in the spring and presented to the City Commission in May or June.

B. Fiscal Year 2017 Budget

Fiscal Year 2017 began on October 1, 2016, and will end on September 30, 2017. The property tax millage for General Fund operating purposes is 2.3992 mills, or \$2.3992 for every \$1,000 of a property's assessed value after all allowable homestead exemptions have been deducted. In addition, the City Commission approved a debt millage of 0.50 mills, or 50 cents for every \$1,000 of a property's assessed value. The debt millage will pay the yearly debt on the bonds that the City obtained to reimburse The Florida Communities Trust the \$3,000,000 it paid when it purchased on the City's behalf the final 4.5 acres of the former Maratea subdivision between the Bermuda Run and Sea Colony subdivisions.

February 28th marked the end of the fifth month of FY 17. For the General Fund, the City year-to-date received \$3,287,277 and spent \$5,492,923. The reason for the imbalance between revenues and expenditures is that the City made a one-time payment of \$3,163,708 for the purchase of the remaining 4.5 acres of the former Maratea subdivision. Deducting this one-time payment from the General Fund's year-to-date expenditures shows that the City spent \$2,329,215 for normal operations and capital items, or \$958,062 less than the year-to-date revenues (\$3,287,277) received. Without the onetime payment of \$3,163,708, expenditures for normal operations were well under revenues at the end of the first third of FY 17. This surplus will narrow later in the fiscal year when the revenue from property taxes declines significantly because most property owners pay their taxes between November and April.

C. Vendor Checks

Please see pages 17-30.

5. Miscellaneous

A. Permits for Upcoming Events

In March, the City Manager approved the following permits: a. The Jacksonville Ultimate League's frisbee contest on beach between the pier and 9th Street on Saturday and Sunday, April 1-2, 2017; b. TNT Events arts and crafts show on February 17-18, 2018, at the County pier park; and c. TNT Events arts and crafts show on March 17-18, 2018, also at the pier park.

B. Strategic Plan

The plan's six tier one objectives adopted by the Commission are: 1. establish a plan for evaluating various events and their impact on the quality of life; 2. review additional revenue sources, including fees, grants, taxes, public/private partnerships, bonds, etc.; 3. review and update City codes and their enforcement: parking, traffic and speed limits, solid waste and land development regulations; 4. advocate for continued funding for beach renourishment (state and federal sources); 5. Increase and improve citizen engagement; and 6. develop a City-wide traffic management plan.

An update on the progress of implementing these goals follows:

1. **Evaluating Special Events:** During 2016, the City Commission reviewed a list of the special events that are held in the City and their effect on the City's quality of life; and reviewed an ordinance to prohibit the issuance of special event permits on weekends when there's a major holiday. Other changes to the permit regulations were also suggested. The Commission decided to regulate by resolution the times of the year when special event permits won't be issued. The Commission was to have reviewed the resolution at its July 11, 2016, meeting; however, the County Attorney by letter asked that approval of the resolution be postponed until the staffs of the County and the City had met to discuss it. That meeting has yet to take place. This topic may be discussed at the joint City/County Commission that may take place in March, 2017. In the meantime, the Diva Run, which has taken place in the City in December for the past three years, won't be permitted again. Also, the Commission is much more sensitive to residents' concerns about the effect the closing of City streets for runs has on their quality of life.
2. **Additional Revenue Sources:** a. The Public Works Director will do more research on the creation of a fee for the collection of household wastes, and will present his proposal at a future Commission's meeting. The City already charges an assessment for the disposal of solid waste. The Director proposed changes to the City's trash pickup regulations. This resulted in an ordinance, which the Commission approved on final reading at its December 7, 2015 meeting. b. The City's application for a \$1.5 million grant from the Florida Communities Trust received a high score. The grant will reimburse the City for part of the \$4.5 million it paid to buy the remaining 4.5 acres of the former Maratea subdivision. In 2017, the City will apply for a \$1,250,000 grant to reimburse it for its share of the cost to acquire the 6.1 acre Hammock Dunes Park, which is north of the shopping center.
3. **Updating City Code:** a. **Land Development Regulations:** After several workshops held by the Commission in 2016 with the Planning and Tree boards, and interested citizens, the land planner hired in January, 2016, submitted a final draft of the proposed changes to the Regulations. The Commission held a special meeting to review this draft on Monday, February 6th. And approved changes to the Code. The City Attorney will prepare an ordinance to adopt them. b. The Public Works Director proposed changes to the City's solid waste pickup regulations. This resulted in an ordinance, which the Commission approved at its December 7, 2015, meeting. c. The Director also proposed changes to his Department's jurisdiction over the streets and rights-of-way. The Commission approved an ordinance adopting these

changes at its May 9, 2016, meeting. d. The Director then presented proposed changes to the City's on-street parking regulations to the Commission at its June 14, 2016, special meeting, when the Commission decided to prohibit parking on D Street, east of A1A Beach Boulevard. At its September 26th meeting, the Commission decided to refer all the on-street parking issues to the Planning Board. The Board held a meeting with residents of the streets east of the Boulevard, and one block west of the Boulevard, between 16th and F Streets. Those residents who attended did not want their streets used for off-beach parking. The Board made several recommendations, such as a residential parking permit system. These will be reviewed by the City Commission at a future meeting, possibly in conjunction with the County's paid off-beach parking plan.

4. Beach Renourishment: According to the local sponsor for beach renourishment, St. Johns County, a renourishment project will be started in mid-2017. The section of eroded beach from the middle of Anastasia State Park to A Street will receive new sand. On August 23, 2016, Mayor O'Brien and the City Manager attended a meeting with Corps of Engineer and Florida Department of Environmental Protection Officials concerning the distribution of sand to restore eroded beaches north and south of the St. Augustine Inlet. A group of Vilano Beach/Ponte Vedra Beach residents have requested this distribution. The County Commission discussed this proposal at its September 20th meeting. Vice Mayor George and the City Manager were at that meeting and spoke to the County Commission about the need to keep the beach restoration project for St. Augustine Beach on track for 2017. The County Commission decided to see if there was a challenge to the Florida Department of Environmental Protection's intent to issue a permit for the project. Shortly after mid-November, the City was informed by the County's Public Works Director that a group of Ponte Vedra/Vilano Beach residents had filed a request with the Department of Environmental Protection for an administrative hearing, to protest the taking of sand for the ebb shoal at the St. Augustine Inlet. This request would have delayed the issuance of the DEP's permit for the City's beach renourishment project and prevent start of the project in mid-2017. However, at its March 6th meeting, the City Commission was informed by County Commissioner Henry Dean that the Vilano residents had withdrawn their appeal request. The renourishment of the City's beach is tentatively scheduled to begin in September, 2017.
5. Improve Citizen Engagement: a. The Events Coordinator handles blogs and social media. The first issue of the City's electronic newsletter was issued in November, 2015. It now has over a thousand readers, and double that number through a link with Facebook. The Facebook page was especially helpful in providing information to the public during Hurricane Matthew. The City Manager provides a monthly City Hall Update report and a longer article for the e-newsletter. b. The City Manager prepared a draft of the State of the City Report and the previous Mayor, Andrea Samuels, who did the final draft, which was published in the December, 2015, issue of the Beaches Journal newspaper. c. The City Manager provides a monthly article to the St. Augustine Record's monthly newspaper, The Anastasia Island Community Journal.
6. Workshop with County Commission: The City Commission will request an annual or bi-annual joint workshop with the County Commission to discuss traffic management and road conditions. In late March, the County Administrator's staff suggested to the City Manager several dates between April 19th and May 15th for the meeting. The suggested time is 9 a.m.

and the suggested location for the meeting is the County auditorium. At its April 3rd meeting, the City Commission will discuss which date to select.

The City Commission will review progress on implementing the strategic plan objectives at either a future workshop or a regular meeting.

C. Sign Regulations

In July 2016, the City Commission adopted two ordinances to amend its sign regulations. Because there were questions about the new regulations, the Commission decided to hold a meeting on Saturday, November 19, 2016, at 9 a.m. with business owners and the public. A letter was sent to the owner of every business in the City that has a sign, informing them of the meeting. Issues on the agenda for discussion were: when non-conforming signs must be removed; review of the list of prohibited signs and whether any changes need to be made to the list; and review/clarification of the regulations concerning signs on public property. The Commission at the meeting decided to remove the deadline that non-conforming signs must be made conforming by August 1, 2023. Instead, requirement will be that such signs must be made conforming when the costs to repair such signs exceed 50% of their value. The City staff is to get photos and measurements on the non-conforming signs as they exist today. The Commission also asked the staff to do a thorough inventory of all the types of signs that the businesses have. The inventory is now being done.

The Commission also discussed political signs on government property, but made no decision whether to continue not allowing them except in specific ways, such as candidates and their supporters being allowed to hold campaign signs or have such signs attached to vehicles in the city hall's main parking lot.

The Commission will hold a meeting in the future to review an inventory of non-conforming signs prepared by the City staff and possible changes to the sign regulations.

MEMORANDUM

To: Mr. Max Royle, City Manager
FROM: Gary Larson, Building Official
DATE: March 13, 2017
RE: Monthly Report

TREES:

104 Serenity Bay Blvd. 1 oak. Was denied, trim only subject to report from Arborist.

605 A Street. 1 Oak. Approved for removal. Causing damage to foundation and walls.

129 13th Street. 2 pines. One hanging over house with dead branches, approved for removal. Other was over trimmed by FPL for power lines, now leaning toward residence, approved for removal.

130 15th Street. 2 oaks, deemed as hazard to structure, approved for removal.

206 Azalea Court, 3 trees. Denied removal, subject to an arborist's report.

43 White Court. 1 sweet gum. Approved as deemed a hazard to structure.

PLANNING:

Reviewed and recommended to Commission, Alleyway vacating between 3rd and 4th Street, and the transfer of a Conditional Use for the Oasis Restaurant. Both were recommended for approval.

CODE ENFORCEMENT:

No meeting was held.

BUILDING:

Single family permits remains steady. Ocean Ridge is installing water, sewer and Storm water piping. Roadways are starting to be established. The Embassey is continuing with floor pours of concrete. Framing of exterior walls will begin when the shoring is removed.



**MINUTES
REGULAR TREE BOARD/BEAUTIFICATION
ADVISORY COMMITTEE MEETING
CITY OF ST. AUGUSTINE BEACH
THURSSDAY, FEBRUARY 23, 2016
6:00 P.M.**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

I. CALL TO ORDER

Chair Lombari called the meeting to order at 6:02 p.m.

II. PLEDGE OF ALLEGIANCE

Chair Lombari led the Pledge of Allegiance.

III. ROLL CALL

Present: Chair LeaAnn Lombari, Member Ann Palmquist, Member Craig Thomson, Member Alex Farr, Member Sandra Krempasky, Member Lonnie Kaczmarsky, Member Mary Beth Hutchinson, and Alternate Jeanette Smith.

Vice Chair Tanya Frantzen was absent.

Also Present: City Manager Max Royle, Building & Grounds Foreman Tom Large, and Recording Secretary Dariana Fitzgerald.

IV. APPROVAL OF MINUTES OF JANUARY 11, 2017, MEETING

Chair Lombari introduced Item IV and then asked for a motion.

Motion: To approve the Board/Committee minutes for January 11, 2017. **Moved by** Member Thomson. **Seconded by** Member Krempasky. Motion passed unanimously.

V. ELECTION OF CHAIR AND VICE CHAIR FOR 2017

It was proposed that Ms. Lombari & Ms. Frantzen maintained their titles for another year. Ms. Lombari stated that she would accept the nomination if the Chair and Vice Chair could share more responsibilities.

LeaAnn Lombari was elected as Chair and Tanya Frantzen as Vice Chair by unanimous voice vote.

VI. TREE BOARD MATTERS

- 1) Review of Preparations for Arbor Day 2017 Celebration with Ms. Hala Laquidara, Events Coordinator

Ms. Laquidara discussed the status of her plans for the April 21st Arbor Day event. She stated that she is trying to get vendors to generate more interactive stations and not just provide handouts. She invited the new Children's Museum and St. Augustine Aquarium to set up at the event this year, but has not heard back from them yet. The Committee requested that Florida Power & Light be invited and Ms. Laquidara said that she contacted the area manager, Jim Bush, but has not heard back from him yet either. She will continue trying to get in contact with them and other vendors.

There will not be live music this year, since there have been problems with finding an appropriate location for the musician to set up over the past two years. The music drowned out the presentations and vendors. She said she would look into using the outdoor speakers to play soft music for ambiance.

There will be only snacks, not meals, provided by the City. There will be a food truck in the parking lot should guests want to purchase a meal. Last year, the City asked for 20% of the truck's proceeds, but the vendor provided no proof of profit and only paid the City \$20. This year she will charge a flat fee.

She stated that the large tent, in the event of rain, cost about \$750 last year, but that she would like to get it again this year if there is a 30% or more chance of rain.

She also said that she has not heard back from the art teachers at Pedro Menendez High School or R.B. Hunt Elementary School regarding the poem and poster contests. She thought that they should continue to give cash prizes and t-shirts to the winners.

Foreman Large provided Ms. Laquidara with a count of the saplings left from last year's event: 20 winged elms, 20 sweet gum, and 20 red cedars in three-gallon pots. The Committee decided to order red cedar, red cherry, and southern magnolia saplings to give away this year. They would like the City to look into whether pre-potted plants would be affordable compared to the bare root plants ordered in the past. Chair Lombardi pointed out that Vice Chair Frantzen tried to keep a list of the people that picked up trees last year. She asked for that list to be provided.

Ms. Laquidara asked that the Committee contact the Girl Scouts regarding their participation this year.

Last year's theme was "Treemendous" [Tree + tremendous] and that will remain for this year.

2) Report by Alternate Jeanette Smith Concerning Planting of Palm Trees Along Boulevard

Alternate Smith reported that two trees were planted north of 16th Street. The weather has delayed this project.

Foreman Large stated that he plans to work his way south from 16th Street. The area between 12th and 13th Streets has already been marked with stakes. He stated that he preferred to take his time and make certain that the tree is being planted in the best way for that specific plot to ensure the highest chance for survival.

He priced wells and found that a 30 to 40-foot shallow well cost about \$900 and a 60 to 80-foot well would be \$2,300. Those prices do not include a pump motor or wiring. A pump motor would be about \$200-\$300.

Member Palmquist asked about staking the trees for stability and support while they are newly planted. Foreman Large stated that that has not been a problem due to how carefully the trees are planted.

3) Other Tree Board Matters

There was discussion of whether there were funds approved for planting ten oak trees for FY 2017. Chair Lombardi asked for records showing that the funds were approved to buy ten oaks in FY 2017 by the Commission. Member Thomson showed drafts he created (Exhibit 1) proposing locations to plant oak trees provided that the funds are available. This included four trees at the intersection of 1st Street and 2nd Avenue, three trees at 3rd Street and 2nd Avenue, and three trees at 8th Street and 2nd Avenue.

Member Hutchinson stated that she would not be able to prepare the Urban and Community Forestry Renewal Grant proposal this year. Member Kaczmarzky stated that he has written several grants and volunteered to head that project.

VII. BEAUTIFICATION ADVISORY COMMITTEE MATTERS

1) Development of Landscaping Plan on Right-of-Way in Front of Alvin's Island

Member Thomson presented a revised plan for the area (Exhibit 2). This plan included 16 palms, instead of 26, with plant beds of hurricane lilies and dune sunflowers.

The Committee discussed the proposals from landscaping architects A & K Land Planning & Design, Inc. and Janet O. Whitmill, R.L.A., Inc. Member Palmquist suggested inviting both architects to the next meeting to explain their proposals.

Motion: To hire A & K Land Planning & Design, Inc. of Jacksonville, FL to design the landscaping plan for the Alvin's Island area, at the southern intersection of A1A Beach Boulevard and State Road A1A, per their February 6th quote, not including the irrigation plan option. **Moved by** Member Hutchinson. **Seconded by** Member Thomson. The motion was approved by a vote of 5-2 with Members Farr & Palmquist opposing.

Member Thomson asked city staff to contact A & K and provide them with the preliminary draft. Chair Lombardi asked for Member Thomson to act as liaison should the firm have questions.

There was discussion about why this landscape architect was necessary, why Public Works couldn't handle this project like they did for the rest of the Avenue of Palms. Due to this site being on Department of Transportation property and being a major intersection, it would be better to have a someone focused on making sure all requirements and safety considerations were taken into consideration.

2) Reports by Members:

A. Parkette Signage: Ms. Krempasky

Foreman Large stated that Public Works Director Joe Howell spoke with the artist who designed the current City signs, but had not received any definite information regarding the rights of the artwork. Member Krempasky presented handouts (Exhibit 3) showing the draft of the sign and sketches estimating the size.

Member Krempasky got an estimated price of \$25-\$40 per sign for a 36-inch wide by 18-inch high aluminum rectangle sign with rounded corners.

Member Palmquist suggested that the signs be mounted on coquina boulders. The Committee discussed the option, but the consensus was that it would be too expensive for boulders large enough for the proposed signs and since coquina is a soft stone, it could be easier for vandals to remove and steal the signs.

B. Hiring a Landscape Architect: Ms. Frantzen

Vice Chair Frantzen was not present to give her report at this meeting. She provided quotes from two landscape architects before the meeting, which were included in the agenda book. The Committee decided to hire A & K Land Planning & Design, Inc. of Jacksonville, FL during agenda item VII.1.

C. Progress of Developing for Presentation to the City Commission of the Good, Better, and Best Projects for First Year of Five-Year Boulevard Beautification Plan: Ms. Lombari

Chair Lombari presented the draft of her plan (Exhibit 4) for the projects and budget of Year One of the Committee's Five-Year Plan. There was a suggestion for \$8,000 for canopy restoration to be added to "Good" and "Better" proposals. She will finalize the plan and asked that it be scheduled for discussion in at the City Commission meeting in April.

The Committee discussed the current methods of ground water disposal within the City.

3) Discussion of Proposing to the Planning Board a Date for Meeting to Discuss Potential Uses of Plazas

Member Krempasky went to the last Planning Board meeting, but did not comment since City Manager Royle wrote a memo stating the Committee's position. The Board voted against parking. There was discussion of the plazas already being used for public parking. The Committee decided to let this issue lie unless the topic is raised again by the Planning Board or the City Commission.

4) Other Beautification Advisory Committee Matters

The Committee would like details of expenses for the two accounts related to the Committee included as part of the agenda book each month.

Member Farr asked if the name Beautification Advisory Committee could be changed. This was discussed.

VIII. SCHEDULING DATE FOR BOARD/COMMITTEE'S NEXT MEETING

The Committee agreed to have the next regular meeting on Thursday, March 16th at 6:00 p.m.

City Manager Royle will coordinate with Ms. Laquidara to schedule another meeting regarding Arbor Day before April 21st.

IX. ADJOURNMENT

Motion: To adjourn the meeting. **Moved by** Member Palmquist. **Seconded by** Member Hutchinson. Motion passed unanimously.

Chair Lombari adjourned the meeting at 8:34 p.m.

LeaAnn Lombari, Chair

ATTEST

Max Royle, City Manager



**MINUTES
REGULAR TREE BOARD/BEAUTIFICATION
ADVISORY COMMITTEE MEETING
CITY OF ST. AUGUSTINE BEACH
THURSDAY, MARCH 16, 2017
6:00 P.M.**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Member Krempasky led the Pledge of Allegiance.

III. ROLL CALL

Present: Chair LeaAnn Lombari, Vice Chair Tanya Frantzen, Member Ann Palmquist, Member Craig Thomson, Member Alex Farr, Member Sandra Krempasky, Member Lonnie Kaczmarsky, and Alternate Mary Beth Hutchinson.

Alternate Jeanette Smith was absent.

Also Present: City Manager Max Royle, Building & Grounds Foreman Tom Large, and Recording Secretary Dariana Fitzgerald.

IV. APPROVAL OF MINUTES OF FEBRUARY 23, 2017, MEETING

Chair Lombari introduced Item IV and then asked for a motion.

Motion: To approve the Board/Committee minutes for February 23, 2017. **Moved by** Member Krempasky. **Seconded by** Member Thomson. Motion passed unanimously.

V. TREE BOARD MATTERS

A. Urban Forestry Grant: Report by Dr. Kaczmarsky

Member Kaczmarsky contacted Lou Shepherd, coordinator of the U.S. Forest Service's Urban and Community Forestry Grant, and was informed that the grant has not yet been funded for this year. He will be on the list for more information when it is available.

B. Planting of Palm Trees Along Boulevard: Report by Ms. Smith

Member Smith was absent. Foreman Large reported that 10 more tree were planted for a total of 12 trees. He asked if the Committee would propose any additional locations. He reported that trees have been planted from just north of 16th Street south as far as 12th Street.

Motion: To recommend planting additional trees across from the Courtyard Marriott between 5th & 6th Streets east of A1A Beach Boulevard. **Moved by** Member Thomson. **Seconded by** Member Farr. Motion passed unanimously.

C. Clarification of Types of Trees and Number Approval by the Commission in the FY 2017 Budget

There was discussion of the FY 2017 \$10,000 budget for purchasing new trees. Foreman Large stated that Assistant Director Gatchell is currently searching for cost estimates.

The Committee discussed potential planting locations for live oak trees in response to comments in Director Howell's memo dated March 15, 2017 (Exhibit A).

Motion: For Public Works to stake potential planting locations for live oak trees with Member Thomson's assistance and notify the Committee once this has been done. **Moved by** Member Thomson **Seconded by** Member Krempasky. Motion passed unanimously.

D. Other Tree Board Matters

The Commission discussed communication efforts with Public Works.

Motion: To send copies of the agenda, minutes, and other relevant documents to Director Howell as soon as they are available and to ask that he attend portions of each monthly meeting to discuss issues directly. **Moved by** Member Thomson **Seconded by** Member Lombari. Motion passed unanimously.

Chair Lombari recommended that City Manager Royle draft a memo after each meeting to Director Howell directly to address Committee decisions.

Member Palmquist suggested inviting individual Commissioners on a rotating basis to attend Committee meetings. City Manager Royle advised that Commissioners could attend, but cannot speak on behalf of the Commission.

Motion: To invite City Commissioners to attend meetings. **Moved by** Member Palmquist. **Seconded by** Member Kaczmarzsky. Motion passed unanimously.

The Committee discussed the expense from their budget to Tree Medic for \$1,100 for services after Hurricane Matthew. Foreman Large stated that Public Works was asked to hire a contractor to help put fallen trees back up after the storm. Public Works was overwhelmed and there was a time issue to provide the best opportunity for the trees' survival. Chair Lombari stated that she had had communication with Max immediately following the hurricane regarding hiring someone to assist with preserving trees as she believed it was a time sensitive issue. The Committee would like to know what trees Tree Medic worked on and the current condition of those trees. They would also like to know why this was charged to the Committee's account and not the Roads and Bridges account.

Motion: Next time there is an urgent issue relating to trees or landscaping on public land within the City, any memo from members to the City Manager or Public Works should be copied to the Committee who will comment within 24 hours with any suggestions. **Moved by** Member Lombari. **Seconded by** Member Frantzen. Motion passed 6-1. Member Palmquist opposed.

City Manager Royle clarified that information could be transmitted through a City employee to the Committee members, however they cannot solicit opinions or conduct a discussion with each other through email. That must occur during a recorded meeting.

Member Farr asked the Committee to think about possible alternate names for the Committee to consider.

The Committee discussed the upcoming Arbor Day event. They asked for an update from Ms. Hala Laquidara about the status of planning the event. They asked to be certain that the Commissioners are invited to the event and that a proclamation is issued declaring April 21st as Arbor Day. City Manager Royle stated that the proclamation is on the agenda for the April 3rd Commission meeting. Vice Chair Frantzen said that she would get in contact with Ms. Laquidara about designing the event program.

Motion: To use the first-place poster on the cover on the program. **Moved by** Member Lombari. **Seconded by** Member Thomson. Motion passed unanimously.

The Committee discussed their efforts last year to have people who received free trees to add their names to a list. They discussed the efficacy of different methods of obtaining this information and what might be done with the contact information afterwards.

Motion: To make an Urban Forester Volunteer form for those who receive trees to fill out. **Moved by** Member Thomson. **Seconded by** Member Farr. Motion passed unanimously.

Vice Chair Frantzen volunteered to make the Urban Forester Volunteer form. The Committee will use a prize drawing as incentive to get people to fill them out. Member Farr & Chair Lombari will announce prize winners during the presentation. Foreman Large stated that they have 20 red cedar, 20 winged elm, and 20 maple remaining from last year. Assistant Director Gatchell ordered an additional 100 red cedar, but was unable to get any southern magnolia or red cherry. Foreman Large said that those new red cedars have been re-potted in three-gallon pots and the roots were unbound. The Committee decided to have Public Works look into ordering black cherry and Chickasaw plum trees to add variety to the trees the City is giving away.

The Committee proposed April 6th as the date of their next meeting. They also decided that Vice Chair Frantzen would have the ability to make any final

decisions with Ms. Laquidara after the April 6th meeting, should there be any unresolved items.

VI. BEAUTIFICATION ADVISORY COMMITTEE MATTERS

A. Report by Ms. Fitzgerald on Hiring of Landscape Architect to Develop Beautification Plan for Alvin's Island

The Committee discussed Director Howell's March 15th memo (Exhibit A). They disagreed with his position that the Committee be responsible for maintenance of this project. They did not think that this memo provided enough information to explain his rationale behind this decision.

Motion: To ask Director Howell to attend the next Committee meeting on April 6th to further explain his March 15, 2017, memo. **Moved by** Member Lombardi. **Seconded by** Member Farr. Motion passed unanimously.

Motion: To decide on the plan and plantings for the Alvin's Island area from the proposed concepts provided by A & K Land Planning & Design and estimate the cost. **Moved by** Member Lombardi. **Seconded by** Member Frantzen. Motion passed 6-1. Member Palmquist opposed.

The committee looked at the two concepts provided by A & K Land Planning & Design (Exhibits B & C). There was discussion regarding how the concepts could be watered and what the cost differences between the two plans may be. They discussed why hurricane lilies were chosen and that crinum lilies may be a better option.

Motion: To get cost estimates from A & K Land Planning & Design on both concepts with crinum lilies instead of hurricane lilies. **Moved by** Member Thomson. **Seconded by** Vice Chair Frantzen. Motion passed unanimously.

B. Report by Ms. Krempasky on Signage for Plazas

Member Krempasky spoke with Tommy Olsen, who designed the artwork for the City welcome signs, and he is willing to work with the City about using his artwork. He suggested contacting a designer to help adjust the artwork for this purpose. Elton Callen in Jacksonville worked on the existing City welcome signs.

Foreman Large reported quotes he obtained for posts to mount the signs. A seven-foot long metal channel pole would cost \$15 each; an eight-foot long rounded wood pole that was four to five inches in diameter would cost \$12 each. He advised that the poles should be buried about three-feet below ground for stability and anti-theft purposes. They also discussed having a mound of vegetation or dirt to fill the empty space between the ground and the bottom of the sign. They agreed to use metal posts.

Motion: To authorize Member Krempasky to proceed with developing the signs by finding a designer for the artwork and a sign manufacturer and obtaining costs.

Moved by Member Lombari. **Seconded by** Member Thomson. Motion passed unanimously.

Member Krempasky asked if they should have the City Attorney draft an agreement to have Mr. Olsen sign to show that we have permission to use the artwork. City Manager Royle stated that all we would need would be written permission from Mr. Olsen through email.

C. Other Beautification Advisory Committee Matters

The Committee discussed a potential name change. They decided to brainstorm ideas to propose at future meetings.

Chair Lombari provided a revised Good, Better, Best Plan for Year One of the proposed Five-Year Plan (Exhibit D). Member Farr will present this plan to the Commission at their April 3rd meeting at 6:00 p.m. Chair Lombari encouraged the Committee members to attend if they are available.

VII. SCHEDULING DATE FOR BOARD/COMMITTEE'S NEXT MEETING

The Committee agreed to have the next regular meeting on Thursday, April 6th at 6:00 p.m.

VIII. ADJOURNMENT

Motion: To adjourn the meeting. **Moved by** Member Palmquist. **Seconded by** Member Krempasky. Motion passed unanimously.

Chair Lombari adjourned the meeting at 8:28 p.m.

LeaAnn Lombari, Chair

ATTEST

Max Royle, City Manager

COMMISSION REPORT

APRIL 2017

TO: MAYOR/COMMISSIONERS

FROM: ROBERT A. HARDWICK, CHIEF OF POLICE

DEPARTMENT STATISTICS – FEBRUARY 21 TO MARCH 20, 2017

CALLS FOR SERVICE	578
OFFENSE REPORTS	54
CITATIONS ISSUED	47
DUI	0
ARRESTS	12
WARNINGS	89
ANIMAL COMPLAINTS	29

MOTOR VEHICLE BURGLARY:

- 3951 A1A S, forced entry, briefcase, cell phone, tools and miscellaneous documents stolen, no suspect.

RESIDENTIAL BURGLARY:

- 13 8th Street, forced entry, 2 televisions and clothing stolen, no suspect.
- 850 A1A Beach Blvd, forced entry, 2 televisions stolen, no suspect.

COMMERCIAL BURGLARY:

- 105 D St, forced entry, nothing stolen, suspect arrested.

ANIMAL CONTROL: St. Johns County Animal Control handled 23 complaints in the area of St. Augustine Beach.

MONTHLY ACTIVITIES: No activity to report.

MEMORANDUM

Date: March 27, 2017
To: Max Royle, City Manager
From: Joe Howell, P.E., Public Works Director
Subject: Monthly Report

8th Street Extension

The project is progressing well, and there have been no unforeseen issues to date. The installation of the underground infrastructure including potable water, sanitary sewer and drainage is complete. The road base has been installed. Remaining items include construction of the sidewalk and paving the road.

The original bid included options for constructing 17 parking spaces along the north side of the proposed road, adjacent to the Best Western Hotel property for approximately \$20,000. We are currently negotiating with the contractor and the hotelier to determine if these parking spaces can be constructed for less at a shared cost. It is also possible that the TDC may contribute funds supporting off beach parking improvements.

Right-of-Way Maintenance

Following the re-striping of stop bars and pedestrian crosswalks in Sea Grove and along the majority of the intersections of Beach Blvd., stop bars have been added at the intersections throughout Coquina Gables.

Beautification

In support of the City's Beautification Advisory Board's project we coordinated FDOT R/W and landscape permitting.

Facilities

All materials for the City Hall Security Upgrades project have been ordered. Project work is scheduled to commence on the last weekend of April. Project duration is still anticipated at seven weekends.

Sidewalk repairs to areas around City Hall and select areas of City streets were completed.

Mizell Pond Fencing

Trespassing and security have long been problems at the Mizell Pond. The original four-foot high field wire fence and multiple No Trespassing signs have proven inadequate to deter those willing to illegally enter our property. This month we completed the project replacing the existing fence with a six-foot high chain link fence. We also replaced the two-panel hinged gate with a single panel rolling gate.

Curbside Residential and Commercial Recycled Waste Collection Services

This addressed elsewhere in the Commission Agenda Package.

16th Street Parking

This addressed elsewhere in the Commission Agenda Package.

Ocean Woods Ditch Drainage Improvements

This addressed elsewhere in the Commission Agenda Package.

Hazard Mitigation Grant Program

Following Hurricane Matthew St. Johns County has been identified as a Tier One area and allocated 10.65 million dollars in federal post disaster mitigation funding. The City has long participated in the Local Mitigation Strategy Taskforce but had few, if any flood or wind mitigation projects on the Planning List. As a member of the taskforce I recommended two projects for inclusion on the Planning List:

1. Master Stormwater Pump Station Improvements - \$500,000
2. Increase Primary Stormwater Outfall Capacity - \$350,000

The LMS Executive Committee (I am a member) met and ranked all of the projects put forth by the three cities, the school board, St. Johns County Utility Department, St. Johns County Public Works, St. Johns County Emergency Services, and Flagler Hospital. Our two projects were ranked sufficiently high enough (#2 and #9 out of 13) to place in the first round (Tier 1) of the post disaster mitigation funding.

Similar to other FEMA related project funding opportunities, the project has to be reviewed and approved prior to any work being performed, and the funds are for reimbursement, meaning the City will have to budget for the projects up front and seek a 75% project reimbursement. I have also spoken to the SJRWMD regarding their cost share grant program and have received positive response that the two projects would be viable candidates, cutting the 25% City match down still further. At this preliminary stage of project development that means the City would pay approximately \$141,700 of the \$850,000 total project cost, approximately 17%.

Also similar to other FEMA related project funding is the time element associated with the release of the funds. The approval and allocation process before any work on the project can be started is estimated at one to two years.

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: MELISSA BURNS, CFO *MB*
SUBJECT: FINANCE & TECHNOLOGY MONTHLY REPORT
DATE: 3/20/2017

Finance

Below are the notable items that Finance is working on or has completed:

- A great deal of time was spent after the Commission meeting preparing the financial accountability report for Beach Blast Off, it is now complete.
- Preparation of the final report to the Tourist Development Council is underway and close to being completed for the grant received for Beach Blast Off. We expect to receive the budgeted amount of \$15,706.
- Preparation of an RFP is continuing for banking services. We expect to release the RFP in early April and have responses and recommendations ready for the June Commission meeting.
- Policy review is in process as well; any necessary updates will be ready for the June meeting as well.

Additionally, the Technical Resources Committee (TRC) of the Florida Government Finance Officers Association (FGFOA) has been busy with its duties this month. The committee completed a response to the Governmental Accounting Standards Board (GASB) related to a project on the Financial Reporting Model Improvements – Governmental Funds. Basically, GASB wants to change financial reporting to make it more user friendly, the TRC's response that the proposed changes would make it less user friendly. I have been asked to remain as chair of the TRC for the upcoming year.

The Legislative Committee of the FGFOA has been busy as well with the start of the legislative session. Currently, there are weekly conference calls which is where the bills (both House and Senate) are in the process of becoming law.

Technology

The RFP was released for Audio Video Equipment Improvements and responses are due by March 31st. The IT staff attended training on the newly upgraded records management system, which is quite a bit more robust than the previous version.

The newly designed website should be launched in the next month or so, the IT staff will be attending training this week on how to update the content, and/or change features.

March 10, 2017
08:47 AM

CITY OF ST. AUGUSTINE BEACH
Check Register By Check Date

Page No: 1

Range of Checking Accts: First to Last Range of Check Dates: 02/01/17 to 02/28/17
Report Type: All Checks Report Format: Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #		Description			Contract
001GENERAL					
34727	02/02/17	ADVAP010 ADVANCED AUTO PARTS		02/28/17	1143
17-00845		PARTS	1.39		
34728	02/02/17	ATTCH010 AT & T (OLD CITY HALL)		02/28/17	1143
17-00834		PHONE SERVICE	55.00		
34729	02/02/17	ATTSR010 AT&T		02/28/17	1143
17-00835		PHONE SERVICE	192.18		
34730	02/02/17	BOZAR010 BOZARD FORD COMPANY		02/28/17	1143
17-00850		REPLACE TIRE	14.49		
34731	02/02/17	CITYE010 CITY ELECTRIC		02/28/17	1143
17-00830		CFL'S	59.28		
34732	02/02/17	DEBOR010 Deborah K. Christopher		02/28/17	1143
17-00854		17.5 HOURS-JAN 2017	525.00		
34733	02/02/17	DGGTA010 DGG UNIFORMS & WORK APPAREL		02/28/17	1143
17-00817		UNIFORMS	161.96		
17-00820		UNIFORMS	40.49		
			202.45		
34734	02/02/17	FIRBR001 FIRST BANKCARD		02/28/17	1143
17-00843		ARMA MEMBERSHIP-RADDATZ	200.00		
34735	02/02/17	FIRMB010 First Bankcard		02/28/17	1143
17-00829		FGFOA DIVERGENT SEMINAR-MB	175.00		
34736	02/02/17	FLAPA005 FLA-PAC		02/28/17	1143
17-00853		MEMBERSHIP-ASHLOCK	50.00		
34737	02/02/17	FLORI250 FLORIDA POWER & LIGHT COMPANY		02/28/17	1143
17-00862		ELETRICITY CHARGES	2,330.85		
34738	02/02/17	GALLS010 GALLS, AN ARAMARK COMPANY		02/28/17	1143
17-00847		BRASS NAMEPLATE-REFAEI	28.93		
34739	02/02/17	GLACI005 GLACIER HEATING & A/C		02/28/17	1143
17-00856		REPAIR HEAT-BLDG	153.00		
34740	02/02/17	GOODY025 GOODYEAR WHOLESALE		02/28/17	1143
17-00825		TIRE-#103	127.50		
34741	02/02/17	HEATH010 HEATH ELECTRIC		02/28/17	1143
17-00838		REPAIR ELECT-PIER PK-BEFOR BBO	631.73		
34742	02/02/17	JESSI005 JESSIE LEWIS		02/28/17	1143
17-00819		REIMB-JACKET	53.20		

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CITY OF ST. AUGUSTINE BEACH
Check Register By Check Date

Page No: 2

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
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34743	02/02/17	LIBER010 LIBERTY FLAGS		02/28/17	1143
17-00816		FLAGS	317.25		
34744	02/02/17	MOWRE005 MOWREY,SHOEMAKER,BEARDSLEY		02/28/17	1143
17-00852		LEGAL FEES-EMPLOYEE MATTER	480.00		
34745	02/02/17	NATIO090 NATIONWIDE RETIREMENT SOLUTION		02/28/17	1143
17-00865		DEFERRED COMP	1,963.05		
34746	02/02/17	NORTH035 NORTH OAK RECYCLING		02/28/17	1143
17-00833		WOOD WASTE DISP	120.00		
34747	02/02/17	ONESO005 ONESOURCE WATER		02/28/17	1143
17-00815		PURITY KIT SVC	49.99		
34748	02/02/17	PATRI010 PATRICK'S UNIFORMS		02/28/17	1143
17-00851		NECKTIES	100.75		
34749	02/02/17	PLUMB005 PLUMB STRAIGHT PLUMBING		02/28/17	1143
17-00844		ELEMENT	168.90		
34750	02/02/17	SAFAR010 SAFARILAND, LLC		02/28/17	1143
17-00818		SUPPLIES	26.53		
34751	02/02/17	STADV010 STAPLES ADVANTAGE		02/28/17	1143
17-00836		ENVELOPES	12.72		
34752	02/02/17	STALK010 STALKER RADAR APPLIED CONCEPTS		02/28/17	1143
17-00447		RADARS,MOUNT,REMOTE CNTL,ANTEN	4,025.00		
34753	02/02/17	STAPL010 STAPLES		02/28/17	1143
17-00828		2016 TAX FORMS	29.99		
34754	02/02/17	SYMB010 SYMBOL ARTS		02/28/17	1143
17-00846		BADGE,HOLDER	142.00		
34755	02/02/17	SZOK010 SZOKE POWER SYSTEMS, INC		02/28/17	1143
17-00831		PW GENERATOR MAINTENANCE	375.00		
34756	02/02/17	ULTRA005 ULTRASHRED TECHNOLOGIES, INC		02/28/17	1143
17-00849		DOCUMENT DESTRUCTION	42.74		
34757	02/09/17	ADVAN010 ADVANCED DISPOSAL		02/28/17	1145
17-00907		RECYCLE SERVICE 01/2017	8,665.54		
34758	02/09/17	BAKER010 BAKER DISTRIBUTING CO.		02/28/17	1145
17-00886		FLAT SHEET INSUL	65.70		
17-00887		PLEATED FILT	61.50		
			127.20		
34759	02/09/17	BBTFI010 BB&T FINANCIAL, FSB		02/09/17 VOID	0

March 10, 2017
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CITY OF ST. AUGUSTINE BEACH
Check Register By Check Date

Page No: 3

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #		Description			Contract
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17-00122		DOG WASTE ROLL BAG	78.00		
17-00729		CHAPTER DUES	90.00		
17-00763		IAPE-VIDEO CLASS	725.00		
17-00764		CODE BLUE-K9 LICENSE	99.00		
17-00822		SUPPLIES-OFC RM	366.23		
17-00823		LEATHER CLIP ON	9.31		
17-00881		HOTEL-HARDWICK	252.50		
			<u>1,620.04</u>		
34761	02/09/17	BOZAR010 BOZARD FORD COMPANY		02/28/17	1145
17-00878		PM/REPAIRS-#117	177.05		
17-00879		PM-#122	44.42		
			<u>221.47</u>		
34762	02/09/17	CEDST005 CED-ST AUGUSTINE		02/28/17	1145
17-00888		ELEC BAL,LAMP	87.80		
34763	02/09/17	CRIME010 CRIME STOPPERS OF NORTHEAST FL		02/28/17	1145
17-00872		CRIME STOPPERS BANQUET	1,000.00		
34764	02/09/17	DGTA010 DGG UNIFORMS & WORK APPAREL		02/28/17	1145
17-00877		UNIFORMS-ASHLOCK	171.96		
34765	02/09/17	ENTER005 ENTERPRISE FM TRUST		02/28/17	1145
17-00873		VEHICLE LEASE	892.59		
34766	02/09/17	FIRBR001 FIRST BANKCARD		02/28/17	1145
17-00869		CANDLEWOOD STES-OBRIEN/ROYLE	254.00		
17-00893		SJC CHAMBER-MTR-GEORGE	40.00		
			<u>294.00</u>		
34767	02/09/17	FIRMB010 First Bankcard		02/28/17	1145
17-00885		COFFEE URN,WIRELESS KEYBRD/MSE	89.98		
34768	02/09/17	FLORI170 FLORIDA JANITOR & PAPER SUPPLY		02/28/17	1145
17-00892		CLEANING SUPPLIES	136.70		
34769	02/09/17	FLORI190 FLORIDA MUNICIPAL INSURANCE TR		02/28/17	1145
17-00901		AUDIT ADJ-INSURANCE	16,349.00		
34770	02/09/17	GOODY025 GOODYEAR WHOLESALE		02/28/17	1145
17-00894		TIRES-#129	266.00		
34771	02/09/17	INNOV015 INNOVATIVE CREDIT SOLUTIONS		02/28/17	1145
17-00876		EMPLOYMENT CK-LOGAN	15.00		
34772	02/09/17	JENNA005 JENNA CURTIS		02/28/17	1145
17-00867		REFUND EVENT PERMIT FEE	100.00		
34773	02/09/17	LVHIE010 L.V. HIERS, INC.		02/28/17	1145
17-00868		669 GALS UNLD	1,380.89		

March 10, 2017
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CITY OF ST. AUGUSTINE BEACH
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Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #		Description			Contract
001	GENERAL		Continued		
34774	02/09/17	MARIO010 MARIOTTI'S			1145
17-00902		UNIFORM DRY CLEANING	210.46		
34775	02/09/17	MELIS010 MELISSA BURNS		02/28/17	1145
17-00903		MILEAGE REIMB	61.53		
34776	02/09/17	MUNIC010 MUNICIPAL CODE CORPORATION		02/28/17	1145
17-00899		AVANTI SOFTWARE/RECORDS RET	28,124.60		
34777	02/09/17	POWER015 POWER DMS		02/28/17	1145
17-00861		POWER DMS SERVICES	2,652.25		
34778	02/09/17	PURVG010 PURVIS GRAY & COMPANY		02/28/17	1145
17-00900		2nd PROG BILLING-AUDIT YE2016	7,000.00		
34779	02/09/17	QUILL010 QUILL CORPORATION		02/28/17	1145
17-00884		INK CARTRIDGE	35.19		
34780	02/09/17	SAFET010 SAFETY KLEEN CORP.		02/28/17	1145
17-00883		PARTS WASHER	198.50		
34781	02/09/17	SMITH010 SMITH BROS. PEST CONTROL		02/28/17	1145
17-00870		PEST CONTROL	184.00		
34782	02/09/17	SUNLI010 SUN LIFE FINANCIAL		02/28/17	1145
17-00896		LIFE INSURANCE	492.88		
34783	02/09/17	VERIZ010 VERIZON WIRELESS		02/28/17	1145
17-00897		CELL PHONE	829.61		
34784	02/16/17	A1AAU020 A1A AUTO CENTER, INC		02/28/17	1146
17-00928		OIL CHANGE #116	40.25		
34785	02/16/17	AMERIC10 AMERICAN CROSSROADS APPAREL CO			1146
17-00944		shirts	40.00		
34786	02/16/17	ATTUV010 AT & T (U-VERSE)		02/28/17	1146
17-00941		UVERSE SERVICE	70.00		
34787	02/16/17	BOZAR010 BOZARD FORD COMPANY		02/28/17	1146
17-00929		PM-#124	44.48		
17-00977		PM-#132	44.48		
			88.96		
34788	02/16/17	BUGOU010 BUG OUT SERVICE, INC		02/28/17	1146
17-00915		LAWN SERVICE	187.00		
34789	02/16/17	CLYDE005 CLYDE ARMORY INC		02/28/17	1146
17-00004		8 DANIEL DEFENSE RIFLES	15,056.00		
34790	02/16/17	COQUI005 COQUINA LAW GROUP, PA		02/28/17	1146
17-00946		LEGAL SERVICES	1,630.15		

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Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #		Description			Contract
001	GENERAL		Continued		
34790	02/16/17	COQUINA LAW GROUP, PA	Continued		
17-00947		LEGAL SERVICES	<u>3,000.00</u>		
			4,630.15		
34791	02/16/17	COURT015 COURTNEY PITTMAN		02/28/17	1146
17-00964		REFUND PERMIT FEE	106.50		
34792	02/16/17	DGGTA010 DGG UNIFORMS & WORK APPAREL		02/28/17	1146
17-00930		EMBLEMS	41.30		
17-00973		UNIFORM SHIRTS-ASHLOCK	80.98		
17-00974		SHIRTS,TROUSERS-HAMMONDS	<u>129.47</u>		
			251.75		
34793	02/16/17	ENTER005 ENTERPRISE FM TRUST		02/28/17	1146
17-00945		LEASE PAYMENT-TRAVERSE	419.21		
34794	02/16/17	FEDER005 FEDERAL EASTERN INTERNATIONAL		02/28/17	1146
17-00320		SWAT VEST	7,395.00		
34795	02/16/17	FLORI170 FLORIDA JANITOR & PAPER SUPPLY		02/28/17	1146
17-00919		CLEANING SUPPLIES	221.03		
17-00969		CLEANING SUPPLIES	<u>293.72</u>		
			514.75		
34796	02/16/17	GALLS010 GALLS, AN ARAMARK COMPANY		02/28/17	1146
17-00934		CHIEF COLLAR PINS	37.45		
17-00972		OXFORDS-ASHLOCK	<u>158.88</u>		
			196.33		
34797	02/16/17	GOODY020 GOODYEAR COMMERCIAL TIRE		02/28/17	1146
17-00880		TIRES-SANITATION	2,999.11		
34798	02/16/17	GREGS005 GREG'S AUTO COLLISION CENTER		02/28/17	1146
17-00971		REPAIR LEAK-#100	325.00		
34799	02/16/17	HASTY020 HASTY'S COMMUNICATIONS OF FLOR		02/28/17	1146
17-00935		EARPIECE	380.40		
34800	02/16/17	HEATH010 HEATH ELECTRIC		02/28/17	1146
17-00937		REMOVE/INSTALL LT FIXTURES	120.00		
34801	02/16/17	HILLM010 HILL MANUFACTURING CO., INC.		02/28/17	1146
17-00908		LUBE	209.18		
34802	02/16/17	HOMED010 HOME DEPOT		02/28/17	1146
17-00955		STRIPING PAINT-CITY HALL	49.96		
17-00961		STRIPING PAINT-CITY HALL	<u>49.96</u>		
			99.92		
34803	02/16/17	INDIA010 INDIANHEAD BIOMASS SERVICES			1146
17-00921		YARD WASTE DISP-JAN 2017	1,386.51		

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PO #		Description			Contract
001	GENERAL		Continued		
34804	02/16/17	LEEAS005 LEE ASHLOCK		02/28/17	1146
17-00976		REIMB-GUN SLINGS	432.00		
34805	02/16/17	LVHIE010 L.V. HIERS, INC.		02/28/17	1146
17-00926		474 GALS UNLD, 295 GALS DIESEL	1,620.20		
34806	02/16/17	MELVI010 MELVIN'S REPAIR SHOP		02/28/17	1146
17-00938		BRK CHAMBER	152.31		
34807	02/16/17	NATIO090 NATIONWIDE RETIREMENT SOLUTION		02/28/17	1146
17-00978		DEFERRED COMP	1,963.05		
34808	02/16/17	NPCA0005 N.P.C.A.		02/28/17	1146
17-00933		NAT POLICE CANINE ASSOC	60.00		
34809	02/16/17	PETER005 PETERSEN INDUSTRIES, INC		02/28/17	1146
17-00916		SENSOR#76	87.86		
34810	02/16/17	PIPPR010 PIP PRINTING		02/28/17	1146
17-00932		FORMS	119.20		
34811	02/16/17	PUBLI020 PUBLIX		02/28/17	1146
17-00931		REPLENISH SUPPLIES	61.14		
17-00975		KITCHEN SUPPLIES-PD	23.93		
			85.07		
34812	02/16/17	QUILL010 QUILL CORPORATION		02/28/17	1146
17-00922		OFFICE SUPPLIES	236.22		
17-00924		CREDIT-INK CARTRIDGE	23.98-		
17-00952		COUNTERFEIT MONEY DETECTOR-BBO	20.57		
			232.81		
34813	02/16/17	RICH0005 RICH O'BRIEN			1146
17-00923		REIMB MILEAGE-TALLAHASSEE-GRNT	220.96		
34814	02/16/17	SANFO005 SANFORD AND SON AUTO PARTS INC		02/28/17	1146
17-00954		BRAKE CHAMBER-79	77.85		
34815	02/16/17	SHI00005 SHI		02/28/17	1146
17-00866		2 monitors; 3 docking stations	1,060.11		
34816	02/16/17	STADV010 STAPLES ADVANTAGE		02/28/17	1146
17-00950		OFFICE SUPPLIES	263.04		
34817	02/16/17	STAUG110 ST AUGUSTINE RECORD		02/28/17	1146
17-00800		P&Z MEETING AD	106.62		
17-00801		CODE ENF AD	85.62		
			192.24		
34818	02/16/17	STJOH110 ST. JOHNS COUNTY SOLID WASTE		02/28/17	1146
17-00920		DISPOSAL FEES-JAN 2017	12,623.70		

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Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #		Description			Contract
001GENERAL		Continued			
34819	02/16/17	STJOH140 ST. JOHNS COUNTY UTILITY DEPAR		02/28/17	1146
		17-00949 UTILITY SERVICES	804.42		
34820	02/16/17	SUPEL010 VICKY OAKES		02/28/17	1146
		17-00948 2016 GEN ELECTION SVC	305.13		
34821	02/16/17	SYNER005 SYNERGY		02/28/17	1146
		17-00959 LIGHT TOWER-BBO	353.40		
		17-00960 CREDIT-OVER CHARGED R03351	<u>222.30-</u>		
			131.10		
34822	02/16/17	TOMHO005 TODD HORN		02/28/17	1146
		17-00966 PAPERCUTT-BBO	1,500.00		
34823	02/16/17	TOMNE010 TOM NEHL TRUCK COMPANY		02/28/17	1146
		17-00917 MOTOR	149.35		
		17-00967 SUSP CONTROL #79	<u>480.90</u>		
			630.25		
34824	02/16/17	UNITE020 UNITED HEALTHCARE INSURANCE CO		02/28/17	1146
		17-00925 HEALTH INS PREMIUMS	58,118.18		
34825	02/16/17	USBAN005 US BANK VOYAGER FLEET SYS		02/28/17	1146
		17-00965 FUEL	202.84		
34826	02/16/17	WINDS005 PAETEC		02/28/17	1146
		17-00951 INTERNET/PHONE SVC	2,662.42		
34827	02/23/17	ADVAP010 ADVANCED AUTO PARTS		02/28/17	1148
		17-00983 battery-#120	101.83		
34828	02/23/17	AMERI060 AMERICAN HERITAGE LIFE INSURAN			1148
		17-00986 DENTAL INS PREMIUMS	44.96		
34829	02/23/17	CANON010 CANON FINANCIAL SERVICES		02/28/17	1148
		17-00979 COPIER LEASE-PPW	112.25		
		17-00989 COPIER LEASE	354.19		
		17-00990 COPIER FAXBOARD LEASE	<u>32.91</u>		
			499.35		
34830	02/23/17	COLON010 COLONIAL SUPPLEMENTAL INSURANC		02/28/17	1148
		17-00987 SUPPLEMENTAL INS PREMIUMS	935.88		
34831	02/23/17	GOODY020 GOODYEAR COMMERCIAL TIRE		02/28/17	1148
		17-00980 SANITATION TIRES-STOCK	3,463.56		
34832	02/23/17	HAGAN020 HAGAN ACE HARDWARE		02/28/17	1148
		17-00982 HOSE,CLEANER	14.97		
34833	02/23/17	LEGAL005 LEGALSHIELD			1148
		17-00993 PREPAID LEGAL	15.95		

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Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #		Description		Contract	
001GENERAL					
Continued					
34834	02/23/17	MARKS005 MARKS GRAY, PA		02/28/17	1148
17-00994		LEGAL SERVICES	300.00		
34835	02/23/17	NORTH035 NORTH OAK RECYCLING		02/28/17	1148
17-00992		WOOD WASTE	40.00		
34836	02/23/17	QUILL010 QUILL CORPORATION			1148
17-00996		PAPER	89.97		
17-00997		TONER CARTRIDGE	78.31		
			168.28		
34837	02/23/17	SANFO005 SANFORD AND SON AUTO PARTS INC		02/28/17	1148
17-00981		SHIELD	23.88		
34838	02/23/17	VERIZ010 VERIZON WIRELESS		02/28/17	1148
17-00995		CELL PHONES-PW	450.15		
Checking Account Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	111	1	207,980.68	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	111	1	207,980.68	0.00
001IMPACTFEE					
1212	02/28/17	STJOH020 ST JOHNS COUNTY FINANCE DEPT			1150
17-01027		IMPACT FEES FEB 2017	13.67		
Checking Account Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	1	0	13.67	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	1	0	13.67	0.00
101RDBRIDGE					
13675	02/02/17	FLORI250 FLORIDA POWER & LIGHT COMPANY		02/02/17 VOID	0
13676	02/02/17	FLORI250 FLORIDA POWER & LIGHT COMPANY		02/28/17	1142
17-00863		ELECTRICITY CHARGES	6,195.87		
13677	02/02/17	HAGAN020 HAGAN ACE HARDWARE		02/28/17	1142
17-00839		AQUAGUN, NOZZLE	19.98		
17-00840		ANCHOR, MORTAR MIX, WRENCH	122.68		
17-00841		CREDITS ON FILE	0.06		
			142.60		
13678	02/02/17	LOWES005 LOWES		02/28/17	1142
17-00859		CONCRETE	192.64		
13679	02/02/17	OLESO010 TOMMY OLESON		02/28/17	1142
17-00837		REPAIR WOODEN CITY ENTR SIGNS	1,445.00		

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PO #		Description			Contract
101RDBRIDGE		Continued			
13680	02/02/17	SANFO005 SANFORD AND SON AUTO PARTS INC		02/28/17	1142
17-00842		REFRIGERANT	92.04		
13681	02/02/17	SIGMA005 SIGMA CONSULTING & TRAINING		02/28/17	1142
17-00827		CHEM SPILL RESP TRAINING	300.00		
13682	02/02/17	STJOH245 ST JOHNS SALES & SERVICE		02/28/17	1142
17-00855		PARTS	26.38		
13683	02/02/17	SUNBE015 SUNBELT RENTALS		02/28/17	1142
17-00826		CONCRETE CHAIN SAW RENTAL	124.35		
13684	02/02/17	TAYLO020 TAYLOR RENTAL		02/28/17	1142
17-00832		COMP PLATE-WOODLAND AVE	85.15		
13685	02/02/17	TOMNE010 TOM NEHL TRUCK COMPANY		02/28/17	1142
17-00858		BELT/COMPRESSOR-#71	281.80		
13686	02/02/17	USA0025 USA SERVICES		02/28/17	1142
17-00857		MECH SWEEPING-A1A BCH BLVD	180.00		
13687	02/09/17	ADVAP010 ADVANCED AUTO PARTS		02/28/17	1144
17-00906		WINDSHIELD WIPERS	27.58		
13688	02/09/17	ANCIE020 ANCIENT CITY SURVEYING			1144
17-00397		MISC DRAINAGE PROJ SURVEY	2,700.00		
13689	02/09/17	AWACO010 AWA CONTRACTING CO., INC.		02/28/17	1144
17-00718		ASPHALT REPAIRS	5,250.00		
13690	02/09/17	BEARD005 BEARD EQUIPMENT CO		02/28/17	1144
17-00690		SVC 310SK JOHN DEERE BACKHOE	1,379.45		
13691	02/09/17	BUILD015 BUILDERS STAINLESS.COM		02/28/17	1144
17-00891		NUTS/BOLTS/WASHERS	26.31		
13692	02/09/17	FLORI250 FLORIDA POWER & LIGHT COMPANY		02/28/17	1144
17-00871		ELECTRICITY	23.23		
13693	02/09/17	HAGAN020 HAGAN ACE HARDWARE		02/28/17	1144
17-00890		SOCKET	1.40		
13694	02/09/17	SANFO005 SANFORD AND SON AUTO PARTS INC		02/28/17	1144
17-00882		FUEL PUMP	216.72		
17-00904		gloves,15w40	150.93		
			367.65		
13695	02/09/17	STJOH245 ST JOHNS SALES & SERVICE		02/28/17	1144
17-00905		CHAIN BRAKE COVER	42.05		
13696	02/09/17	TAYLO020 TAYLOR RENTAL		02/28/17	1144
17-00889		COMP PLATE RENTAL	71.00		

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Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #		Description			Contract
101RDBRIDGE			Continued		
13697	02/09/17	THELA020 THE LAKE DOCTORS		02/28/17	1144
17-00898		MONTHLY WATER MGT SVC	595.00		
13698	02/16/17	BUGOU010 BUG OUT SERVICE, INC		02/28/17	1147
17-00914		LAWN SERVICE	315.00		
13699	02/16/17	BUILD015 BUILDERS STAINLESS.COM		02/28/17	1147
17-00939		BOLT,NUTS,WASHER	26.31		
13700	02/16/17	CSAB-020 CSAB - GENERAL FUND		02/28/17	1147
17-00940		CSAB-DUE FROM RB	161,665.84		
13701	02/16/17	HOLLE010 HOLLEY, INC.		02/28/17	1147
17-00911		GLOVES,GLASSES	489.88		
13702	02/16/17	JACKW010 JACK WILSON CHEVROLET		02/28/17	1147
17-00910		WASHER/BOLT	13.15		
13703	02/16/17	MARIN010 MARINE SUPPLY & OIL COMPANY		02/28/17	1147
17-00909		CHAIN/LINK	39.28		
13704	02/16/17	NORTH010 NORTH FLORIDA IRRIGATION EQUIP		02/28/17	1147
17-00957		GLUE,PVC CEMENT	52.84		
13705	02/16/17	ROSES005 ROSE SERVICE INC		02/28/17	1147
17-00814		SEA GROVE CROSS WALK IMPR	6,048.40		
13706	02/16/17	SANFO005 SANFORD AND SON AUTO PARTS INC		02/28/17	1147
17-00953		PARTS	5.19		
13707	02/16/17	SITE0005 SITE ONE LANDSCAPE SUPPLY		02/28/17	1147
17-00968		LESCO	46.96		
13708	02/16/17	SUNBE015 SUNBELT RENTALS		02/28/17	1147
17-00918		GAS CONCRETE CHAIN SAW	124.35		
13709	02/16/17	THECO010 THE COLOR CENTER		02/28/17	1147
17-00956		BLACK PAINT-SEA GROVE	27.63		
13710	02/16/17	TRACT010 TRACTOR SUPPLY CO		02/28/17	1147
17-00958		CALIB CUP	6.99		
13711	02/16/17	UNITE045 UNITED BROTHERS DEVELOPMENT		02/28/17	1147
17-00912		CRUSH CRETE	160.32		
17-00913		CRUSH CRETE	322.24		
17-00962		CRUSH CRETE	161.92		
			<u>644.48</u>		
13712	02/16/17	UNITE050 UNITED RENTALS			1147
17-00963		EQUIP RENTAL	413.04		

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PO #		Description			Contract
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101RDBRIDGE			Continued		
13713	02/23/17	ALANJ015 ALAN JAY FLEET SALES		02/28/17	1149
17-00008	2017	FORD F150 4WD	28,333.00		
<hr/>					
Checking Account Totals		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	38	1	217,801.84	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	38	1	217,801.84	0.00
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Report Totals		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	150	2	425,796.19	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	150	2	425,796.19	0.00
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Totals by Year-Fund					
Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	7-001	178,089.81	206.50	29,698.04	207,994.35
ROAD & BRIDGE FUND	7-101	56,136.00	0.00	161,665.84	217,801.84
Total Of All Funds:		234,225.81	206.50	191,363.88	425,796.19

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Totals by Fund Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	001	178,089.81	206.50	29,698.04	207,994.35
ROAD & BRIDGE FUND	101	56,136.00	0.00	161,665.84	217,801.84
Total Of All Funds:		<u>234,225.81</u>	<u>206.50</u>	<u>191,363.88</u>	<u>425,796.19</u>

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Breakdown of Expenditure Account Current/Prior Received/Prior Open

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Fund Description	Fund	Current	Prior Rcvd	Prior Open	Paid Prior	Fund Total
GENERAL FUND	7-001	178,089.81	0.00	0.00	0.00	178,089.81
ROAD & BRIDGE FUND	7-101	56,136.00	0.00	0.00	0.00	56,136.00
Total of All Funds:		<u>234,225.81</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>234,225.81</u>