CITY OF ST AUGUSTINE EST. 1565

CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, OCTOBER 11, 2021 - 5:00 PM
Alcazar Room

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1. CALL TO ORDER

- Roll Call
- Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. ***Certificate of Recognition 2021-05CR*** issued to The Limelight Theater in celebration of 30 years as St. Augustine's Community Theatre. *(T. Upchurch, Mayor)*

3.B. ***Proclamation 2021-16***: Proclaims October 2021 as Domestic Violence Awareness month. *(R. Horvath, Commissioner)*

3.C. ***Proclamation 2021-19***: Proclaims October 18-24, 2021 as Florida City Government Week. *(T. Upchurch, Mayor)*

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

- 3 minutes per individual

5. CONSENT AGENDA

6. APPEALS

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

(PRESENTATIONS (MAXIMUM OF **10** MINUTES PER PRESENTATION). PRESENTATIONS FOR COMMISSION MEETINGS MUST BE PRESENTED TO THE CITY MANAGER FOR APPROVAL NO LATER

THAN TEN (10) WORKING DAYS PRIOR TO THE NEXT CITY COMMISSION MEETING. A PRESENTATION SUPPORT SERVICES REQUEST (AVAILABLE ON THE CITY'S WEBSITE) MUST ACCOMPANY ALL PRESENTATIONS.

7.A. General Public Presentations

7.B. Items of Great Public Importance

7.C. Other Items Requiring Public Hearing

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

8.A.1. ***Ordinance 2021-17***: Places "craft alcohol industry" into certain zoning districts. *(D. Birchim, Director Planning and Building)*

8.A.2. ***Ordinance 2021-26***: Establishes a maximum impervious surface (ISR) ratio of 70% for Single Family Residential Dwelling development. *(D. Birchim, Director Planning and Building)*

8.B. Ordinances - First Reading (only if required by law)

8.C. Resolutions - Public Hearing (only if required by law)

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

9.A.1. ***Ordinance 2021-24***: Amends Section 29-5 of the City Code to provide the City with the ability to increase the Single-Family Unit Stormwater Utility Fee by Resolution. *(M. Simpson, Director Financial Services)*

9.A.2. ***Ordinance 2021-27***: Changes the City Code to reflect changes to state law increasing small scale future land use map changes from 10 acres to 50 acres and conform definitions to state statute. *(D. Birchim, Director Planning and Building)*

9.B. Resolutions

10. STAFF REPORTS AND PRESENTATIONS

10.A. Eddie Vickers Park basketball courts renovation plan. *(J. Piggott, Director General Services)*

10.B. Julia's (Bird) Island presentation by (Jean Olbert, Regional Shorebird Biologist with the Florida Fish and Wildlife Conservation Commission) and (J.B. Miller, Land Management Coordinator). *(R. Franklin, Director Public Works)*

11. ITEMS BY CITY ATTORNEY

12. ITEMS BY CITY CLERK

13. ITEMS BY CITY MANAGER

13.A. Summary of Fiscal Year 20/21 highlights and City Commissioner's evaluation comments. *(J. Regan, City Manager)*

14. ITEMS BY MAYOR AND COMMISSIONERS

15. ADJOURN

NOTICES: In accordance with Florida Statute 286.0105: "if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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 individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. ***The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk's office, to be placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission. The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CONSENT AGENDA - OCTOBER 11, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON OCTOBER 25, 2021:

- Ordinance 2021-24
- Ordinance 2021-25
- Ordinance 2021-27
- Ordinance 2021-28

CA.3. Reminder of Upcoming Meetings:

- October 25, 2021, 3:00pm, Special City Commission Meeting (Resiliency)
- October 25, 2021, 5:00pm, Regular City Commission Meeting
- November 8,2021, 5:00pm, Regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- September 9, 2021, City Commission Special Meeting
- September 9, 2021, Special Meeting Community Redevelopment Agency
- August 19, 2021, City Commission Special Budget Meeting
- August 19, 2021, Community Redevelopment Agency Special Budget Meeting
- August 23, 2021, City Commission Regular Meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- Jeanette Gilmore - 1334 Truman Drive

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING). NONE.

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.

CA.8. Approval of final subdivision plat for Woodward Place (Replat). *(D. Birchim, Director Planning and Building)*

CA.9. Fourth quarter legal report. *(I. Lopez, City Attorney)*

End Consent Agenda

City of St. Augustine
City Commission

Certificate of Recognition

In Acknowledgement of and

Presented In Honor to

The Limelight Theater

In celebration of

The Limelight Theater's 30th year as St. Augustine's Community Theatre

Monday, October 25, 2021

2021-05CR

Tracy Upchurch, Mayor

City of St. Augustine

La Lealisíma y Valerosa Ciudad de San Agustín de la Florida

Est. 1565

PROCLAMATION

WHEREAS, *domestic violence is a serious and pervasive crime affecting millions of women, men, children and communities in the United States every year; and*

WHEREAS, *all persons have a basic right to feel safe from harm, especially in their homes, yet more than 1,300 Helpline calls were made to Betty Griffin center in St. Johns County last year; and*

WHEREAS, *domestic violence affects people of all ages, racial, socioeconomic, educational, religious, and occupational segments of our society, especially children; and*

WHEREAS, *children from violent homes are physically abused or seriously neglected at a rate significantly higher than the national average and have greater risks of alcohol/drug abuse, juvenile delinquency, cognitive and developmental problems as well as fear, anxiety and guilt; and*

WHEREAS, *domestic violence is not a private family matter but a crime, the consequences of which reach with devastating effect on the communities, schools, and workplaces of our nation; and*

WHEREAS, *domestic violence represents a pattern of assault and coercive behavior that will escalate in frequency and severity if intervention does not occur, and perpetrators of domestic violence must be held accountable for their crimes; and*

WHEREAS, *public awareness and education about domestic violence are needed as well as uniform efforts on the part of government, health professionals, law enforcement, religious organizations, educators, and community associations to address domestic violence through prevention, intervention, and treatment for victims and perpetrators.*

NOW, THEREFORE, *the City Commission of the City of St. Augustine does hereby proclaim the month of OCTOBER 2021 as* ***Domestic Violence Awareness Month*** *and urges all citizens to speak out against domestic violence and support local efforts to assist victims of these crimes in finding the help and healing they need.*

IN WITNESS WHEREOF*, I hereunto set my hand and do cause the Seal of the City of St. Augustine to be affixed this 11th day of October in the year of our Lord two thousand twenty-one and the four hundred and fifty-sixth year of the founding of St. Augustine, the Nation's Oldest City.*

2021-16

_____

Tracy Upchurch, Mayor

"Most Loyal and Valorous"
Title conferred upon the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715

City of St. Augustine

La Lealisíma y Valerosa Ciudad de San Agustín de la Florida

Est. 1565

P R O C L A M A T I O N

WHEREAS, *during the week of October 18-24, 2021, the City of St. Augustine will join other cities across Florida in celebrating Florida City Government Week. This week has been set aside to recognize the many services city governments provide and their contribution to a better quality of life in Florida; and*

WHEREAS, *the theme, "My City: I'm Part of It, I'm Proud of It!" pays tribute to the role citizens play in making our cities great. City government is truly government of, by and for the people - the people who are making the decisions about our community are your neighbors, business owners and community leaders. City government is administered by and for its citizens and is dependent upon public commitment to carry out its responsibilities; and*

WHEREAS, *students across the state learn information about state and national government, while information on city government is barely highlighted, and every citizen deserves the right to know about the local impact of government decision-making. This is a unique opportunity to teach students and adults about the form of government that affects them daily.*

NOW THEREFORE*, the City Commission of the City of St. Augustine does hereby declare* ***October 18-24, 2021*** *as* ***Florida City Government Week,*** *and during this week, the City Commission urges all citizens to recognize the important role city government plays in our lives from public safety to trash collection to promoting our community's culture and recreation.*

IN WITNESS WHEREOF*, I hereunto set my hand and do cause the Seal of the City of St. Augustine to be affixed this 11th day of October in the year of our Lord two thousand twenty and the four hundred and fifty sixth year of the founding of St. Augustine, the Nation's Oldest City.*

2021-19

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Tracy Upchurch, Mayor

"Most Loyal and Valorous"
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CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 11, 2021

RE: Ordinance 2021-17 – Craft Alcohol Industry Zoning Districts - Second Reading

The State of Florida created a new type of alcohol license during their most recent legislative session and the city is attempting to address this new type of use in the city zoning code. The city has defined this new use as "craft alcohol industry" and it includes the on-site brewing and distilling of alcoholic beverages.

Furthermore, the city has defined "craft alcohol industry" in Ordinance 2021-16, which requires a "craft alcohol industry" establishment that sells alcohol for consumption on the premises to comply with all applicable city zoning regulations for a "bar, cocktail lounge or tavern" as defined in the city code.

Ordinance 2021-17 places the new "craft alcohol industry" use in certain zoning districts (RGO, RGO-A, HP-2, HP-3, CL-1, CL-2, CM-1, CM-2 and IW) where it will be permitted as a matter of right or it will be permitted as a use by exception. In determining where this use is appropriate throughout the city, the Planning Department determined which zoning categories currently allow alcohol sales, alcohol consumption and manufacturing. Within each district, the "craft alcohol industry" use will match any existing limitations on alcohol sales and consumption, wholesale, distribution and retail sales that may already apply within that district.

There are three existing craft breweries in the city, Dog Rose Brewery (CL-2), Bog Brewery (CM-2) and Old Coast Ales (CL-2). There is currently one craft winery, Maestro Winery (CM-2) and one winery, the San Sebastian Winery (PUD). There is currently one distillery, St. Augustine Distillery (PUD) and one craft distillery, City Gates Spirits (HP-3).

On August 23, 2021, the City Commission considered Ordinance 2021-17 at first reading and instructed staff to make modifications to the ordinance that would make "craft alcohol industry" a use by exception in the Historic Preservation two (HP-2) and Historic Preservation three (HP-3) zoning districts. This ordinance would also require a separate use by exception approval for "craft alcohol industry" establishments that sell alcohol for consumption on the premises in the HP-2 and HP-3 zoning districts.

The City Commission passed Ordinance 2021-17 at first reading on September 27, 2021.

Please place Ordinance 2021-17 on the October 11, 2021 City Commission agenda for second reading and a public hearing.

David Birchim

David Birchim, AICP
Director, Planning and Building Department

ORDINANCE NO. 2021-17

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTIONS 28-165, 28-167, 28-207, 28-209, AND 28-226 TO ALLOW FOR CRAFT ALCOHOL INDUSTRIES AS A PERMITTED USE; AMENDING CHAPTER 28, SECTIONS 28-184, 28-185, 28-206, AND 28-208 TO ALLOW FOR CRAFT ALCOHOL INDUSTRIES AS A PERMITTED USE BY EXCEPTION; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Florida legislature has expanded the types of permitting opportunities for Florida craft industries such as craft distilleries and craft breweries; and

WHEREAS, the City of St. Augustine has some existing establishments that have been permitted over the years as craft retailers, restaurants, bars, or other uses that did not clearly define the emerging industry related to craft distilleries, breweries, wineries or cideries; and

WHEREAS, the City of St. Augustine wants to create one consistent definition for the manufacturing of alcoholic beverages and appropriately zone for this emerging type of manufacturing; and

WHEREAS, the City of St. Augustine already regulates the sale and consumption on-site of alcoholic beverages, and treats all such on-premises consumption as a bar under the City's definition, and a craft alcohol industry establishment that also provides for on-premises consumption would have to be comply with these existing regulations; and

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

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

Section 1. Amending the Code of the City of St. Augustine. Sections 28-165, 28-167, 28-207, 28-209 and 28-226 of the Code of the City of St. Augustine are hereby amended, as follows:

"**Sec. 28-165. - Residential and general office: RGO.**

Intent. This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.

(1) *Permitted uses and structures*:

a. Multiple-family dwellings.
b. Professional and business offices.
c. Restaurants, but not drive-in.
d. Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted.
e. Marina.
f. Museums.
g. Parking facilities and garages.
h. Bar/tavern.
i. Home office, private.
j. Hotels, motels, conference centers, convention centers and spas.
k. Craft alcohol industry.

..."

"**Sec. 28-167. - Residential and general office-A: RGO-A.**

Intent. This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.

(1) *Permitted uses and structures.*

a. Multiple-family dwellings.
b. Professional and business offices.
c. Restaurants, but not drive-in.
d. Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card

shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted.

e. Marina.
f. Museums.
g. Parking facilities and garages.
h. Bar/tavern.
i. Home office, private.
j. Hotels, motels, conference centers, convention centers and spas.
k. Craft alcohol industry.

..."

"**Sec. 28-207. - Commercial low-two: CL-2.**

Intent. This district is intended to apply to areas where low intensity commercial uses may be located to serve one (1) or more neighborhoods. The CL-2 district is not intended for use by medium intensity commercial uses but low traffic generating commercial uses are encouraged.

...

(1) *Permitted uses and structures:*

a. Retail outlets such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, home furnishings and appliances (including incidental repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating and similar products.

b. Service establishments such as hair salons, shoe repair shop, restaurant (but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises, radio and TV broadcasting office and studio, funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices and similar activities.

c. Banks, loan companies, mortgage brokers, stockbrokers and similar financial institutions.

d. All types of professional and business offices, union hall and similar uses.

e. Art gallery; museum; community center; vocational, trade or business school; colleges and universities; and similar uses.

f. An establishment or facility for the retail sale or service of all alcoholic beverages either for on-premises or off-premises consumption, or both (but not drive-in).

g. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on premises.

h. Commercial parking lots, automobile parking garages.

i. Hotels and motels without kitchenettes (maximum of fifty (50) units).

j. Single-family dwellings as for RG-1 (section 28-163).

k. Shopping plaza.

l. Home office, private.

m. Churches.

n. Multiple-family dwellings as for RG-1.

o. Tattoo parlor or studio.

p. Micropigmentation clinic.

q. Craft alcohol industry. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.

..."

"**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*:

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.
m. Special event venue as per section 28-347(8).
n. Craft alcohol industry. See also Sec. 28-209 (1) d. for limitations on any type of wholesale, jobber or distributorship business.

..."

"**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, mini-warehouses, and self-storage facilities 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.
l. Tattoo parlor or studio.
m. Craft alcohol industry, but no retail sales

..."

Section 2. Amending the Code of the City of St. Augustine. Sections 28-184, 28-185, 28-206, and 28-208 of the Code of the City of St. Augustine are hereby amended, as follows:

"**Sec. 28-184. - Historic preservation district: HP-2.**

Intent. This district is intended to provide a mix of commercial and residential uses that will encourage the restoration and reproduction of historic structures and maintain the historic and pedestrian scale of the neighborhood.

...

(3) *Permitted uses by exception*:

a. Not-for-profit clubs.
b. Churches.
c. Cocktail lounges/taverns.
d. Hotels/motels/inns.
e. Drive-up windows for banks and financial institutions.
f. Home occupations.
g. Special event venue as per section 28-347(8).

h. Hostels.

i. Craft alcohol industry and its retail sales, but not wholesale storage and distribution or alcohol for sale and consumption on the premises."

"Sec. 28-185. - Historic preservation district: HP-3.

Intent. This district is intended to provide a mix of commercial and residential uses that will encourage the restoration and reproduction of historic structures and maintain the historic and pedestrian scale of the neighborhood.

...

(3) *Permitted uses by exception*:

a. Fowl and hoofed animals in the area of HP-3 district bounded as follows: On the south by Hypolita Street; on the east by Charlotte Street; on the north by Orange Street and Avenida Menendez; on the west by Spanish Street; provided the fowl and hoofed animals are used solely for display purposes in accordance with the purpose and intent of the historic district regulations without any sale, resale or commercial use thereof.

b. Cocktail lounges, taverns.

c. Home occupations.

d. Hotels/motels/inns.

e. Special event venue as per section 28-347(8).

f. Hostels.

g. Craft alcohol industry and its retail sales, but not wholesale storage and distribution or alcohol for sale and consumption on the premises."

"Sec. 28-206. - Commercial low-one: CL-1.

Intent. This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The CL-1 district is not intended for use by medium intensity commercial uses such as service stations, vehicle repair and sales, etc. However, professional and business offices and similar uses are encouraged.

...

(3) *Permissible uses by exception*:

a. Hotel/motel, maximum of thirty (30) units.

b. Plant nursery.

c. Sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption, either on the premises or off the premises.

d. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.

e. Medical/dental clinic, intermediate care facility.

f. Uses and structures as for RG-1 (section 28-163).

g. Indoor movie theatres.

h. Commercial recreational or entertainment facilities in completely enclosed building such as billiard parlor, bowling alley, swimming pool, skating rink, dance hall and similar uses.

i. 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.

j. Micropigmentation clinic.

k. Craft alcohol industry, limited to alcohol by volume (ABV) not to exceed 14%, such as but not limited to, beer and wine, Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.

..."

"**Sec. 28-208. - Commercial medium-one: CM-1.**

Intent. This district is intended to apply to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. It is not intended that this district become or be used for strip commercial purposes.

(2) *Permitted principal uses by exception*:

a. Any commercial or noncommercial tourist attraction which can be shown to meet the intent of this district. (See definition of "tourist attraction" in section 28-2).

b. Churches.

c. Wholesaling from sample stock.

d. Uses and structures as for RG-1 (section 28-163).

e. Commercial parking facilities.

f. Drive-in uses for banks and financial institutions.

g. Single-family uses.

h. Miniwarehouses, and self-storage facilities.

i. Craft alcohol industry. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.

..."

Section 3. Currently permitted uses in HP-3 grandfathered. Notwithstanding the provisions of **Sec. 28-185. - Historic preservation district: HP-3** limiting craft alcohol industry to permitted uses by exception, any craft alcohol industry permitted in the HP-3 zoning district pursuant to the municipal code's definition of "Craft, such as specialty food stores (including beer and wine but not supermarkets) ...and similar uses" and in operation as of the effective date of this ordinance, will be allowed to continue in

operation as a non-conforming use, or may seek a use by exception consistent with this code.

Section 4. 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 repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered 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 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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 7. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST: _____
Tracy Upchurch, Mayor-Commissioner

_____
Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 11, 2021

RE: Ordinance 2021-26 – Establishing a 70% Maximum Impervious Surface Ratio (ISR) for Single Family Residential Dwelling Development – Second Reading

Ordinance 2021-26 establishes a maximum impervious surface ratio (ISR) for single family residential dwelling development. This ordinance is based on recommendations from the Building Code Task Force, and the Planning and Zoning Board (PZB) to address drainage and resiliency issues related to infill single family development.

Ordinance 2021-26 updates the definition of "impervious surface" and defines "master planned communities" and it establishes a 70% maximum ISR to all single family residential development in any zoning district where single family residential development is allowed, with the exception of Historic Preservation districts HP-1, HP-2, HP-3 and HP-5, where a 80% maximum ISR for single family residential development is established.

For clarification, all of the city's commercial zoning districts allow single family uses per Residential General-one (RG-1) zoning. Therefore, based on this ordinance, single family residential dwelling development in a commercial zoning district would be limited to the maximum 70% impervious surface ratio (ISR), this does not change the maximum lot coverage which is allowed for buildings and structures within each district.

The use of allowable semi-permeable surfaces, like gravel (57 stone) and pervious pavers will use a coefficient of permeability based on the porosity of the material. A table for these coefficients will be maintained by the City Public Works Department.

This ordinance would not apply to master planned communities, such as, Pelican Reef, Antigua, and Madeira, for example. These private communities have their own master stormwater management plans that are permitted by the St. Johns River Water Management District and which have their own conditions and limitations.

There are 4 (four) zoning districts where single family residential dwelling development is not permitted:

- Historic Preservation four (HP-4),
- Industrial Warehouse (IW) (except for caretakers on industrial sites),
- MUD (Marine Use District), and
- MUD-A (Marine Use District-A).

The proposed language changes are indicated in red and underlined incorporating the revised language into the code sections.

Definitions:
Impervious surface ratio means a measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by gross site or lot area.

Lot coverage means that portion of the lot, excluding open water bodies determined using the mean high water line, that is covered by buildings and structures, measured from the face of the vertical wall of the building or structure, not including roof overhang, but including awnings, carports, or other unenclosed structures.

Example: If you have a 10,000 square foot lot and your maximum lot coverage is 30% and your maximum Impervious Surface Ratio is 70%,

And you built a single family home (and garage, garden shed, guesthouse, etc.) that cover 3,000 square feet of the lot (not gross floor area for multi-story homes, just the footprint of the buildings) and,

Then you can cover an additional 4,000 square feet of patio, paving, swimming pools, etc. for a total impervious surface of 7,000 square feet.

The City Commission passed Ordinance 2021-26 on first reading on September 27, 2021.

Please place Ordinance 2021-26 on the October 11, 2021 City Commission agenda for second reading and a public hearing.

If you have any questions, please let me know.

David Birchim

David Birchim, AICP
Director, Planning and Building Department

ORDINANCE NO. 2021-26

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 TO AMEND THE DEFINITION OF IMPERVIOUS SURFACE; CREATING A DEFINITION OF MASTER PLANNED COMMUNITY; CREATING SECTION 28-160 DIVISION 3 RESIDENTIAL DISTRICTS TO PROVIDE FOR REGULATIONS RELATED TO IMPERVIOUS SURFACES FOR SINGLE FAMILY RESIDENTIAL DWELLINGS NOT WITHIN MASTER PLANNED COMMUNITIES; AMENDING CODE SECTIONS 28-187 AND 28-188 TO CREATE AN IMPERVIOUS SURFACE RATIO (ISR) REQUIREMENT FOR HISTORIC DISTRICTS HP-1, HP-2, HP-3 AND HP-5; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, on November 9, 2020 the City Commission of the City of St. Augustine established a Building Code Task Force to discuss and evaluate possible updates to the city code related to flood protection and resiliency; and

WHEREAS, the Task Force met several times and developed a Final Report addressing the three (3) goals as assigned by the City Comission; and

WHEREAS, on March 8, 2021 the City Commission accepted the Final Report of the Building Code Task Force, and forwarded the report to the Planning and Zoning Board (PZB) for the board's input and formal recommendation on the adoption of new land development codes; and

WHEREAS, on June 16, 2021 at a Special Meeting of the Planning and Zoning Board (PZB) the board acting as the Land Planning Agency for the City recommended that staff move forward to develop land development regulations to address stormwater flooding in neighborhoods; and

WHEREAS, on August 26, 2021 at a Special Meeting of the Planning and Zoning Board (PZB) the board acting as the Land Planning Agency for the City recommended to the City Commission land development regulations to adopt an impervious surface ratio (ISR) for single family residential dwellings not within master planned communities; and

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

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

Section 1. Amending the Code of the City of St. Augustine. Section 28-2 Definitions of the Zoning Code of the City of St. Augustine is hereby amended, as follows:

"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.

...

Impervious surface means those surfaces which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, any areas of concrete or asphalt and other surfaces not pervious to water. ~~In the case of lumberyards, areas of stored lumber constitute impervious surfaces~~. Including any hard surface that prevents or restricts the flow of water into the soil.

...

Master Planned Community means a comprehensively designed residential area that can encompass a pre-planned mix of homes, recreational, cultural, and commercial amenities, as well as, master planned infrastructure improvements including but not limited to potable water, sanitary sewer, stormwater, environmental protections, and roadways.

..."

Section 2. Amending the Code of the City of St. Augustine. Creating Section 28-160 in DIVISION 3 RESIDENTIAL USES to Provide for Regulations Related to a Maximum Impervious Surface Ratio (ISR) for Single Family Residential dwellings in all areas of the city not within master planned communities is hereby created, as follows:

"Secs. 28-157~~, 28-158~~. - Reserved.

DIVISION 3. - RESIDENTIAL USES

Sec. 28-~~159~~158. - Short term rental of dwelling units in RS-1 and RS-2.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Short term rental unit means a one- or two-family dwelling unit which is rented more than four (4) times in any calendar year.

Large gathering means a group of twenty (20) or more people at one location.
(a) The owner of a short term rental unit in the residential, single-family-one (RS-1) or residential-single-family-two (RS-2) zoning district shall register said short term rental unit with the planning and building department on forms provided by the department. Registration forms shall include the rental unit property address, parcel identification number, owner's name, owner's address and a notarized statement by the owner that the owner understands and agrees to the terms of these regulations.
(b) Each day the owner rents a short term rental unit without a valid registration as required by this section constitutes a separate violation of this section.
(c) Large gatherings are prohibited at short term rental units located in the RS-1 and RS-2 zoning districts.
(d) Registration of a short term rental unit shall be voided and shall be no longer valid in the event a prohibited large gathering occurs at the location of the short term rental unit.

Sec. 28-~~160~~159. - Height restrictions and maximum lot coverage on non-conforming lots of record in single-family residential districts (RS-1 and RS-2).

Notwithstanding any other provisions of this division 3, the allowable maximum height of structures of more than one story proposed for construction within single-family residential districts (RS-1 and RS-2) on a non-conforming lot of record shall be thirty (30) feet, and such structures shall have a minimum roof pitch of 5/12, with dormers limited to twenty (20) percent of the eave length per side. For the proposed structures subject to this provision, the maximum lot coverage shall be twenty-nine (29) percent in RS-1 and thirty-five (35) percent in RS-2.

Sec. 28-160. – Maximum Impervious Surface Ratio (ISR) for all single family residential dwelling development.

There shall be a maximum impervious surface ratio (ISR) of 70% of the lot size for all single family residential dwelling development regardless of the zoning district, except as established within the historic preservation districts and not within any master planned communities."

Section 3. Amending the Code of the City of St. Augustine. Sections 28-187, and 28-188 of the Zoning Code of the City of St. Augustine are hereby amended, as follows:

"Sec. 28-187. - Historic preservation district: HP-5.

Intent. This district is intended to provide a mix of residential and nonresidential uses compatible with the existing historic structures and the district's relationship with surrounding neighborhoods and traffic circulation.

(1) *Created; boundaries.* There is hereby created an historical preservation district to be known as historical preservation district HP-5, the boundaries of which shall be as follows:

Begin at the intersection of U.S. Highway 1 and Grove Avenue; thence run easterly along Grove Avenue to San Marco Avenue (except those properties zoned PUD); thence southerly along San Marco Avenue to Castillo Drive; thence westerly along Castillo Drive to Riberia Street; thence southerly along Riberia Street to Orange Avenue; thence westerly along Orange Avenue to U.S. Highway 1; thence northerly along U.S. Highway 1 to Grove Avenue.

...

(5) *Maximum lot coverage by all buildings and impervious surfaces:*

a. Fifty (50) percent.

b. Main structures, two thousand five hundred (2,500) square feet.

(6) *Additional requirements.* Lots containing Single-family residential dwelling development shall not exceed an impervious surface ratio (ISR) maximum of 70% ISR:

(~~6~~7) *Maximum and minimum yard requirements:*

a. Front, ten (10) feet minimum, twenty (20) feet maximum.

b. Side, five (5) feet.

c. Rear, twenty (20) feet.

(~~7~~8) *Maximum height of structures:* Thirty-five (35) feet, two and one-half (2½) stories.

(~~8~~9) *Minimum yard requirements.*

a. Minimum lot width, fifty (50) feet.

b. Minimum lot area, six thousand, seven hundred and fifty (6,750) square feet.

..."

"Sec. 28-188. - Lot, yard and height requirements for historic preservation districts 1, 2 and 3.

(a) All new buildings or structures within these historical districts shall conform to the Architectural Guidelines for Historic Preservation of the City of St. Augustine. New construction, whenever practical, should conform to old foundation lines in order that the original scale and pattern of development can be preserved.

(b) The following lot, yard and height requirements shall be applicable to new construction reflecting the Colonial periods in historic preservation district 1 and to all new construction in historic preservation districts 2 and 3:

(1) Minimum lot requirements:

a. Minimum lot width, thirty-five (35) feet.
b. Minimum lot area, one thousand seven hundred fifty (1,750) square feet.

(2) Maximum lot coverage by all buildings and impervious surfaces:

a. The lesser of seventy (70) percent or seven thousand (7,000) square feet.

b. Main structure, the lesser of two thousand five hundred (2,500) square feet or fifty (50) percent of total lot size.

c. Lots containing Single-family residential dwelling development shall not exceed an impervious surface ratio (ISR) maximum of 80% ISR.

...

(c) The following lot, yard and height requirements shall be applicable to new construction reflecting all other architectural styles as permitted in the Architectural Guidelines for Historic Preservation or as approved by HARB within the allowable list of styles in historic preservation district 1:

(1) Minimum lot requirements:

a. Minimum lot width, thirty-five (35) feet.
b. Minimum lot area, one thousand seven hundred fifty (1,750) square feet.

(2) Maximum lot coverage by all buildings and impervious surfaces:

a. All structures: The lesser of seventy (70) percent or seven thousand (7,000) square feet as approved by HARB to be compatible with adjacent properties but not to exceed seventy (70) percent maximum lot coverage.

b. Main structure: The lesser of two thousand five hundred (2,500) square feet or fifty (50) percent of total lot size.

c. Lots containing Single-family residential dwelling development shall not exceed an impervious surface ratio (ISR) maximum of 80% ISR.

..."

Section 4. 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 repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered 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 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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 7. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

_____
Tracy Upchurch, Mayor-Commissioner

_____
Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: September 28, 2021

RE: **ORDINANCE 2021-24: AMENDING SEC. 29-5 TO PROVIDE THE CITY WITH THE ABILITY TO INCREASE THE SFU STORMWATER UTILITY FEE RATE BY RESOLUTION.**

Please find attached Ordinance 2021-24 amending Section 29-5 of the City Code regarding the ability to increase the Single-Family Unit Stormwater Utility Fee rate by adoption of a resolution.

Please place Ordinance 2021-24 on the regular City Commission agenda for first reading on October 11, 2021.

If you have any questions, please feel free to contact me.

Sincerely,

Mark E. Simpson, CPA
Director of Financial Services

Attachment

xc: Darlene Galambos, City Clerk
Melissa Wissel, Communications Manager

Agenda Title:

Amends Section 29-5 of the City Code to provide The City with the ability to increase the Single-Family Unit Stormwater Utility Fee by Resolution.

ORDINANCE NO. 2021-24

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 29-5 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING FOR STORMWATER UTILITY FEE RATE INCREASES BY ADOPTION OF A RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Commission of the City of St. Augustine finds that the Stormwater Management Utility provides a vital enterprise necessary for the operation, maintenance, and improvements of the City's stormwater management system; and

WHEREAS, the City of St. Augustine prepared and adopted the 2013 Stormwater Master Plan identifying near and long-term priorities requiring necessary resources to accomplish critical and necessary infrastructure improvements for the benefit of the citizens of St. Augustine; and

WHEREAS, the Stormwater Management Utility rates require amendment to accomplish said critical and necessary improvements identified in the stormwater master plan and require further amendment to address technology and financial requirements in the rate structure.

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted.

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

Section 1. Amending Chapter 29, Article I, Section 29-5. Chapter 29, Article I, Section 29-5 of the Code of the City of St. Augustine is hereby amended to read as follows:

"Sec. 29-5. - Stormwater management utility fees.

...

(c) *Escalation.* The stormwater management utility fee~~SFU~~ rate may be adjusted based on~~shall increase or decrease with~~ the consumer price index, or other

financial needs of the stormwater management system, and shall be computed annually for each fiscal year and adopted by resolution.

..."

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 re-lettered 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 immediately upon passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

_____
Tracy Upchurch, Mayor-Commissioner

ATTEST:

_____
Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 11, 2021

RE: **Ordinance No. 2021-27 - Update of the Zoning Code, Sec. 28-2 *Definitions* and Sec. 28-59 *Notice of public hearings by planning and zoning board* – First Reading**

Ordinance 2021-27 updates the city's definition of *Comprehensive Plan*, *Comprehensive plan amendment, large scale* and *Comprehensive plan amendment, small scale* to reflect changes in recent state law. The State of Florida amended the Community Planning Act through House Bill 487 to increase the size of small scale comprehensive plan amendments in urban areas from 10 acres to 50 acres and eliminated the associated conditions for small scale comprehensive plan amendments. These changes must be reflected in our local zoning code for consistency with state law.

Additionally, this ordinance eliminates a reference to charging double the normal required fee for Planning and Zoning Board applications which have double the notification requirement. The city was charging a double fee because the adverting notification range was expanding from a 150 foot radius around the subject property to a 300 foot radius for certain applications. This is no longer necessary because the current fee schedule now requires the applicant to pay the costs for advertising.

Finally, this ordinance updates the procedure for publishing notice of public hearing. The current procedures identify the planning and building division as responsible for writing and publishing notices of public hearings, when in practice, this is done by the city clerk's office.

The Planning and Zoning Board (PZB) made a positive recommendation to the City Commission to adopt Ordinance 2021-27at their meeting on Tuesday, September 7, 2021.

The proposed language changes are indicated in red and underlined incorporating the revised language into the code sections.

Please place Ordinance 2021-27 on the City Commission agenda for first reading (no public hearing is required).

David Birchim

David Birchim, AICP
Director, Planning and Building Department

ORDINANCE NO. 2021-27

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 TO AMEND THE DEFINITIONS OF COMPREHENSIVE PLAN, COMPREHENSIVE PLAN AMENDMENT, LARGE SCALE, COMPREHENSIVE PLAN AMENDMENT, SMALL SCALE; AMENDING CHAPTER 28, SECTION 28-59 NOTICE OF PUBLIC HEARINGS BY PLANNING AND ZONING BOARD; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Florida Legislature amends the Florida Statutes from time to time; and

WHEREAS, the Florida Statutes were amended to change the definition of small-scale comprehensive plan amendments;

WHEREAS, based on the change in the Florida Statutes to the definition of small-scale comprehensive plan amendments it is necessary for the City of St. Augustine to update Chapter 28, the Zoning Code to eliminate potential conflicts with the Florida Statutes and reference Florida Statutes;

WHEREAS, clarifications are also required in Section 28-59 Notice of public hearings by planning and zoning board;

WHEREAS, the Planning and Zoning Board acting as the land planning agency for the City of St. Augustine, Florida reviewed and recommended these changes to the City Commission at a public hearing on September 7, 2021;

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

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

Section 1. Amendment to Chapter 28, Article I, Section 28-2. Chapter 28, Article I, Section 28-2 is hereby amended, as follows:

"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.

...

Comprehensive plan means the St. Augustine Comprehensive Plan, including all adopted amendments, meeting the requirements of F.S. 163, known as the Local Government ~~Comprehensive Planning and Land Development Regulation~~ Community Planning Act, which has been reviewed by the local comprehensive planning agency and adopted by ordinance by the city commission.

Comprehensive plan amendment means a change, amendment, supplement or revision to the adopted comprehensive plan of the city.

Comprehensive plan amendment, large scale means any amendment to the adopted land use map of the comprehensive plan not considered a small scale comprehensive plan amendment or other types of amendments defined in F.S. Ch 163 not considered a small scale comprehensive plan amendment.

Comprehensive plan amendment, small scale means an amendment ~~involving ten (10) acres or fewer~~ as defined in F.S. Ch 163. ~~and:~~
~~(1) The cumulative effect of the acreage for all small scale development amendments adopted by the city shall not exceed sixty (60) total acres annually;~~
~~(2) The proposed amendment does not involve the same property more than once a year;~~
~~(3) The proposed amendment does not involve the same owner's property within two hundred (200) feet of property granted a change within the prior twelve (12) months;~~
~~(4) The proposed amendment does not involve a text change to the goals, policies and objectives of the city's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity;~~
~~(5) The proposed amendment is not located within an area of critical state concern; and~~
~~(6) If the proposed amendment involves a residential land use, the residential land use has a density of ten (10) units or less per acre~~.

...

Rezoning means a change in the actual list of permitted, conditional or prohibited uses within a zoning category, or changes to the actual zoning map designation of a parcel or parcels of land in the city.

Rezoning, large scale, means a change in the actual list of permitted, conditional or prohibited uses within a zoning category, or changes to the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more.

Rezoning, small scale means a change to the zoning map designation of a parcel or parcels of land involving less than ten (10) contiguous acres.

..."

Section 2. Amendment to Chapter 28, Article II, Section 28-59. Chapter 28, Article II, Section 28-59 is hereby amended, as follows:

"Sec. 28-59. - Notice of public hearings by planning and zoning board.

(a) *Notice.* Notice of a time and place of any required public hearing with respect to amending the comprehensive plan, the rezoning of land, amendment of the land use plan, zoning exceptions, zoning variances, conservation overlay zone developments or appeals shall be mailed via certified mail or hand delivered with receipts maintained by the planning and building division not less than fifteen (15) days in advance of the hearing to all owners of real property within one hundred fifty (150) feet of the boundaries of the land upon which comprehensive plan amendment, rezoning, land use plan amendment, exception, variance, conservation overlay zone development or appeal is requested. For applications for conservation overlay zone one development (docks), in addition to the above notification, all owners of real property within three hundred (300) feet of the side property lines along the water or wetlands side of the property which has applied for the dock will also be notified in the same manner as defined above. For

applications for amending the comprehensive plan, the rezoning of land, amendment of the land use plan, zoning exceptions, zoning variances, conservation zone developments or appeals concerning land two (2) acres or larger in size and/or ten (10) or more dwelling units, notification will be given to all owners of real property within three hundred (300) feet of the boundaries of the land which application has been applied for in the same manner as defined above. ~~If an application requires the three hundred (300) feet notification of adjacent property owners, then the application fee is double the normal required fee, except for single family, homesteaded residences.~~ For the purpose of notice requirements to adjoining owners, the names and addresses of such owners shall be deemed to be those on the current tax records in the office of the property appraiser of the county. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken. However, should any property owner listed on the current tax records fail to receive notice of public hearing and files a verified written complaint with the planning and building division prior to action by the board, the application will be deemed null and void, and a new application will be processed.

(b) *Published notice.* Notice of any public hearing with respect to amending the comprehensive plan, the rezoning of land, amendment of the land use plan, zoning exceptions, zoning variances, conservation overlay zone developments or appeals shall be published once in a newspaper of general circulation not less than ten (10) days in advance of the date of such hearing. Such published notice shall be in a form prescribed by the board and/or city commission, as appropriate~~, and written and published by the planning and building division~~. Proof of publication shall be on file with the city clerk, planning and building division and/or city commission, as appropriate, prior to the public hearing. Procedures described herein shall also apply to public hearings regarding applications for an appeal of any decision by the planning and zoning board or the historic architectural review board conducted by the city commission.

(c) *Signs required.* The planning and building division shall cause a sign or signs to be posted on any land upon which an application with respect to amending the comprehensive plan, the rezoning of land, amendment of the land use plan, zoning exceptions, zoning variances or conservation overlay zone developments has been made not less than seven (7) days in advance of the date of the public hearing at which such application is to be considered. Such sign shall be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land concerning which a public hearing is scheduled. Such sign shall be posted in full view of the public and shall be maintained by the applicant until final determination has been made by the board or city commission.

..."

Section 3. 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 repealed language shall be removed and that the sections of this ordinance may be re-numbered or

re-lettered 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 4. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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 6. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

_____
Tracy Upchurch, Mayor-Commissioner

_____
Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan
City Manager

DATE: September 29th, 2021

RE: Basketball Courts at Eddie Vickers Park

According to our agreement with St Johns County (SJC) they are responsible for the maintenance of the 4 basketball courts at Eddie Vickers Park. As you know these courts are in severe disrepair. SJC want to use American Rescue Plan Act (ARPA) funds to repair those 4 courts. However, before SJC repairs these courts, they are asking for the City's opinion on what we would like to see in the footprint those 4 basketball courts. We can keep all 4 courts or replace some of the courts and add a paddle tennis court(s) and/or a pickleball court(s). Both sports are becoming very popular.

Staff recommends SJC repair 2 basketball courts and add 2 paddle tennis courts. Paddle tennis courts can be used as pickleball courts, but pickleball courts cannot be used as paddle tennis courts since they are smaller.

This will not cost the city anything. SJC needs to know the city's intent, so they complete the ARPA grant accordingly. SJC wants to get this application turned in as soon as possible. Therefore, if you concur with this matter, please place this item on the October 11th City Commission agenda under staff reports.

As always, please do not hesitate to contact me if you have any questions. Thank you for your assistance.

James C. Piggott
Director, General Services

JCP

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 30, 2021

RE: Agenda Item for October 11, 2021 City Commission Meeting
Julia's (Bird) Island Management Update

Public Works requests an informational presentation be placed on the staff agenda for the October 11, 2021 meeting for Commission discussion. Items to be discussed will include:

- History of Julia's Island (Reuben Franklin)
- Historical bird nesting data (Jean Olbert, FWC biologist)
- Planned projects (J.B. Miller)

Please let me know if you have any questions or concerns regarding this agenda item.

Reuben C. Franklin Jr., P.E.
Public Works Director

cc: City Attorney & Department Heads

Attachment: Power Point Presentation

Julia's (Bird) Island
Project History and Update

Reuben Franklin
Public Works Director
City of St. Augustine

Jean Olbert
Regional Shorebird Biologist
FL Fish and Wildlife Conservation Commission

J.B. Miller
Land Management Coordinator
City of St. Augustine

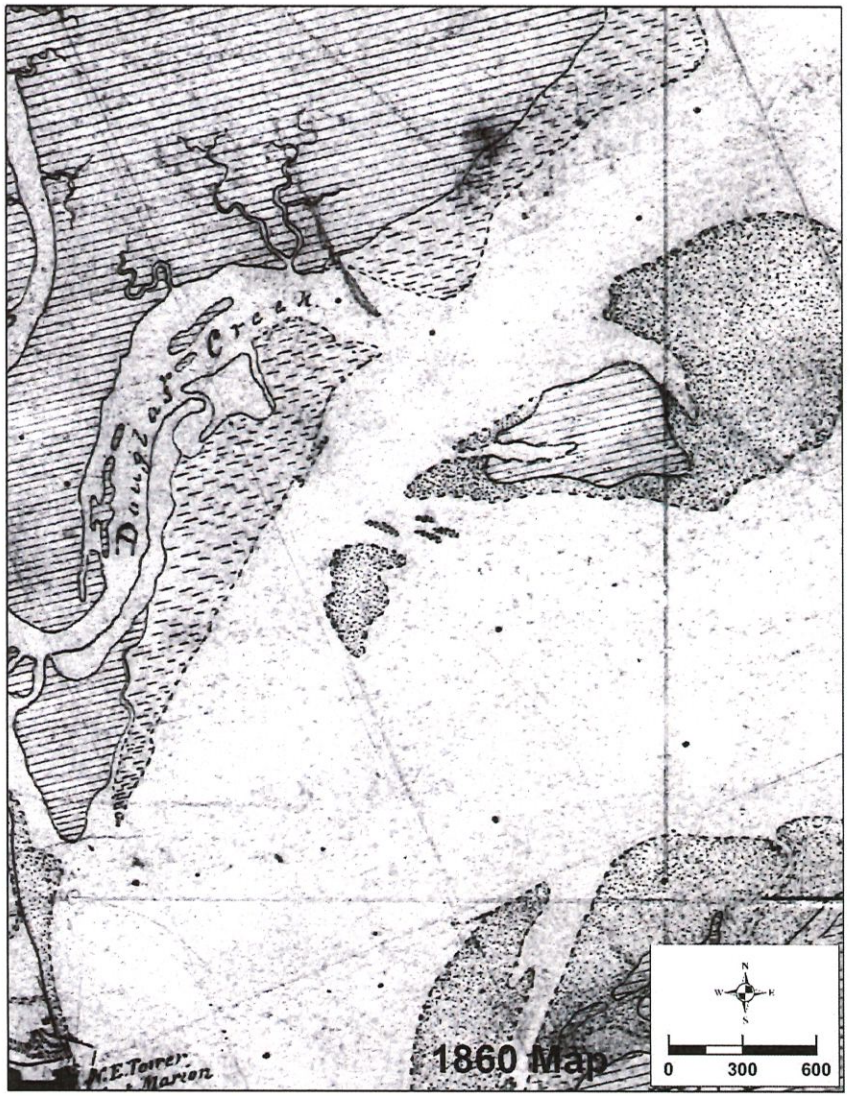
St. Augustine City Commission Meeting
October 11, 2021

CITY OF ST AUGUSTINE EST. 1565

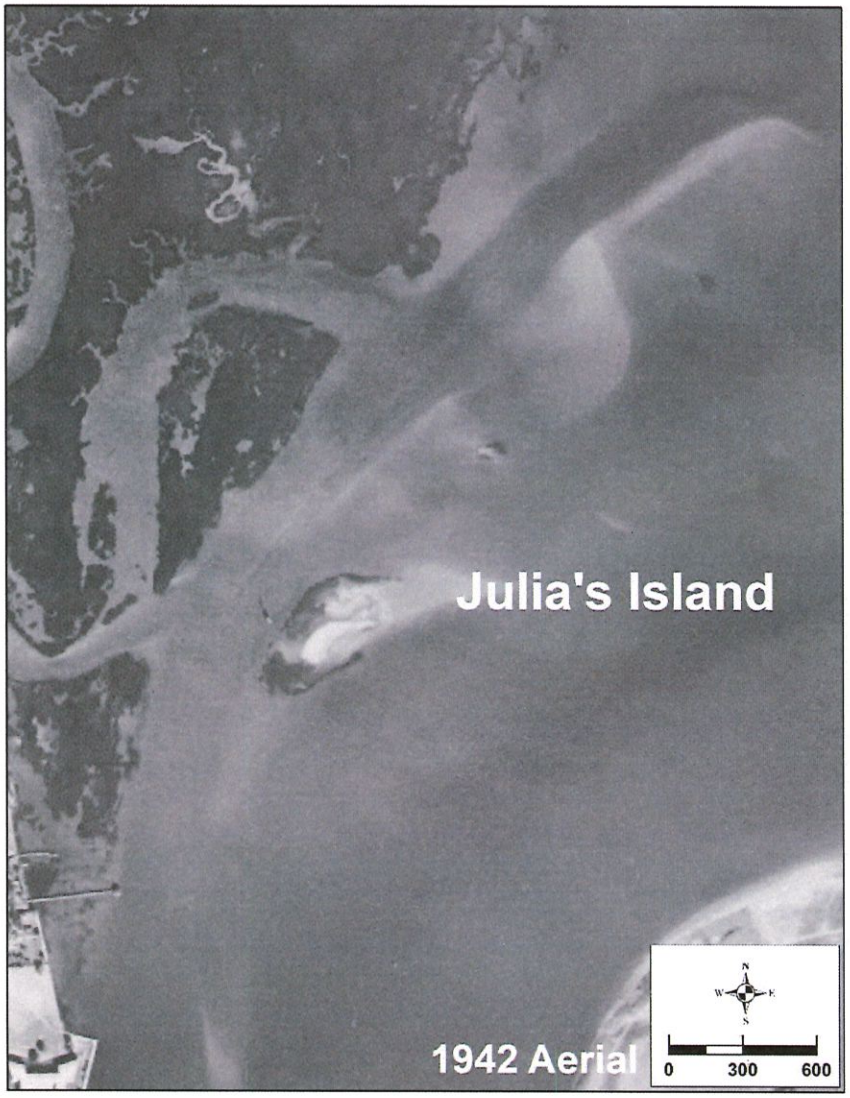
History of the Island

- Island is a part of St. Augustine Inlet's flood shoal.
- The size and shape of the island really changed as a result of modifications to the inlet starting in the early 1940's.

History of the Island

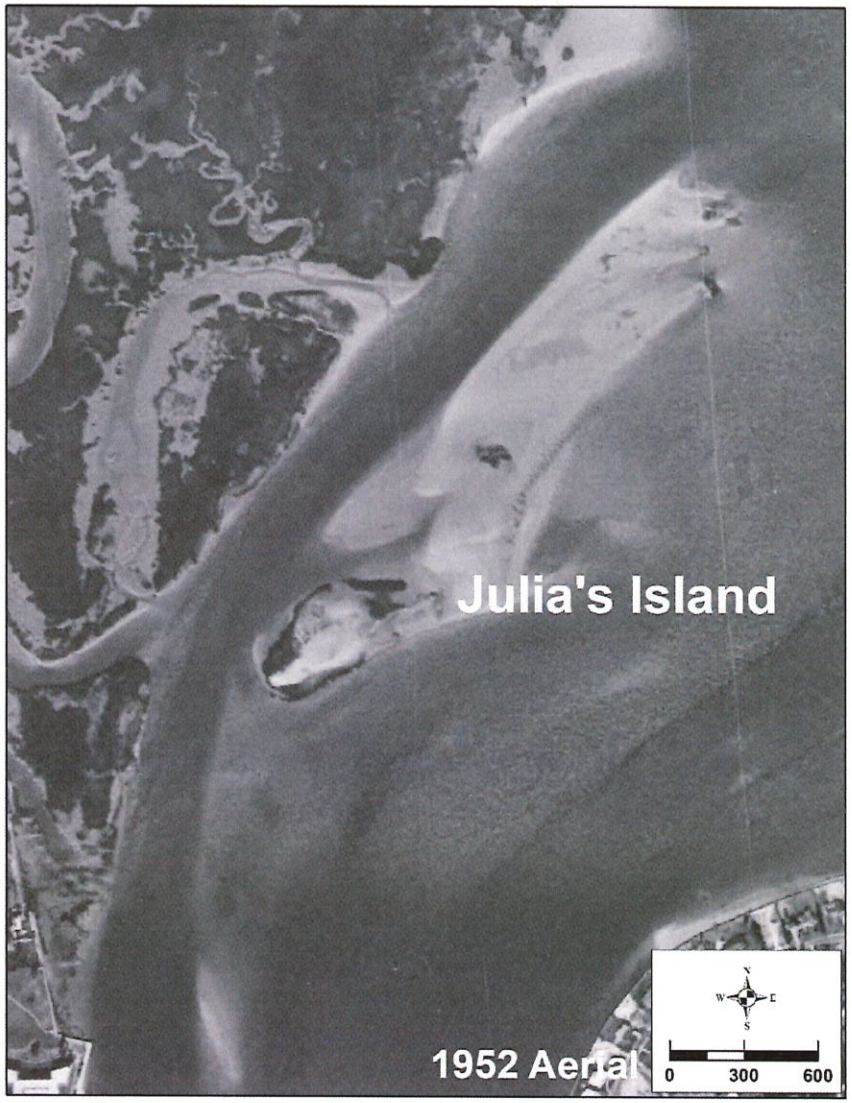


1860 Map



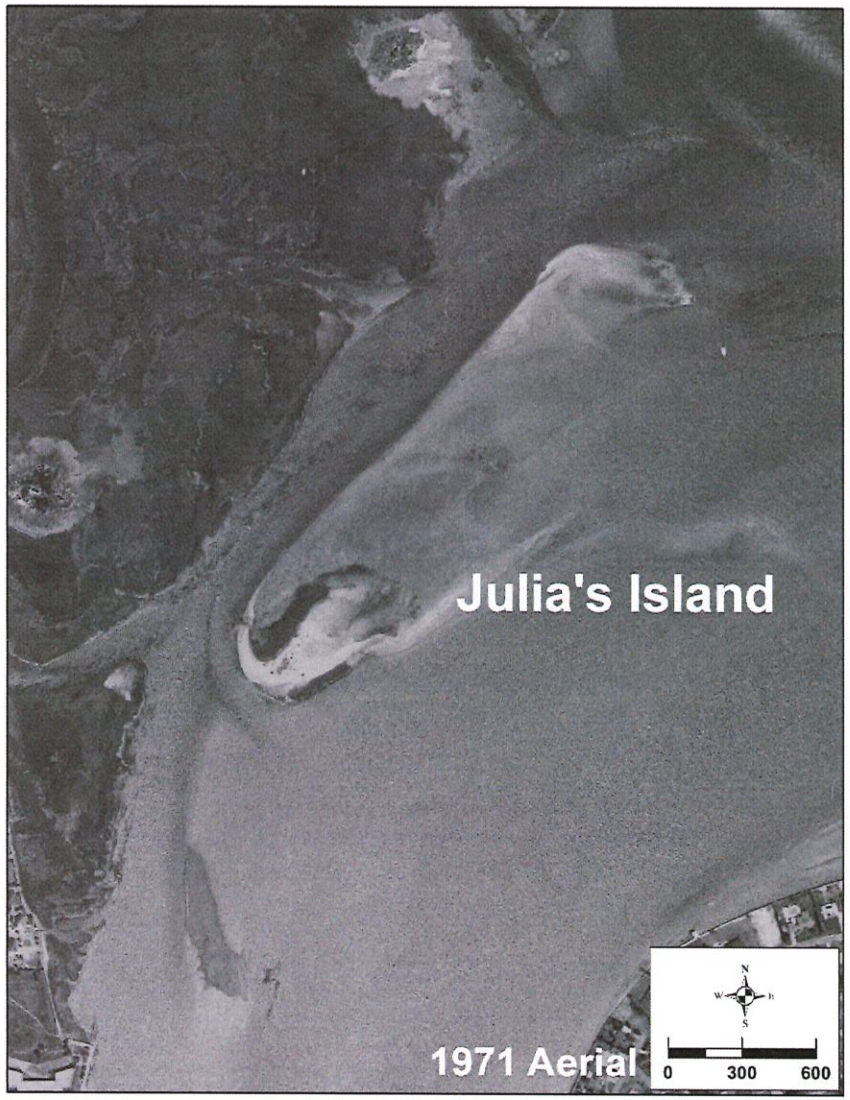
1942 Aerial

History of the Island

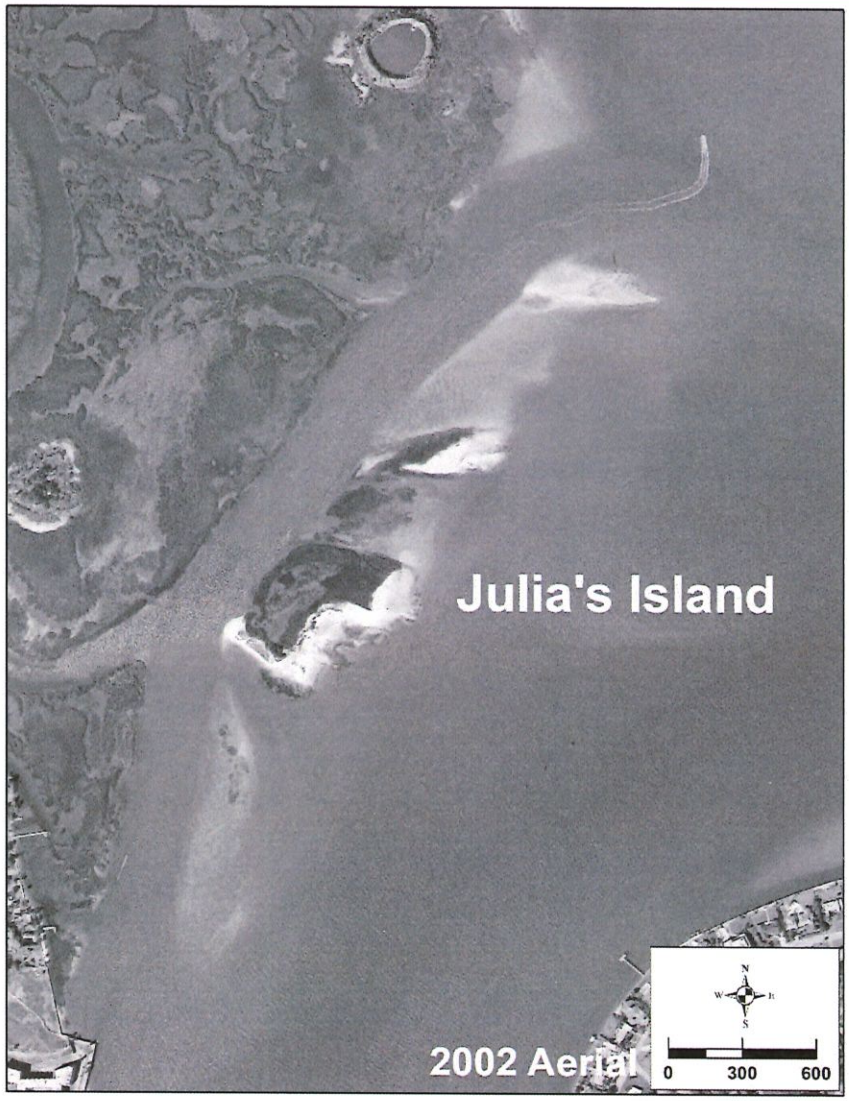


CITY OF ST AUGUSTINE EST. 1565

History of the Island



History of the Island

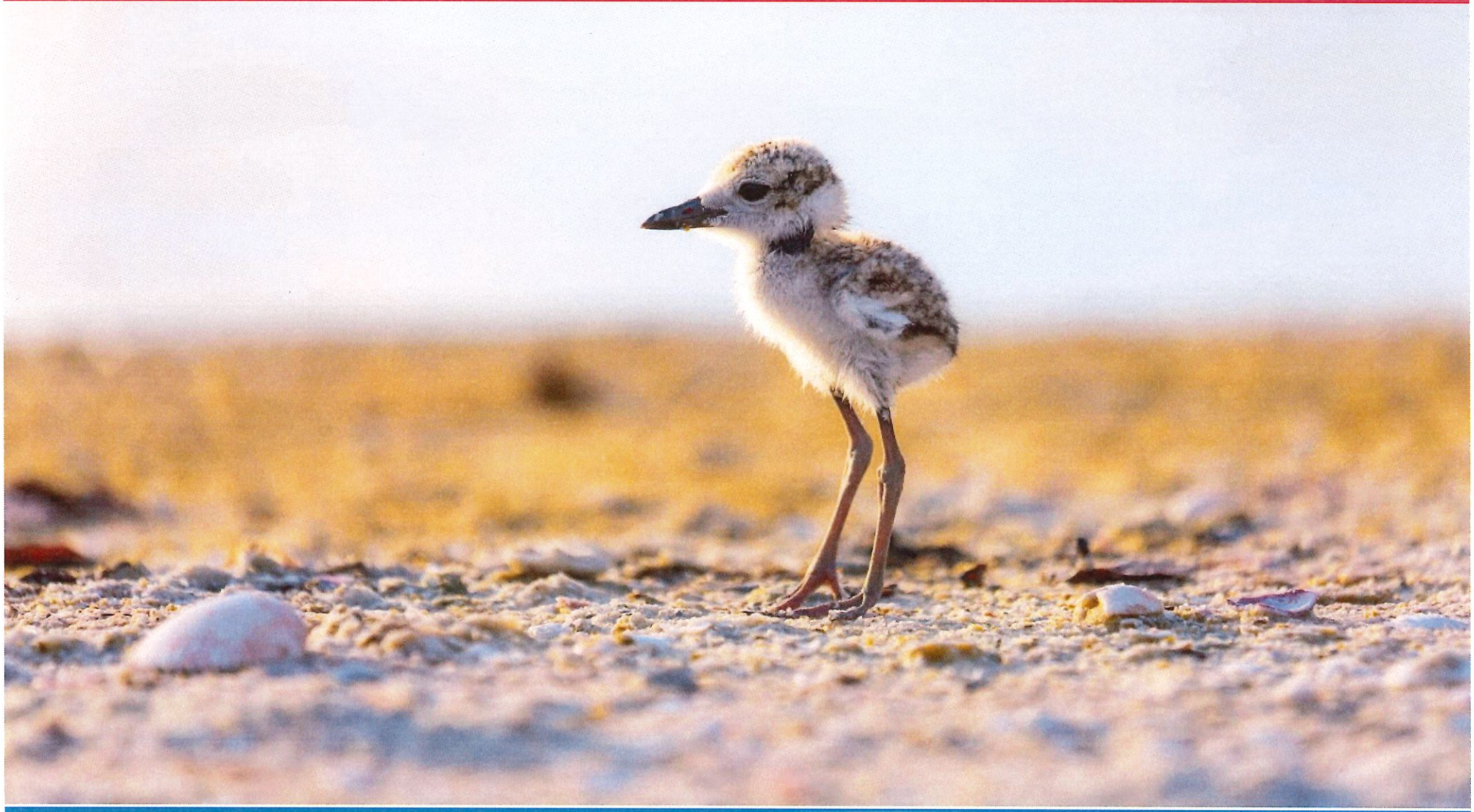


History of the Island

Upcoming Projects

- Continue to manage the island for the enjoyment of island visitors (human) and the protection of the island's natural resources.
- Continue the monitoring and management of the island for the protection of shorebirds and seabirds.
- Map the vegetation on the island, including a plant inventory.
- Perform vegetation management to improve the quality of the nesting habitat.
- Investigate ways to increase the elevation and/or size of the nesting area.

Any Questions?



CITY OF ST AUGUSTINE EST. 1565

Julia's (Bird) Island
St. Augustine, Florida
Presented by Jean Olbert
Florida Fish and Wildlife Conservation Commission

Shorebirds and seabirds nesting on the island:

Shorebirds and Seabirds

Shorebirds:
Look for food by walking along the shoreline

- **Insects**
- **Crustaceans**
- **Marine worms**

Seabirds:
Look for food while diving and skimming along the sea

- **Small fish**

Why is Julia's (Bird) Island important?

- **Shorebirds:** From 2011-2020, 10% of all American oystercatcher and Wilson's plover nesting attempts in St. Johns County were reported on Julia's Island.
- **American oystercatchers:** St. John's County is home to the most productive American oystercatcher breeding area in the entire State of Florida. The Tolomato River and Julia's Island collectively are the most important sites in the County for oystercatcher nesting.
- **Least terns:** From 2017-2020, Julia's Island supported the second largest least tern nesting colony in St. Johns County.
- **Black skimmers:** In 2019, black skimmers nested on Julia's Island after previous nesting attempts failed at Anastasia State Park. Although the nests were not successful, this is the only other known ground nesting location for this species in St. Johns County for the past 10 years.

Timing of Nesting:

March:
- Shorebirds pair up and start laying eggs

April:
- Seabirds start forming colonies and laying eggs
- Shorebird chicks present

May - June:
- Peak everything (nesting and hatching)

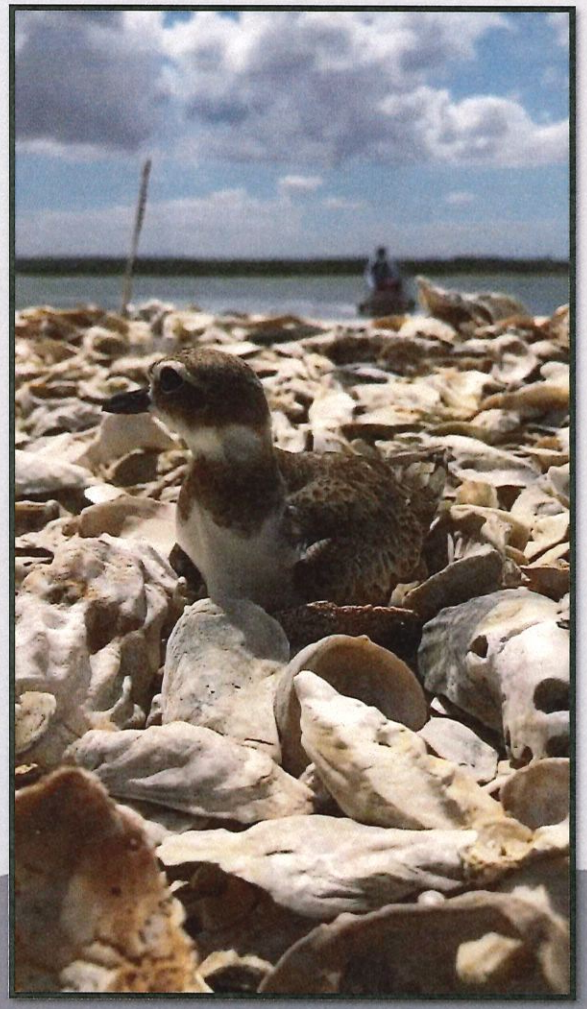
July - August:
- Chicks on the ground everywhere

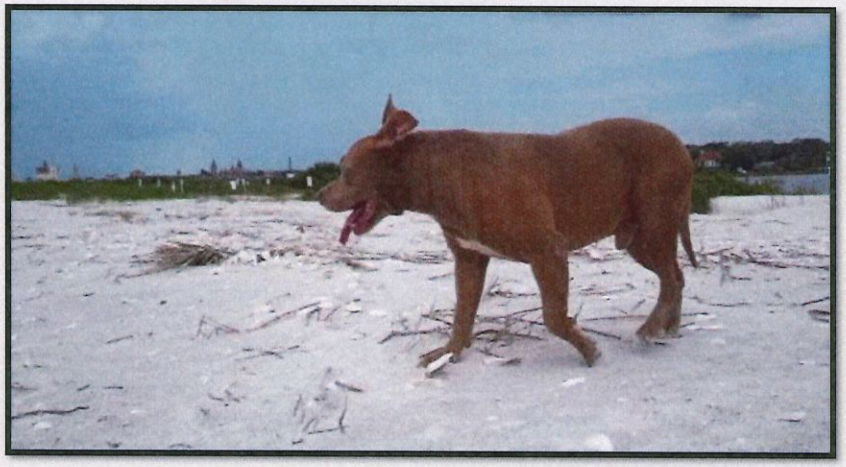
Primary threats to the birds while nesting on the island

Habitat Loss: increased erosion and overwash

Habitat Loss: increased vegetation

Human Disturbance



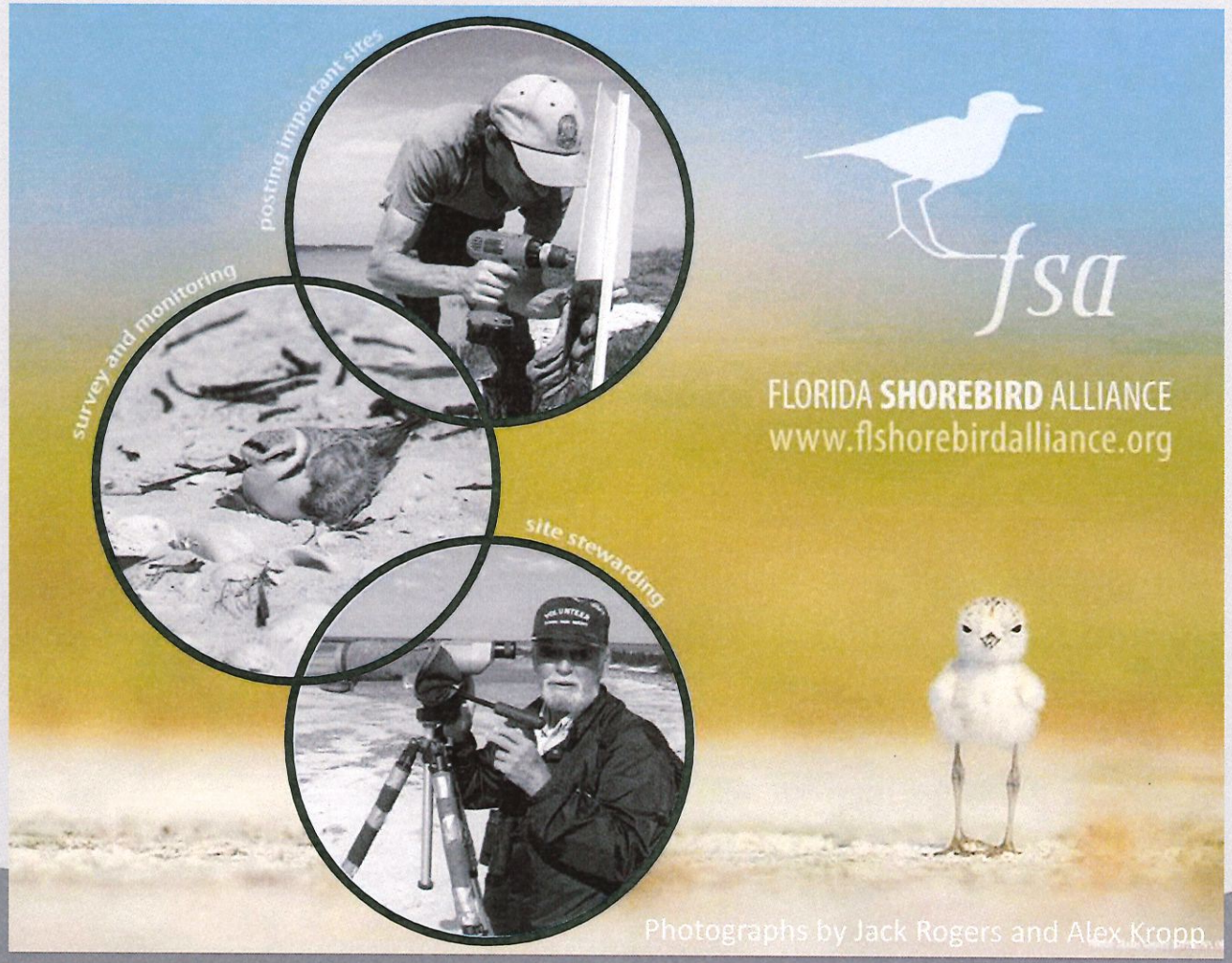


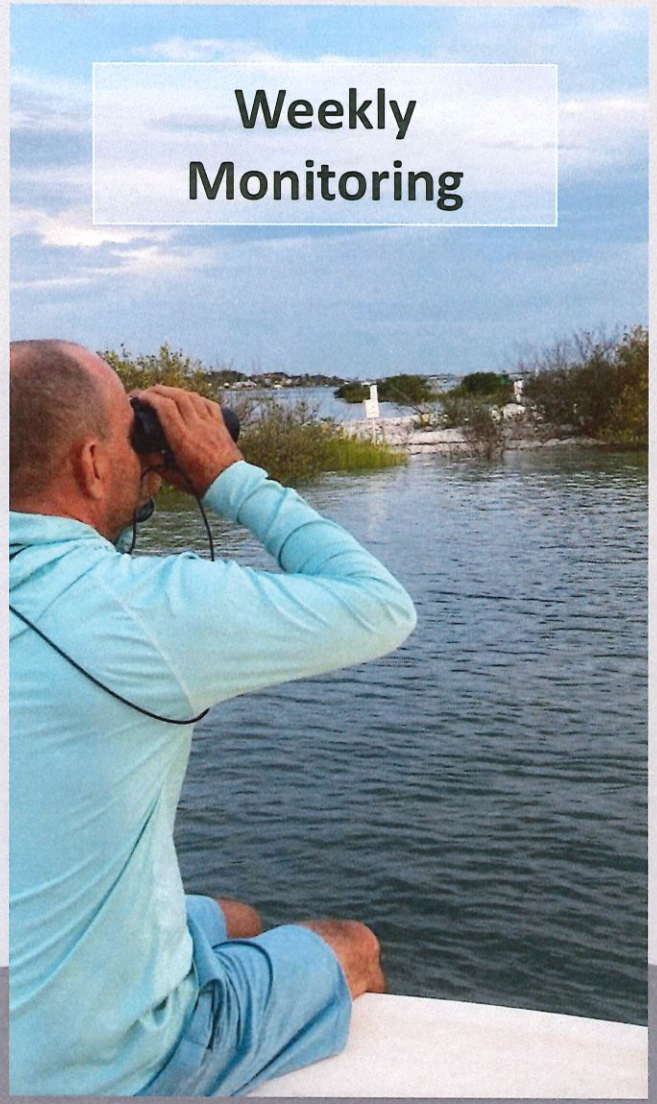
Impacts from predators

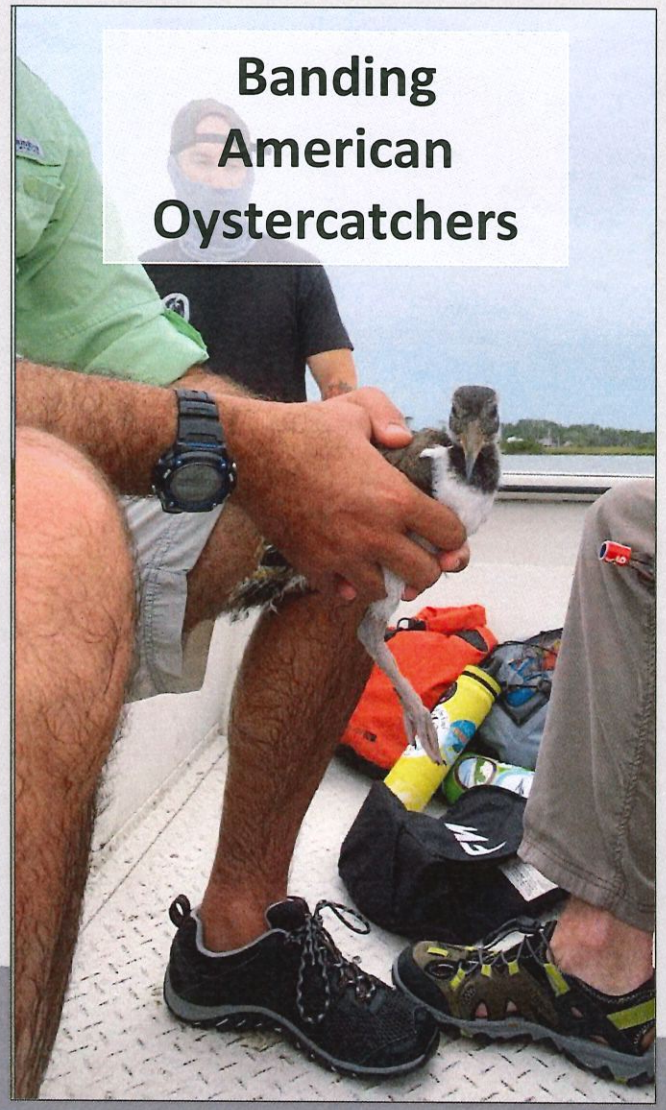
Work being done to protect the birds

Florida Shorebird Alliance:

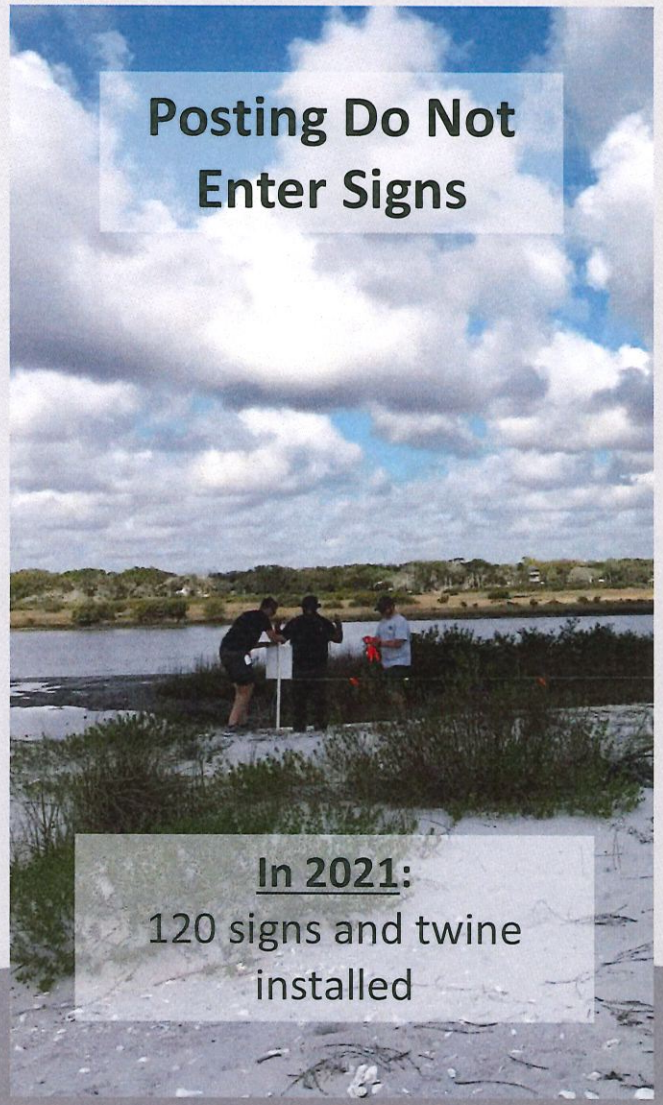
- Established in 2009
- 12 Partnerships
- Statewide partnership program
  - ➢ Protecting and monitoring State threatened nesting birds

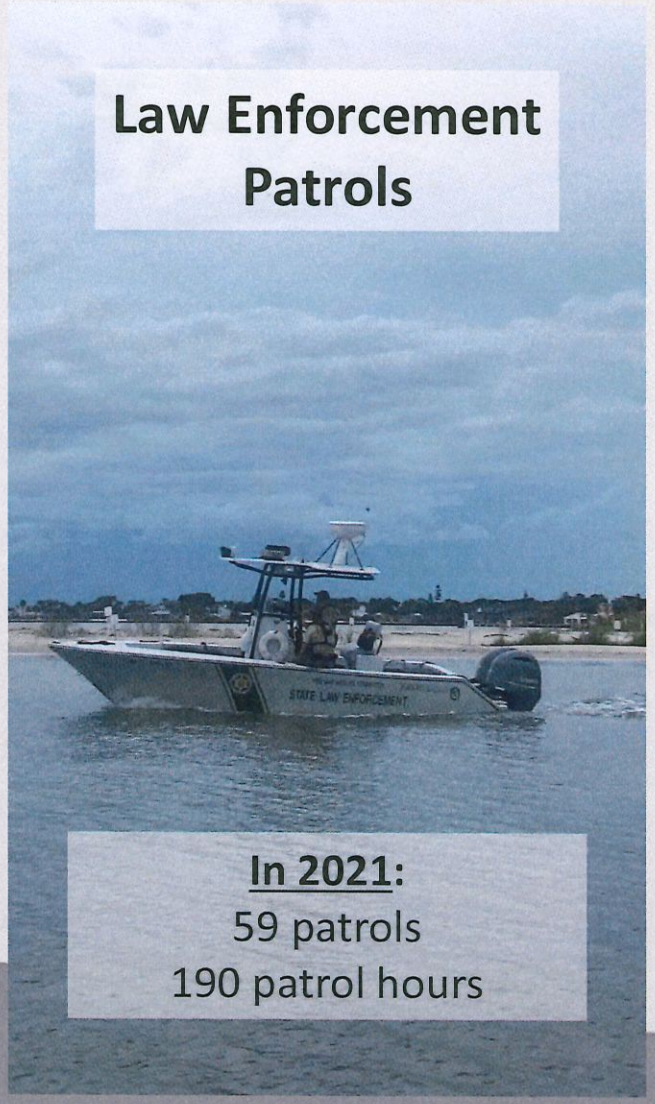



Weekly
Monitoring


Banding
American
Oystercatchers

Predation
Management
DO NOT ENTER
IMPORTANT NESTING AREA
TEMPORARY POSTING

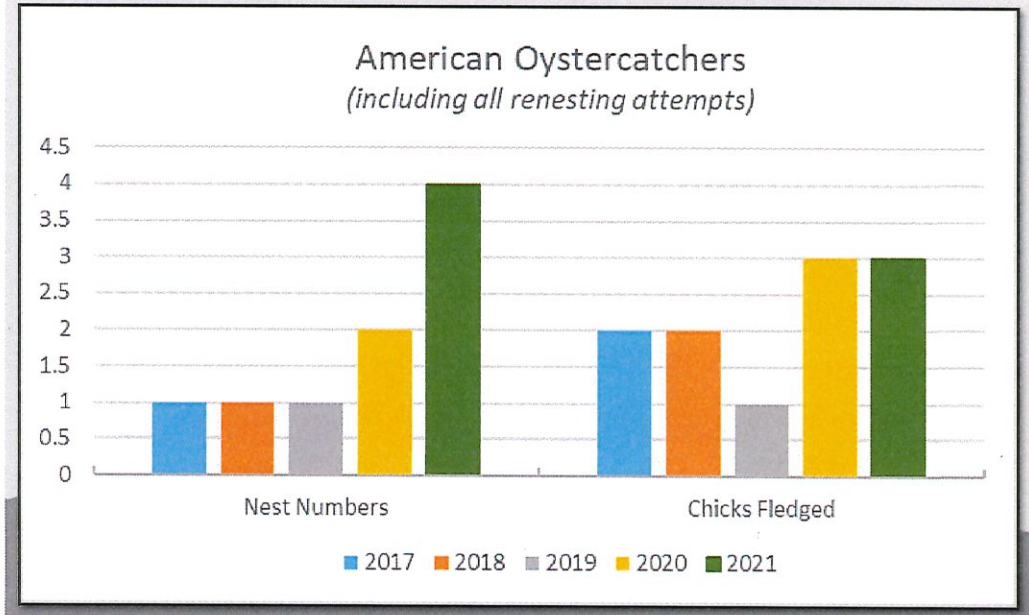

Posting Do Not Enter Signs
In 2021:
120 signs and twine installed

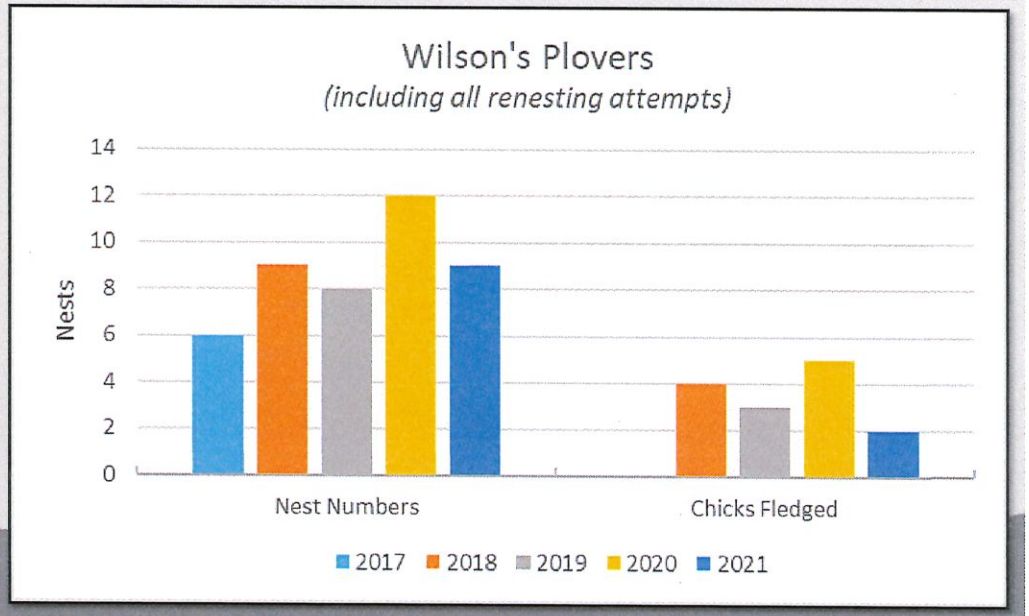

Law Enforcement Patrols
STATE LAW ENFORCEMENT
In 2021:
59 patrols
190 patrol hours

Stewarding on Weekends and Holidays
In 2021:
114 stewarding hours
216 people educated
41 dogs intercepted

Nesting Data

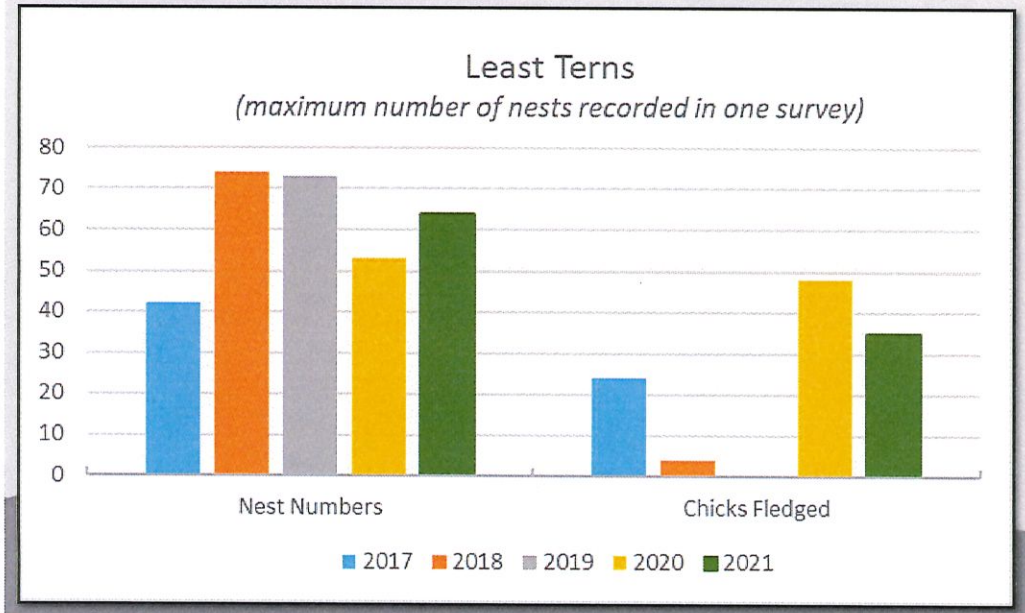
Shorebird Nesting

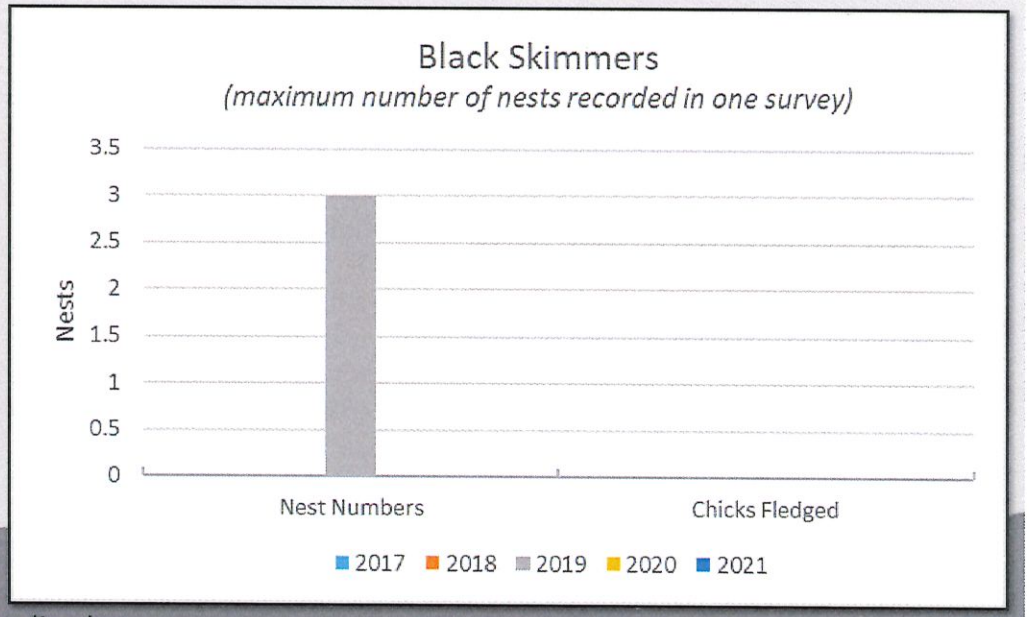




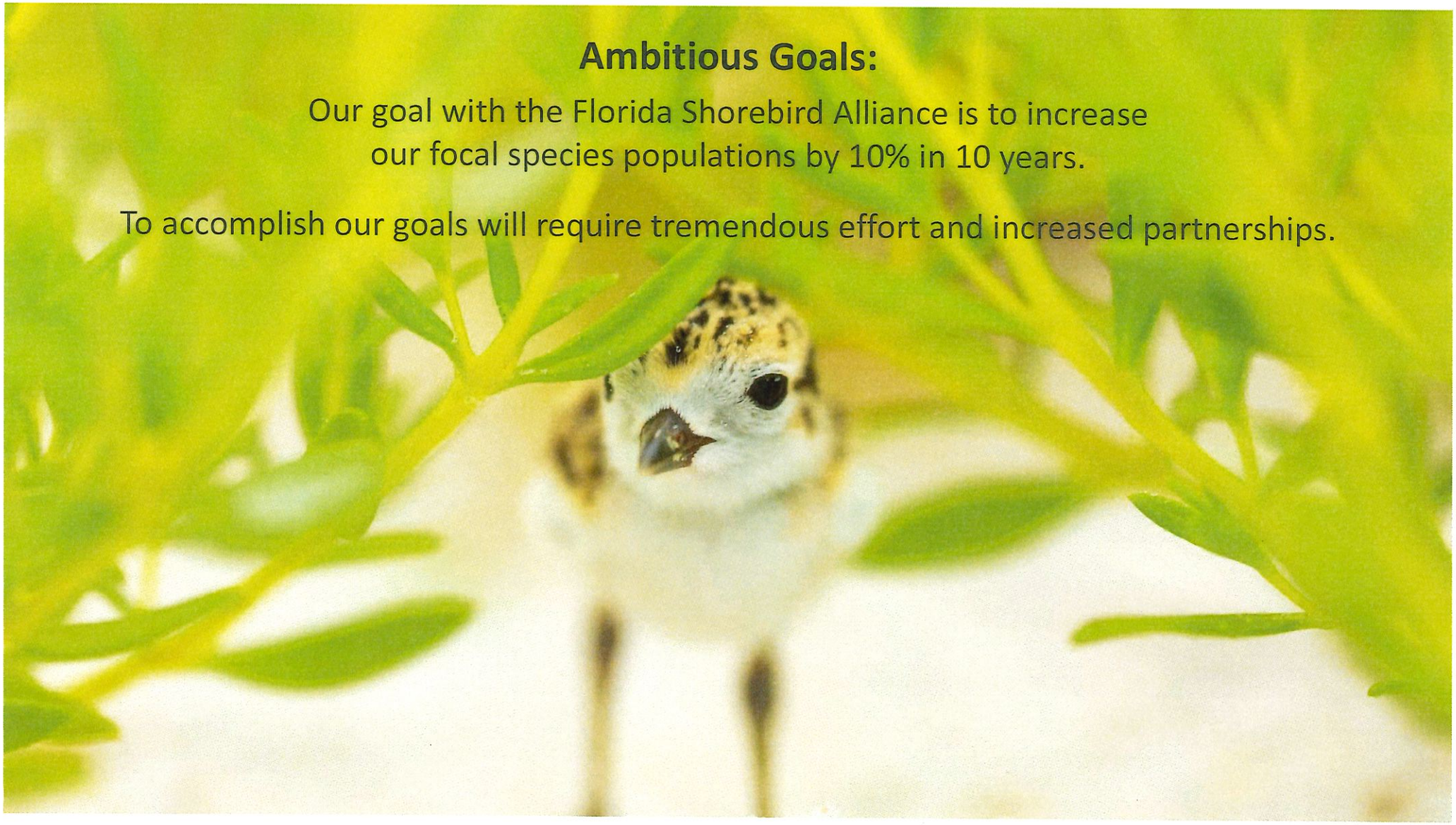
**Please note that the 2021 breeding season data has not yet been finalized.*

Seabird Nesting





*Please note that the 2021 breeding season data has not yet been finalized.



Ambitious Goals:

Our goal with the Florida Shorebird Alliance is to increase our focal species populations by 10% in 10 years.

To accomplish our goals will require tremendous effort and increased partnerships.

Thank you to Jack Rodgers, Alex Kropp, Britt Brown, Jean Rolke, Hailey Garcia, Joe Marchionno, Chris Farrell, Emily McKiddy, Bonnie Samuelsen and Holley Short for photo/video permission
Contact
Jean.Olbert@MyFWC.com
352-644-3539
Any Questions?

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: September 30, 2021

RE: Summary of Highlights for Fiscal Year 2020/2021

The purpose of this memo is to provide highlights for the most recent fiscal year (FY20/21) as you reflect on my role as City Manager in your annual evaluation of my performance. I would describe this year as an ongoing leadership test to adapt to the complex and rapidly changing environment in which we found ourselves. We were in the middle of a contentious national election, the COVID-19 pandemic, and the ongoing angst of reconciling the racial tensions exacerbated by the George Floyd murder and the aftermath of relocating the Confederate Memorial. We were constantly reacting to changing conditions and yet we still advanced our long-range goals as described in our strategic plan.

In October of 2020 we continued to manage protests associated with the Confederate Memorial relocation, especially difficult protests calling for the resignation of a member of the Flagler College Board of Trustees. These protests, along with the elections and the officer-involved shooting of a community member who was active in these protests, had the potential to become dangerous. Much of my time through the Christmas season was spent working with a variety of groups to facilitate communication. There is no way to measure success other than to know that we were able to deescalate from this period with no violence. Our Police Department did, however, arrest individuals who were close to causing great harm to each other.

A corollary matter was the need to increase the security and safety of our public buildings and our personnel. At our January 25, 2021 meeting, shortly after the January 6, 2021 insurrection in Washington, D.C., we had individuals pounding on the glass windows of the Alcazar Room. This incident brought home the need to harden the room, City Hall and other buildings. I had a security review performed by an expert that provided security planning and operation, much of which has been implemented. I would like to recognize the hard work and dedication of our Police Department who have kept us safe and our General Services Department who rapidly installed security measures.

The COVID-19 pandemic was, and continues to be, a changing landscape. Almost daily we were making adjustments in our personnel policies and protocols. These policies included, but were not limited to mask standards, sick leave, parents whose children were home from school, and working from home. Employees were divided in their opinions of my decisions regarding vaccinations policies.

Spring and summer 2021 saw a rise in tourism, permit applications and service requests at an unparalleled volume. The challenge was especially difficult with the COVID-19 Delta Variant surge that hit our workforce especially hard. It was not uncommon to be providing our services with close to 60% of a given departmental workforce out due to COVID-19. I am proud to say that we never had a break in service levels like we saw in other communities. This was especially true in solid waste and recycling service. Fortunately, our entire workforce, including our Fire and Police Departments, is more than 60%. Much of our success hinged on the dedication of our Human Resources Department and the collaboration of the management team.

We are part of an interagency coordination on combatting the COVID-19 pandemic. Significant coordination took place with St. Johns County on the vaccination rollout and with Flagler Health Plus for COVID-19 drive through testing. We have continued to provide integral leadership with our partner agencies throughout the pandemic.

We began the year with a conservative budgeting and operations approach due to financial uncertainty caused by COVID-19. We exceeded our financial targets and end of year balance goals in all operational funds. The unpredictability of COVID-19 in budgeting ended up favorable to the City.

This has been a year of unpredictability, imperfect information, multiple unknowns, and the need to identify responses quickly. I believe our team, from the elected leaders through all levels of staff, have demonstrated our ability to meet the challenges.

There are many accomplishments that are meaningful that focused on our long-term strategic plan. I thought I would highlight a few examples, but by no means is this a complete list.

Police Department- We implemented body cameras and obtained accreditation. Most importantly, our commitment to transparency has built community trust when many police agencies have lost trust. We transitioned to new leadership due to the well-deserved retirement of Chief Fox. Our Police Department has kept us safe and Chief Michaux will continue our commitment to excellence.

Fire Department- We have maintained our ISO 1 rating which directly leads to saving lives and protecting structures while improving the safety of our first responders. Never satisfied, Chief Aviles is working diligently to advance the department. Our Aquatic Response Team is now certified by the US Life Saving Association, we have a detailed equipment replacement plan, and are working to replace the Anastasia Island fire station. Chief Aviles is a leader in his professional associations and is highly recognized at the state level. We have had a low incidence of COVID-19 and staff turnover in the Fire Department. This department, and others, staffed the COVID-19 vaccination site for 5 months. This speaks volumes about the leadership of Chief Aviles.

General Services- As described earlier, we have completed physical security and hardening of City Hall. We completed the Waterworks Building in conformance to the current

scope of work. Under the leadership of Jim Piggott, Director, a long list of maintenance, construction and rehabilitation projects have been completed despite the impact of COVID-19 on the workforce. General Services administrated numerous complex federal and other grants, while managing a record year in Municipal Marina operations. They supported an increased volume of procurement work from prior years. The Fleet Maintenance Division takes care of an ever-expanding and aging heavy equipment and vehicle list. The department was challenged throughout the year by supply chain shortages and had to creatively keep equipment running despite parts shortages. We have successfully transitioned to a new Deputy General Services Director, Corey Sakryd, due to the retirement of Tim Fleming. Mr. Fleming leaves big shoes to fill, and we wish him well in his retirement.

Planning and Building- We had a doubling of permitting and entitlement (PZB and HARB) application volume in the last year. The department reorganized Code Enforcement to become more proactive, started the short-term rental regulatory program, received numerous awards in Historic Preservation, and managed the successful Waterworks Building construction project. Barry Fox, Code Enforcement Manager, along with new staff are already making a difference in the quality of life for our residents. The department brought to fruition the resiliency building task force recommendations and many code amendments that are congruent to our strategic Plan. They are also positioned to immediately launch the Responsible Hospitality Institute initiative and the "Downtown Quality of Life Program" in the coming fiscal year. David Birchim, Planning and Building Director has done an outstanding job of maintaining service level with having to overcome staffing shortages. David Birchim is more than a key director and is paramount to the success of the department. Also, we wish Jenny Wolfe, Historic Preservation Officer, all the success and happiness she deserves as she embarks on a new career chapter. She has made a difference and St. Augustine is a better place as a result of her 10-year tenure.

Utilities- The department has been in a high growth mode as the customer base expands in the service areas added through annexation and development. It also is a work force that has had employee migration due to the economy and high incidence of COVID-19. New programs include the implementation of the tree canopy replacement program, numerous sustainability initiatives, and stormwater maintenance improvements. This department also leads our enterprise-wide expansion of the Geographic Information System (GIS) Division. A large reason for the department reliability throughout the year is the inter-agency coordination work by Todd Grant, Director, to share equipment resources. He maintains a strong operations relationship with all agencies, especially the City of St. Augustine Beach, where we share equipment as needed. One example of this approach is that we have never missed completing Class 1 solid waste or recycling pick up on the scheduled day. This department navigated through critical staff shortages due to COVID-19. During a multi-week period, the department was down by 5 solid waste equipment operators (truck drivers). Another period had 5 certified water treatment operators simultaneously out from a staff of 9. I think our operation divisions are filled with unsung heroes, among them Rick Stevens the Manager of our Solid Waste and Sanitation Division who will be retiring in November and will be greatly missed. He leaves a capable team to follow in his footsteps.

Public Works- This department includes Engineering and Resiliency. It is the hub of capital improvement design and construction, resiliency initiatives and numerous operational areas including Streets and Grounds. They have been hard hit by workforce loss due to the economy and COVID-19. We take pride in our total leadership by Jessica Beach, Chief Resilience Officer, in the proposed and existing grant projects, resident outreach and all things associated with Sea Level Rise. I am certain we will bring relief to many residents in the coming years. Reuben Franklin, Director, has done a masterful job negotiating the acquisition of King Street, implementing the Bike Share Program, adopting a long-range mobility plan, reinstituting the paving program along with balancing a large workload. Jaime Perkins, Community Redevelopment Agency (CRA) Coordinator, has exceeded our expectations of the performance of the Lincolnville CRA and is managing the evolution of the CRAs in the new fiscal year. The Engineering Department, led by Stephen Slaughter, has under design and construction numerous projects including the FEMA 13 lift station resiliency upgrades. This department has also repositioned our professional strength in environmental sciences through creative employment of JB Miller. Examples of the impact is the in-house development of the Fish Island Management Plan (note: we have completed the exotic species eradication project).

Communications- This department was responsible for the successful commemoration of the 200th anniversary of Florida becoming a US territory and an increase in total communications volume across a multitude of platforms. Melissa Wissel, Director, successfully led the international event (the 200th commemoration). It required managing volunteers, private sector venues, institutions (National Guard and the University of Florida), government partners (St. Johns County), and international and state officials. It was a joyous event. The Spanish Ambassador and Consulate General considered the occasion a huge success and professionally well run. I mentioned to them this was our Communication Director's first management of an international event on behalf of the City and they were sincerely complimentary of our staff.

City Clerk- This department keeps the records and manages special projects as needed. Darlene Galamabos, City Clerk, has successfully on-boarded new staff, managed the department through the COVID-19 crisis, the ever-changing look of our public meetings, and has overall advanced the turn-around time of minutes, special research assignments, etc. Her and her team's fierce loyalty to the City is an unmeasurable advantage in the performance of the department.

Finance Department- Nearly all our revenue sources have rebounded or exceeded our goals. The department under the leadership of Mark Simpson, Director, refinanced a utilities bond for a $610,000 net present value savings over 10 years, on-boarded a new Deputy Director, managed the American Rescue Plan, the CARES Act COVID-19 reimbursement, successful audit, and raised our credit rating. Once again, the department was awarded a certificate in Achievement for Excellence in Financial Reporting. He has worked with all departments in budget execution, revenue improvements and process efficiency while also facing staff turnover and COVID-19 workforce impacts. Also, the department has primary responsibility to represent the City in our credit evaluations. We already have the strongest credit ratings in all funds since I joined the City in 1998. However, the finance team was able to increase our Standard and

Poor's (S&P) rating from "strong" to "very strong" for our water and sewer fund. This represents a categorical change. We obtain lower interest rates for bonding as a function of our high credit ratings.

Assistant City Manager- The above-mentioned items are only a fraction of the work of the City. Meredith Breidenstein, Assistant City Manager, is integral to every project and operational division. She has a complete working knowledge of every department and is highly respected throughout the workforce and has been key to onboarding the new Police Chief, Chief Resiliency Officer, Deputy Finance Director, Deputy General Services Director and IT Manager. She led the replacement of the audio-visual system replacement in The Alcazar Room which was arguably one of the most difficult and challenging projects of the year. Our contractor suffered a complete shutdown due to COVID-19 which she negotiated a path forward. Every mentioned project in this memo involved the Assistant City Manager.

City Attorney- Isabelle Lopez, City Attorney, must be recognized for her role in the successes of the past year. She reviews every contract, defends every problem, is responsive, detailed, demanding of excellence and is an overall force to be reckoned with. Her legal expertise, teamwork and fierce protection of the City Commission and the City is largely responsible for our organizational success in FY 20/21. The City is fortunate to have her as our City Attorney.

I think an executive summary of the year includes an increased focus on Sea Level Rise, Sustainability, the environment, infrastructure, and arts and culture. We have collectively weathered through COVID-19 and maintained a healthy economy.

I have placed more emphasis on mentoring and succession planning and have deliberately shifted to more of a "servant" leadership style to better support our staff. I think the empowerment of staff, their sense of earning their position, trust in management, and trust in the elected officials is causal to the organizational productivity in such a challenging year.

While we have thrived as a City, we must not forget those who paid a price in the COVID-19 pandemic. We lost 2 employees, had 88 employee cases of COVID-19, there was the suffering of family members and untold pain throughout the community. We have endured through a stressful time in our City's history but not everyone got through the year whole.

I think our ability to endure starts with excellent leadership from the City Commission. The diversity of your background is the strength of our Commission. You may be diverse in policy but unified in your love for the City. Your trust and confidence in my role as City Manager are evident to the staff and community. That reassurance has been serving our City well. As always, I take nothing for granted and thank you for the privilege to serve as the City Manager.

John P. Regan, P.E.
City Manager

CITY OF ST. AUGUSTINE

City Commission Special Meeting
Thursday, September 9, 2021

The City Commission met in formal session Thursday, September 9, 2021, at 5:05 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Mark Simpson, Director, Financial Services
Todd Grant, Director, Utilities
Jennifer Michaux, Police Chief
Elyse Anderson, Recording Secretary

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2. General Public Comments

The Commissioners heard from the following members of the public:

- BJ Kalaidi

Public comment was closed.

3. Public Hearing – Consideration of Resolution 2021-35, establishing the tentative millage rate for the Fiscal Year 2021-2022 Budget.

Mark Simpson, Director, Financial Services, reviewed the tentative millage rate and presented Resolution 2021-35 to the Commissioners.

Public hearing was opened; however, there was no response.

Commissioner Sikes-Kline MOVED to pass Resolution 2021-35. The motion was SECONDED by Mayor Upchurch.

Isabelle Lopez read Resolution 2021-35 in its entirety as follows:

RESOLUTION 2021-35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA ADOPTING THE TENTATIVE LEVY OF AD VALOREM TAXES FOR FISCAL YEAR 2021-2022.

WHEREAS, the City Commission of the City of St. Augustine, Florida has conducted a public hearing on its tentative millage rate of 7.500 mills and has determined its rolled back rate is 7.2269 mills as required by Florida Statute 200.065;

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

DRAFT

The Fiscal Year 2021-2022 tentative millage rate of the City of St. Augustine, Florida is 7.500 mills which represents an increase in the rolled-back rate of 7.2269 mills of 3.78 percent.

ADOPTED at a special meeting of the City Commission of the City of St. Augustine, Florida commenced at 5:05 p.m. this 9th day of September 2021.

VOTE ON MOTION:

AYES: Sikes-Kline, Upchurch, Valdes, Horvath, Blonder
NAYES: None
MOTION APPROVED UNANIMOUSLY

4. Public Hearing, First Reading – Consideration of Ordinance 2021-23, establishing the proposed budget for Fiscal Year 2021-2022.

Mr. Simpson reviewed Ordinance 2021-23 which would ratify the proposed budget for Fiscal Year 2021-2022. He said there were minor modifications which included a table of contents, page numbers, correction of one incorrect graph, and the addition of a specific line item in the budget for $10,000 for Sustainability Measures as discussed in the previous Budget workshops.

Public hearing was opened, and the Commissioners heard from the following:

- Mattie Rayford Harms

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2021-23 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

ORDINANCE NO. 2021-23

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, RATIFYING, APPROVING AND ADOPTING THE ANNUAL BUDGET OR BUDGET ESTIMATES OF REVENUES AND EXPENDITURES FOR THE CITY OF ST. AUGUSTINE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA AS FOLLOWS:

Section 1. The annual budget estimates of revenues and expenditures of the City of St. Augustine, Florida for the Fiscal Year 2021-2022, as prepared, amended and submitted to the City Commission of the City of St. Augustine, Florida by the City Manager, as considered and acted upon by said City Commission, under and by authority of the Charter of said City and the Laws of Florida, are hereby ratified, approved and adopted by the City Commission of said City, and the amounts of money set forth therein are hereby appropriated.

Section 2. The said budget of revenues and expenditures adopted for the ensuing Fiscal Year 2021-2022 shall be spread in full upon the minutes of the City Commission.

Section 3. The appropriations within an activity or sub-activity for Fiscal Year 2020-2021 and Fiscal Year 2021-2022 may be transferred within by the City Manager for the purpose of equalization, when necessary.

Section 4. All funds for the current Fiscal Year 2020-2021 and budgeted Fiscal Year 2021-2022 may over-expend adopted

DRAFT

budgets to the extent that actual revenues exceed the adopted budget.

Section 5. All unencumbered appropriations, except for special projects or commitments, be and are canceled as of September 30, 2021, and the City Director of Finance is directed to transfer all appropriation credit balances to unappropriated surplus and place to the credit of all appropriation accounts which show a debit balance for the Fiscal Year 2020-2021 an amount from unappropriated surplus to balance same and to close all such accounts for the Fiscal Year 2020-2021.

Section 6. If any provisions of this Ordinance, or the application thereof to any person or circumstances, are held invalid, such invalidity shall not affect other provisions or applications of the Ordinances which can be given effect without this invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. This ordinance shall become effective upon passage.

PASSED by the City Commission of the City of St. Augustine, Florida, in special session, at 5:05 p.m., this 23rd day of September 2021.

VOTE ON MOTION:

AYES: Sikes-Kline, Horvath, Valdes, Blonder, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

5. Adjournment

There being no further business, the meeting was adjourned at 5:33 P.M.[1]

[1] Transcribed by Elyse Anderson

_____
Tracy W. Upchurch, MAYOR

_____
Darlene Galambos, CITY CLERK

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CITY OF ST. AUGUSTINE

City Commission Special Meeting
Community Redevelopment Agency
September 9, 2021

The City Commission met in formal session Thursday, September 9, 2021, at 5:05 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Mark Simpson, Director, Financial Services
David Birchim, Director, Planning & Building
Todd Grant, Director, Public Works
Jennifer Michaux, Chief of Police
Elyse Anderson, Recording Secretary

2. General Public Comments

The Commissioners heard from the following member of the public:

- Aaron Jockers

Public comment was closed.

3. Agenda

3.A. Public Hearing - Consideration of Resolution 2021-33, proposed budget for the Historic Area Transportation and Parking Community Redevelopment Area for Fiscal Year 2021-2022.

Jamie Perkins, CRA Administrator, reviewed Resolution 2021-33 for the proposed budget for the Historic Area Transportation and Parking Community Redevelopment Area and stated there were no changes to the budget that was previously discussed in the budget workshops.

Public hearing was opened; however, there was no response.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2021-33. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION:

AYES: Sikes-Kline, Horvath, Valdes, Blonder, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

Ms. Lopez advised the CRA budgets were incorporated into the City's budget.

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3.B. Public Hearing - Consideration of Resolution 2021-34, proposed budget for the Lincolnville Community Redevelopment Area for Fiscal Year 2021-2022.

Ms. Perkins reviewed Resolution 2021-34 proposed budget for the Lincolnville Community Redevelopment Area and stated there had been no changes to the budget that was previously discussed in the budget workshops.

Public hearing was opened, and the Commissioners heard from the following:

- B.J. Kalaidi

Public hearing was closed.

MOTION

Mayor Upchurch MOVED to pass Resolution 2021-34. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION:

AYES: Upchurch, Sikes-Kline, Valdes, Horvath, Blonder
NAYES: None
MOTION APPROVED UNANIMOUSLY

4. Items by Chair and Commissioners

Commissioner Sikes-Kline stated she was pleased to see more participation in the budget process but noted this was a statutory process as the Commissioners had been working on the budget year-round.

5. Items by City Staff

(None)

6. Adjourn

There being no further business, the meeting was adjourned at 5:16 P.M.[1]

_____
Tracy Upchurch, MAYOR

_____
Darlene Galambos, CITY CLERK

[1] Transcribed by Elyse Anderson

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CITY OF ST. AUGUSTINE

City Commission Special Budget Meeting
Thursday, August 19, 2021

The City Commission met in formal session Thursday, August 19, 2021 at 9:13 A.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
Barbara Blonder, City Commissioner

Absent: John Valdes, City Commissioner

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Mark Simpson, Director, Financial Services
Greg Johnson, Deputy Director, Financial Services
David Birchim, Director, Planning & Building
Todd Grant, Director, Public Works
Reuben Franklin, Director, Public Works
Jim Piggot, Director, General Services
Melissa Wissel, Communications Director
Jennifer Michaux, Chief of Police
Laura Morse, Recording Secretary

2. General Public Comments

Mayor Upchurch advised if time permitted, there would be an additional opportunity for the public to speak when the meeting ended.

Public comment was opened, and the Commission heard from the following:

- Commissioner Sikes-Kline reviewed an email received from Gina Burrell who was unable to attend the meeting and requested to add an additional $10,000 to the Tree Canopy Enhancement Program and two Code Enforcement Officers to City staff[1]

Public comment was closed.

3. Agenda

3.A. Presentation and Discussion Regarding FY2022 Proposed Budget (Mark Simpson, Financial Services Director)

Mark Simpson, Director, Financial Services, reviewed the fiscal year (FY) 2021 Financial Highlights and Accomplishments and the FY2022 Citywide Budget Highlights and he noted the following:[2]

[1] Attached to original minutes

[2] Included with original Commission packet

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- Suggested largest allocation of the American Rescue Plan (ARP) funding be used towards the Solid Waste fleet replacement
- Total Revenue Budget for FY2022 was up from $60.5 million last year to $64.7 million and was the general budget City-wide for all Funds
- 60% of City revenues came from fees, charges, or services
- Large portion of Expenditure Budget Report for FY2022 went to public safety, police and fire
- City debt was down to 7%
- Projected 2021 Expenditures due to the $13 million on Lift Station projects, and FEMA revenues were not estimable at the time; however, the City expected 87% returned from FEMA
- Six new personnel recommendations were a difficult ongoing commitment

Commissioner Blonder reflected on City accomplishments and thanked the Commissioners and City staff for their role. She remarked on the body cameras embraced by the police department which showed the community's leadership standard, and she commended the City's COVID response.

Commissioner Blonder expressed her support for the Resiliency Project Manager due to upcoming funds available through various Federal and State opportunities for resiliency. She believed without increasing staff to take advantage of the funds, the City would miss the opportunity.

Mr. Simpson advised the Commission the Budget Book was produced without administrative assistance, and based on the Commissioner's feedback, the final copy would include the following:

- A corrected revenues graph
- A 'budget percentage change' column would be added for the ability to track ad valorem and fees under revenues
- A side-by-side comparison in revenue and expenditure projections would be inserted
- A Table of Contents and numbered pages

Mr. Simpson reviewed each of the City Funds' Revenues, Expenditures and Budget Summaries for FY2022 and noted:

<u>General Fund:</u>

- No tremendous change from year to year in the allocation across categories
- Most revenue came from taxes
- Majority of 6.5 million transfers were administrative for the overhead of the City and various enterprise funds
- No big expenditure change from 2021 to 2022
- Revenues' biggest component was ad valorem tax
- 2021 revenue projection was better than anticipated, the expenditure budget was observed, and there was a projected surplus of $941,000
- The 2022 budget was balanced
- City Commission and City Manager Administration Budgets had significant increase from a $30,000 nightlife engagement risk assessment, and the return of items significantly cut due to COVID, such as St. Francis House and the Chamber of Commerce membership

<u>Utility Fund:</u>

- Majority of revenues were from charges for services
- Debt was paid off which decreased debt service significantly, and the 2011 bond refinance assisted with the figures
- Connection fees or 'flow-based fees' were higher than anticipated and included water and sewer
- Most revenues projected to increase
- Force main overlay charges were off; however, Todd Grant, Director, Utilities, indicated there was a CIP to replace and upgrade the force mains, and the revenue anticipated did not materialize since the projected connections based

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on the forecast of certain subdivisions and phasing was inaccurate
- Utility Fund monies were placed into restricted funds and did not have a huge effect on operations
- Projected 2021 charges for services versus the 2022 budget decreased since only $500,000 was budgeted for restricted connection fees which could not be used for ongoing operation, but they were reserved for plan capacity increases
- The $1.1 million could not be used and must remain in reserves and saved for future planning capacity
- It appeared less was budgeted than projections; however, there were new businesses and developments that increased connection fees, and during the past few years the fees were much larger than budgeted

Stormwater Fund:
- Nearly all revenues from charges for services had a 5.8% increase for FY2022 with an anticipated extra $80,000 to $1.2 million in the Fund
- Incremental increases were not completed with the amount of stormwater projects and necessary maintenance, and should be increased 50 cents per year in perpetuity
- Increases approved by the Commission were completed, Stormwater could always use more money, and there was 50 cents in the budget for the year, averaging $9 per single family unit
- Fund only covered maintenance and could not cover capital projects which must be covered by grants, borrowing, or other means
- Stormwater operation was comprised of personal services, operating expense and some capital

Solid Waste Fund:
- Fund was largest challenge
- Rate increase for FY2022 would hopefully provide for upgraded equipment, particularly garbage trucks, and the ARP would be used
- Increase brought Fund 'above water' to operate at a surplus, not a deficit
- Expenditures were almost all operating
- Solid Waste visited each residential property three business days a week, the service was excellent, punctual, pleasant, and focused, and the department deserved a lot of credit

Mayor Upchurch reminded the Commission of the need for a Solid Waste and Recycling Workshop sooner rather than later.

Commissioner Blonder stressed the need to address the fee system inequities during the Workshop, which could assist with the Fund's shortfall.

Marina Fund:
- COVID-19 brought an increased demand for boating and outdoor activity
- Record year of revenues with marina fully functional for 12 months
- No hurricanes
- Uptick in fuel prices, projected surplus from gasoline and diesel sales
- Dockage was better than anticipated
- Mooring field came in on budget
- Did not anticipate record year next year

Visitor Information Center (VIC) Fund:
- VIC performed extremely well with record parking revenues
- Fund rebounded rapidly and nicely
- Major expenditure component was transportation expense at the garage
- Large amount of debt from constructing the garage was covered by the Historic Area CRA
- Gift shop was not at full capacity the entire year, but anticipated a rebound next year
- Interest earnings were unfavorable for the entire City and rates were at 0.1%
- Tourist Development Council allocation offset costs at VIC
- Most gift shop expenses were cost of goods sold

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- VIC parking garage hit $4 million for year with 1-1/2 months left in the budget
- VIC should continue with the transfers to help offset the taxpayers' burden and enhance the mobility transfer, historic preservation transfer, or other strategic items requested by the Commission, which could be funded by parking revenues or VIC profits
- Transfer money from VIC Fund to General Fund to offset increased cost of services for large number of tourists who do not pay property taxes
- Expenditure increase from $690,000 to $1.2 million was for re-roofing a portion of the VIC

Mr. Simpson advised Mayor Upchurch the reserve policy for the General Fund was four months of operating income, and the Utilities, Marina and VIC Funds had three months of operating income. He noted these were met favorably by two bond agencies, and the only Fund short was the VIC fund.

Commissioner Sikes-Kline requested that budget reserves be shown in the reports and noted her appreciation of the $108,000 in the VIC reserve. She questioned the projected income on the gift shop.

Mr. Simpson advised the gift shop typically made a 50% profit margin which covered employees, telephones and overhead, and they were looking at revenue enhancements to increase the profitability.

Commissioner Blonder requested a workshop discussion on the following topics:

- Impacts of visitors on fire rescue and policing
- Impacts of increased housing needs for those visitors and the new hotels with potential property development
- Impact fees
- Provide incentives for sustainable development
- Unfair impacts of increases to ad valorem taxes
- Engage with a consultant and reallocate the impact fees, sustainability, resiliency, incentives, and a budget reflecting the opportunity to work with a consultant

Mr. Regan advised the mobility fee technical report, fee schedule, and ordinances were being considered by the Planning and Zoning Board at their special meeting on August 26th, and the Commission would see this topic soon.

Mr. Simpson stated he could add the engagement of a consultant to the Commission professional services budget and remove another item. He stated if a plan could be adopted, then the ARP dollars could fund it since it fit within their categories. He noted first tranche of $3.5 million from the ARP was expected in September, it was not contained in the budget, and the Commission would need to appropriate it separately with a spending plan and changes to the City Code. He advised one workshop would be devoted to Solid Waste, and the other to sustainability initiatives and a master plan development to disburse ARP funds.

Darlene Galambos, City Clerk, advised that in the very near future, workshops on these topics would be scheduled at 3:00 P.M. prior to regular Commission meetings.

Commissioner Sikes-Kline stated this was unusual discussion because of ARP money totaling $7 million which precipitated an entirely new discussion. She requested that a few items be added to the budget:

- Fish Island breakout, more specifically it becoming part of the archeological zone
- Original Bridge of Lions 'lions' needed crash barriers, they were irreplaceable, the most photographed image in the

City and they should find a way to protect them
- Beautification of the City with placement of plastic wraps with nice images on utility boxes, starting at the exterior of the historic districts

Mayor Upchurch noted City staff prepared the ARP suggestions, which they needed to understand as a Commission that this was a once in a lifetime revenue source with few strings attached, and it was important to be judicious and thoughtful for the use and benefit of the City. He asked Mr. Simpson to review the ARP and then they would return to Commissioner comments.

3.B. Discussion of American Rescue Plan Items for Consideration (Mark Simpson & John Regan)

Mr. Simpson reviewed the American Rescue Plan Initiatives which included usage of the funds for projects suggested by City staff.[3] He noted the following:

- Cautioned that federal government program rules could change daily and weekly, and they should all be aware
- Certain project categories had no cost estimate, but were listed for discussion
- They could plus up the VIC reserves for three months of operating revenue, productivity investments, infrastructure and amenities under future economic growth
- Preferred to put majority of money into Capital Improvement Projects (CIPs); however, challenge was money must be spent prior to 2024, and CIPs took a long time
- Suggestions on list were tactical in nature and were items they could meet within the timeframe objectives

The Commission and Mr. Regan discussed:

- Cautioned long lead times in construction, but there were facilities' requests that could be accomplished
- City wanted many projects they could not get to work, such as structural solar shades at the VIC garage to be off grid
- Use of upper garage deck as event space
- $20,000 was allocated for the re-design of City entry signs in the current fiscal year, facilities person was contacted and project was placed on hold, since a complete re-design was contemplated
- Entry signs should be pressure washed and re-painted at the very least
- Items in regular budget that would be appropriate for the expenditure of the ARP funds
- If a project did not fit into the ARP funding, it could be interchanged effectively next year, placed into an operating budget, then something could be deferred from the operating budget and use the ARP funds
- Public Art was needed to make the City unique, with a workshop or a request to artists for ideas, as so much input was required on the idea
- Suggested an amount should go into an Art 'fund' annually so when ready, they had multiple years to draw from
- Upgrade storage facility at the archeological building which housed artifacts in paper boxes that would be lost if there was a leak
- City needed high speed internet services
- Detailed pictures requested when discussing projects such as the VIC roof, which allowed the Commission to better understand the details
- 50 Bridge Street project suggestion was for carpet and paint at the Financial Services building which opened in 2006 or 2007
- Cyber security was paramount; bond ratings review and financial auditors hit hard on cyber security, and although the City passed, it must always stay ahead of the curve

[3] Attached to original minutes

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- Take home police vehicles for public safety and mobile office use which became difficult when officers had to share vehicles
- Every City department should have all necessary tools for adequate operation
- Consider purchase of the land for the Island fire station which would convey to the FDOT the seriousness of re-working the intersection and would jumpstart the process

Mr. Regan advised the fire station issue was an active project and they were in negotiations with the State of Florida's head of Land Management; therefore, it was active and would be thought through regarding how to finance.

There was Commission discussion regarding the City's entry signs. Mr. Regan advised the entry signs maintenance contract was stopped because it was substantial, and those monies would carry over into the budget and would be available to commence the work for creating designs for a new entry corridor for a wholesale brand and not refurbishment.

Commissioner Sikes-Kline was going to contact Don Crichlow to determine if there had been a re-design in the past.

Mayor Upchurch stated that although he understood the historic role, he did not envision displaying Civic Club signs on the new City entry signs as they no longer worked with the City's image.

Mr. Regan indicated the entry signs would be pressure washed and painted.

4. Items by Mayor and Commissioners

Commissioner Sikes-Kline inquired about Gina Burrell's request to increase the Tree Canopy Enhancement Program by $10,000.

Commissioner Horvath indicated that the canopy had been added to Lincolnville.

Commissioner Blonder stated Glabra Skipp, Environmental Program Coordinator, was overseeing bringing trees to residents.

Mr. Simpson would verify the operating budget which had a specific line item that dramatically increased, which included tree canopy.

5. Items by City Staff

Mr. Regan provided the Commission with an update to current City challenges and important information. He noted much had been done to meet these challenges:

- Tracked daily COVID outbreaks, but could not adequately track the impact of those staying home to quarantine
- Out of 32 positive cases, 11 were breakthrough cases
- Ripple effect could decimate a department with the example used that Mr. Simpson was without administrative support to produce the budget report
- Water plant operation division was down to 40% of workforce
- Demand on City services had increased significantly; Emergency Management Services (EMS) was running double the call volume at 30 and although some was tourism, 5 out of 30 were COVID related, and COVID cardiac calls put expensive demands on the equipment and supplies
- Planning and Building put out 100% more items such as permits and applications to the PZB versus one year ago
- Challenge when workforce went down was where the management team was focusing their time
- Employee retention issues due to the economy and market competition
- Travel to and from Jacksonville for COVID testing at the Mayo Clinic could be arduous

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- Flagler Health Plus unveiled a totally free testing program at the VIC which City employees could use and caused a ripple effect from businesses and industries
- Employees requesting time off for funerals for loved ones who had passed from COVID
- Two employees had passed due to COVID complications and underlying health conditions

Mr. Regan reiterated that a Solid Waste workshop would be scheduled, and the City was one of the few municipalities that had not missed a garbage pickup schedule. He commended Mr. Grant for his leadership.

Mr. Regan stated that educating the workforce on the vaccine had a positive impact on many employees along with the City's sick-leave policy. He indicated the workforce was continually advised of their essential services provided to society and provided the continued suggestions of risk management for COVID prevention. He asserted that the City had a great group of people and a great Commission, and he thanked the Commission for their time.

Mr. Regan noted the American Recovery Act was 'in the build', the Commission was being left with a lot to process, there were a lot of great ideas, and he suggested to contact Mr. Simpson or him directly if there were any questions.

Commissioner Sikes-Kline stated the 2020 City Census was 15,308 residents. She expressed her appreciation for Mr. Regan and his report which summated everything nicely for the Commission. She thanked City staff for 'grinding on' and agreed they were really good people.

Mayor Upchurch announced there would be no continuation meeting on Friday, August 20th since all the items were addressed during that meeting.

6. Adjournment

There being no further business, the meeting was adjourned at 10:55 A.M.[4]

_____
Tracy Upchurch, MAYOR

_____
Darlene Galambos, CITY CLERK

[4] Transcribed by Laura Morse

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CITY OF ST. AUGUSTINE

Community Redevelopment Agency
Special Budget Meeting
August 19, 2021

The Community Redevelopment Agency (CRA) met in formal session Thursday, August 19, 2021 at 8:30 A.M. in the Alcazar Room. The meeting was called to order by Chairman Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Chairman
Nancy Sikes-Kline
Roxanne Horvath
Barbara Blonder

Absent: John Valdes

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Mark Simpson, Director, Financial Services
Greg Johnson, Deputy Director, Financial Services
David Birchim, Director, Planning & Building
Todd Grant, Director, Public Works
Reuben Franklin, Director, Public Works
Jim Piggot, Director, General Services
Jaime Perkins, CRA Administrator
Jennifer Michaux, Chief of Police
Melissa Wissel, Communications Director
Laura Morse, Recording Secretary

2. General Public Comment

Public hearing was opened; however, there was no response.

Public comment was closed.

3. Agenda

3.A. Community Redevelopment Agency Audit Presentation (Mark Simpson)

Mark Simpson, Director, Financial Services, summated the fiscal year-end September 30, 2020 Audit Report for the Community Redevelopment Agency (CRA) performed by Masters, Smith & Wisby, P.A. He advised Mayor Upchurch the report would be sent to the Audit Review Committee and he highlighted the following:

- First time the State required this independent report
- In the future, Report would be presented with the Comprehensive Annual Financial Report (CAFR)
- Auditors expressed an unqualified opinion which meant there were no material misstatements
- Report encompassed both the Historic Area CRA and the Lincolnville CRA
- CRA ending net position was $1.456 million at fiscal year-end September 2020
- No major economic factors affecting next years' budget

- Total assets of $1.47 million on the balance sheet
- Change in net position for the year was $660,000
- Historic Area CRA transferred all its cash to the Visitor Information Center (VIC) to pay debt service
- Lincolnville CRA had cash at $1.47 million with a similar fund balance, all classified as governmental funds
- Transferred $1.2 million from the Historic Area CRA to pay for the debt service at the VIC garage
- Lincolnville CRA did not have large amount of activity because this was last fiscal year
- Half the revenue was from the County portion of the incremental revenue
- CRAs were tax increment financing; therefore, increased parking revenues would be seen as VIC parking revenue in the City's Operating Budget
- Compliance letters from independent auditors showed nothing to note, no findings, and no issues, and Finance intended to keep it this way

MOTION

Commissioner Sikes-Kline MOVED to accept the audit. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Horvath, Blonder
NAYES: None
MOTION APPROVED UNANIMOUSLY

<u>3.B.</u> LCRA Architectural Overlay District Discussion (Jaime D. Perkins)

Jaime Perkins, CRA Administrator, advised the presentation had a request to approve recommendations to move forward with two applications received for the Institutional Rehabilitation Grant Program. She stated the discussion was not to authorize a design standard, but for approval to move forward with strategic development, and to re-visit conversations previously discussed regarding the Architectural Overlay District in Lincolnville.

Ms. Perkins reviewed the following:

- Lincolnville was a designated community on the National Register of Historic Places
- In 2017 strategic planning conducted focus groups and workshops within Lincolnville which determined an interest to place an Architectural Overlay District to preserve those historic structures, which came second to affordable housing
- The focus groups discussed the importance of preserving historic structures in Lincolnville, and they wanted assurance that new construction conformed to the historic look
- Received multiple phone calls and emails from residents and lay members of boards inquiring about the goals for preserving Lincolnville's structures
- Importance of addressing concerns and challenges faced with implementing the design standard, future costs, and the impact to the area's low-income residents
- Challenge from resident pushback who saw this as an opportunity for regulations or bigger government; development of criteria should benefit and be fair to historic preservation and to the residents
- Idea originated from residents reaching out, Ms. Perkins' 'dive' into the plan amendment, conversations with LCRA steering committee members, and the Historic Preservation Society in Lincolnville who brought this to attention
- $75,000 was in the budget to hire a consultant, and Jenny Wolfe, Historic Preservation Officer assisted with ideas
- Goal was to preserve specific neighborhood architectural features, not a conservation overlay
- Maintenance of the historic structures was solidified in the current programs

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and projects for the Institutional Rehab Program and the Fix It Up program; therefore, residents who experienced property maintenance issues could use the Fix It Up program if they qualified, and ways were sought to broaden the program for other residents
- Fix It Up Program aligned with the Secretary of Interior standards

Ms. Perkins requested Commission approval to explore opportunities and continue engagement with the public, City staff, and professional consultants, and she reiterated this was not a design standard implementation.

Commissioner Sikes-Kline was amiable to the plan and noted a good consultant could work with the community for preservation for specifically new construction, which was the primary issue.

Commissioner Horvath expressed her full support.

Commissioner Blonder expressed her full support. She noted concern with new construction in Lincolnville having different character, she requested a placeholder regarding flooding and the move forward with FEMA, and she noted the architectural design criteria should enable responses to resiliency efforts in protecting the historic buildings and character and architectural heritage and history.

John Regan, City Manager, stated that approximately 10-15 years ago a policy was developed where neighborhoods could initiate overlay zoning that was neighborhood specific, a workbook was generated, and the Commission adopted a policy that was still in effect, and at that time it was award winning within the planning industry. He stated there were few efforts to use the program to initiate overlay zoning, there was a lot to it, and all should be aware of what was involved since neighborhoods change and embrace for different reasons.

MOTION

Commissioner Horvath MOVED to support staffs' further research of this issue. The motion was SECONDED by Commissioner Blonder and approved by UNANIMOUS VOICE VOTE.

<u>3.C.</u> Presentation and Discussion Regarding FY 2022 Proposed Budget for HACRA and LCRA (Mark Simpson/ Jaime D. Perkins)

Ms. Perkins stated this was a preliminary budget explanation in layman's terms to discuss the funds allocated to each CRA, which took into consideration prior fiscal years, recommendations outlined in the LCRA plan amendment, and the Historic Transportation Community Redevelopment Area community parking plan. She had collaborated with City staff to determine the earmark fund amounts for each project, and she noted nothing changed with the Historic Architecture Community Redevelopment Agency (HACRA) and the funds that came in went to the debt service for the VIC garage.

Mr. Simpson reviewed the HACRA figures:

- Two components of revenue; the County's portion expected for FY2022 totaled $528,460 and the transfer in from the City totaled $851,678
- General fund millage rate for the County was increasing
- All budgeted as a transfer out as debt service in the amount of $1.376 million
- This year $3,385 was added to the transfer into the LCRA from the HACRA to cover CRA operating costs, but the transfer was the only difference

Ms. Perkins reviewed the proposed budget for the LCRA. She noted the revenue from St. Johns County was $455,118, City transfers were $733,477 for the upcoming fiscal year, and expenditures were operating costs which totaled $3,385 to assist with shared expenses.

In response to Commissioner Blonder's inquiry regarding administrative costs, examples of an annual report and publications, Ms. Perkins noted annual reports required preparation through annual legislation, and in some cases were placed on the website, sent to the County and mailed to residents or constituents, and the annual audit was included in those costs. She stated other publications were mailed newsletters, the LCRA quarterly newsletter, and print materials, which were the best way to communicate with Lincolnville residents.

Ms. Perkins reviewed the three main goals requiring focus in the upcoming fiscal year and the associated budget implications; Retain long-term residents with the Fix It Up program, Preserve Lincolnville's Historic Character and Improve Neighborhood Infrastructure and Beautification.[1]

Ms. Perkins indicated the success of the Institutional Rehabilitation Program with two large projects taken care of at one time. She said with the City implemented Property Acquisition and Development program, funds could roll over through budget years to establish a program where properties could be purchased, or real property developed in the Lincolnville area.

MOTION

Mayor Upchurch MOVED to approve the CRA budget. The motion was SECONDED by Commissioner Sikes-Kline.

AYES: Upchurch, Sikes-Kline, Blonder, Horvath
NAYES: None
MOTION APPROVED UNANIMOUSLY

<u>3.D.</u> LCRA Institutional Rehab Update and Future Project Recommendation (Jaime D. Perkins)

Ms. Perkins reviewed the applicants for the LCRA Institutional Rehabilitation Program (Program):

- Greater St. Mary Missionary Baptist Church and the Fountain of Youth Elk's Lodge both applied and had exceptional historic contributions and were historic structures in the Lincolnville community
- Applications were reviewed by the Application Review Committee comprised of City staff; Ms. Perkins, Ms. Wolfe and Reuben Franklin, Director, Public Works
- Once approved, the applications moved to the Lincolnville Steering Committee for approval
- Each applicant was represented at both meetings and members discussed repair needs which combined estimates were over $1 million
- Money allocated for the Program would not cover all of the required work, but the funds could go towards initiating a preliminary design and an architect development strategy to start the projects
- Ms. Perkins sought other opportunities to leverage funding for the Program: bonds, grants and loan opportunities

Ms. Perkins requested Commission approval to move forward with both applications.

MOTION

Commissioner Sikes-Kline MOVED to approve moving forward with the applications. The motion was SECONDED by Mayor Upchurch.

AYES: Sikes-Kline, Upchurch, Blonder, Horvath
NAYES: None
MOTION APPROVED UNANIMOUSLY

4. Items by Mayor and Commissioners

Mr. Regan requested that the record reflect there was an important strategy for the

[1] Included with original Agency packet

coming year to evaluate the Downtown Historic CRA in three ways; extend life of the CRA, update the plan, and evaluate whether there should be changes in the definition of the CRA polygon. He stressed the importance of this topic and requested Commission consensus on the strategy.

There was Commission consensus for Mr. Regan's request.

5. Items by City Staff

(None)

6. Adjournment

There being no further business, the meeting was adjourned at 9:11 A.M.[2]

_____
Tracy Upchurch, Chairperson

_____
Darlene Galambos, CITY CLERK

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[2] Transcribed by Laura Morse

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, August 23, 2021

The City Commission met in formal session Monday, August 23, 2021 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

John Regan, City Manager
Meredith Breidenstein, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Todd Grant, Director, Utilities
Reuben Franklin, Director, Public Works
David Birchim, Director, Planning and Building
Melissa Wissel, Communications Director
Jennifer Michaux, Police Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Upchurch delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

Commissioner Sikes-Kline MOVED to approve the Regular Agenda. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Proclamation 2021-15: Proclaims August 26, 2021 as Women's Equality Day

Commissioner Horvath read the Proclamation.

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

The Commission heard from the following members of the public:

- Jenny Wolfe, Florida Trust for Historic Preservation
- Ennis Davis, Florida Trust for Historic Preservation
- Shawn Morrison
- Chris Fulmer
- Melinda Rakoncay
- Doug Russo

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- Lauren Giber
- B.J. Kalaidi

Public comment was closed.

Mayor Upchurch requested a status of the meeting broadcast.

Meredith Breidenstein, Assistant City Manager, advised the meeting was streaming on the online platform which was where most viewership existed. She stated the meeting was not broadcasting on GTV due to a component issue, it was the County's channel, and the City required access. She indicated a City channel may be necessary, and the topic would be addressed with the Commission at a future meeting.

5. CONSENT AGENDA

John Regan, City Manager, read the Consent Agenda:

CONSENT AGENDA – AUGUST 23, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON SEPTEMBER 13, 2021:

- Ordinance 2021-17
- Ordinance 2021-19
- Ordinance 2021-20

CA.3. Reminder of Upcoming Meetings:

- September 9, 2021, 5:05pm, Special Budget Meeting CRA
- September 9, 2021, Immediately Following CRA, Special Budget Meeting
- September 13, 2021, 5:00pm, Regular City Commission Meeting
- September 23, 2021, 5:05pm, Second and Final Special Budget Meeting
- September 27, 2021, 5:00pm, Regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

(None)

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

(None)

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION / RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

(None)

CA.7. NOTIFICATION OF PROCLAMATIONS / CERTIFICATES OF RECOGNITION ISSUED:

- Proclamation 2021-17: Proclaiming National Hispanic Heritage Month from September 15th to October 15th to be presented on September 13, 2021. *(T. Upchurch, Mayor)*

CA.9. Approval of the collective bargaining agreement between the City of St. Augustine and the Professional Firefighters of St. Augustine for a three-year period from October 1, 2021 until September 30, 2024. *(D. Hayes, Director Human Resources)*

CA.10. Approval of grant awarded to the St. Augustine Police Department by the Florida Department of Law Enforcement, Office of Criminal Justice Grants in the amount of $17,264.00 which will be used for virtual training equipment. *(J. Michaux, Chief, St. Augustine Police Department)*

CA.11. Approval of the final subdivision plat for Whispering Creek townhomes subdivision. *(D. Birchim, Director, Planning and Building)*

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CA.12. Approval of invoice from Cavendish Partners, P.A. for legal services in July 2021 regarding MASCI General Contractors, Inc. v City in the amount of $1,149.75. *(I. Lopez, City Attorney)*

End of Consent Agenda

5.A. Additions, deletions or modifications to Consent Agenda

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Sikes-Kline MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Horvath, Blonder, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

6. APPEALS

(None)

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

7.A. General Public Presentations

(None)

7.B. Items of Great Public Importance

7.B.1. Presentation required in order to apply to the Florida Department of Economic Opportunity for Round Two Rebuild Florida General Infrastructure Program for funds for projects that minimize or eliminate risks from future disasters

Jessica Beach, Chief Resiliency Officer, reviewed the topic and the $175 million funding opportunity, of which the City had requested a total of over $19 million for construction and administration costs for the Lake Maria Sanchez Drainage and Seawall Project (Project). She delivered a presentation, highlighted the engineering components, pump station, ultimate goals, and the level of protection the City sought for the Project.[1] She advised a public hearing was required.

Public hearing was opened, and the Commission heard from the following:

- B.J. Kalaidi

Public hearing was closed.

Mayor Upchurch verified with Ms. Beach that no action was required by the Commission, and the public could submit additional comments through September 3rd to the email and phone contact information which was posted through a public notice.

Commissioner Blonder expressed support for the Project. She summated sea-level rise and future projections from the Intergovernmental Panel on Climate Change (IPCC) report, which reinforced her opinion of the Project.

Ms. Beach informed Commissioner Blonder of the following:

- Displacement of citizens was not expected during the Project, as asked by B.J. Kalaidi during public comment
- The pump station preventing tidal movement into and from Lake Maria Sanchez was reviewed closely; the design was changed to keep it functioning as it currently did, which did not allow for fluctuations, and a pinch valve would shut off the flow temporarily for the duration of an event

[1] Included with Commission packet

- An intake structure existed that should not negatively impact the sea life

Commissioner Blonder thanked Ms. Beach and the entire team for their hard work.

Commissioner Valdes expressed concern that Oyster Creek no longer grew mangroves because of the water salinity. He stated if the salt content was maintained at Lake Maria Sanchez, it would be a mangrove marsh within ten years. He noted the City had an opportunity to address a future problem which he wanted on record, and he recommended that a conversation take place among the Commission.

Commissioner Sikes-Kline noted the Commissioners had differences of opinion regarding the mangroves, a conversation was worthy, and she was also concerned.

Commissioner Horvath advised work was ongoing for permitting the trimming of some mangroves, but she was not aware of the location or how often it would occur.

Ms. Beach stated there were resident concerns with the management of migration mangroves which was researched, the Department of Environmental Protection (DEP) was contacted, and there were State regulations in place for mangrove trimming.

Reuben Franklin, Director, Public Works, indicated that three sites were being looked at, which included Coquina Park. He stated they were working through the difficult permitting process and an additional information survey had been requested. He noted mangroves must be a minimum of six feet to trim which must be done by a certified mangrove trimmer. He stated the goal with Lake Maria Sanchez was to include the existing mangroves with the management permit to continue to trim and maintain them as part of the permit. He concluded that originally a freshwater stormwater management system was planned with Lake Maria Sanchez; however, resident feedback encouraged maintaining the existing saltwater environment.

Mayor Upchurch agreed this was an important issue which required further conversation.

In response to Mayor Upchurch's inquiry regarding the timing for awarded grants, Ms. Beach stated the following:

- By Summer 2022, all materials should go to FEMA at the State level
- They should hear back on the CDBG funding for Rebuild Florida in June 2022
- Funding was sought for Round 2, not Round 1 as they wanted to be further along with design, have better cost estimates, and make it competitive
- Program was competitive; Round 1 had over 400 applications and only 20 received funding
- The Project was strong, and if funding was not received this cycle, they could apply during next year's cycle

7.C. Other Items Requiring Public Hearing

(None)

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2021-13: Makes amendments to Chapter 11, Section 11-29, Standards of Review for Conservation Overlay Zone 2

Isabelle Lopez, City Attorney, reviewed the Ordinance which included the changes from the August 9th Commission meeting.

Public hearing was opened, and the Commission heard from the following:

- B.J. Kalaidi
- Lauren Giber

Public hearing was closed.

At the request of Commissioner Blonder, Ms. Lopez agreed this was a stop gap measure, as City staff worked to closely align the Conservation Overlay Zone criteria and restrictions with the Comprehensive Plan, and it was her understanding that an ecologist would be hired.

Commissioner Blonder supported the revised language and urged City staff to quickly move to align the zones with the Comprehensive Plan.

MOTION

Commissioner Blonder MOVED to pass Ordinance 2021-13 on second reading, read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-13

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 11, ARTICLE II, SECTION 11-29 PROVIDING CLARIFICATION AND CONSISTENCY OF PERMITTED STRUCTURES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Blonder, Horvath, Valdes, Sikes-Kline, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

<u>8.A.2.</u> Ordinance 2021-15: Amends Section 20-219 of the City Code to correct a scrivener's error

Ms. Lopez reviewed the Ordinance which corrected a scrivener's error in the Firefighter's Pension Trust Fund section of the City Code.

Public hearing was opened; however, there was no response.

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-15 on second reading, read by title only. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 20-219 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO CORRECT A SCRIVENER'S ERROR IN ORDINANCE NO. 2020-33 RELATING TO THE FIREFIGHTERS' PENSION TRUST FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Horvath, Blonder, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

<u>8.A.3.</u> Ordinance 2021-16: Defines the craft alcohol industry

Ms. Lopez reviewed the Ordinance which created a new definition in the zoning code regarding craft alcohol industry and better explained the manufacturing involved. She stated the first reading pertaining to where the zoning category would be included would be at a future date.

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Public hearing was opened, and the Commission heard from the following:

- B.J. Kalaidi

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-16 on second reading, read by title only. The motion was SECONDED by Mayor Upchurch.

ORDINANCE NO. 2021-16

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 TO INCLUDE THE DEFINITION OF CRAFT ALCOHOL INDUSTRY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Valdes, Horvath, Blonder
NAYES: None
MOTION APPROVED UNANIMOUSLY

<u>8.B.</u> Ordinances – First Reading (only if required by law)

<u>8.B.1.</u> Ordinance 2021-17: Provides zoning for the craft alcohol industry

Ms. Lopez advised this first reading was unusual, since per Florida Statutes, once allowable uses were changed within a particular zoning category it required a public hearing. She stated that Planning and Building staff ensured all existing craft alcohol industries were included in those zoning categories.

Public hearing was opened; however, there was no response.

Public hearing was closed.

David Birchim, Director, Planning and Building, addressed the concerns of Commissioner Sikes-Kline regarding 'manufacturing', and stated bars were still 'use by exception' in the HP districts; however, microbreweries were acknowledged, such as A1A Aleworks, which existed prior to the adoption of this use definition, and they did not want to make establishments non-conforming by enacting the law.

Commissioner Sikes-Kline indicated that A1A Aleworks no longer manufactured their own beer, and Dog Rose brewery was not in an HP district. She preferred that in districts where proliferation was seen, that alcohol manufacturing or serving establishments go through the permissible by use exception process, and existing establishments could be grandfathered.

Commissioner Horvath stated the question was if the establishment no longer manufactured alcohol, did they still have a permit to manufacture in HP1.

Commissioner Valdes questioned the City's obligation to grandfather an establishment if it no longer manufactured alcohol, since there was no license for it.

Mr. Birchim assured the Commission he would review the licenses, and that his intent was to keep establishments legal who currently had this use. He confirmed the establishments could be grandfathered; however, the City would be making them a legally existing non-conformity by doing so. He stated that an establishment could continue to operate the same type of business and get a use by exception and approval, which would stop manufacturing and selling at a retail level. He concluded the Commission could re-review, if so desired, to make this a use by exception in HP2 and HP3.

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MOTION

Mayor Upchurch MOVED to table Ordinance 2021-17 and ask staff to come back and address the concerns. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

8.C. Resolutions – Public Hearing (only if required by law)

(None)

9. ORDINANCES AND RESOLUTIONS - NO PUBLIC HEARING REQUIRED

9.A. Ordinances – First Reading

9.A.1. Ordinance 2021-19: Rezoning the Sebastian Inland Harbor Planned Unit Development (PUD) of 159 King Street (PID# 203350 0030, 203470 0000) to Residential General and Office (RGO)

Mr. Birchim reviewed the Ordinance and highlighted the following:

- Two Ordinances existed since there were two separate parcels under different ownership, but the application was identical
- Ordinance 2021-19 was under the SA Marina Holdings portion of the property
- Current PUD zoning allowed all uses as RGO allowable uses; therefore, the re-zoning would not change any permitted uses for the property
- PUD allowed 50 feet of building height with an additional 15 feet above the roof deck to screen mechanical equipment, and allowed a 90-foot tower
- Proposed RGO zoning allowed 50 feet of building height with only five feet above the roof deck to screen mechanical equipment, and did not allow the 90-foot tower
- PUD zoning defined the number of parking spaces at 636 for the overall property use, and RGO zoning would require fully code compliant parking
- Site was partially developed as a surface parking lot, a marina basin existed, Riverwalk pilings were installed, and trees and vegetation were mostly cleared
- Planning and Zoning Board (PZB) made positive recommendation to rezone the property to RGO on August 23rd

In response to Commissioner Horvath's concern that the plans in their packet were the same as those for the PUD, Mr. Birchim stated the Commission was approving the rezoning application and not a development.

Mr. Birchim advised Mayor Upchurch that the applicant would not need to return to the PZB or the Commission unless there was a detail requiring approval, such as a setback variance or a tree removal.

Mayor Upchurch inquired about the existing PUD expiring in April 2022 and questioned why the Commission would consent to rezone at that time.

Mr. Birchim read the rules of the phasing schedule which stated construction must commence by April 23rd and completed by April 23, 2027. He defined commencement as the City's approval of construction plans for horizontal infrastructure within the property; therefore, the April 23, 2022 was the commencement deadline for the PUD. He noted if the property owners did not have approval of construction plans for horizontal infrastructure by the deadline, they would fall out of the phasing schedule, it would remain a PUD, but would be viewed as an expired PUD, and the owners would have to go through a rezoning process. He provided the two options:

- Amend the PUD and extend the phasing schedule (the City Commission did this several years ago)

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- Rezone the property to a conventional zoning category, such as RGO, which was the applicant's request

Commissioner Sikes-Kline stated they all worked really hard over the years, there was much cooperation, anticipation, conversations, and many promises, and she was disappointed at the current state of the issue. She requested the Commission consider an eight-month 'cool off' period and not rezone the PUD.

Ellen Avery-Smith, Rogers Towers, PA, summated the two-year history of SA Marina Holdings' (Applicant) attempt to revise the PUD zoning of their property:

- Attempted to make as many people in the City as happy as possible
- Firm and applicant worked hard to fix the items requested by the PZB which unanimously recommended approval
- They listened to the City Commission and worked for several months with City staff to develop a plan
- The marina was constructed following the approval of the original PUD in 2004, and because it existed, the City Code would not allow it to be counted as developable land for the purpose of residential density
- Applicant was unaware of the marina issue and counted on the residential density to get the minimum 150 multi-family units that drove the amended PUD
- After discovering there was not enough developable land to support multi-family units, which were extremely costly since the buildings had to be constructed on pilings (it did not make financial sense to construct fewer than 150 multifamily units), they had to get rid of the project's multi-family component
- Unable to generally address all Commissioner and public comments, and at that time the public did not want the PUD
- Property was zoned RGO until 2004, and the district was the companion to the residential medium density mixed future land use the City Commission assigned the property many years ago
- RGO was the property's historic zoning district and the applicant desired to return to that zoning
- All uses that were allowed in an existing PUD today were RGO uses

Ms. Avery-Smith apologized to the Commission for being this far along in the process without herself or her team providing this information to them and the public. She stated the owners invested a lot of money for attempts to make this work, and from a legal perspective, delaying the process would delay the inevitable with more months of public consternation.

Mayor Upchurch clarified this was not a public hearing, but that opportunity would come, and Ms. Avery-Smith had the privilege to speak as the developer's representative.

Ms. Lopez indicated there was some misconception as the Project had commenced and the winery was part of the PUD based on the definitions provided by Mr. Birchim regarding the PUD and construction commencement. She concluded the City Codes' PUD section not only discussed commencement, but the language for the reversion back to RGO stated 'timely commence and a complete development of all or part of the phases'; therefore, there was no reversion by delaying the commencement, although factually commencement had occurred within the entire PUD which included the winery.

Mayor Upchurch asked if the PUD had commenced, then could it ever die for lack of inactivity, and he was advised by Ms. Lopez that yes, per the City Code it was both timely commencement and completion.

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Commissioner Blonder appreciated Ms. Avery-Smith's explanation of the developer's position. She asked for clarification on case law as it related to the PUD process and the City Code, stated the applicant purchased the property with the PUD, and she asked how the previous and other decisions for Code at the State level apply to this re-zoning request.

Ms. Lopez advised that case law was intertwined and built upon one another. She referenced Brevard County v Snyder which was a landmark quasi-judicial zoning case that established a three-part test:

- Procedural due process
- Decision must be based on competent substantial evidence
- Application of the correct law

Ms. Lopez referenced the second Porpoise Point case where the court fundamentally stated someone could not be forced to be or remain a PUD. She said this, combined with all procedural processes, meant any applicant could apply for PUD re-zoning or a traditional zoning category, then evidence was required on whether it met the Comprehensive Plan and whether the applicant met all City Code criteria and if the burden was met, it shifted back to the City to justify saying no.

Mayor Upchurch clarified it was strictly coincidental that they were referring to the Porpoise Point case which arose in the community and was a decision of the Fifth District Court of Appeals.

Commissioner Valdes was prepared to pass the Ordinance to second reading so citizens could discuss the topic. He stated it was something the City needed when the property was sold to developers in 2004, and the best thing for the property currently was for nothing to be built; however, this was not the reality. He indicated they were putting off the inevitable to push this back, and the sooner the tax revenue would start, the sooner the City could use the money for important things.

MOTION

Commissioner Valdes MOVED to pass Ordinance 2021-19 on first reading, place on second reading read by title only. The motion was SECONDED by Mayor Upchurch.

Commissioner Blonder noted she had significant concerns which included the lost opportunity for an architectural review of the main entryway to the City. She supported moving the Ordinance to second reading to hear more from the public.

Commissioner Horvath concurred with Commissioner Blonder's statements.

Mayor Upchurch expressed concerns with the following:

- Disappointed with the current situation
- It was the developer and the City Commission's obligation to listen and consider the public concerns along with the PZB's position
- Developer spent one session with the Commission and was not seen again with no explanation, and he believed they were 'ghosted'
- Control was lost with architectural and environmental concerns when this went to traditional zoning
- Need from the original property purchase to now was not the same for the entire community
- Disappointed the Commission and community had lost their opportunity for meaningful project input because the law forbid them from keeping the developer in a PUD when the developer chose no longer to be in the PUD

Commissioner Blonder echoed the Mayor's disappointment and hoped the developer would consider their comments, should the

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Commission be 'boxed in' to approve the re-zoning.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021 - 19

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE ZONING FOR APPROXIMATELY 9.88 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF SEBASTIAN HARBOR DRIVE AND WEST OF RIBERIA STREET, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD) TO THE CLASSIFICATION OF RESIDENTIAL GENERAL OFFICE (RGO); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Valdes, Upchurch, Horvath, Blonder, Sikes-Kline
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2021-20: Rezoning the Sebastian Inland Harbor Planned Unit Development of 157 King Street (PID# 203350 0000, 203350 0010) to Residential General and Office

Mr. Birchim reviewed the Ordinance which was a companion Ordinance to 2021-19, and he noted the difference was this property was within the King Street Corridor and there were design standards overlaid onto the newly proposed building, and they must comply with those standards.

MOTION

Mayor Upchurch MOVED to approve Ordinance 2021-20 on first reading, place on second reading read by title only. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021 - 20

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE ZONING FOR APPROXIMATELY 2.64 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF KING STREET AND WEST OF SEBASTIAN HARBOR DRIVE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD) TO THE CLASSIFICATION OF RESIDENTIAL GENERAL OFFICE (RGO); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Upchurch, Valdes, Horvath, Blonder, Sikes-Kline
NAYES: None
MOTION APPROVED UNANIMOUSLY

Mayor Upchurch requested that the record reflect his understanding there were two developers involved, both had separate projects under the PUD umbrella, and his earlier comments addressed concerns with SA Marina Holdings; however, he did not hold the same concerns with Mr. Cox.

9.B. Resolutions

9.B.1. Resolution 2021-29: Authorizes the execution of a one-year Construction and Maintenance Agreement to maintain colored epoxy coatings on pedestrian safety features as described in the Agreement

Mr. Franklin reviewed the Resolution. He addressed B.J. Kalaidi's comment regarding costs and stated every 15 to 20 years

repainting was required, and the cost was approximately $10,000 per intersection.

MOTION

Commissioner Sikes-Kline MOVED to approve Resolution 2021-29. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Valdes, Horvath, Blonder
NAYES: None
MOTION APPROVED UNANIMOUSLY

Commissioner Sikes-Kline thanked Mr. Franklin for his efforts with the Resolution.

10. STAFF REPORTS AND PRESENTATIONS

10.A. Introduction of Quality Engineering & Surveying LLC to the Commission. This firm will be conducting a series of informational workshops on the Flood Mitigation Assistance program which will be open to the public

Ms. Beach noted the significant feedback from residents regarding the topic, the request for assistance on elevating homes and structures, and access to flood mitigation resource information. She stated FEMA's Flood Mitigation Assistance Program (FMA) was a funding mechanism, the City must be the applicant or sub-applicant, it was competitive, offered annually, and the funds could be used for projects to reduce or eliminate risks of repetitive flood damage to buildings that were insured through the National Flood Insurance Program.

Richard (Buddy) Schauland, City Building Official, reviewed the following:

- Interest with homeowners regarding flooding assistance had increased over the past year and a half
- Flood insurance premiums for flood prone properties increased 25% annually, and would drastically decrease once a property was mitigated
- Prior to Hurricane Matthew, City had 12 repetitive loss structures and since then there were over 150
- Staff submitted FEMA grants to the State for two property owners in 2020; however, the State denied one application which failed a benefit cost analysis
- State recommended the second application, it was selected for further review by FEMA at the end of June, and in six months they would know if FEMA awarded demolition and reconstruction of home
- If the FEMA grant was awarded, the City was required to manage the project and approve all grant payments
- Staff believed contracting with an outside company to handle the day-to-day management of the projects provided the best opportunity for the grants to be awarded and would free City staff to perform regular duties
- Staff competitively solicited companies through the requested qualifications for grant administrative services for FEMA's Hazard Mitigation Assistance Program with focus on the FMA

Ms. Beach reviewed the solicitation process which had 10 respondents. She stated Louisiana based Quality Engineering & Surveying, LLC was selected and had the most FMA experience. She advised several workshops were scheduled in the Alcazar Room, individual consultations would be offered, and the application period opened the end of September and closed November 12th; therefore, time was of the essence. She indicated the workshops had been advertised with community outreach, individual site visits, flyers, City's media outlets, and all individual property owners were contacted who had expressed interest.

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Mayor Upchurch welcomed Quality Engineering & Surveying, LLC.

Derek Murphy, CEO, Quality Engineering, introduced the company, discussed the history, and indicated how homeowners were assisted. Quality's staff individually introduced themselves and reviewed their qualifications, and it was noted the more people that participated in the grant, the better chance of FEMA approval.

The Commission discussed:

- Could not aggregate applications together as a 'block' of homeowners in neighborhoods; Quality Engineering would help determine eligibility
- Grant had a 5% administrative allowance which would assist with payment to Quality Engineering
- Response should be great, since after Hurricane Irma hundreds of residents questioned access to these programs
- Lifting houses was a huge process and access to funding was difficult; therefore, grateful Quality Engineering would be assisting

Commissioner Blonder commended City staff for their proactiveness and hard work to effectuate this plan for so many residents, including herself, and she welcomed Quality Engineering.

Mayor Upchurch echoed the Commissioners' comments and expressed his appreciation for the leadership and efforts of Ms. Beach and Mr. Schauland to solve a difficult problem. He noted the City's enthusiasm to work with the Quality Engineering team.

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

Darlene Galambos, City Clerk, reminded the Commission that applications were still being accepted for PZB, and the deadline to apply was September 1st.

13. ITEMS BY CITY MANAGER

Mr. Regan advised the Commission of the addition of a full-time position to the new hire list which would be included in the upcoming Budget Workshop and would not change the budget. He noted the position was in Geographic Information Systems which was critical to the City's plan for rolling out integrated work order management systems with the existing GIS system.

Mr. Regan stated there were 34 COVID positive City employees in an eleven-month time frame, and during the Delta variant there were 36 positive employees in a five-week window, with the number climbing. He indicated these facts to remind that garbage service delivery schedules were not missed, and he asked the Commissioners to advise constituents complaining about delayed garbage pickup to please be patient, as City employees were working 11-to-12-hour days to get the job done.

Mr. Regan noted that inflation and private sector competition was wreaking havoc on the City's talented workforce; therefore, management was conducting a strategy on the issue. He indicated the national situation was reflected in the City workforce: unvaccinated employees were very sick, and vaccinated employee breakthrough cases had returned to work more quickly. He stated City risk management advised to get vaccinated, wear a mask, avoid indoor crowds, wash hands, social distance, and to stay home if sick.

At the request of Mayor Upchurch, Mr. Regan provided an update regarding the KINSA thermometer network and local COVID conditions:

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- KINSA accurately predicted every rise and fall throughout COVID
- Thermometer reading went to index of 99 out of 100 at start of Delta surge; however, it recently dropped to 72
- More of the City workforce was getting vaccinated and providing their vaccine cards to Human Resources; optimistic this would be an ongoing pattern

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Blonder mentioned Project Swing and noted community members had contacted her questioning the request for funding outside the City's budget.

Commissioner Valdes advised the original project was voluntary and constructed by civilians, and the idea of participation and contributions grew from this; however, it was not defined whether the City would participate, they were not soliciting money, and they were fact finding to determine the park conditions, repair costs and a company to reconstruct. He noted people would offer elbow grease or cash which the City would not turn down, only $100 had been raised, and they wanted public involvement during the final stages with art, landscaping, and painting. He believed people had gotten way ahead of this and whether the City paid or looked for donations, the City's involvement would be reviewed by the Commission at the appropriate time.

Commissioner Valdes apologized for missing the August 19th budget meeting due to being quarantined, and he expressed disdain for his exposure to those unvaccinated in his profession.

Commissioner Blonder indicated that public communication and messaging regarding Project Swing should be modified and made clear.

Commissioner Sikes-Kline thanked Commissioner Valdes for thinking of the common good and stated everyone should ponder that more as a nation and a community.

Commissioner Sikes-Kline stated she was selected as the candidate of the Champions Institute for Active People Healthy Nation and thanked the Commission for their support letter. She noted this was a smart growth America initiative in conjunction with the CDC's Prevention Division of Nutrition, Physical Activity, and Obesity which evolved from the Complete Streets movement.

Commissioner Horvath expressed gratitude for the recent FDA approval of the Pfizer vaccine, and she hoped those afraid of getting vaccinated would now consider it.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:19 P.M.[2]

_____
Tracy Upchurch, MAYOR

_____
Darlene Galambos, CITY CLERK

[2] Transcribed by Laura Morse

DRAFT

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: September 30, 2021

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 1334 TRUMAN DRIVE**

Enclosed is a Satisfaction and Release of Mortgage for 1334 Truman Drive, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine and Jennette Gilmore. The mortgage was recorded in the Public Records of St. Johns County on August 10, 2021. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the October 11, 2021 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085

SATISFACTION AND
RELEASE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **JENNETTE GILMORE**, whose address is 1334 Truman Drive, St. Augustine, Florida 32084, her heirs, assigns or successors in title (hereinafter referred to as "Mortgagor"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated July 15, 2021, recorded at Official Records Book 5340, Page 268, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagor from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 5340, Page 268, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2021.

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

ATTEST:

By:_____
Tracy Upchurch, Mayor-Commissioner

_____
Darlene Galambos, City Clerk

(S E A L)

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of [_] physical presence or [_] online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2021.

_____

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: LOT 25, PRESIDENTIAL GARDENS, BEING LOT 8, BLOCK 15, ROOSEVELT TERRACE SUBDIVISION, AND DESCRIBED AS FOLLOWS: BEING PART OF GOVERNMENT LOT 8, SECTION 3, TOWNSHIP 7 SOUTH, RANGE 29 EAST, AND COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 8 AND RUN SOUTH 89 DEGREES 41 MINUTES 42 SECONDS WEST, 1215.00 FEET; THENCE NORTH 00 DEGREES 45 MINUTES 10 SECONDS EAST, 365.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE EAST SIDE OF TRUMAN DRIVE, STILL NORTH 00 DEGREES 45 MINUTES 10 SECONDS EAST, 65.00 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 42 SECONDS EAST, 125.00 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 10 SECONDS WEST, 65.00 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 42 SECONDS WEST, 125.00 FEET TO THE PLACE OF BEGINNING.

PARCEL ID NUMBER: 086220-1508

LOCATION ADDRESS: 1334 TRUMAN DRIVE, ST. AUGUSTINE, FLORIDA 32084

Public Records of St. Johns County, FL
Clerk number: 2021088467
BK: 5340 PG: 268
8/10/2021 3:18 PM
Recording $61.00
Doc M: $9.80
Int Tax $5.50

UNIT CONNECTION FEE MORTGAGE

THIS MORTGAGE, by and between, **Jennette Gilmore ,** whose address is 1334 Truman Dr. St. Augustine, FL. 32084 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA,** a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity May be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee May foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of $26.70 for 120 Months, with the first payment due August 15, 2021.

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this July 15 2021.

Signed, sealed and delivered in the presence of:

Witness
Printed Name: ~~Taya Hoff~~ Brianna Willis

Witness
Printed Name: Amanda Anderson

BY:

(Name) Jennette Gilmore
(Address) 1334 Truman Dr.
(Telephone) (904) 293-5799

*** * * NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE * * ***

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Jennette Gilmore ,** by means of [✓] physical presence or [_] online notarization, who is personally known to me or who has produced Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this July 15, 2021.

AMANDA ANDERSON
Commission # GG 366962
Expires August 19, 2023
Bonded Thru Troy Fain Insurance 800-385-7019

Notary Public, State of Florida

Exhibit "A"

LEGAL DESCRIPTION

Parcel ID Number: 086220-1508

LOT 25, PRESIDENTIAL GARDENS, BEING LOT 8, BLOCK 15, ROOSEVELT TERRACE SUBDIVISION, AND DESCRIBED AS FOLLOWS: BEING PART OF GOVERNMENT LOT 8, SECTION 3, TOWNSHIP 7 SOUTH, RANGE 29 EAST, AND COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 8 AND RUN SOUTH 89 DEGREES 41 MINUTES 42 SECONDS WEST, 1215.00 FEET; THENCE NORTH 00 DEGREES 45 MINUTES 10 SECONDS EAST, 365.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE EAST SIDE OF TRUMAN DRIVE, STILL NORTH 00 DEGREES 45 MINUTES 10 SECONDS EAST, 65.00 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 42 SECONDS EAST, 125.00 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 10 SECONDS WEST, 65.00 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 42 SECONDS WEST, 125.00 FEET TO THE PLACE OF BEGINNING.

UNIT CONNECTION FEE
PROMISSORY NOTE

APPLICANT(S) NAME: Jennette Gilmore
ADDRESS: 1334 Truman Dr.
St. Augustine, FL. 32084

$2,752.00 St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at 1334 Truman Dr. St. Augustine, FL. 32084, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **2,752.00 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **3.10 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **26.70 Dollars**, commencing on August 15, 2021 and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Note: Fl. Stat. 159.17 – Lien of services charges – any municipality issuing revenue bonds hereunder shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such municipality in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **dated as of** July 15, 2021, in the presence of:

Witness
Printed Name: Brianna Willis

Witness
Printed Name: Amanda Anderson

BY:

(Name) Jennette Gilmore
(Address) 1334 Truman Dr.
(Telephone) (904) 293-5799

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Jennette Gilmore ,** by means of [✓] physical presence or [_] online notarization, who is personally known to me or who has produced Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this July 15, 2021.

AMANDA ANDERSON
Commission # GG 366962
Expires August 19, 2023
Bonded Thru Troy Fain Insurance 800-385-7019

Notary Public, State of Florida

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 11, 2021

RE: Final Subdivision Plat Approval – Woodward Place (Replat)

The Woodward Place property is located at 59 Weeden Street and this replat will split one lot into two lots. The property is in the Lincolnville neighborhood and the property is zoned Residential Single family-two (RS-2).

The Planning and Zoning Board reviewed and recommended approval for the Woodward Place subdivision replat on April 6, 2021.

The City Commission approves all final subdivision plats prior to recordation according to Section 25-40 of the City Code.

Section 25-40 Final Plat

(a) The final plat approval can only be granted by the city commission in an open public meeting after review and recommendation by the planning and zoning board.

(b) The final plat shall be prepared by a currently registered surveyor or engineer of the State of Florida. The submittal must be one (1) original drawing and one (1) copy made in conformance with F.S. § 177.091. The city commission may grant approval of plats with slight variations provided that the variations do not conflict with the requirements of F.S. ch. 177.

(c) In addition, a drawing prepared on the same material as the final plat must be submitted for the property appraiser showing only dimensions of lots, rights-of-way and easements. This drawing must be to a scale of one (1) inch equals two hundred (200) feet and the sheet size must be twenty-two (22) inches by thirty-two (32) inches or smaller with a one-half-inch margin all around.

Please place final subdivision plat approval for the Woodward Place (Replat) on the October 11, 2021 City Commission consent agenda.

David Birchim

David Birchim, AICP
Director, Planning and Building

WOODWARD PLACE

MAP BOOK ____ PAGE ____

SHEET 1 OF 2

PART OF TOWNSHIP 7 SOUTH, RANGE 30 EAST, CITY OF ST. AUGUSTINE, ST JOHNS COUNTY, FLORIDA,
BEING A REPLAT OF A PORTION OF BLOCK C, DUMAS TRACT OF THE OFFICIAL 1923 MAP OF ST. AUGUSTINE, FLORIDA

CAPTION

A PART OF BLOCK C, DUMAS TRACT, AS SHOWN ON THE OFFICIAL MAP OF ST. AUGUSTINE, FLORIDA IN 1923 AND MORE FULLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTH SIDE OF BRIDGE STREET AND THE EAST SIDE OF WEEDEN STREET; THENCE SOUTH 19°15'00" EAST, 256.80 FEET ALONG THE EAST SIDE OF WEEDEN STREET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 19°15'00" EAST, 103.80 FEET; THENCE NORTH 70°31'00" EAST, 129.95 FEET; THENCE NORTH 19°01'00" WEST, 69.27 FEET; THENCE SOUTH 71°02'00" WEST, 20.60 FEET; THENCE NORTH 19°03'00" WEST, 37.00 FEET; THENCE SOUTH 69°08'00" WEST; 109.80 FEET TO THE POINT OF BEGINNING.

ADOPTION AND DEDICATION

THIS IS TO CERTIFY THAT WILLIAM TERRY WOODWARD, REBEKAH B. WOODWARD AND WILLIAM TERRENCE WOODWARD ARE THE LAWFUL OWNER OF THE LANDS DESCRIBED IN THE CAPTION HEREON WHICH SHALL HEREAFTER BE KNOWN AS WOODWARD PLACE, HAVING CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED. THIS PLAT, BEING MADE IN ACCORDANCE WITH SAID SURVEY, IS HEREBY ADOPTED AS A TRUE AND CORRECT PLAT OF THOSE LANDS.

IN WITNESS WHEREOF, WILLIAM TERRY WOODWARD, REBEKAH B. WOODWARD AND WILLIAM TERRENCE WOODWARD HAS CAUSED THIS PLAT AND DEDICATION TO BE EXECUTED ON THIS _____ DAY OF _____, A.D. 2021.

OWNERS:
WILLIAM TERRY WOODWARD, REBEKAH B. WOODWARD AND
WILLIAM TERRENCE WOODWARD

BY: _____
NAME: WILLIAM TERRY WOODWARD

STATE OF FLORIDA, COUNTY OF ST. JOHNS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, A.D. 2021, BY WILLIAM TERRY WOODWARD, AS OWNER, WHO IS PERSONALLY KNOWN TO ME AND DID NOT TAKE AN OATH.

_____
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
PRINT NAME: _____
COMMISSION NO.: _____
MY COMMISSION EXPIRES: _____

BY: _____
NAME: REBEKAH B. WOODWARD

STATE OF FLORIDA, COUNTY OF ST. JOHNS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, A.D. 2021, BY REBEKAH B. WOODWARD, AS OWNER, WHO IS PERSONALLY KNOWN TO ME AND DID NOT TAKE AN OATH.

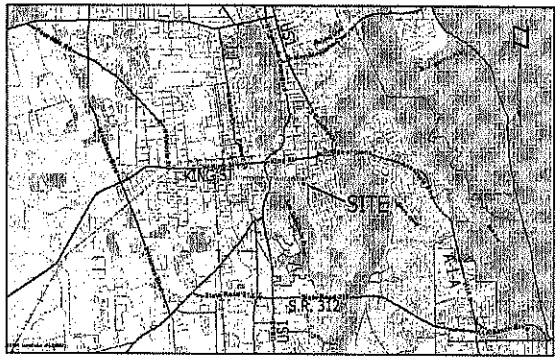
_____
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
PRINT NAME: _____
COMMISSION NO.: _____
MY COMMISSION EXPIRES: _____

BY: _____
NAME: WILLIAM TERRENCE WOODWARD

STATE OF FLORIDA, COUNTY OF ST. JOHNS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, A.D. 2021, BY WILLIAM TERRENCE WOODWARD, AS OWNER, WHO IS PERSONALLY KNOWN TO ME AND DID NOT TAKE AN OATH.

_____
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
PRINT NAME: _____
COMMISSION NO.: _____
MY COMMISSION EXPIRES: _____



VICINITY MAP
NOT TO SCALE

CERTIFICATE OF CITY MANAGER

THIS IS TO CERTIFY THAT THIS PLAT OF WOODWARD PLACE, HAS BEEN EXAMINED AND APPROVED BY THE CITY MANAGER FOR THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA ON THIS _____ DAY OF _____ A.D., 2021.

_____
CITY MANAGER FOR THE CITY OF ST. AUGUSTINE

CERTIFICATE OF APPROVAL OF THE CITY PUBLIC WORKS DEPARTMENT

THIS IS TO CERTIFY THAT THIS PLAT OF WOODWARD PLACE, HAS BEEN EXAMINED AND APPROVED BY THE CITY PUBLIC WORKS DEPARTMENT OF THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA ON THIS _____ DAY OF _____ A.D., 2021.

_____
CITY OF ST. AUGUSTINE DIRECTOR OF PUBLIC WORKS

CERTIFICATE OF APPROVAL OF THE CITY PLANNING AND BUILDING DEPARTMENT

THIS IS TO CERTIFY THAT THIS PLAT OF WOODWARD PLACE, HAS BEEN EXAMINED AND APPROVED BY THE CITY PLANNING AND BUILDING DEPARTMENT OF THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA ON THIS _____ DAY OF _____ A.D., 2021.

_____
CITY OF ST. AUGUSTINE DIRECTOR OF PUBLIC WORKS

CERTIFICATE OF APPROVAL AND ACCEPTANCE

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____ A.D., 2021, THE FORGOING PLAT WAS APPROVED AND ACCEPTED BY THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA THIS ACCEPTANCE OF DEDICATED AREAS IF ANY, SHALL NOT BE DEEMED AS REQUIRING CONSTRUCTION OR MAINTENANCE BY THE CITY OF SAID AREAS.

CITY COMMISSIONER OF ST. AUGUSTINE, FLORIDA

BY: _____
MAYOR-COMMISSIONER

BY: _____
CITY CLERK

CERTIFICATE OF CITY ATTORNEY

THIS IS TO CERTIFY THAT THIS PLAT OF WOODWARD PLACE, HAS BEEN EXAMINED AND APPROVED BY THE CITY ATTORNEY FOR THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA ON THIS _____ DAY OF _____ A.D., 2021.

_____
ATTORNEY FOR THE CITY OF ST. AUGUSTINE, FLORIDA

CERTIFICATE OF CITY FINANCE DIRECTOR

THIS IS TO CERTIFY THAT THIS PLAT OF WOODWARD PLACE, HAS BEEN EXAMINED AND APPROVED BY THE CITY FINANCE DIRECTOR FOR THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA ON THIS _____ DAY OF _____ A.D., 2021.

_____
CITY OF ST. AUGUSTINE FINANCE DIRECTOR

CERTIFICATE OF CLERK

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND APPROVED AND THAT IT COMPLIES IN FORM WITH THE REQUIREMENTS OF FLORIDA STATUTE 177, PART 1, PLATTING, AND IS RECORDED IN MAP BOOK _____, PAGES _____ OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA ON THIS _____ DAY OF _____ A.D., 2021.

_____
CLERK OF THE CIRCUIT COURT

CERTIFICATE OF PLAT REVIEW

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY TO FLORIDA STATUTE 177, PART 1, PLATTING, BY THE OFFICE OF THE COUNTY SURVEYOR FOR ST. JOHNS COUNTY, FLORIDA ON THIS _____ DAY OF _____ A.D., 2021.

_____
BILL FAUST, P.S.M., CITY PLAT REVIEW
PROFESSIONAL LAND SURVEYOR AND MAPPER
LICENSE No. LS 6600

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, PLATTED AND DESCRIBED IN THE CAPTION, THAT THE SURVEY WAS PREPARED UNDER MY DIRECTION AND SUPERVISION, AND THAT THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF FLORIDA STATUTE 177, PART 1, PLATTING; THAT THE PERMANENT REFERENCE MONUMENTS (PRM) AND THE LOT CORNERS SHALL BE MONUMENTED ACCORDING WITH CHAPTER 177.091, FLORIDA STATUTES AND CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE. CERTIFIED THIS _____ DAY OF _____ A.D., 2021.

_____
JASON D. BOATWRIGHT, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE No. LS 7292
BOATWRIGHT LAND SURVEYORS, INC.
LICENSED BUSINESS No. LB 3672

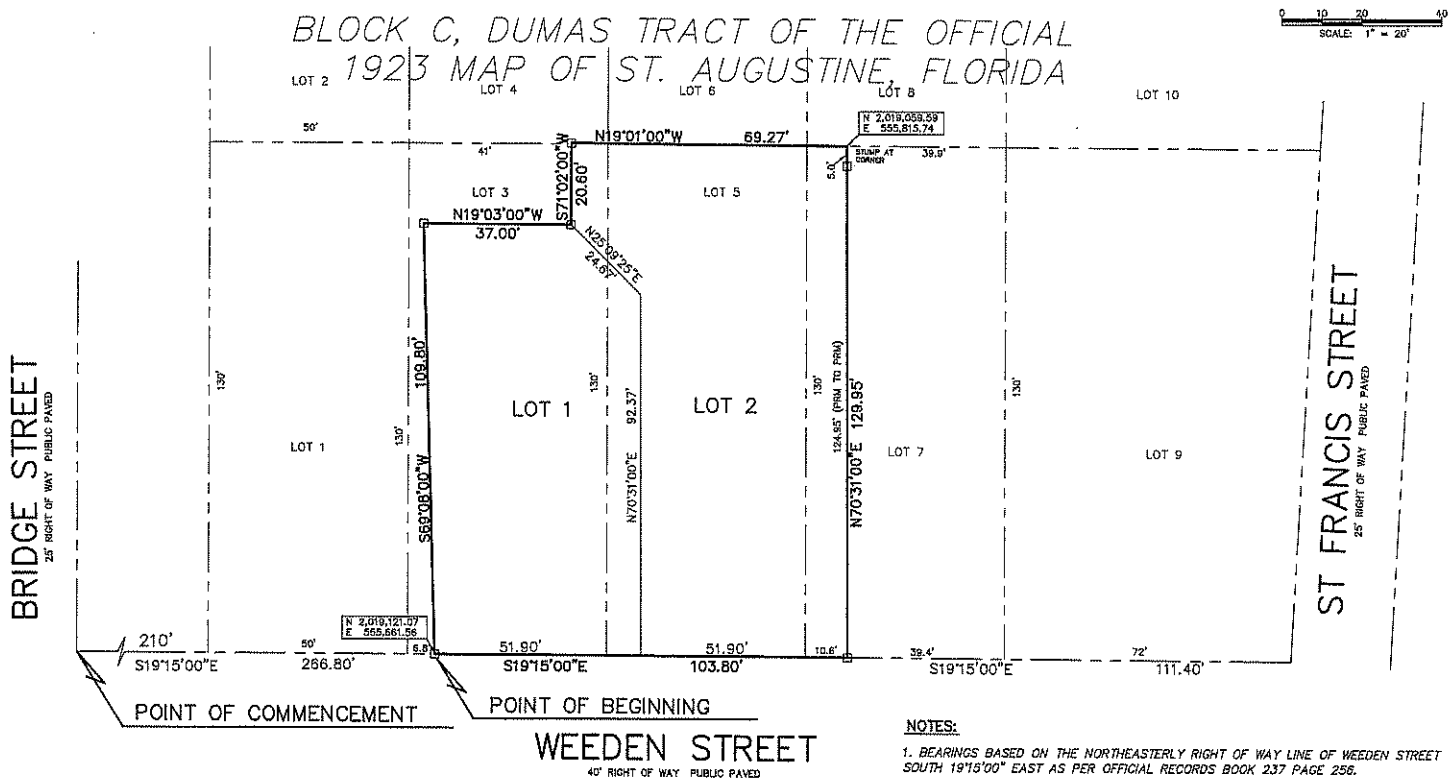
PREPARED BY:
BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE
JACKSONVILLE BEACH, FLORIDA
(904) 241-8550

WOODWARD PLACE

PART OF TOWNSHIP 7 SOUTH, RANGE 30 EAST, CITY OF ST. AUGUSTINE, ST JOHNS COUNTY, FLORIDA,
BEING A REPLAT OF A PORTION OF BLOCK C, DUMAS TRACT OF THE OFFICIAL 1923 MAP OF ST. AUGUSTINE, FLORIDA

MAP BOOK ___ PAGE ___

SHEET 2 OF 2



NOTES:

1. BEARINGS BASED ON THE NORTHEASTERLY RIGHT OF WAY LINE OF WEEDEN STREET SOUTH 19°15'00" EAST AS PER OFFICIAL RECORDS BOOK 237 PAGE 256.

2. THE COORDINATE POINTS SHOWN ON THIS PLAT HAVE NORTHING AND EASTING VALUES BASED ON NORTH AMERICAN DATUM NAD 1983/90 – STATE PLANE COORDINATES – FLORIDA EAST ZONE – U.S. FEET. ESTABLISH WITH GPS RUN USING SPECTRA PRECISION EPOCH 80 L1/L2 EQUIPMENT AND TRIMBLE VRS SOFTWARE. THESE VALUES ARE NOT IN ANY WAY ASSOCIATED WITH THE BOUNDARY BEARINGS SHOWN ON THIS PLAT. THE INTENDED USE OF THESE COORDINATES IS FOR GIS BASE MAPPING PURPOSES.

3. NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

LEGEND:

SYMBOLS

□ DENOTES PERMANENT REFERENCE MONUMENT (PRM)
SET 4" x 4" x 24" CONCRETE MONUMENT–STAMPED (LB3672).

PREPARED BY:
BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE
JACKSONVILLE BEACH, FLORIDA
(904) 241-6550

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: September 30, 2021

RE: **QUARTERLY REPORT: 4TH QUARTER FY 2020-2021**

Please find enclosed the following documents reflecting the fiscal year 2020-2021 **4th quarter** in review for the City Attorney's office:

- **WORK LOG DRAFTING & REVIEW CHART *(188 ITEMS)***
- **PUBLIC MEETINGS ATTENDANCE CHART *(54 HOURS)***
- **CITY ORDINANCE VIOLATION DISPOSITION CHART *(24 CASES)***
- **STAFF & NEW BOARD MEMBER TRAINING CHART *(7.5 HOURS)***
- **ORDINANCE & RESOLUTION CHART *(22 ITEMS)***

This quarterly report mirrors the same categories as our annual report. As always, should you wish to meet with me individually to discuss any of this information, or the specifics of a particular matter, please do not hesitate to let me know.

Matters of ongoing civil litigation with retained outside counsel appropriated from General Fund Reserves, invoiced monthly and approved on consent agenda are:

1) Marlowe v. City *(Docks and the City's submerged lands and riparian ownership)*
2) MASCI v. City *(Breach of Contract)*
3) Doan Trust v. City *(Unitrust income beneficiaries dispute involving City)*

In addition, the Florida League of Cities provides coverage on some damages-based litigation.

Matters of ongoing litigation being handled in house are:

1) J. C. Penney Company, Inc. *(Bankruptcy)*
2) NPC International, Inc. *(Bankruptcy)*
3) Belk, Inc. *(Bankruptcy)*

We are continuing to monitor the multi-party claim of exactions regarding the City's vacation rental ordinances that we received and have rejected those claims. The related lawsuit filed seeking injunctive relief and damages continues to be handled by our insurance defense team through the Florida League of Cities.

Other litigation matters of note are:

1) Edgerton v. City *(Injunction Against Removal of Confederate Monument)*: On August 16, 2021, the City filed its Motion to Dismiss. The Court ordered Plaintiff to respond to the motion. Plaintiff filed its response on September 17. 2021. The City filed a Case Management Report on September 23, 2021.

2) Nager v. City *(Injunction Against Face Coverings)*: On January 8, 2021, the Court entered an order denying Plaintiff's Complaint for Emergency Injunctive Relief. This case remains open however, no further activity has occurred to date.

3) Souder v. City *(Injunction Against Short-Term Rental Ordinance)*: On August 26, 2021, the Court entered an order granting the City's Motion for Summary Judgment.

The Court found in the City's favor in two (2) of its longtime litigation matters, the Marlowe and MASCI cases. The City's respective Motions for Summary Judgment were granted on July 13, 2021 for MASCI and on August 23, 2021 for Marlowe. Appeals have been filed by opposing counsel in both cases. The City Attorney's office continues to work with outside counsel to handle these matters.

Please place this quarterly report on the consent agenda for the October 11, 2021 City Commission meeting. The attached charts are included for the Commission's information and I am available for a presentation if the Commission requests one.

Sincerely,

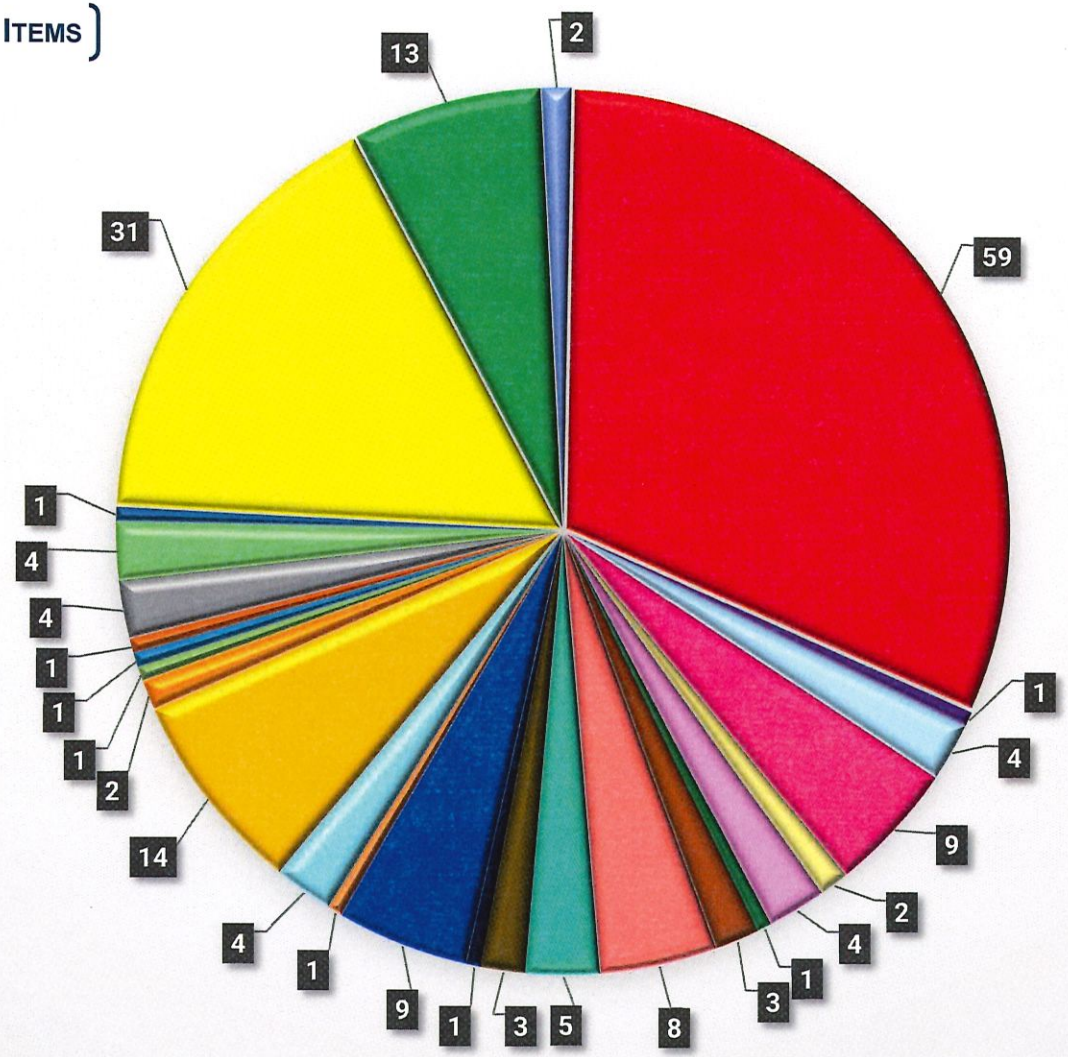
Isabelle C. Lopez
City Attorney

Attachments

WORK LOG DRAFTING & REVIEW: 4TH QUARTER FY 2020-2021

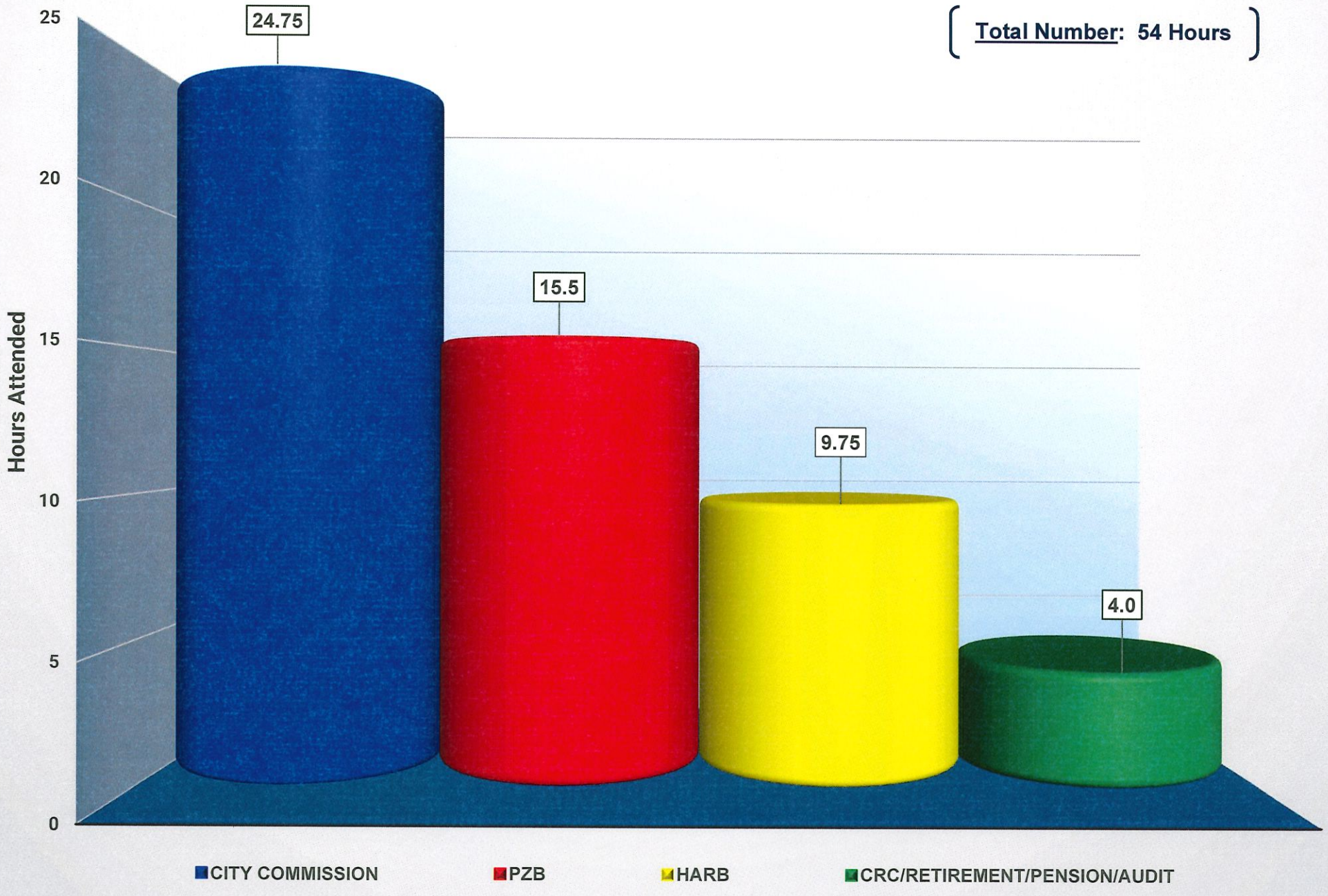
(By Number of Items)

(Total: 188 Items)

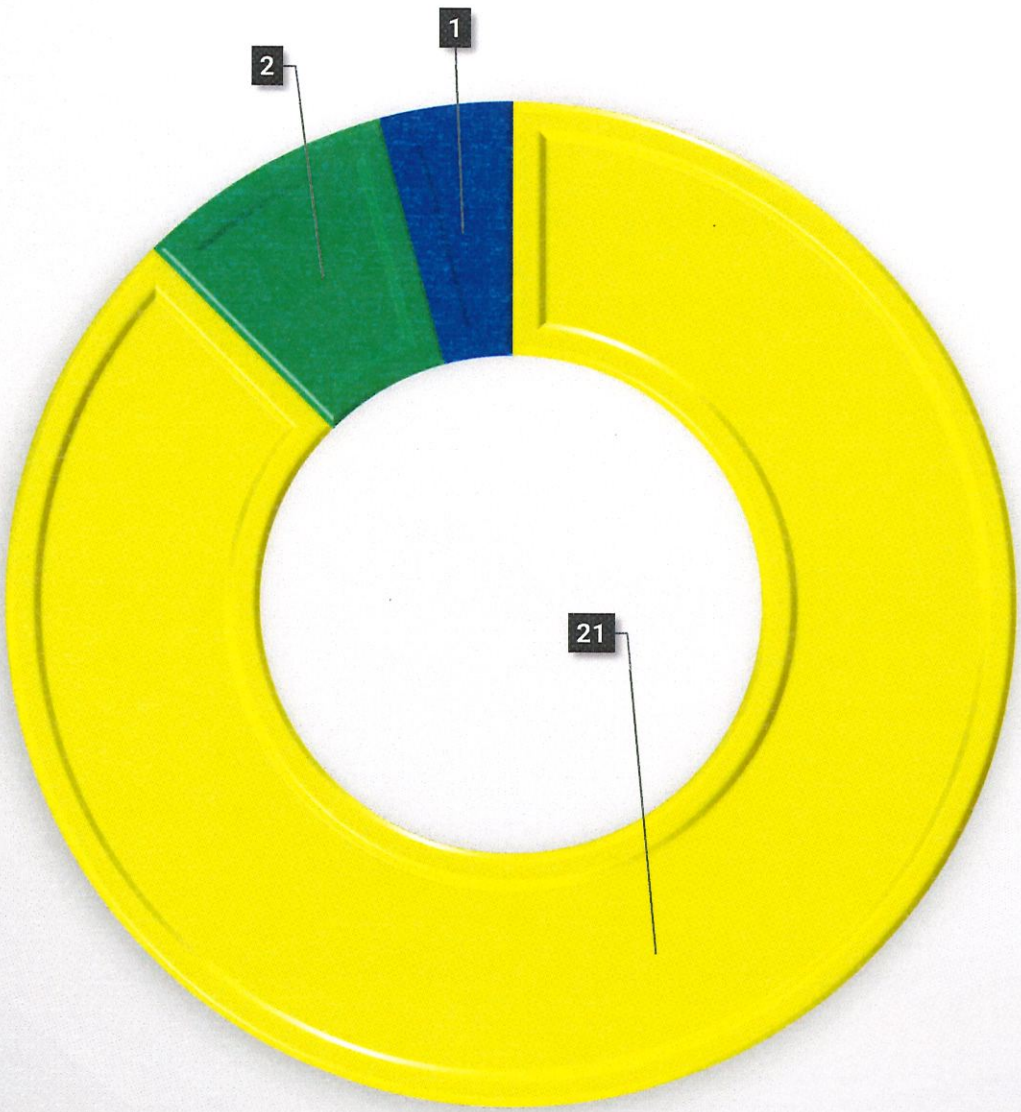


Agreement - 59	Application - 1	Bill of Sale - 4	Contract - 9
Correspondence - 2	Easement - 4	Form - 1	Interlocal Agreement - 3
Lease Agreement - 8	License - 5	Lien Release - 3	Maintenance Bond - 1
Memorandum - 9	Notice - 1	Order - 4	Ordinance - 14
Performance Bond - 2	Personal Guarantee - 1	Petition - 1	Plan - 1
Plat - 4	Pleading - 4	Report - 1	Research - 31
Resolution - 13	Submerged Lands Lease - 2		

PUBLIC MEETING ATTENDANCE: 4TH QUARTER FY 2020-2021



CITY ORDINANCE VIOLATIONS: 4TH QUARTER FY 2020-2021



(By Number of Cases)

(Total: 24 Cases)

- Adjudicated Guilty - 21
- Adjudication Withheld - 2
- Nolle Prossed - 1

STAFF & NEW BOARD MEMBER TRAINING: 4TH QUARTER FY 2020-2021

(By Number of Hours)

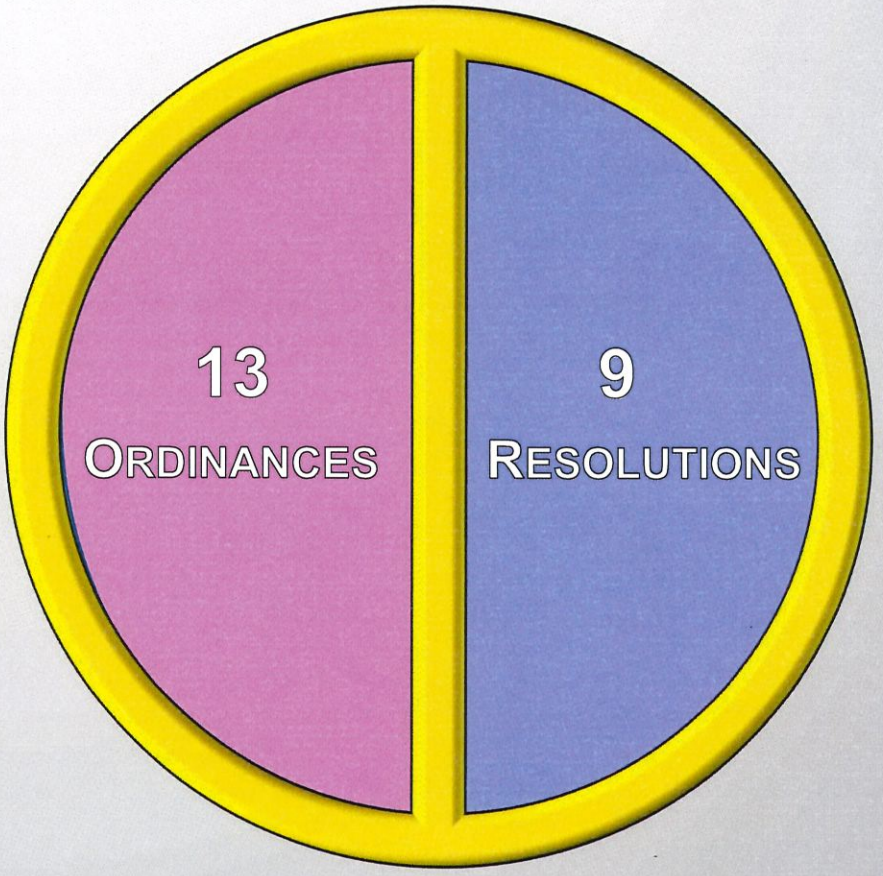
(Total: 7.5 Hours)

ORDINANCES & RESOLUTIONS – 4TH QUARTER FY 2020-2021

(TOTAL: 22 ITEMS)

ORDINANCES

2021-15: Scrivener's Error in Firefighters' Pension Language
2021-16: Craft Alcohol Industry Definition
2021-17: Zoning for Craft Alcohol Industry
2021-18: Alcohol After Hours Permit
2021-19: 159 King Street Rezoning
2021-20: 157 King Street Rezoning
2021-22: Amendment to the Definition of Firefighters Salary
2021-23: Final Budget for FY 2021-2022
2021-24: Stormwater Fee Increase
2021-25: Granada Street Rezoning
2021-26: Establishes Maximum Impervious Surface Ratio
2021-27: Amendments to Comprehensive Plan Definitions
2021-28: Property Rights Element

RESOLUTIONS

2021-21: Display of Flags
2021-33: HACRA Budget
2021-34: LCRA Budget
2021-35: Tentative Millage Rate
2021-36: Final Millage Rate
2021-37: Solid Waste Rates
2021-38: Planning & Building Schedule of Fees Update
2021-39: Authorize City Mgr. to Sign American Recovery Act Agreement
2021-40: Stormwater Fee Increase