



CITY OF ST. AUGUSTINE

**CITY COMMISSION
SHADE MEETING**

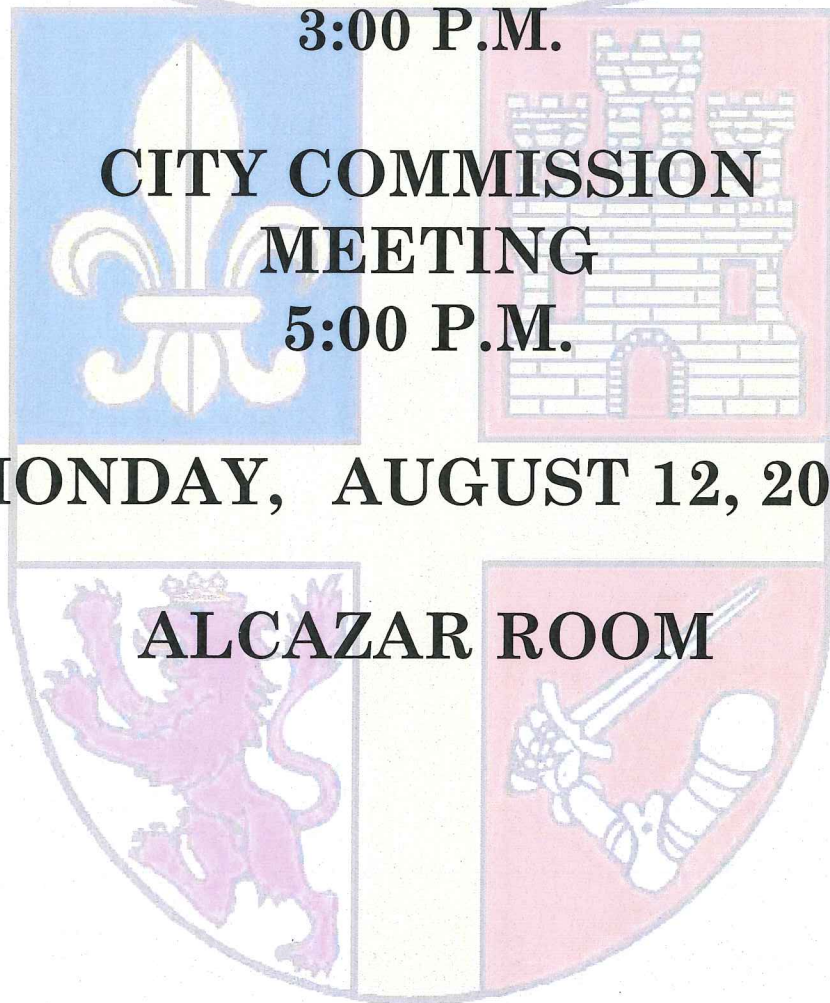
3:00 P.M.

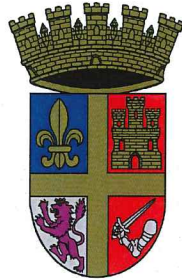
**CITY COMMISSION
MEETING**

5:00 P.M.

MONDAY, AUGUST 12, 2019

ALCAZAR ROOM





CITY OF ST. AUGUSTINE CITY COMMISSION

SPECIAL MEETING

MONDAY, AUGUST 12, 2019

3:00 P.M. - ALCAZAR ROOM

A G E N D A

1. Roll Call.
2. City Manager and his labor negotiating committee seek direction and information from the City Commission regarding its position on impending collective bargaining issues in a closed executive session pursuant to Chapter 447.605, Florida Statutes.

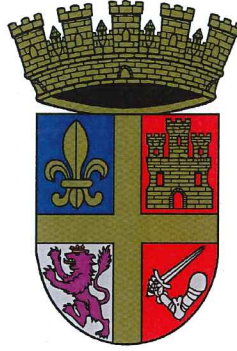
RECESS TO SHADE MEETING ALCAZAR CONFERENCE ROOM

1. Discussion regarding impending collective bargaining negotiations with the Police, Fire and General Employee unions. Participants shall be limited to the City Commission: Mayor Tracy Upchurch, Vice-Mayor Leanna Freeman, Commissioner Roxanne Horvath, Commissioner Nancy Sikes-Kline, Commissioner John Valdes; and the labor negotiating committee consisting of the City Manager John Regan, Assistant City Manager Tim Burchfield, Police Chief Barry Fox, City Attorney Isabelle Lopez, Human Resources Manager Donna Hayes, Director Budget and Performance Meredith Breidenstein and outside labor legal counsel Wayne Helsby.
2. Adjourn.

RE-OPEN SPECIAL MEETING ALCAZAR ROOM

1. Any matters to be decided in the public meeting, followed by adjournment.

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



**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, AUGUST 12, 2019 - 5:00 PM
ALCAZAR ROOM**

1. CALL TO ORDER

- ❖ Roll Call
- ❖ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

- 3.A.** Presentation of a check by Florida Inland Navigational District (FIND) representative, Carl Blow, in the amount of \$625,000 to help defray the cost to repair the City Marina after Hurricane Irma. (*J. Piggott, Director, General Services*).
- 3.B.** Recognition of the awarding to Commissioner Horvath of the 2019 Charles W. Clary Government Service Award by the Florida Chapter of the American Institute of Architects. (*J. Regan, City Manager*).

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

- ❖ **3** minutes per individual

5. CONSENT AGENDA – Modification(s); Motion to Approve

6. APPEALS

- 6.A.** Finding of Legal Sufficiency – Appeal of an Approved Use by Exception for a School at 307 Anastasia Boulevard (D. Birchim, Director, Planning and Building)

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. The Form is available at:

http://www.citystaug.com/document_center/Administration/CityClerk/PresentationSupportServicesRequest04152016.pdf

A. GENERAL PUBLIC PRESENTATIONS

B. ITEMS OF GREAT PUBLIC IMPORTANCE

C. OTHER ITEMS REQUIRING PUBLIC HEARING

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

A. ORDINANCES – SECOND READING

- 8.A.1. Ordinance 2019-12:** Limits zoning districts of aircraft and public airports within the City limits. Encourages the use of the local airport's facilities and equipment including a seaplane ramp. (*I. Lopez, City Attorney*).

- 8.A.2. Ordinance 2019-13:** Approves annual end of year salary supplement dependent upon satisfactory work performance and seniority. (*I. Lopez, City Attorney*).

- 8.A.3. Ordinance 2019-14:** Amends the City Charter to remove sections obsolete, preempted or superseded. (*I. Lopez, City Attorney*).

B. ORDINANCES – FIRST READING (*ONLY IF REQUIRED BY LAW*)

C. RESOLUTIONS – PUBLIC HEARING (*ONLY IF REQUIRED BY LAW*)

8.C.1. Resolution 2019-22: This resolution sets the Fire Assessment Fee rate for residential and non-residential footage. (*M. Breidenstein, Director, Budget and Performance Management*).

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

A. ORDINANCES – FIRST READING

9.A.1. Ordinance 2019-15: Updating the City Charter, this ordinance amends all sections to include both genders and use gender neutral terminology. (*I. Lopez, City Attorney*).

9.A.2. Ordinance 2019-16: Updating the City Charter, this amendment removes the procedure for street vacations and codifies a procedure in the code consistent with other ordinance noticing and hearings. (*I. Lopez, City Attorney*).

9.A.3. Ordinance 2019-17: Amending Chapter 22 of the Code to clarify the procedures for vacating roads. (*I. Lopez, City Attorney*).

9.A.4. Ordinance 2019-18: Updating the City Charter, this amendment removes procedures regarding annual Christmas bonuses and codifies the procedure consistent with state statute and current policy. (*I. Lopez, City Attorney*).

C. RESOLUTIONS

9.B.1. Resolution 2019-21: Provides that regular meetings will adjourn no later than four (4) hours after call to order unless extended by vote. (*I. Lopez, City Attorney*).

9.B.2. Resolution 2019-23: Authorizes the City Manager to execute temporary construction easements related to submerged lands of the City. (*I. Lopez, City Attorney*).

9.B.3. Resolution 2019-24: Request by the City of St. Augustine to the St. Johns River Water Management District and the Florida Department of Environmental Protection to reduce permit application fees pursuant to Section 218.075, Florida Statutes. (*M. Cullum, Director, Public Works*).

9.B.4. Resolution 2019-28: Authorizes the City Manager to execute the annual agreement between the City and Flagler College, Inc. for law enforcement services. (*I. Lopez, City Attorney*).

9.B.5. Resolution 2019-29: Discussion regarding Francis Field events pursuant to the passage of Resolution 2018-13 prohibiting events held on consecutive weekends. *(P. Williamson, Director, Public Affairs).*

10. STAFF REPORTS AND PRESENTATIONS

10.A. Public Hearing Required: Discussion regarding the City's eligibility to apply for a Small Cities Community Development Block Grant (CDBG) for Disaster Recovery from Hurricane Irma. *(C. Sakryd, Grants Administrative Coordinator).*

10.B. Presentation regarding the structure at 91 Coquina Avenue. *(C. Sakryd, Grants Administrative Coordinator).*

10.C. Quality of Nightlife Strategic Plan presented by John Regan, City Manager. *(N. Sikes-Kline, Commissioner).*

10.D. Review of revised License Agreement for the Cuna Street Beautification project. *(R. Franklin, Mobility Manager).*

11. ITEMS BY CITY ATTORNEY (See Consent Agenda also)

11.A. Sunshine, Public Records and Ethics Minute. No Presentation. Information provided by the City Attorney's office as an on-going series to keep the Commission abreast of relevant developments.

11.B. Quarterly and Annual status report. No Presentation

12. ITEMS BY CITY CLERK (See Consent Agenda also)

12.A. Assignment of Commissioner to Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR). *(D. Galambos, City Clerk).*

12.B. Notification of one term vacancy and two term expirations for the Planning and Zoning Board as of September 30, 2019. The application deadline is September 11, 2019 and appointments are tentatively scheduled for September 25, 2019. *(D. Galambos, City Clerk).*

13. ITEMS BY CITY MANAGER (See Consent Agenda also)

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.

CONSENT AGENDA – AUGUST 12, 2019

CA.1. PREVIEW OF UPCOMING COMMISSION MEETINGS.

a) **THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR 2ND READING ON AUGUST 26, 2019:**

- Ordinance 2019-15
- Ordinance 2019-16
- Ordinance 2019-17
- Ordinance 2019-18

b) **REMINDER OF UPCOMING MEETINGS:**

- August 20, 2019, 8:00 p.m., CRA Meeting
- August 20, 2019, 9:00 a.m., Budget Presentation
- August 26, 2019, 5:00 p.m., Regular Meeting

CA.2. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- April 22, 2019, Regular Meeting
- May 13, 2019, Regular Meeting
- June 10, 2019, Regular Meeting

CA.3. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- Jeffrey Sapp – 57 Florida Avenue

CA.4. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

- Proclamation 2019-15 - Stop the Stigma St. Augustine proclaiming August 31, 2019 as Overdose Awareness Day. (*N. Sikes-Kline, Commissioner*).

CA.5. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.

CA.6. Approval use of VIC grounds during 2019 Nights of Lights. (*T. Burchfield, Assistant City Manager*).

CA.7. Financial update for period ending July 31, 2019. (*M. Litzinger, Director, Finance*).

CA.8. Mobility update (*R. Franklin, Mobility Program Manager*)

CA.9. Public Works update. (*M. Cullum, Director, Public Works*).

CA.10. Notification that the current Historic Architectural Review Board (HARB) chair, Catherine Duncan, will be moving outside the City of St. Augustine. (*D. Galambos, City Clerk*).

CA.11. Response letter to the St. Johns County Administrator regarding their request for additional subsidy for the operation of the Sunshine Bus Company.

CA.12. Invoice in the amount of \$1,451.25 dated June 26, 2019 from Bledsoe, Jacobson, Schmidt, Write & Sussman for Special Magistrate services in the 7 Bridge Street matter. (*I. Lopez, City Attorney*).

Invoice in the amount of \$331.00 dated July 24 from St. Augustine Court Reporters for transcription services regarding the Seavin v. City of St. Augustine matter. (*I. Lopez, City Attorney*).

Invoice in the amount of \$7,168.00 dated July 31 from Cavendish Partners, P.A. for services regarding the Seavin v. City of St. Augustine matter. (*I. Lopez, City Attorney*).

END OF CONSENT AGENDA

ITEM 3.A.

Presentation: FIND

CITY OF ST. AUGUSTINE

M E M O R A N D U M

TO: John Regan
City Manager

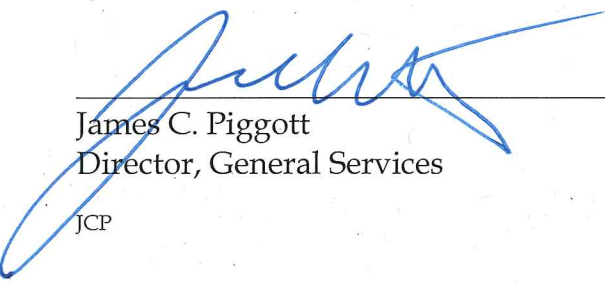
DATE: July 24th, 2019

RE: Check Presentation from FIND for Marina Hurricane Damage Repair

Mr. Carl Blow, the City's Florida Inland Navigational District (FIND) representative, would like to present the Commission with a check to help defray the cost to repair the City Marina after hurricane Irma.

If you concur with this presentation request please place this on the August 12th city commission meeting under item 3, special presentations.

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

ITEM 3.B.
Recognition

ITEM 6.A.
Appeal

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: August 12, 2019

RE: **Appeal of an Approved Use by Exception for a School at
307 Anastasia Boulevard – Finding of Legal Sufficiency**

On June 4, 2019, the Planning and Zoning Board (PZB) approved a use by exception to allow a school at 307 Anastasia Boulevard (Ark Youth Ministries). The order approving this application was signed on June 4, 2019 by the PZB chair.

On July 1, 2019 an appeal was filed by a neighboring property owner seeking to overturn the PZB approval and deny the school use at 307 Anastasia Boulevard on the basis that it would restrict the sale of alcohol at the appellant's property (305 Anastasia Boulevard).

On July 9, 2019 a verbatim transcript of the PZB case was delivered to the city, 35 days after the rendered order approving the case.

The City Code requires appeals to be filed within 30 days of the rendered order and it requires a verbatim transcript, "a verbatim transcript of the hearing is required for an appeal to the city commission..". The City Code further states the appeal "shall include all pertinent information required thereon.." Given these code requirements, this appeal application was not complete within 30 days of the rendered order.

The property at 307 Anastasia Boulevard is zoned Commercial Low two (CL-2) and schools are a permitted use by exception which must be approved by the Planning and Zoning Board. The use by exception application was complete and properly advertised and a public hearing was held by the board. The Planning and Zoning Board approved the use by exception for a school at 307 Anastasia Boulevard with no conditions.

Code of the City of St. Augustine
Section 28-29(e)(3)

Record. The board shall provide for the establishment and maintenance of a record of the hearing by the city clerk for all application requests considered by it. The board shall establish such record in a sufficient degree to disclose the factual basis for its final determination with respect to such requests and appeals. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its official actions, all of which shall be a public record and filed immediately in the planning and building department and preserved with the city clerk. A verbatim transcript of the hearing is required for an appeal to the city commission, and may be required for other judicial proceedings. It is the responsibility of the appellant to obtain a complete record of the hearing from the city clerk and to retain a certified court reporter to transcribe the hearing at appellant's cost. For purposes of appeals to the city commission, persons who meet the qualifications of indigency and who have filed a complete indigency application with the city clerk pursuant to this code, may provide an alternative to the certified court reporter transcript, such as providing an audio-visual recording of the proceedings on appeal.

Code of the City of St. Augustine
Section 28-29 (g) Review of board decisions by commission

(g) Review of board decisions by commission. Decisions of the board in the granting of appeals, preliminary subdivision plats, exceptions, conservation zone developments, variances, and comprehensive plan amendments and rezonings shall be subject to review by the city commission on appeal:

(1) An appeal may be taken by any person demonstrating sufficient standing consistent with Florida law and aggrieved by the decision of the board provided such appeal is filed with the planning and building department during regular office hours no later than thirty (30) days from the date of the rendered order which is the subject of such appeal. To be considered timely filed, appellant must file the required form and provide any required payment for filing fees at the time of filing. If the thirtieth (30th) day from the date of the rendered order falls on a date and time when the planning and building department is closed, any attempted filing on or after that date and time will be considered untimely and no additional time will be granted for late filing. The party filing the appeal shall have legal standing, as determined under the laws of the State of Florida and rules of civil procedure or appellate procedure as established by the Supreme Court of the State of Florida.

(2) A notice of appeal shall be filed on the forms established and provided by the planning and building department and shall include all pertinent information required thereon and any applicable filing fee. A notice of appeal filed in compliance with code requirements by the owner of the property seeking a development permit shall be deemed legally sufficient to proceed to the substantive appeal hearing. If the property owner's notice of appeal is not filed in compliance with code requirements, the city commission will review the application for appeal for legal sufficiency prior to the appeal hearing. If the notice of appeal is filed by any other aggrieved person the city commission will review the application for appeal for legal sufficiency prior to the appeal hearing. If the application for appeal appears to lack legal sufficiency, the city commission may request that additional information be filed, in writing, in the form of a brief or other formal statement, or may allow for formal testimony under oath, and, based upon the

application for appeal and such other information that is provided in the record, the city commission may affirm the order to be reviewed if it finds that the appeal lacks legal sufficiency. If the city commission finds that the application for appeal meets legal sufficiency, it shall set the appeal for a public hearing in the manner prescribed in [section 28-59\(a\), \(b\)](#).

(3) An appeal shall stay all administrative proceedings in furtherance of the action appealed until such time as a final determination has been made by the city commission on such appeal, and no action shall be taken by the applicant or the planning and building department during such time which would change the status of the matter being appealed.

(4) An appeal hearing before the city commission shall be scheduled at the next reasonably available city commission meeting. The hearing shall be based on the record below and no new evidence or testimony shall be considered unless the appellant requests a modification to the action under appeal. If a modification is requested, the only new evidence and testimony allowed shall be limited to the modification.

(5) The city commission shall find whether in its opinion error was made and within the terms of this section affirm, reverse or modify the action appealed as it deems just and equitable. If the applicant presents modifications to the action under appeal, the city commission may accept the modification and so modify the order, may remand the appeal back to the board for further review, or may deny the modification and affirm the action appealed.

Please place this appeal on the August 12, 2019 City Commission agenda for a finding of legal sufficiency. If you have any questions, please let me know.



David Birchim, AICP
Director, Planning and Building

**CITY OF ST. AUGUSTINE
APPLICATION TO APPEAL OFFICIAL, BOARD
OR STAFF DECISION**

CHECKLIST FOR COMPLETION OF APPLICATION

Appellant Name - LUTHER STEWART III
Address of Property (Subject of the Appeal) - 307 ANASTASIA BLVD.
Project Number - 2019-0077

YES NO

- ☒ ☐ Has the applicant fee been paid?
- ☒ ☐ Has line 4, application to appeal determination of the following been completed?
- ☒ ☐ Has line 5, applicant name and contact information been completed?
- ☒ ☐ Has line 6, legal description of property under appeal been completed?
- ☒ ☐ Has line 7, street address of property under appeal been completed?
- ☒ ☐ Has line 8, appellee contact information been completed?
- ☒ ☐ Has line 9, description of action being appealed been completed?

If no, what information is necessary to complete this section? _____

- ☒ ☐ Has line 10, date of action being appealed been completed?
- ☒ ☐ Has the appeal been filed within the required time according to City Code? *
- ☒ ☐ Has line 11, description of impact of action on appellant been completed?

If no, what information is necessary to complete this section? _____

No.
per City
Attorney
transcript
untimed

☒ ☐

Has line 12, specific grounds for the appeal been completed?

If no, what information is necessary to complete this section? _____

☒ ☐

Has line 13, specific action being requested been completed?

If no, what information is necessary to complete this section? _____

☒ ☐

Is line 14, agreement been completed?

☒ ☐

Has line 15, signature of appellant been completed?

☐ ☒

Has a transcript been submitted to accompany this appeal application?

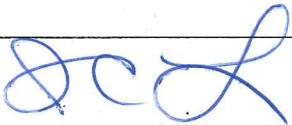
☐ ☐

Is the appellant an aggrieved party? **TBD (to be determined)**

Comments:

NOTE: The appeal lacked the required transcript per Section 28-29 (e) and (g) of the city code. The complete application must include "all pertinent information required" and be filed "no later than thirty (30) days from the date of the rendered order." To date, no transcript has been received and the 30 days has passed.

City Attorney



Date

July 8, 2019

*** SET FOR SUFFICIENCY HEARING RE:
FAILURE TO TIMELY FILE THE TRANSCRIPT.**

RECEIVED

JUL 01 2019

Planning/Building Dept

CITY OF ST. AUGUSTINE
APPLICATION TO APPEAL OFFICIAL, BOARD
OR STAFF DECISION

1. Applicant Fee	<u>\$200.00</u>
2. Project Number	<u>2019-0077</u>
3. Receipt Number	<u>1642614</u>

PLEASE PRINT OR TYPE

4. APPLICATION TO APPEAL DETERMINATION(S) OF THE FOLLOWING:

☒ Planning and Zoning Board	☐ City Manager
☐ Historic Architectural Review Board	☐ Planning and Building Director
☐ Building Official	☐ Other (please specify) _____
☐ Fire Marshall	_____

5. NAME OF APPELLANT Luther Stewart III Telephone 386-315-1368

Business (if applicable) _____

Address 311 Anastasia Blvd City St. Augustine State FL Zip 32080

6. LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THIS APPEAL

Lot 14-16 Block 37 Subdivision DAVIS SHORES Parcel No. 2189900140

Other (attach copy, if necessary) _____

7. PROPERTY STREET ADDRESS 307 Anastasia Blvd, St. Augustine, FL 32080

8. PROPERTY OWNER Ark Youth Ministries, Inc. Telephone 904-814-4896

(This information may not be required if the appellant is the property owner, or may possibly be obtained from the Public Records maintained with the City of St. Augustine.)

Business (if applicable) _____

Address 307 Anastasia Blvd City St. Augustine State FL Zip 32080

9. DESCRIPTION OF ACTION BEING APPEALED Zoning Use by Exception

(e.g.: approval of a variance by the Planning and Zoning Board regarding lot coverage to construct a shed, or denial of a Certificate of Appropriateness by the Historic Architectural Review Board for a metal roof for an addition.)

10. DATE OF ACTION BEING APPEALED 6/4/2019

11. DESCRIBE IMPACT OF ACTION ON APPELLANT See attached

In many instances, an appeal may only be filed by an aggrieved person, and the reviewing authority must find whether in its opinion error was made in order to reverse or modify the action appealed.

12. SPECIFIC GROUNDS FOR THE APPEAL See attached

Section 28-29 of the Code of the City of St. Augustine, in part, states: "State with particularity, specific grounds for the appeal, including the factual and legal basis, which must be based on established law as it relates to the action taken by the official, board or commission upon which the appeal is filed. The official, board or commission which will hear the appeal as the reviewing authority may review the application for appeal prior to hearing and may request that additional information be filed, in writing in the form of a brief or other formal statement. Based upon the application for appeal and such other information that is filed, such reviewing authority may summarily affirm the order to be reviewed if the authority finds that no preliminary basis for reversal has been demonstrated, or may summarily reverse the order to be reviewed if the reviewing authority finds that no meritorious basis exists for affirmance and the order otherwise is subject to reversal." Attach additional information, if necessary.

13. SPECIFIC ACTION BEING REQUESTED Overturn the granting of the Use by

Exception and deny same

14. AGREEMENT

In filing this application, I understand that it becomes part of the Public Record of the City of St. Augustine, and hereby certify that all information contained herein is accurate to the best of my knowledge.

In accordance with s. 286.0105, Florida Statutes: "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."

15. 
SIGNATURE OF APPELLANT

7-1-19

DATE

CITY OF ST. AUGUSTINE

DEVELOPMENT PERMIT APPLICANT WAIVER

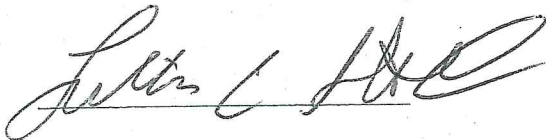
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

LUTHER STEWART

Print name of applicant



Signature of applicant

2-1-19

Date

Application to Appeal Official, Board, or Staff Decision
(Part 2)

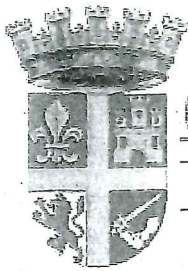
11. Impact of Action

Appellant, Luther Stewart III, owns the commercial property located at 311 Anastasia Boulevard, St. Augustine, Florida. For 30 years the owners and/or tenants of this property have sold and/or served alcoholic beverages from this location as a licensed alcoholic beverage establishment. The zoning for the property permits such use, and has permitted such use at all times.

Both Florida law (s. 562.45(2)(a), Fla. Stat.) and the municipal code of the City of St. Augustine (Sec. 4-2(a)) prohibit the operation of an alcoholic beverage establishment in close proximity to a school. Florida law prohibits on-premises consumption of alcoholic beverages within 500 feet of the real property that comprises a school. The approval of a variance which allows the operation of a school within the prohibited geographical restrictions established by law causes an immediate violation of Florida law by Mr. Stewart and his tenant. Even if the City's actions constitute an approval as to the current tenant, the variance approval creates an immediate limitation on the ability of Mr. Stewart to use the property as it has been used for 30 years. The approval of the exception creates the legal violation by Mr. Stewart despite having greater rights to its use than the variance applicant by virtue of the length of use and the established zoning. If the variance decision stands, Mr. Stewart cannot legally allow the on-premises consumption of alcoholic beverages on his property.

12. Grounds For the Appeal

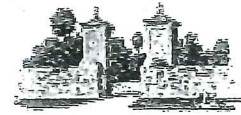
Granting the exception causes undue hardship on the property and its owner, Mr. Stewart, since it restricts the owner and/or tenants from continuing to sell beer and wine on the property. Thus diminishing the value of the property since it is a commercial rental property where all prior tenants have engaged in the sale of beer and wine.



City of St. Augustine

St. Augustine, Florida

Planning/Building



June 4, 2019

Calvin T. King
Ark Youth Ministries, Inc.
307 Anastasia Boulevard
St. Augustine, FL 32080-0000

Re: Use By Exception – 307 Anastasia Boulevard – 2019-0060

Dear Applicant:

On June 4, 2019, the Planning and Zoning Board (PZB) met and discussed your application to approve a use by exception to allow for a private school for property located at 307 Anastasia Boulevard.

Specifically, based upon evidence presented, the PZB **approved** your application as described in the attached copy of the executed Order.

The Exception must be exercised within a period of one (1) year from the date of approval. Failure to exercise the Exception, by commencement of the use or action approved, shall render the Exception invalid.

Please contact the Planning and Building Department at 825-1065 for the proper permits, fees and requirements to proceed with your project in accordance with the Planning and Zoning Board's decision.

Sincerely,

David Birchim, AICP
Director, Planning & Building

cc: John P. Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
BDAC File

BEFORE THE
PLANNING AND ZONING BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

- | | |
|--|--|
| ☐ Appeal | ☐ Preliminary Subdivision Plat Approval |
| ☐ Conservation Overlay Zone Development | ☐ PUD Modification/Amendment |
| One/Two/Three | ☐ Rezoning |
| ☒ Use by Exception | ☐ Variance |
| ☐ Final Development Plan | ☐ Other Click here to enter text. |
| ☐ Land Use Plan Amendment | |

IN THE MATTER OF:

Case No.: 2019-0060
Applicant: Ark Youth Ministries
Owner: Ark Youth Ministries
Address: 307 Anastasia Boulevard
Parcel Number: 2189900140

RE: Use by Exception, pursuant to Section 28-29, City of St. Augustine Code, to approve a use by exception to allow for a private school.

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON JUNE 4, 2019, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the June 4, 2019 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☒ members of the public testified under oath, or ☐ no members of the public spoke on this issue.
3. The subject property has a land use designation of Commercial Low Intensity and a zoning classification of Commercial Low Two (CL-2).
4. The above-described Use by Exception is subject to Section 28-29 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action MEETS / DOES NOT MEET the requirements of Section 28-29, City of St. Augustine Code, and APPROVES / DENIES / CONTINUES the Applicant's request to approve a use-by exception to allow for a private school.

Subject to the following conditions:

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

DONE AND ORDERED, at a public hearing on the 4 day of JUNE, A.D., 2019, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2019-0060

REQUEST

APPROVED / DENIED / CONTINUED

Sign Name

GRANT MISTERLY

Print Name

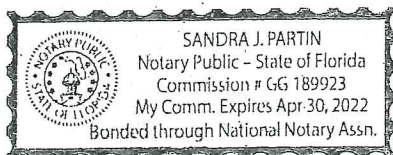
PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

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, Grant Misterly who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 4th day of June, A.D., 2019.

Sandra J. Partin
Notary Public, State of Florida



**LAW OFFICES OF
KELLY B. MATHIS**

12276 San Jose Boulevard, Suite 126
Jacksonville, FL 32223-8630
Telephone: 904.880.5114
Fax: (904) 880-4013

Kelly B. Mathis, Esq
Licensed in Florida and Georgia
kmathis@mathislw.net

Elizabeth K. Hernandez, Esq.
elizabeth@mathislw.net

July 8, 2019

City and Zoning Department
75 King Street
St. Augustine, FL 32084

RECEIVED
JUL 09 2019
Planning/Building Dept.

Re: Appeal of Use by Exception
Case No.: 2019-0038
Ark Youth Ministries

Dear Sir/Madam:

Please be advised that our firm represents Luther Stewart in the appeal of the Use by Exception granted in the above-referred case. Enclosed please find a copy of the transcript of the June 4, 2019, hearing with regard to this matter.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

/s/ Lisa Janes

Lisa Janes,
Florida Registered Paralegal

/llj
Enclosure

TRANSCRIPTION OF ITEM 4

USE BY EXCEPTION

2019-0060

ARK YOUTH MINISTRIES

PLANNING AND ZONING BOARD

CITY OF ST. AUGUSTINE, FLORIDA

TUESDAY, JUNE 4, 2019

ALCAZAR ROOM, CITY HALL

75 KING STREET

RECEIVED

JUL 09 2019

Planning/Building Dept.

Transcribed by Karen F. Howard
Registered Professional Reporter
Florida Professional Reporter

Power Reporting, Inc.
301 W. Bay Street, Suite 1480
Jacksonville, Florida 32202
(904) 355-4077

1 GRANT MISTERLY: Okay. So now we're moving on
2 to use by exception in this portion of the meeting.
3 We'll start with the staff report, then ask the
4 applicant to come up and add anything that they would
5 like to that the staff didn't cover. Then we'll open
6 it up for public comment, where you'll have three
7 minutes to make any comments you would like to, and
8 then it'll come back to the board for discussion and,
9 ultimately, a motion.

10 Our first use by exception is 2019-0060, Ark
11 Youth Ministries.

12 Could we have a staff report, please.

13 DAVID BIRCHIM: Mr. Chairman, 307 Anastasia
14 Boulevard is currently recognized by the city as a
15 social services office with crisis counseling,
16 emergency runaway programs, and outreach programs
17 such as that. It is approximately 27,000 square feet
18 in gross floor area.

19 The owner would like to add school as a
20 permitted use to this property, specifically five
21 elementary students, seven high school students, and
22 ten college students. The property has the
23 facilities to accommodate the parking and needs for
24 this proposed use. There does not seem to be any
25 conflicts between this proposed use and neighboring

1 properties.

2 Staff recommends approval for use by exception
3 to allow a private school at 307 Anastasia Boulevard.

4 GRANT MISTERLY: All right. Thank you.

5 Is the applicant here?

6 All right. Please come forward. When you come
7 up -- when you get to the microphone, please state
8 your name, your address, and then be sworn in.

9 CALVIN KING: Calvin Terry King, 83 Comares
10 Avenue, Apartment 5A.

11 RECORDING SECRETARY: And do you swear or affirm
12 that the testimony you give today will be the truth,
13 the whole truth, and nothing but the truth?

14 CALVIN KING: Yes, ma'am.

15 GRANT MISTERLY: All right. You heard the
16 staff's summary. Is there anything you would like to
17 add or inform the board of?

18 CALVIN KING: No, sir. We've just -- we've been
19 there for --

20 GRANT MISTERLY: And could you speak into the
21 microphone.

22 CALVIN KING: We've been there now for ten
23 years. The city approved our floor plans for --
24 which included the classrooms and consultations rooms
25 ten years ago, when we built the building. In fact,

1 that's why we built the building. And it just got
2 somehow -- I talked with Mr. Regan. Somehow it just
3 got -- it didn't get labeled as multipurpose use,
4 which is what it was.

5 And so we -- we are now -- and I don't know what
6 all the changes were, but they asked me to come and
7 resubmit for school by exception. So that's what we
8 did. I think we did everything that they asked.

9 And I don't think there's anything else; I think
10 Mr. Birchim covered it pretty clearly.

11 GRANT MISTERLY: Okay. At this point, if you
12 wouldn't mind having a seat, and we'll invite you
13 back up in a moment.

14 Board members, any ex parte communication?

15 SARAH SHIPP RYAN: Just familiar with the site.

16 CHRISTINA OPSAHL: None.

17 J. CARL BLOW: Drove by the site.

18 GRANT MISTERLY: None from me.

19 This item was noticed. There were 13 notices
20 sent out to the adjacent property owners. One was in
21 favor; two were opposed; and three had comments.
22 This one is in favor; it says, "They have been a good
23 neighbor." This one doesn't indicate whether it's in
24 favor or opposed, but they say, "No beer/wine next
25 door and not enough parking." Actually, it says that

1 on three of them --

2 SARAH SHIPP RYAN: I think they're from the
3 same --

4 GRANT MISTERLY: Same property owner?

5 SARAH SHIPP RYAN: Looks like there's only two
6 people: Todd Noble and Luther Stewart.

7 GRANT MISTERLY: Yeah. Okay.

8 All right. At this point I'd like to open it up
9 for public comment. So if there's anybody that would
10 like to comment on this one, please come forward,
11 state your name and address and be sworn in.

12 LUTHER STEWART IV: Yeah. Luther Stewart, 311
13 Anastasia Boulevard.

14 RECORDING SECRETARY: And do you swear or affirm
15 that the testimony you give today will be the truth,
16 the whole truth, and nothing but the truth?

17 LUTHER STEWART IV: Yes, ma'am.

18 Okay. I've owned a property at 311. Mr. King
19 wants to put a school there. He don't want beer and
20 wine or a bar in my property. But as I stand here
21 today, y'all gave my tenant permission -- which he'll
22 be here any second -- with -- where FDLE all -- it's
23 all been approved through the city. And if you put a
24 school next to a bar, I don't know if that's good.

25 And as I run it under Stewart's Market, I sold

1 alcohol there; my father sold alcohol there; and my
2 last tenant, The Floridian, did as well. All of a
3 sudden there's a problem. I don't understand
4 Mr. King, what he's trying to do, but that's what I
5 have to say.

6 GRANT MISTERLY: Okay. Thank you. And just
7 as -- just for the public, when you're up, please
8 direct all your comments towards the board, not out
9 to members of the public.

10 Anybody else that would like to speak on this
11 item?

12 State your name, address, and be sworn in.

13 LUTHER STEWART III: Luther Stewart, 32 Sea Park
14 Drive, St. Augustine, Florida.

15 RECORDING SECRETARY: Do you swear or affirm
16 that the testimony you give today --

17 LUTHER STEWART III: Yes.

18 RECORDING SECRETARY: -- will be the truth, the
19 whole truth, and nothing but the truth?

20 LUTHER STEWART III: Yes.

21 This thing goes back to this gentleman that's
22 had a place there for a number of years. He built
23 the building that y'all allowed him to do illegally
24 to start with. They tore the old building back down
25 to the ground, and then they built a new one without

1 it being to the right elevation. That's the start.
2 That's the first problem with this gentleman and up
3 here.

4 We got alcohol on there a number of years. I
5 don't remember just how many. And we started with
6 selling alcohol. The gentleman rented the building,
7 went in there and put the machines in, got a liquor
8 license, got a license approved by the City of
9 St. Augustine before he went there. Then they go
10 over there and arrest the man.

11 This gentleman I have all ideas is behind that.
12 But I don't know that; it's just an opinion. I think
13 he's been running the school over there for quite a
14 long time, and I kind of wonder why he needs a
15 license when alcohol comes next door. All he wants
16 to do is keep the people that's in -- whoever rents
17 that building not to have alcohol.

18 I've been in business on Anastasia Boulevard
19 since 1971, in that block, and I don't like somebody
20 coming in and try to tell us what we can and can't
21 do.

22 Any questions from y'all?

23 BOARD MEMBER: No.

24 LUTHER STEWART III: Nothing?

25 GRANT MISTERLY: Thank you.

1 Anybody else want to speak, come on up.

2 ALLAN POTICNY: My name is Allan Poticny. I'm
3 at 303-D Anastasia Boulevard; so I'm next door to the
4 Ark Youth Ministries.

5 RECORDING SECRETARY: You need to be sworn in.

6 ALLAN POTICNY: I'm sorry.

7 RECORDING SECRETARY: Do you swear or affirm
8 that the testimony you give today will be the truth,
9 the whole truth, and nothing but the truth?

10 ALLAN POTICNY: I do.

11 I've been in that building for the last 12 years
12 and 10 of the years that the Ark Youth Ministry's
13 there. I also -- of course, I knew Luther as well.

14 I'm not here to comment about what's going on at
15 Stewart's. What I'm commenting on is the school.
16 The school -- I know that they've been operating a
17 school for many years now, as long as I've been
18 there. Some of the students come over and see me
19 after school, walk in during the day. The ages of
20 the youth I've seen -- I'd have to verify that they
21 go anywhere from grade school all the way up through
22 college. And the parking lot almost is not always
23 full next door, but pretty much it's a quiet
24 school-like atmosphere.

25 So I'm here just to testify to that. So nothing

1 against Luther at all or Stewart's, but just to
2 testify what I've seen next door.

3 GRANT MISTERLY: Okay. Thank you.

4 You have a question?

5 BOARD MEMBER: May I ask you, sir, what type of
6 business do you have at that location?

7 ALLAN POTICNY: I resell furniture.

8 BOARD MEMBER: Thank you.

9 ALLAN POTICNY: We've been there 22 years.

10 GRANT MISTERLY: Thank you.

11 BOARD MEMBER: You don't have a license to
12 operate a school --

13 GRANT MISTERLY: From the public, please refrain
14 from speaking unless you're up at the microphone.
15 That can affect future legality of the decisions that
16 the board makes.

17 All right. We had somebody that was going to
18 come up and speak.

19 Thank you. Please state your name, address, and
20 be sworn in.

21 PHILLIP SMITH: My name is Phillip Smith, and I
22 live at 9120 U.S. Highway 1 South, St. Augustine,
23 Florida, 32086.

24 RECORDING SECRETARY: And do you swear or affirm
25 that the testimony you give today will be the truth,

1 the whole truth, and nothing but the truth?

2 PHILLIP SMITH: Yes, ma'am.

3 All right. I'm up here today. I have went to
4 the city. I've been fully approved by the city to --
5 with a beer and wine license. I went to my Friday
6 review. In February I stated to the neighbor -- he
7 did ask me what I was going to be opening. I told
8 him it was going to be a bar. He made a comment that
9 he would make sure that didn't happen.

10 My Friday review was open to the public. My
11 licensing was open to the public. Nobody came in to
12 argue any case against it. St. Augustine planning
13 and zoning board did sign off with me, as well as
14 FDLE has already signed off. The State of Florida
15 has already signed off towards my beer and wine
16 license, which will be in my presence within three
17 business days. I've been to the health department.
18 I've done everything I've needed to do. I pursued a
19 lease. Already paid my lease on regards of
20 St. Augustine giving the consent.

21 Also the other thing that I wanted to bring to
22 notice is I have brought some material which I'd like
23 to give to you-all. And the forms that y'all
24 submitted stated that Mr. King had said that he
25 became a school in 2007, before he purchased the

1 building. He purchased the building as an office.
2 Per his website, which I have document of, he has
3 been running as a school since 2007, of fall, after
4 he received his license, been charging admission
5 illegally. He has also been running a college since
6 2007, but he was not even licensed with the State of
7 Florida through SunBiz until 2010, which I have that
8 printout.

9 So he's been running a school for 12 years
10 without a license with your-all's consent, and he
11 never had a problem with alcohol over there before,
12 but he's still consistently running a school. And
13 under Florida Statute you cannot run an illegal
14 establishment of a school in a building without
15 consent through your county authorities.

16 I brought a lot of the statutes which states
17 that you have to have environmental health approvals.
18 He's stating that his college is a dormitorium-based
19 college, which means that you live on facility. You
20 have to make your beds. You have to wash your
21 dishes. You have to do your laundry.

22 If he has ten college kids living in a building,
23 plus elementary school, plus middle school, plus high
24 school, where he does classes, I don't understand how
25 that can be approved when his original license also

1 was only for a one-story building, but he has a
2 two-story building. He added them up. He added
3 improvements without your-all's consent. He never
4 upgraded his license for 12 years. Then when he
5 finds out I have a beer and wine license, now all of
6 a sudden he wants to be a legal school.

7 And that's my argument, is I don't feel that we
8 should change zoning, because if I ran an illegal
9 establishment for 12 years, I would be in jail. And
10 that's just my argument.

11 GRANT MISTERLY: Any questions?

12 BOARD MEMBER: Sir, could I ask you a question?

13 PHILLIP SMITH: Yes.

14 BOARD MEMBER: I guess I missed it.

15 PHILLIP SMITH: Yes.

16 BOARD MEMBER: Are you leasing the former
17 Stewart's building?

18 PHILLIP SMITH: Yes, ma'am. I'm the one who
19 pursued the lease and spoke with the county -- or the
20 city -- I'm sorry -- and got licensed through the
21 city already to be allowed to open a beer and wine.
22 I was approved on April 26th before he submitted
23 paperwork.

24 BOARD MEMBER: So it's beer and wine only?

25 PHILLIP SMITH: Beer and wine, yes.

1 BOARD MEMBER: And what type of establishment
2 will you be --

3 PHILLIP SMITH: It's going to be a bar.

4 BOARD MEMBER: Thank you.

5 PHILLIP SMITH: Yes, ma'am.

6 Can I bring the paperwork?

7 GRANT MISTERLY: Yeah. You'll need to leave it
8 with us.

9 PHILLIP SMITH: Okay.

10 GRANT MISTERLY: If you give it to us, then it's
11 public record, so you don't --

12 PHILLIP SMITH: That's fine. It's just stuff
13 that I printed off -- directly off the internet.

14 GRANT MISTERLY: Great. Thank you.

15 PHILLIP SMITH: Everything's --

16 GRANT MISTERLY: All right. Is there anybody
17 else from the public that would like to speak?

18 Please come on up.

19 Ms. Kalaidi, somebody got their hand up before
20 you; you're on deck.

21 ANDREW BROSKIE: Andrew Broskie, 1947 County
22 Road 13A North, St. Augustine, Florida.

23 RECORDING SECRETARY: Do you swear or affirm
24 that the testimony you give today will be the truth,
25 the whole truth, and nothing but the truth?

1 ANDREW BROSKIE: I do.

2 I work at the Ark with Brother Terry. I have
3 for the past, oh, three or four years. You know, I
4 looked at this, and I was at the meeting that was
5 just referred to, the February review, and so was the
6 fire marshal and the building representative and the
7 city's attorney, and I was there as well.

8 And Mr. Smith did mention that he was intending
9 to run his gaming internet office for the remainder
10 of the time he had on his license, which he had
11 indicated was just a few months, and then he intended
12 to go ahead and pursue another license. So that was
13 the content of the meeting.

14 Also at that time the city's attorney was very
15 direct and directed -- and I can't remember the gal's
16 name. I'm sorry. I didn't know this was all going
17 to happen, so it just kind of catch me off guard --
18 told them at that point that the city -- by him
19 coming to that meeting did not guarantee that he
20 would be able to even open the doors of that
21 establishment, not -- not agreeing to anything else,
22 but was, in fact, making it very plain regarding him
23 having to go ahead and do the right thing in terms of
24 whatever the codes are and such. So that's -- that's
25 regarding that.

1 That school's been there now -- or rather --
2 let's just go back to the timing that he referred to.
3 Brother Terry was down further, at 321, I think,
4 Anastasia before he had bought that -- and, again,
5 I'm going off of my just recollection now because I
6 was not here at the time. But at that point in time
7 he did all the outreach programs that were mentioned
8 and had started the school at that time. And, in
9 fact, that was really the sole purpose of going ahead
10 and buying that building and building that building.

11 Now, if you go back to the plans -- and I'm sure
12 the city will mention this -- it was obviously a
13 two-story building. The plans show that. That was
14 what was submitted. That was what was approved. So
15 I'm not sure how the one-story thing comes in. It
16 was obviously some -- some miscommunication, but it
17 was obvious that that was always the case.

18 The plans, if you look at them, they actually
19 say "classroom" because it was always intended to be
20 that. We've had signs up that are four foot by eight
21 foot. There's two of them that have said that
22 there's a school there for the past ten years. The
23 fire marshal has been in there, and the health
24 department have been in there annually for
25 inspections for ten years as a school. This is not a

1 surprise. There's no pulling the wool over anybody's
2 eyes.

3 Brother Terry was -- you know, not being an
4 expert regarding what should occur in terms of the
5 permitting or what should be written down on the
6 license, had never checked to see if, in fact, it
7 said "school." He believed that an office would
8 cover the -- what was the projected use. And so he's
9 100 percent in the right. How it got mislabeled or
10 why it should've had another label, well, that's a
11 whole nother issue for you guys to deal with.

12 But thank you.

13 GRANT MISTERLY: Thank you.

14 All right. Ms. Kalaidi?

15 RECORDING SECRETARY: Do you swear or affirm
16 that the testimony you give today will be the truth,
17 the whole truth, and nothing but the truth?

18 B.J. KALAIDI: I do.

19 B.J. Kalaidi, 8 Newcomb Street.

20 I have a way of going to the 8:30 Friday
21 reviews. The first time the speaker about the
22 internet cafe came in, he wanted to put it at 74
23 Masters Drive, my neighborhood. That was approved.
24 And then he came back to the Friday review and wanted
25 to move it over to a nicer neighborhood, at 311

1 Anastasia Boulevard. Permission to do that. Came
2 back and asked for a dance hall/bar. Erased the
3 dance hall and the bar.

4 But before the bar could really be
5 functioning -- because they were just going to have a
6 couple of tables, if I remember the information.
7 Mr. Birchim was there, Mr. Cary, so they can verify
8 this. They were going to have standing at the bar,
9 no stools, so you don't have to pay for those seats.

10 So last month, May, if you're paying attention,
11 the police department stopped that internet cafe. It
12 was closed down; warrant was issued.

13 GRANT MISTERLY: What was that, Ms. Kalaidi?

14 B.J. KALAIDI: There was a warrant issued in May
15 through the St. Augustine Police Department. I
16 believe it was in the record too that that internet
17 cafe has been shutdown.

18 GRANT MISTERLY: When you say "that," which one
19 are you referring to?

20 B.J. KALAIDI: At 311 Anastasia Boulevard.

21 GRANT MISTERLY: Okay.

22 B.J. KALAIDI: The one over at 74 Masters is
23 gone too.

24 There's a way to do things in the city, and
25 there's a right way to do things in the city. And

1 just -- and I want this really on the record, whether
2 it gets written in or not. When you go to Friday
3 review, you as a citizen sit there, and you cannot
4 open your mouth. You're to observe and pay attention
5 to what is coming into our community. And that's one
6 reason I come before these boards, because what is
7 said there and what ends up here sometimes is not
8 completely accurate. And I can't be everywhere, and
9 you seven people can't be everywhere, and our staff
10 can't be everywhere. But we in the city are paying
11 attention to what quality of life we want.

12 Now, I don't know about how long he's had a
13 school there. I know the thing's been there a while.
14 So I don't know if this is going to be a "bar" bar
15 and how many seats we're going to have or we're just
16 going to be standing around.

17 And there's three lots in back that belong to
18 the Stewarts that they're going to give to this
19 gentleman, I believe, and that's going to be parking
20 in the back. There's a dirt road, and behind that
21 there's three lots that are just vacant right now.
22 So that could be a parking there.

23 So I would think for the benefit of the city,
24 the quality of life, let's go with this school.
25 That's just my opinion. And Anastasia Boulevard is

1 not a better neighborhood -- I want this on the
2 record -- than west city, where I live. We are just
3 as good as you are, and we would prefer a school over
4 a bar or the internet cafes.

5 Thank you.

6 GRANT MISTERLY: Thank you, Ms. Kalaidi.

7 Is there anybody else in the public that would
8 like to speak?

9 Please come on up. Thanks.

10 When you get to the microphone, name, address,
11 and be sworn in.

12 ELIZABETH HERNANDEZ: Elizabeth Hernandez, 12226
13 San Jose Boulevard, in Jacksonville.

14 RECORDING SECRETARY: Do you swear or affirm
15 that the testimony you give today will be the truth,
16 the whole truth, and nothing but the truth?

17 ELIZABETH HERNANDEZ: I do.

18 Good morning. I'm sorry. Good afternoon. I am
19 here on behalf of my client, Phillip Smith. I just
20 have a couple of comments to close this up. I'm here
21 on the request for the exception on what is stated to
22 be a school; however, we couldn't find any licensing
23 on it. And apparently they have been operating under
24 the same circumstances for many, many years, as has
25 been told by neighbors and the individual who runs

1 the school himself.

2 So this situation that he's requesting exception
3 for has been created by him. And now, subsequent to
4 learning that the neighboring property has been -- is
5 going to be, in three days, issued a beer and wine
6 license to operate next door, he's requesting an
7 exception which would prevent Mr. Smith from being
8 able to move forward with the process in which he's
9 already started, which is, you know, what -- and the
10 intent was, when he leased the building, was to open
11 up a bar.

12 There was some discussion about a warrant being
13 issued. There was here in -- on Anastasia Boulevard
14 two weeks ago. Mr. Smith did have a license to
15 operate an internet cafe at the time issued by the
16 City of St. Augustine. However, with the climate in
17 the state of Florida in general regarding internet
18 cafes and game rooms, Mr. Smith had already made the
19 decision to go ahead and transition from that
20 business to opening up a bar, which is what he has
21 done. He's gone through the process that's required,
22 going through whatever payments, whatever meetings he
23 needed to do in order to see this -- this idea, this
24 dream, into fruition and make it happen.

25 That being said, he had a license to operate the

1 business that he had, that is now closed, and he
2 sought the appropriate channels and avenues to get a
3 license for the beer and wine, which he has
4 successfully obtained. That being said, the undue
5 hardship that it would create on what's already
6 existing -- this is subsequent to prior meetings and
7 hearings, where these issues could have been
8 addressed prior to him being approved the
9 application.

10 So that being said, I just hope that you take
11 into consideration that there has been a lot of work
12 done on behalf of Mr. Smith to get to this point and
13 would create a hardship for him.

14 Thank you.

15 KAREN ZANDER: Could I ask you a question,
16 please, ma'am?

17 ELIZABETH HERNANDEZ: Yes. I'm sorry.

18 KAREN ZANDER: Just to clear up for the record,
19 lawyers don't typically allow themselves to be sworn
20 in here. Are you a lawyer representing someone?

21 ELIZABETH HERNANDEZ: I'm representing -- well,
22 not in this matter, but he is a client of ours, yes.

23 KAREN ZANDER: So are you a lawyer?

24 ELIZABETH HERNANDEZ: Yes.

25 KAREN ZANDER: And you're representing whom?

1 ELIZABETH HERNANDEZ: Well, Phillip -- well, I'm
2 here on behalf of Phillip Smith. I represent his
3 business.

4 KAREN ZANDER: Okay.

5 ELIZABETH HERNANDEZ: Yeah, I'm just here on his
6 behalf.

7 KAREN ZANDER: I just thought we should clarify
8 that for the record.

9 ELIZABETH HERNANDEZ: Yes. I'm just -- I'm not
10 here in an attorney capacity; I'm just here on his
11 behalf. Thank you.

12 GRANT MISTERLY: All right. Any other members
13 of the public?

14 LUTHER STEWART III: Can I rebuke something that
15 was said?

16 GRANT MISTERLY: Are we able to do that, city
17 attorney?

18 JOHN CARY: As always, the allowance of comments
19 are at the discretion of the chair. You've given him
20 his time, but he didn't use the full three minutes.
21 If you want to give him the rest of his time, that
22 would be at your discretion.

23 GRANT MISTERLY: Okay. We'll allow it, but I
24 will remind you to please only speak when speaking
25 into the microphone.

1 LUTHER STEWART III: Swearing in still good?

2 The lady that was up here first said that the
3 lots behind -- on Anastasia, behind the store, belong
4 to the store. That's not so. The store belongs to
5 my son; the lots are mine; they do not go with the
6 store.

7 That's all.

8 GRANT MISTERLY: All right. Thank you.

9 All right. Any other public comments?

10 Seeing none, the public hearing's closed.

11 I think I want to start with maybe staff helping
12 unfold this one a little bit for us.

13 DAVID BIRCHIM: There is a licensed internet
14 cafe that existed at 311 Anastasia Boulevard. It was
15 raided by the St. Augustine Police Department.
16 Frankly, I don't know what its current status is.

17 Prior to the use by exception being applied for
18 at 307 -- which is the case you're hearing today --
19 prior to that, the business owner at 311 applied for
20 a beer and wine license through our office, and it
21 was approved. Now, understand, the beer and wine
22 license is a state license. The city simply signs
23 one box on that state license, which is a
24 zoning-compliance check.

25 So at that time there was no school use within

1 100 feet of that property, and one of our staff
2 members, after checking that, signed off on a beer
3 and wine license. Then the Ark Youth Ministries came
4 in and applied for the school use at 307, which is
5 what's before you today.

6 Before the hearing, the internet cafe is raided
7 by the police department; so I'm not sure what the
8 status of 311 -- that's the Stewart's Market
9 property -- is. But the city has approved a beer and
10 wine license for that property. It's confusing, I
11 realize, but we approved beer and wine license at
12 Luther's market and then the Ark Youth Ministries has
13 come in for acknowledgment that they have a school
14 use at 307.

15 BOARD MEMBER: Mr. Chairman?

16 DAVID BIRCHIM: Hold on.

17 If you approve the use at 307, that does not
18 invalidate the beer and wine license. That property
19 can still use their approved beer and wine license.
20 If the beer -- if that business goes away, we would
21 not be able to approve a new alcohol license for 311
22 Anastasia.

23 GRANT MISTERLY: So because the beer and wine
24 application was made before Ark came in and made an
25 application as a school, they would -- they'd

1 basically get grandfathered in is the argument?

2 JOHN CARY: Their rights are essentially vested
3 when they made the application and to get it approved
4 by the city. So once that was done, their right for
5 use is vested as to that owner for that use.

6 KAREN ZANDER: So nothing we do here is going to
7 affect the fact that they can serve their beer and
8 wine at that location right now unless they were to
9 close and a new ownership would take over?

10 JOHN CARY: The ordinance that requires the 100
11 feet is to prevent an application for an
12 alcoholic-serving establishment, other than a
13 restaurant, to be located within 100 feet of a
14 school. It doesn't prevent a school from locating
15 within 100 feet of a bar.

16 BOARD MEMBER: Oh.

17 CHRISTINA OPSAHL: So would it -- the beer
18 and -- because we have a tenant in the Stewart's
19 property; it's a tenant; and so it would be the beer
20 and license for the internet cafe only. So if
21 another tenant came in with a different business, it
22 would affect their license.

23 JOHN CARY: The other tenant has already applied
24 and been approved.

25 SARAH SHIPP RYAN: This other bar.

1 JOHN CARY: So the internet cafe is, as I
2 understand it -- and I'm not testifying here; I'm
3 just giving you my understanding -- is that the
4 internet cafe is closed down --

5 BOARD MEMBER: Right.

6 SARAH SHIPP RYAN: And a new establishment is
7 coming in its place that is a bar and has been
8 applied for and approved for beer and wine use as
9 they have a right to do so in this zoning category.

10 BOARD MEMBER: Mr. Chair?

11 GRANT MISTERLY: And that would just stick with
12 this new business; it wouldn't be associated with
13 that property.

14 JOHN CARY: Right. And I think that's why
15 the -- they're here is because they want to
16 protect --

17 GRANT MISTERLY: Right.

18 JOHN CARY: -- use for future tenants as they may
19 arise. It won't impact the current tenant who
20 testified.

21 GRANT MISTERLY: Okay. Mr. Blow, you've --

22 J. CARL BLOW: Yeah. Basically, I'm looking at
23 CL 2, and under the CL 2 zoning you have the right
24 to -- correct me if I'm wrong -- establish a facility
25 for the retail sale or service of alcoholic beverages

1 either for on-premises or off-premises consumption or
2 both, but not a drive-in.

3 JOHN CARY: Right.

4 J. CARL BLOW: In other words, as you said, you
5 just signed a box on a state form. They have a
6 vested right to sell alcohol. Is that not correct?

7 JOHN CARY: But if there's a -- if there's an
8 existing bar within 100 feet of that -- or existing
9 school within 100 feet of that location, then it
10 would violate Section 4-2 of the ordinances; so we
11 wouldn't sign off on it.

12 But because this property -- even if it has been
13 used as a school, never applied as a school, has
14 never been a recognized use by the city as a school,
15 the staff signed off on it -- and I'm encroaching a
16 little bit into David's area here, but --

17 J. CARL BLOW: Well, my next question is when --
18 and we'll have to ask the applicant this, I guess.
19 But when you say it's a school, is it a charter
20 school that's administered by the St. Johns County
21 School Board, or is it more of a, you know, religious
22 school that -- I mean, in other words, our definition
23 of a school to me is a school that comes under the
24 jurisdiction of the State of Florida that you --

25 BOARD MEMBER: It's interesting.

1 J. CARL BLOW: You know, in the case of charter
2 schools, charter schools are administered by the
3 school board in that county. So, I guess, my
4 question is, is this a school -- is this truly a
5 school under our definition of a school? I mean --

6 BOARD MEMBER: Is there any --

7 J. CARL BLOW: Because I looked at their
8 website, and it seemed to be the curriculum was all a
9 religious curriculum, and I don't know if that would
10 meet the --

11 GRANT MISTERLY: Let's let the city attorney
12 answer. I think he --

13 JOHN CARY: Yeah. The definition for school in
14 the city code doesn't rely on having any sort of a
15 state license or anything like that. So if they're
16 holding themselves out as a school and if they have
17 students and they look, talk, and act like a school,
18 then for the purpose of our city code, they're a
19 school.

20 Now, whether they subsequently get a state
21 license of some sort or not is kind of immaterial to
22 this application because they need to apply for the
23 zoning, I think, before they can even send up
24 their -- whatever accreditation stuff they would --
25 that would go to the state.

1 So you're -- what you're doing is approving or
2 not approving the use for the land as a school.

3 KAREN ZANDER: I actually don't see a definition
4 of school in our code. Do you?

5 JOHN CARY: No.

6 J. CARL BLOW: So what is a school?

7 GRANT MISTERLY: Yeah. So, I mean, you're
8 basically bringing up the point where they have --
9 they have zoning that allows alcohol sales --

10 J. CARL BLOW: Well, I guess where I'm --

11 GRANT MISTERLY: -- but a neighbor could move in
12 and --

13 J. CARL BLOW: Where I'm going here is --

14 GRANT MISTERLY: -- usurp that.

15 J. CARL BLOW: -- is I'm trying to figure out a
16 way for the Stewarts to --

17 KAREN ZANDER: No. It's existing.

18 J. CARL BLOW: -- utilize their property as well
19 as the -- Mr. King to do what he wants to do on his
20 property. In other words, cut the baby -- you know,
21 in other words, have everybody --

22 KAREN ZANDER: Well, you can. You can right
23 now, because the vested rights of the liquor license
24 are already there with this tenant. So that's not
25 going to go away.

1 J. CARL BLOW: Right.

2 KAREN ZANDER: If we approve this, there will
3 be -- whatever his definition of school is will be
4 there as will the bar.

5 J. CARL BLOW: Well, I guess my issue is --

6 GRANT MISTERLY: But if this bar goes out of
7 business in a year --

8 KAREN ZANDER: But that happens all the time
9 with a liquor license.

10 GRANT MISTERLY: -- then it won't.

11 JON DEPRETER: It won't go with the property.

12 KAREN ZANDER: But that's how it works with
13 liquor licenses.

14 GRANT MISTERLY: And I think that's the property
15 owner's concern.

16 J. CARL BLOW: But a little concerned about --
17 we have a pretty loose definition of what a school
18 is.

19 GRANT MISTERLY: There is no definition,
20 actually.

21 J. CARL BLOW: Or there is no definition.

22 GRANT MISTERLY: I don't know --

23 J. CARL BLOW: To me, when I read "school," I
24 had the feeling, okay, this is like a charter school;
25 it's administered by the school board; and it meets

1 the criteria for getting an education under the state
2 law. But --

3 JON DEPRETER: Do you get any -- does owner get
4 any accreditation -- is there any --

5 JOHN CARY: Yeah, there is. There's an
6 accreditation certificate in your packet there.

7 JON DEPRETER: Meaning that they get credits
8 that would apply, say, to a high school degree or a
9 college degree?

10 JOHN CARY: Oh, you'd have to ask the applicant
11 that.

12 J. CARL BLOW: Yeah, that would be my separating
13 line.

14 GRANT MISTERLY: So let's -- I guess, you know,
15 this is an interesting story, how it all intertwines.
16 But, ultimately, I just want to refer back to our
17 board and determining use by exceptions and whether
18 any of that really pertains or not.

19 So we are granting exceptions that says -- means
20 that the use would not be appropriate generally
21 without restriction throughout the zoning district
22 but which, if controlled as to the number, area,
23 location, or relation to the neighborhood, would
24 promote the public health, safety, welfare, morals,
25 order, comfort, convenience, appearance, prosperity,

1 or general welfare.

2 So when I hear of liquor license, potential
3 impacts to future use of the adjacent property, I'm
4 trying to think of how that might fit into this
5 definition of an exception. And the only place where
6 it might could fit in would be relation to the
7 neighborhood. But outside of that, I don't really
8 see where any of this --

9 MAURICE MORISSETTE: Talking about a different
10 property; not talking about the property that's
11 asking for the exception.

12 KAREN ZANDER: Correct. Correct.

13 MAURICE MORISSETTE: So, I mean, I don't think
14 it's relevant at all.

15 KAREN ZANDER: I don't think that we should base
16 our decision on what could or couldn't happen with a
17 future tenant because we always have those -- to your
18 point -- we always have those things that could or
19 couldn't happen. We have to look at what's here
20 before us. I'm not -- it's not -- I don't believe
21 that it's the duty of this board to protect a
22 property owner's right to lease to someone who wants
23 to do a bar. It's -- we have to look at what's
24 before us right here right now.

25 I would like to ask the staff, the application

1 that's before us today, that -- if I'm understanding
2 correctly, that was -- this application was generated
3 solely because the applicant chose to come in and ask
4 for this use. The city did not say, "You need to --
5 you need to get this properly -- this -- you need to
6 be proper in your licensing"; that was solely
7 something that the applicant chose to come in and ask
8 for at this time; correct? There was no code
9 enforcement violation; there was no --

10 JOHN CARY: No, there was no code enforcement
11 case that promulgated this.

12 JON DEPRETER: Do we have an idea why that --

13 MAURICE MORISSETTE: It's not relevant why they
14 came in.

15 KAREN ZANDER: Well, I wanted to make sure --

16 MAURICE MORISSETTE: You're asking for an
17 exception.

18 KAREN ZANDER: I wanted to make sure that the
19 city staff didn't cite them for code enforcement
20 which caused them to come in --

21 SARAH SHIPP RYAN: I agree.

22 KAREN ZANDER: -- which would sort of be
23 relevant to me.

24 And so, in addition to that, how is it that
25 they've been able to operate this entire time as a

1 school -- or the majority of the time as a school
2 without having the proper --

3 J. CARL BLOW: Yeah, but there's no definition
4 of a school.

5 KAREN ZANDER: But that's not -- I want to hear
6 from the city. Did it just fall through the cracks,
7 or did they -- did they tell you it was something
8 originally and it ended up being something else?

9 DAVID BIRCHIM: Well, our paperwork indicates
10 that it was reviewed and CO'd as a teen crisis
11 center, teen pregnancy center, homeless outreach
12 center, essentially an office for social services.

13 KAREN ZANDER: Okay.

14 DAVID BIRCHIM: We were not aware that they were
15 operating a school, if they are, until this issue
16 came up with neighbors talking about each other, etc.
17 At that time they applied for the use by exception.
18 By the time they applied for the use by exception,
19 the neighboring property owner had already received
20 permission for a beer and wine license, which leads
21 us to where we are today.

22 KAREN ZANDER: And one more quick question of
23 you, David. Is there any shared parking between the
24 Stewart market property and this applicant?

25 DAVID BIRCHIM: Not that I'm aware of, no.

1 KAREN ZANDER: Okay. Thank you.

2 SARAH SHIPP RYAN: I want to go back to Grant's
3 comment, though, about relation to the neighborhood,
4 because I -- I am struggling with that. By allowing
5 this use by exception next door, it is removing a use
6 that a property owner has had by right in their
7 zoning, so that you're, in effect, affecting their
8 use to use their building in the future.

9 You know, whether that's right or wrong or the
10 evolution of the city, I do have a concern about
11 granting this and then taking away someone else's use
12 for their property. So it's just something that we
13 can discuss.

14 J. CARL BLOW: Well, I would argue that -- is it
15 really a school or not? Unless there's nothing in
16 the code that says, okay, this is what a school is,
17 then if they got another tenant and they wanted to
18 sell beer and wine and the argument was, "Well, we're
19 operating a school next door," I'd say, "Well, tell
20 me what a school is." Right?

21 GRANT MISTERLY: Well, that's how it comes to
22 this. If we approve this as a school, then we've
23 just said this is a school.

24 J. CARL BLOW: Yeah. But it seems like there's
25 a flaw here.

1 KAREN ZANDER: But we can only use what we have
2 before us today. We can't rewrite the code right
3 now. We've got to use what is before us today and --

4 CHRISTINA OPSAHL: Well, I guess, what they're
5 bringing before us, to me the definition of a school
6 would matter, because the application is to approve a
7 use for a private school. Is it a necessary
8 application if it's not a school?

9 KAREN ZANDER: I think, then, we need to really
10 get the city attorney to --

11 SARAH SHIPP RYAN: Right. I know.

12 KAREN ZANDER: -- go on record as what is our
13 definition of school.

14 JOHN CARY: When a term isn't defined in the
15 ordinance, you use the ordinary meaning of the word
16 to determine what it means. And whatever the normal
17 understanding of what a school is, is how you would
18 evaluate the use.

19 So I realize that's not great guidance. I mean,
20 I could look up a dictionary definition on
21 dictionary.com, if you want me to, to read it into
22 the record, or Merriam-Webster or something, but
23 since it's not defined in the code, it's just the
24 ordinary understanding of the meaning "school."

25 Now, "school" doesn't necessarily -- I would

1 just point out -- mean something operated by the
2 St. Johns County School Board, whether it be a public
3 school, charter school.

4 BOARD MEMBER: Day care.

5 JOHN CARY: You know, we've got CPS downtown.
6 That's clearly a school. Nobody would argue that
7 it's anything but a school. And St. Johns County
8 doesn't operate it, doesn't license it, to the best
9 of my knowledge. They're accredited through however
10 they get accreditation through their church, I
11 presume.

12 And so, you know, there's not necessarily a
13 formal definition, since it's not defined in the
14 code, as to what a school is. It's just the normal
15 use of what you would consider a school under the
16 ordinary meaning of the word.

17 CHRISTINA OPSAHL: So if we -- let's just say --
18 we know what would happen if we approve it, I think,
19 and the effect on tenants and the neighboring
20 properties, as well as the school themselves. If we
21 were to deny it, then would they, Ark, continue to be
22 able to operate as they have been in the past? And
23 then, if there were any other establishments that
24 would move for any liquor licenses with the State of
25 Florida, then that would be up to the state to

1 determine whether it was within 100 feet of a school
2 or not?

3 JOHN CARY: We -- well, I'll answer the second
4 question, because we certify to the state that it's
5 within 100 feet of the school. They don't come
6 evaluate that. The first question, I think, is a
7 staff matter for David to answer, as far as if they'd
8 be able to continue operating.

9 DAVID BIRCHIM: If you determined right now that
10 they are not operating a school, then they could
11 continue to operate their business with the social
12 services licensure that they already have, and
13 nothing would change, and bars could open and close
14 next door.

15 GRANT MISTERLY: I just want to point out, I
16 think -- I appreciate that logic path, but I also
17 want to say that that has the opposite effect, where
18 a lot of times we have day care/schools coming before
19 us for this use by exception. If we were to make the
20 assumption that a school that offers degrees for
21 people from elementary through college age is not a
22 school, that would open up the doors for everybody to
23 operate all kinds of school in St. Augustine and not
24 ever come before this board. So there's a
25 consequence of taking that approach.

1 MAURICE MORISSETTE: But what's the degree?

2 JON DEPRETER: I don't understand what the
3 degree is.

4 MAURICE MORISSETTE: I mean, they're doing it --
5 I mean, they're doing it now; right?

6 BOARD MEMBER: Yeah.

7 MAURICE MORISSETTE: They can now.

8 KAREN ZANDER: I think that's because they
9 applied for something different than what the city
10 feels they may be doing now. They didn't say in the
11 original application that they were going to have a
12 crisis service center offices, oh, and, by the way,
13 classrooms and a school.

14 GRANT MISTERLY: College degrees.

15 KAREN ZANDER: Yes. They said, "We have this,"
16 but now they're saying, "No, we want to be a school
17 as well."

18 So while they may be operating as that, they
19 didn't tell -- the business license doesn't reflect
20 that.

21 DAVID BIRCHIM: Right. And they have signage up
22 that identifies them as a school and a college, but I
23 point out that we never issued sign permits for those
24 signs. We saw those when we were out through this
25 process, advertising this hearing. So they'll have

1 to come back -- if this is approved -- come back and
2 get after-the-fact sign permits, but we were not
3 formally aware of any school use on that property.

4 KAREN ZANDER: When you said, Grant, they got a
5 degree, what's the degree in?

6 GRANT MISTERLY: The information that was passed
7 out showed credit hours and biblical and theological
8 degrees.

9 JON DEPRETER: Oh, okay. Thank you.

10 GRANT MISTERLY: Okay. So we have had quite a
11 bit of board discussion. I'd like to invite the
12 applicant back up at this point.

13 Do board members have any questions for the
14 applicant that will help take us towards some sort of
15 motion in determining whether to grant or deny this
16 exception request?

17 J. CARL BLOW: I don't know if I have a question
18 that will do that, but I've got a --

19 GRANT MISTERLY: That's the bar you've got to
20 meet, Carl. I know you got lots of questions.

21 J. CARL BLOW: I just want -- Mr. King?

22 CALVIN KING: Yes, sir.

23 J. CARL BLOW: If I put my eight-year-old child
24 in your school and this child attended through, I
25 guess, 12th grade, would they receive a diploma that

1 would be recognized by the State of Florida?

2 CALVIN KING: Yes, sir.

3 J. CARL BLOW: They would?

4 CALVIN KING: Uh-huh.

5 J. CARL BLOW: Okay. So they could, with that
6 the diploma, apply for -- to any state college?

7 CALVIN KING: Yes, sir. We have students that
8 have graduated that are in state colleges today.

9 J. CARL BLOW: And in state colleges. Okay.

10 BOARD MEMBER: So your curriculum includes the
11 core --

12 CALVIN KING: Core academics for --

13 BOARD MEMBER: -- core academic standards --

14 CALVIN KING: Yes.

15 BOARD MEMBER: -- that are recognized by the
16 state?

17 CALVIN KING: Yes, sir. Absolutely.

18 BOARD MEMBER: So someone could get a degree
19 from you on a high school level, use those degrees to
20 apply for college?

21 CALVIN KING: Yes, sir.

22 BOARD MEMBER: Is that what I'm hearing?

23 CALVIN KING: Yes, sir. And we're accredited
24 through an accrediting agency that's nationally
25 known, that the State of Florida recognizes.

1 GRANT MISTERLY: And you have not been doing
2 this on the property up until this point? Now you're
3 doing it and --

4 CALVIN KING: No, we've always --

5 GRANT MISTERLY: -- that's why you want to --

6 CALVIN KING: We built the -- we actually built
7 the building for the purpose of housing our different
8 programs. We operate some programs outside the
9 building. We're at the deaf and blind school and in
10 some of the high-crime/low-income neighborhoods in
11 the city. And we wanted a place to base our outreach
12 programs. We were approved when we -- when all this
13 started, we were approved for emergency runaway.

14 I had to change my plans to -- the city had me
15 change my plans on two occasions to accommodate
16 classrooms for the kids that we would be dealing with
17 to be able -- for them to continue their education.
18 We had what was called consultation rooms now. At
19 one time they were rooms for stay-over or emergency
20 care or -- now the only place that we have for our
21 stay-over is our caretakers' quarters. And your fire
22 marshal will attest to that. He -- they were just
23 in; and, because I'm a school, I had to put three
24 pull stations and strobes and sirens.

25 BOARD MEMBER: Oh, yeah. No.

1 CALVIN KING: And so I just went through that
2 and -- the expense of that.

3 But we -- when we built the building -- we moved
4 from 321. We built the building with the
5 understanding of -- and, in fact, the city helped me
6 recreate my plans to accommodate all the different
7 things we're going to do. What happened was, when
8 they licensed me, if I'm not mistaken -- and I
9 mentioned this to Mr. Regan the other day. I think
10 they used Access E Holdings because it was still on
11 an occupancy license that I had. And I think it was
12 just a clerical error, because after they made me do
13 all of those changes to accommodate all of my
14 programs, then to not classify me as that
15 multipurpose would be -- I mean, you know, so -- and
16 I talked with Mr. Birchim about all that, and he has
17 the plans, and I showed him and -- where they were
18 revised to accommodate the classrooms. I assume you
19 have a copy of that.

20 But we've always been what we are. And as a
21 Christian school, we have really strived to make sure
22 that our curriculum is as good or maybe even better
23 than some of the public academic programs. And so --
24 and we have a good record. We have a good rapport
25 with St. Johns County school district. We've had

1 them call us to take kids that -- for whatever
2 reason -- pregnant teenagers, different reasons,
3 they've sent them to us so they could continue their
4 education.

5 And I did not know that we were not classified
6 as that multipurpose use until I was there -- until
7 they -- my partner there, Andy, he -- he listened to
8 the review meeting. I said, "Well, I don't" -- and I
9 read the state statute that said they can't have a
10 bar within 200 feet. I didn't really know at that
11 time what the city's were. But I said, "I don't
12 think" -- and when Mr. Smith came to me and talked to
13 me about it, he came into my office, and he said -- I
14 said, "Well, what are you going to do?"

15 He said, "Well, we're going to have like a
16 little" --

17 GRANT MISTERLY: Can I stop you there? I just
18 want to -- I don't know how pertinent that
19 information is to what we're deciding here; so I want
20 to stop you there.

21 And I'll just throw out for the board how I'm
22 viewing this, and then we can debate it from there.
23 But based on the applicant's testimony that they have
24 a curriculum that yields a diploma that is recognized
25 by the university system as a diploma, to me it's a

1 school.

2 JON DEPRETER: I agree.

3 GRANT MISTERLY: They have been operating in
4 this location for ten years, and we had testimony
5 from an adjacent neighbor that they have been a good
6 neighbor. So when I look at the criteria for
7 exception, it says, you know, would promote public
8 health, safety, welfare, moral order, all those
9 things. Well, we have ten years of history here. We
10 didn't have a roomful of people complaining about
11 them. In fact, we had somebody speak up on their
12 behalf.

13 So, in my opinion, we have a school that's been
14 here operating for ten years. We're cleaning up an
15 item where maybe they hadn't been classified properly
16 previously through this. So, in my opinion, I'm in
17 support of this application, and I'll throw it out to
18 y'all to debate that.

19 J. CARL BLOW: Do you want to make a motion?

20 GRANT MISTERLY: I'm happy to do that if the
21 board feels --

22 J. CARL BLOW: I'll second it just to keep --

23 BOARD MEMBER: It's fine with me.

24 J. CARL BLOW: Yeah.

25 SARAH SHIPP RYAN: I guess on previous

1 applications with schools, though, we've asked -- and
2 I know you've been running for ten years -- but hours
3 of operation, if they're drop-off. You know, is
4 there any other specifics that you'd want to include
5 or --

6 GRANT MISTERLY: I know -- and I'm going to go
7 back. I remember there was one behind the AutoZone
8 on U.S. 1, and there's been a couple over the years
9 where we've had some enrollment figures that maybe
10 were tied to some city requirement.

11 Is that true, David?

12 DAVID BIRCHIM: No. The city requirements are
13 actually tied to parking, which are tied to the
14 classrooms. He has given you enrollment numbers.
15 It's a very small institution. It looks like it's
16 got about 22 total students in elementary, high
17 school, and college programs. So it's a very small
18 institution.

19 BOARD MEMBER: Yeah, I think the parking's going
20 to dictate the number of students. Absolutely.

21 GRANT MISTERLY: Okay. So do we need to, in
22 this motion, quantify enrollment, or will parking
23 code violations trigger that in and of itself?

24 DAVID BIRCHIM: We would look at that
25 administratively, if they grew.

1 GRANT MISTERLY: Okay. And Ms. Ryan asked about
2 hours of operation. Do you want to -- I do believe
3 we've put those sorts of restrictions to protect the
4 surrounding community from weekend events and stuff
5 like that.

6 MS. RYAN: Yeah. Or just have it on the record
7 to --

8 CALVIN KING: We're there from 8:30 a.m. until
9 6:00 p.m. in the evening. And our college classes,
10 for the students that we have in college, are from
11 6:00 until 10:00 p.m. So it's two separate --

12 BOARD MEMBER: So 8:00 to 10:00 is what I'm
13 hearing.

14 CALVIN KING: Yes, sir. Pretty much, yes, sir.

15 BOARD MEMBER: 8:00 a.m. till 10:00 p.m.

16 GRANT MISTERLY: And this is -- this is in a
17 commercial corridor, and I think in the past, when
18 we've looked, there have been some day cares and some
19 other things where we've put restrictions. It's been
20 in more of a residential neighborhood, where we've
21 wanted to protect the neighbors from --

22 SARAH SHIPP RYAN: We've had some traffic and
23 parking issues, I think, which probably not as
24 relevant here.

25 GRANT MISTERLY: Yeah.

1 JON DEPRETER: Well, I think there's a lot of
2 activity on the boulevard anyway.

3 SARAH SHIPP RYAN: Right.

4 JON DEPRETER: So I personally don't see this
5 would be a problem, particularly given those hours.

6 J. CARL BLOW: There's a question that's really
7 gnawing on me I'd like to ask Mr. King, but I don't
8 know if it's a fair question, so you don't have to
9 answer it.

10 CALVIN KING: You go ahead, sir.

11 J. CARL BLOW: But I'm going to ask you, and you
12 don't have to answer it, and it won't affect how I
13 will vote.

14 GRANT MISTERLY: That just right there probably
15 says we shouldn't ask it, Carl.

16 BOARD MEMBER: Don't do it.

17 J. CARL BLOW: Well, no. But, I mean, as you
18 know, you have a neighbor next door to you, and they
19 have a piece of property they've owned a long time.

20 CALVIN KING: Yes, sir.

21 J. CARL BLOW: And I guess the question is --
22 and it's zoned for the use of -- currently -- the
23 sale of alcohol. If the situation occurs in the
24 future where they needed an exception to continue to
25 sell alcohol --

1 GRANT MISTERLY: Yeah. Carl, I'm going to -- I
2 have the same question, but I don't want to ask it
3 because that's not pertinent to --

4 KAREN ZANDER: Please -- please don't.

5 GRANT MISTERLY: -- criteria of a use by
6 exception. So let's stop there so we don't muddy the
7 waters.

8 JOHN CARY: The code wouldn't allow a school to
9 waive that requirement anyway. It's a code
10 requirement.

11 JON DEPRETER: Oh, that was the question I was
12 going to ask.

13 J. CARL BLOW: Well, that's a good -- so
14 basically, in the future, since we've established
15 this is a school and there was a tenant change-out
16 next door, then they're forever barred from --

17 KAREN ZANDER: No. They could sell the
18 business.

19 J. CARL BLOW: They could sell the business with
20 the exception, but they couldn't --

21 KAREN ZANDER: Uh-huh. They can sell the
22 business.

23 DAVID BIRCHIM: Today you're just looking at a
24 use by exception for a school, not strategizing for
25 what could happen next door in the future.

1 GRANT MISTERLY: Okay. So let's bring it back.
2 It sounds like -- one last thing. Ms. Ryan, were you
3 okay with no -- none of the conditions on operation
4 hours?

5 SARAH SHIPP RYAN: Yeah. I just wanted to
6 clarify that. I also want to make sure that -- okay.
7 I'm not going to go there.

8 GRANT MISTERLY: Okay. Then I'm going to say,
9 based on the fact that I believe this does qualify as
10 a school and based on it operating over the past ten
11 years as such, with public testimony that said they
12 were a good neighbor, I make a motion to approve use
13 by exception 2019-006.

14 J. CARL BLOW: And I'll second that, but I'd
15 like to comment that I think we should visit the
16 definition of a school at some point in the future to
17 help clarify that.

18 GRANT MISTERLY: I don't disagree with that. I
19 think that's a fair thing to request.

20 All right. Any other discussion from the board?

21 BOARD MEMBER: No.

22 BOARD MEMBER: No.

23 GRANT MISTERLY: Okay. Could we have a roll
24 call, please.

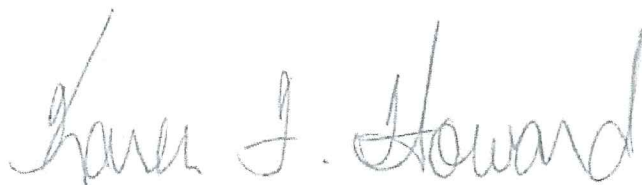
25 RECORDING SECRETARY: Grant Misterly.

1 GRANT MISTERLY: Yes.
2 RECORDING SECRETARY: Carl Blow.
3 J. CARL BLOW: Yes.
4 RECORDING SECRETARY: Maurice Morissette.
5 MAURICE MORISSETTE: Yes.
6 RECORDING SECRETARY: Christina Opsahl.
7 CHRISTINA OPSAHL: Yes.
8 RECORDING SECRETARY: Jon DePreter.
9 JON DEPRETER: Yes.
10 RECORDING SECRETARY: Sarah Ryan.
11 SARAH RYAN: No.
12 RECORDING SECRETARY: Karen Zander.
13 Karen ZANDER: Yes.
14 GRANT MISTERLY: All right. Thank you.
15 - - -
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, Karen F. Howard, Registered Professional Reporter,
Florida Professional Reporter, do hereby certify that I was
authorized to and did transcribe the foregoing audio/video
file and that the transcript is true and accurate to the best
of my ability.

Dated this 4th day of July, 2019.

A handwritten signature in cursive script that reads "Karen F. Howard". The signature is written in dark ink and is positioned above a horizontal line.

Karen F. Howard
Registered Professional Reporter
Florida Professional Reporter

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: June 25, 2019

RE: ORDINANCE 2019-12: REGULATIONS FOR AIRCRAFT AND PUBLIC AIRPORTS

Please find attached Ordinance 2019-12 regarding zoning regulations for aircraft and public airports within the city limits.

This ordinance is intended to provide protections for the City's numerous historical landmarks, heavily congested waterways, high volume of tourists and its citizens, all of whom are vulnerable to damage or injury in the event of a crash or other malfunction during takeoff or landing of an aircraft, by limiting the zoning districts where this activity is permitted and encouraging the use of the Northeast Florida Regional Airport's facilities and equipment, including a designated seaplane ramp.

Please place Ordinance 2019-12 on the regular City Commission agenda for second reading on July 8, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Tim Burchfield, Assistant City Manager
David Birchim, Planning & Building Director
Darlene Galambos, City Clerk

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING ARTICLE I, SECTION 28-2 TO INCLUDE DEFINITIONS FOR AIRCRAFT AND PUBLIC AIRPORT; AMENDING ARTICLE III, DIVISION 6, SECTION 28-246 TO ALLOW PUBLIC AIRPORT AS A PERMITTED USE BY EXCEPTION IN OPEN LANDS DISTRICTS; CREATING ARTICLE IV, DIVISION I, SECTION 28-355 TO ESTABLISH ZONING LIMITATIONS FOR AIRPORTS AND AIRCRAFT; PROVIDING FOR SEVERABILITY; 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 City of St. Augustine has implemented district zoning regulations in order to protect the public health, safety, and general welfare of the city; and,

WHEREAS, pursuant to Florida Statutes 330.36(2), a municipality may prohibit or otherwise regulate, for specified public health and safety purposes, the landing of seaplanes in and upon any public waters of the state which are located within the limits or jurisdiction of, or bordering on, the municipality; and

WHEREAS, Section 3.02 the Charter of the City of St. Augustine provides the City Commission with the authority to license and regulate all and every manner and kind of air vessels operated over the city; and to stipulate the height at, and the manner in which said air vessels may be operated above the area included in the city limits; and

WHEREAS, the City limits of the City of St. Augustine measure 12.74 square miles in area and there are 42 National Historic Landmarks designated by the National Register of Historic Places located within the City limits; and

WHEREAS, there are approximately 3.70 miles of waterway between the Mickler-O'Connell Bridge at State Road 312 and the Francis and Mary Usina Bridge at Vilano and located within this limited area are 84 privately owned docks and marinas, in addition to the City of St. Augustine Marina and mooring field; and

WHEREAS, more than 6.3 million tourists traveled to St. Johns County 2017, according to statistics provided by the St. Johns County Tourist Development Council, and 99% percent of tourists surveyed visited and walked through the historic sites of the City of St. Augustine; and

WHEREAS, the City's numerous historical landmarks, including the Castillo de San Marcos located just 85.5 feet from the Matanzas River, its heavily congested waterways, high volume of tourists, as well as its citizens are all vulnerable to damage or injury in the event of a crash or other malfunction during an airplane or seaplane takeoff or landing; and

WHEREAS, the Northeast Florida Regional Airport, originally owned by the City and transferred to the St. Augustine/St. Johns County Airport Authority by way of deed in 1965, is located approximately 4.22 miles north of the Francis and Mary Usina Bridge at Vilano and is a permitted public airport with safety equipment and an air traffic control tower that is available for use by both corporate and private aircraft, including a designated seaplane ramp; and

WHEREAS, after review the Planning and Zoning Board recommended approval of this ordinance at its July 2, 2019 regular meeting; 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.

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 of the Code of the City of St. Augustine, is hereby amended as follows:

Sec. 28-2. Definitions.

...

Aircraft means any machine supported for flight in the air by buoyancy or by the dynamic action of air on its surfaces and piloted from within the aircraft, including airplanes, seaplanes, helicopters, gyroplanes, gyrocopters, gliders, and hot air balloons.

...

Public Airport means a tract of land or water with facilities for the landing, takeoff, and taxiing of aircraft, as well as related ancillary shelter, supply and repair of

aircraft, permitted under state and federal law as an airport for public use. This definition does not include facilities used primarily for the manufacturing of aircraft, which are allowed under zoning districts for manufacturing and industrial uses.

...

Section 2. Amendment to Chapter 28, Article III, Division 6, Section 28-246. Chapter 28, Article III, Division 6, Section 28-246 of the Code of the City of St. Augustine, is hereby amended as follows:

Sec. 28-246. - Open lands district: OL.

...

(3) Permitted uses by exception:

- a. See section 28-347.
- b. Radio or television broadcasting office, studio, transmitter, antenna and line-of-sight relay device.
- c. Racetrack for vehicles or animals.
- d. Animal hospital, veterinary clinic, animal boarding place, fur farm, dog kennel, provided no structure for the housing of animals shall be located within two hundred (200) feet of any residence.
- e. Caretaker residence.
- f. Commercial hunting or fishing camp.
- g. Mobile home on individual lots provided that no subdivision plat shall be recorded for such use in this district.
- h. Restaurant and refreshment stand (but not drive-in).
- i. Public Airport, if not GU zoning.
- j. Not-for-profit clubs.
- k. Travel trailer park.
- l. Sale of antiques, gift, souvenir and craft shops.

...

Section 3. Creation of Chapter 28, Article IV, Division I, Section 28-355. Chapter 28, Article IV, Division I, Section 28-355 of the Code of the City of St. Augustine, is hereby created as follows:

Sec. 28-355. Zoning limitation of Airports and Aircraft.

Other than at lawfully permitted public airports in OL or GU zoning districts, no zoning district in the City allows for the construction, operation, or maintenance of an airport. Take off, landing, or taxiing an aircraft is limited to public airports in the allowable zoning districts. Emergency landings or take offs in support of the military, law enforcement, or medical teams is allowed in all zoning districts. Marinas or dock uses do not include seaplane take off, landing or taxiing in that use.

Section 4. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Section 28-2, Section 28-246, and Section 28-355 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 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 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 _____, 2019.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: June 25, 2019

RE: ORDINANCE 2019-13: ANNUAL END OF YEAR SALARY SUPPLEMENT

Please find attached Ordinance 2019-13. This ordinance codifies the city's procedures for its annual end of year salary supplement, colloquially referred to in the past as a Christmas bonus. The amount of the supplement varies from \$25.00 to \$200 and is based on a satisfactory work performance and seniority. The salary supplement calculations will be presented as part of the budget annually for the City Commission's approval.

Please place Ordinance 2019-13 on the regular City Commission agenda for second reading on July 8, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Tim Burchfield, Assistant City Manager
Darlene Galambos, City Clerk

ORDINANCE NO. 2019-13

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF ST. AUGUSTINE; CREATING ARTICLE IV, DIVISION 3, SECTION 2-127 TO ESTABLISH AN ANNUAL END OF YEAR SALARY SUPPLEMENT FOR CITY EMPLOYEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, consistent with §215.425, Florida Statutes, the City's annual salary supplement policy is based on each employee's satisfactory work performance in completing the tasks identified in their job description during their annual review, as conducted by the City of St. Augustine's Human Resources department; and

WHEREAS, all city employees are considered for this annual end of year salary supplement, and by adoption of this ordinance, each city employee is notified that the annual salary supplement is based on a satisfactory work performance, and years of seniority within City of St. Augustine employment; and

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

WHEREAS, the City Commission for the City of St. Augustine 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 FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Creation of Chapter 2, Article IV, Section 2-127. Chapter 2, Article IV, Section 2-127 of the Code of the City of St. Augustine, is hereby created as follows:

Sec. 2-127. - Annual end of year salary supplement.

The City of St. Augustine, Florida, is hereby authorized and empowered to pay, to each of its officers and employees an end of calendar year salary supplement based on a satisfactory or above work performance in their last evaluation, and seniority in employment with the city. That such salary

supplement, if approved, will be in addition to and in no manner in lieu of any other regular compensation paid to such officer and employee, less all necessary deductions. Any salary supplement will be identified and determined annually in the adopted city budget, and if approved, disbursed from budgeted funds now on-hand in the city treasury.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 2, Article IV, Division 3, Section 2-127 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2019.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

ITEM 8.A.3.
Ord. 2019-14

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

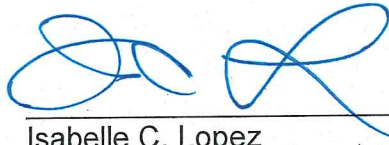
DATE: June 25, 2019

RE: ORDINANCE 2019-14: REPEAL OF OBSOLETE, PREEMPTED, OR SUPERSEDED SECTIONS

Please find attached Ordinance 2019-14. Consistent with the City Commission's direction to our office regarding the amendments to the City Charter, we are presenting an ordinance to remove all sections previously identified as obsolete, preempted or superseded.

Please place Ordinance 2019-14 on the regular City Commission agenda for second reading on July 8, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Tim Burchfield, Assistant City Manager
Darlene Galambos, City Clerk

ORDINANCE NO. 2019-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO REMOVE ALL SECTIONS PREVIOUSLY IDENTIFIED AS BEING OBSOLETE, PREEMPTED AND SUPERSEDED; PROVIDING FOR INCLUSION IN THE CHARTER 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 City's Charter has not been thoroughly revised since 1925, and the City Commission determined at its April 3, 2019 public workshop that a revision of its Charter was overdue; and

WHEREAS, public comment was taken, and after presentation by staff and Commission deliberation, the City Commission directed the City Attorney to draft a revision of the Charter to remove all superseded, preempted, or abolished sections of the Charter that were previously identified in editor's notes; 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. Repeal of Part I, Article I, Sections 1.02, 1.05, 1.06, 1.07, 1.09, 1.11 through 1.14, and 1.16 through 1.21. Part I, Article I, Sections 1.02, 1.05, 1.06, 1.07, 1.09, 1.11 through 1.14, and 1.16 through 1.21 are hereby repealed in their entirety, as follows:

~~Sec. 1.02. Existing municipality abolished.~~

~~Editor's note~~ ~~Section 1.02 was derived from Laws of Fla. (1925) ch. 11148, § 1. It has been deleted as obsolete.~~

~~Sec. 1.05. Obligations not to be impaired.~~

~~Editor's note~~ ~~Section 1.05 was derived from Laws of Fla. (1925) ch. 11148, § 1. It has been deleted as obsolete.~~

~~Sec. 1.06. Officers to continue in office; ordinances unimpaired.~~

~~Editor's note~~ ~~Section 1.06 was derived from Laws of Fla. (1925) ch. 11148, § 4. It has been deleted as obsolete.~~

~~Sec. 1.07. — Liens not impaired by act.~~

~~Editor's note~~ — ~~Section 1.07 was derived from Laws of Fla. (1925) ch. 11148, § 4. It has been deleted as obsolete.~~

~~Sec. 1.09. — Property excluded to pay pro rata share of debts.~~

~~Editor's note~~ — ~~Section 1.09 was derived from Laws of Fla. (1933) ch. 16659, § 3. It has been deleted as preempted by F.S. § 171.022. See also F.S. §§ 171.052, 171.061.~~

~~Sec. 1.11. — Property of certain subdivisions subject to liens.~~

~~Editor's note~~ — ~~Section 1.11 was derived from Laws of Fla. (1933) ch. 16659, § 5. It has been deleted as obsolete.~~

~~Sec. 1.12. — City not to exercise jurisdiction over excluded territory.~~

~~Editor's note~~ — ~~Section 1.12 was derived from Laws of Fla. (1933) ch. 16659, § 6. It has been deleted as obsolete.~~

~~Sec. 1.13. — Liability of property excluded from city limits.~~

~~Editor's note~~ — ~~Section 1.13 was derived from Laws of Fla. (1931) ch. 15500, § 10. It has been deleted as preempted by F.S. § 171.022. See also F.S. §§ 171.052, 171.061.~~

~~Sec. 1.14. — Excluded property to pay pro rata share of assessments.~~

~~Editor's note~~ — ~~Section 1.14 was derived from Laws of Fla. (1931) ch. 15500, § 10. It has been deleted as preempted by F.S. § 171.022. See also F.S. §§ 171.052, 171.061.~~

~~Sec. 1.16. — Annexation of lands by city — Lands subject to annexation.~~

~~Editor's note~~ — ~~Section 1.16 was derived from Laws of Fla. ch. 59-1785, § 1. It has been deleted as preempted by F.S. § 171.022.~~

~~Sec. 1.17. — Same — Procedure.~~

~~Editor's note~~ — ~~Section 1.17 was derived from Laws of Fla. ch. 59-1785, § 2. It has been deleted as preempted by F.S. § 171.022.~~

~~Sec. 1.18. — Same — Liability of annexed lands for city debt.~~

~~Editor's note~~ — ~~Section 1.18 was derived from Laws of Fla. ch. 59-1785, § 3. It has been deleted as preempted by F.S. § 171.022.~~

~~Sec. 1.19. — Same — Rights of residents to vote in city elections and to hold office.~~

~~Editor's note~~ — ~~Section 1.19 was derived from Laws of Fla. ch. 59-1785, § 4. It has been deleted as preempted by F.S. § 171.022.~~

~~Sec. 1.20. — Same — Right of licensees, permittees and certificate holders.~~

~~Editor's note~~ — ~~Section 1.20 was derived from Laws of Fla. ch. 59-1785, § 5. It has been deleted as preempted by F.S. § 171.022.~~

~~Sec. 1.21. — Validation of Code and ordinances.~~

~~Editor's note~~ — ~~Section 1.21 was derived from Laws of Fla. (1955) ch. 31219, § 1. It has been deleted as obsolete.~~

Section 2. Repeal of Part I, Article III, Section 3.03. Part I, Article III, Section 3.03 is hereby repealed in its entirety, as follows:

~~Sec. 3.03. Powers as to zoning.~~

~~Editor's note~~ ~~Section 3.03 was derived from Laws of Fla. (1937) ch. 18873, § 2. It has been deleted as obsolete.~~

Section 3. Repeal of Part I, Article IV, Division 1, Sections 4.03, 4.04, and 4.06. Part I, Article IV, Division 1, Sections 4.03, 4.04, and 4.06 are hereby repealed in their entirety, as follows:

~~Sec. 4.03. Oath of officers.~~

~~Editor's note~~ ~~Section 4.03 was derived from Laws of Fla. (1925) ch. 11148, § 184. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.~~

~~Sec. 4.04. Present officers to continue in office.~~

~~Editor's note~~ ~~Section 4.04 was derived from Laws of Fla. (1925) ch. 11148, § 186. It has been deleted as obsolete.~~

~~Sec. 4.06. Tort actions against city.~~

~~Editor's note~~ ~~Section 4.06 was derived from Laws of Fla. (1955) ch. 31221, § 1. It has been deleted as superseded by F.S. § 768.28(5).~~

Section 4. Repeal of Part I, Article IV, Division 2, Section 4.07-1. Part I, Article IV, Division 2, Section 4.07-1 is hereby repealed in its entirety, as follows:

~~Sec. 4.07-1. Salary of commissioners.~~

~~Editor's note~~ ~~Section 4.07-1 was derived from Ord. No. 76-41, § 1, 11-8-76; Ord. No. 77-12, § 1, 5-9-77; Ord. No. 79-19, § 1, 5-14-79; Ord. No. 79-43, § 1, 10-8-79; Ord. No. 82-36, § 1, 12-27-82. The section has been transferred to the Code of Ordinances. See AGO-075-223.~~

Section 5. Repeal of Part I, Article IV, Division 4, Sections 4.11 and 4.15. Part I, Article IV, Division 4, Sections 4.11 and 4.15 are hereby repealed in their entirety, as follows:

~~Sec. 4.11. Compensation.~~

~~Editor's note~~ ~~Section 4.11 was derived from Laws of Fla. (1925) ch. 11148, § 32 and Laws of Fla. (1931) ch. 15500, § 1. It assumed ordinance status pursuant to F.S. ch. 166 and has been deleted as not needed.~~

~~Sec. 4.15. Appointment of health officer; duties.~~

~~Editor's note~~ ~~Section 4.15 was derived from Laws of Fla. (1925) ch. 11148, § 53. While it is a part of the charter, it has been deleted as obsolete.~~

Section 6. Repeal of Part I, Article IV, Division 7. Part I, Article IV, Division 7 is hereby repealed in its entirety, as follows:

~~Director of Financial Services~~

~~Editor's note~~ ~~Prior to its amendment by § 2 of Ord. No. 84-12, adopted Apr. 23, 1984, div. 7 was entitled "Treasurer and Collector" and was derived from Laws of Fla. (1925) ch. 11148, §§ 71-79, and Laws of Fla. (1929) ch. 14375, §§ 12, 13. Division 7, consisting of~~

~~§§ 4.32—4.39 and derived from Ord. No. 84-12 has been transferred to the code of ordinances as the provision assumed ordinance status pursuant to F.S. ch. 166.~~

Section 7. Repeal of Part I, Article IV, Division 8. Part I, Article IV, Division 8 is hereby repealed in its entirety, as follows:

Reserved

~~**Editor's note**—Division 8, §§ 4.42, 4.43, relating to the tax assessor, was repealed by Ord. No. 84-12, § 3, 4-23-84. The division had been derived from Laws of Fla. (1925) ch. 11148, §§ 101, 102; Laws of Fla. (1929) ch. 14375, § 22; and Laws of Fla. (1937) ch. 18877, §§ 3, 5.~~

Section 8. Repeal of Part I, Article IV, Division 9, Section 4.46. Part I, Article IV, Division 9, Section 4.46 is hereby repealed in its entirety, as follows:

~~**Sec. 4.46. — Same — Inapplicability of certain state law.**~~

~~**Editor's note**—Section 4.46 was derived from Laws of Fla. (1949) ch. 26190, § 2. It has been deleted as obsolete.~~

Section 9. Repeal of Part I, Article IV, Division 10, Section 4.47. Part I, Article IV, Division 10, Section 4.47 is hereby repealed in its entirety, as follows:

~~**Sec. 4.47. — Appointment; powers and duties; compensation.**~~

~~**Editor's note**—Section 4.47 was derived from Laws of Fla. (1925) ch. 11148, § 84. It has been deleted per instructions of the city.~~

Section 10. Repeal of Part I, Article IV, Division 11. Part I, Article IV, Division 11 is hereby repealed in its entirety, as follows:

Reserved

~~**Editor's note**—Division 11, §§ 4.48—4.50, relating to the board of adjustment, derived from Laws of Fla. (1925) ch. 11148, § 88, and Laws of Fla. (1937) ch. 16657, § 1, was repealed by Ord. No. 84-12, § 4, 4-23-84.~~

Section 11. Repeal of Part I, Article V, Division 2, Sections 5.12, 5.23, and 5.24. Part I, Article V, Division 2, Sections 5.12, 5.23, and 5.24 are hereby repealed in their entirety, as follows:

~~**Sec. 5.12. — [Definitions; form; reading; publication; emergency measures; effective date; recordation.]**~~

~~**Editor's note**—Section 5.12 was derived from Laws of Fla. ch. 57-1777, § 1; Ord. No. 372-A, § 1, 10-8-73; Ord. No. 76-33, §§ 1, 2, 9-13-76; Ord. No. 78-1, § 1, 1-23-78. It had assumed ordinance status pursuant to F.S. ch. 166 and has been deleted as inconsistent with F.S. § 166.041.~~

~~**Sec. 5.23. — Zoning ordinances; amendments.**~~

~~**Editor's note**—Section 5.23 was derived from Laws of Fla. (1953) ch. 29482, § 1. It has been deleted as superseded by F.S. ch. 166.~~

~~Sec. 5.24. — Effective date of section 5.23.~~

~~Editor's note~~ — ~~Section 5.24 was derived from Laws of Fla. (1953) ch. 29482, § 1. It has been deleted as obsolete.~~

Section 12. Repeal of Part I, Article VI, Division 1, Section 6.01. Part I, Article VI, Division 1, Section 6.01 is hereby repealed in its entirety, as follows:

~~Sec. 6.01. — St. Johns County registration system to be used.~~

~~Editor's note~~ — ~~Section 6.01 was derived from Laws of Fla. ch. 72-676, § 1. It has been deleted as superseded by F.S. §§ 166.032, 98.041 et seq.~~

Section 13. Repeal of Part I, Article VI, Division 2, Sections 6.16, 6.17, and 6.22. Part I, Article VI, Division 2, Sections 6.16, 6.17, and 6.22 are hereby repealed in their entirety, as follows:

~~Sec. 6.16. — Reserved.~~

~~Editor's note~~ — ~~At the direction of the city § 6.16 has been deleted. It was derived from Laws of Fla. (1925) ch. 11148, § 187; Laws of Fla. (1929) ch. 14375, § 8; Laws of Fla. (1931) ch. 15500, § 7; Laws of Fla. (1949) ch. 26191, § 1; Laws of Fla. (1951) ch. 27856, § 2. It is superseded by § 6.14.~~

~~Sec. 6.17. — Qualifications of voters.~~

~~Editor's note~~ — ~~Section 6.17 was derived from Laws of Fla. (1925) ch. 11148, § 88; Laws of Fla. (1929) ch. 14375, § 79; Laws of Fla. (1931) ch. 15500, § 8; Laws of Fla. ch. 81-480, § 3. It was superseded by F.S. § 166.032, 97.041 and unconstitutional in part (dealing with poll tax). See Harper v. Virginia Board of Elections, 383 U.S. 663 (1963).~~

~~Sec. 6.22. — Reserved.~~

~~Editor's note~~ — ~~Section 6.22, requiring candidates to file acceptance with the city auditor and clerk, derived from Laws of Fla. (1925) ch. 11148, § 194, and Laws of Fla. (1929) ch. 14375, § 85, was repealed by Laws of Fla. ch. 81-480, § 8.~~

Section 14. Repeal of Part I, Article VII, Division 1, Sections 7.01 through 7.46. Part I, Article VII, Division 1, Sections 7.01 through 7.46 are hereby repealed in their entirety, as follows:

~~Sec. 7.01. — Real property defined.~~

~~Editor's note~~ — ~~Section 7.01 was derived from Laws of Fla. (1925) ch. 11148, § 102; Laws of Fla. (1929) ch. 14375, § 22; Laws of Fla. (1937) ch. 18877, § 5. The section has been deleted as being preempted to general law by F.S. § 166.211(2).~~

~~Sec. 7.02. — Description of property; assessment of real and personal property to be separate; liens; cost of collection.~~

~~Editor's note~~ — ~~Section 7.02 was derived from Laws of Fla. (1925) ch. 11148, § 108; Laws of Fla. (1925) ch. 14375, § 23; Laws of Fla. (1929) ch. 18877, § 6. It has been deleted as preempted to general law by F.S. § 166.211(2).~~

~~Sec. 7.03. — Assessment on land illegally sold, omitted from roll, etc.~~

~~Editor's note~~ — ~~Section 7.03 was derived from Laws of Fla. (1925) ch. 11148, § 107; Laws of Fla. (1929) ch. 14375, § 25; Laws of Fla. (1937) ch. 18877, § 8. It has been deleted as preempted to general law by F.S. § 166.211(2).~~

~~Sec. 7.04. Percentage of taxation based on valuation in assessment roll; taxes to be uniform, etc.~~

~~Editor's note~~ — Section 7.04 was derived from Laws of Fla. (1925) ch. 11148, § 107; Laws of Fla. (1929) ch. 14375, § 25; Laws of Fla. (1937) ch. 18877, § 8. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.05. When taxes assessed.~~

~~Editor's note~~ — Section 7.05 was derived from Laws of Fla. (1925) ch. 11148, § 105; Laws of Fla. (1929) ch. 14375, § 88. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.06. Assessment listed in owner's name or unknown; failure of owner to make return.~~

~~Editor's note~~ — Section 7.06 was derived from Laws of Fla. (1925) ch. 11148, § 104; Laws of Fla. (1929) ch. 14375, § 24; Laws of Fla. (1937) ch. 18877, § 7. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.07. Returns; when due; information contained.~~

~~Editor's note~~ — Section 7.07 was derived from Laws of Fla. (1925) ch. 11148, § 108; Laws of Fla. (1929) ch. 14375, § 26; Laws of Fla. (1935) ch. 18877, § 9. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.08. When tax books close; penalties.~~

~~Editor's note~~ — Section 7.08 was derived from Laws of Fla. (1925) ch. 11148, § 121; Laws of Fla. (1929) ch. 14375, § 37; Laws of Fla. (1931) ch. 15500, § 3. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.09. Validation of installment tax trust fund.~~

~~Editor's note~~ — Section 7.09 was derived from Laws of Fla. (1933) ch. 16657, § 6. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.10. Sale of land for delinquent taxes—When authorized; statement of land to be sold to be posted and published; form of notice.~~

~~Editor's note~~ — Section 7.10 was derived from Laws of Fla. (1925) ch. 11148, § 124; Laws of Fla. (1929) ch. 14375, § 40; Laws of Fla. (1931) ch. 15500, § 4; Laws of Fla. (1933) ch. 16657, § 4; Laws of Fla. (1937) ch. 18872, § 2. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.11. Same—Disposition of copies of published notice.~~

~~Editor's note~~ — Section 7.11 was derived from Laws of Fla. (1925) ch. 11148, § 124; Laws of Fla. (1929) ch. 14375, § 40; Laws of Fla. (1931) ch. 15500, § 4; Laws of Fla. (1933) ch. 16657, § 4; Laws of Fla. (1937) ch. 18872, § 2. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.12. Same—Procedure.~~

~~Editor's note~~ — Section 7.12 was derived from Laws of Fla. (1925) ch. 11148, § 125; Laws of Fla. (1929) ch. 14375, § 41. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.13. General laws to apply to tax assessment.~~

~~Editor's note~~ — Section 7.13 was derived from Laws of Fla. (1925) ch. 11148, § 119; Laws of Fla. (1929) ch. 14375, § 35; Laws of Fla. (1937) ch. 18877, § 14. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.14. City plats.~~

~~Editor's note~~ — Section 7.14 was derived from Laws of Fla. (1925) ch. 11148, § 113. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.15. Cancellation of tax certificates.~~

~~Editor's note~~ — Section 7.15 was derived from Laws of Fla. (1955) ch. 31218, § 1. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.16. Redemption of tax certificates.~~

~~Editor's note~~ — Section 7.16 was derived from Laws of Fla. (1937) ch. 18878, § 1. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.17. Certificate to be cancelled when taxes are higher than certificate.~~

~~Editor's note~~ — Section 7.17 was derived from Laws of Fla. (1937) ch. 18878, § 2. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.18. Collection of unpaid, etc., taxes; basis of valuation.~~

~~Editor's note~~ — Section 7.18 was derived from Laws of Fla. (1937) ch. 18878, § 3. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.19. Entries on tax assessment roll.~~

~~Editor's note~~ — Section 7.19 was derived from Laws of Fla. (1937) ch. 18872, § 3. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.20. Taxation of railroad property.~~

~~Editor's note~~ — Section 7.20 was derived from Laws of Fla. (1925) ch. 11148, § 109; Laws of Fla. (1929) ch. 14375, § 89; Laws of Fla. (1937) ch. 18877, § 10. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.21. Certain buildings, wharves, etc., to be taxed as personal property.~~

~~Editor's note~~ — Section 7.21 was derived from Laws of Fla. (1925) ch. 11148, § 110; Laws of Fla. (1929) ch. 14375, § 27. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.22. When personal tax assessments are enforceable.~~

~~Editor's note~~ — Section 7.22 was derived from Laws of Fla. (1925) ch. 11148, § 110; Laws of Fla. (1929) ch. 14375, § 27. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.23. Incorrect assessments.~~

~~Editor's note~~ — Section 7.23 was derived from Laws of Fla. (1925) ch. 11148, § 123; Laws of Fla. (1929) ch. 14375, § 39. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.24. Calculations, etc., by tax assessor; certification; examination by commission; commission's certification.~~

~~**Editor's note**—Section 7.24 was derived from Laws of Fla. (1925) ch. 11148, § 116; Laws of Fla. (1929) ch. 14375, § 32; Laws of Fla. (1937) ch. 18877, § 12. It has been deleted as preempted to general law by F.S. § 166.211(2).~~

~~**Sec. 7.25. Assessor to transmit original roll to collector.**~~

~~**Editor's note**—Section 7.25 was derived from Laws of Fla. (1925) ch. 11148, § 117; Laws of Fla. (1929) ch. 14375, § 33; Laws of Fla. (1937) ch. 18877, § 13. It has been deleted as preempted to general law by F.S. § 166.211(2).~~

~~**Sec. 7.26. Failure to make tax levy.**~~

~~**Editor's note**—Section 7.26 was derived from Laws of Fla. (1925) ch. 11148, § 117; Laws of Fla. (1929) ch. 14375, § 33; Laws of Fla. (1937) ch. 18877, § 13. It has been deleted as preempted to general law by F.S. § 166.211(2).~~

~~**Sec. 7.27. Taxes, assessments, etc., to constitute lien.**~~

~~**Editor's note**—Section 7.27 was derived from Laws of Fla. (1925) ch. 11148, § 117; Laws of Fla. (1929) ch. 14375, § 33; Laws of Fla. (1937) ch. 18877, § 13. It has been deleted as preempted to general law by F.S. § 166.211(2).~~

~~**Sec. 7.28. Validity of assessments and certificates.**~~

~~**Editor's note**—Section 7.28 was derived from Laws of Fla. (1925) ch. 11148, § 117; Laws of Fla. (1929) ch. 14375, § 33; Laws of Fla. (1937) ch. 18877, § 13. It has been deleted as preempted to general law by F.S. § 166.211(2).~~

~~**Sec. 7.29. When taxes due and payable.**~~

~~**Editor's note**—Section 7.29 was derived from Laws of Fla. (1925) ch. 11148, § 120; Laws of Fla. (1929) ch. 14375, § 36; Laws of Fla. (1933) ch. 16657, § 3. It has been deleted as preempted to general law by F.S. § 166.211(2).~~

~~**Sec. 7.30. Sale of personal property; notice; attachment.**~~

~~**Editor's note**—Section 7.30 was derived from Laws of Fla. (1925) ch. 11148, § 122; Laws of Fla. (1929) ch. 14375, § 38. It has been deleted as preempted to general law by F.S. § 166.211(2).~~

~~**Sec. 7.31. General laws to apply to collection, sales, etc.**~~

~~**Editor's note**—Section 7.31 was derived from Laws of Fla. (1925) ch. 11148, § 131; Laws of Fla. (1929) ch. 14375, § 47. It has been deleted as preempted to general law by F.S. § 166.211(2).~~

~~**Sec. 7.32. Land erroneously sold.**~~

~~**Editor's note**—Section 7.32 was derived from Laws of Fla. (1925) ch. 11148, § 126; Laws of Fla. (1929) ch. 14375, § 42. It has been deleted as preempted to general law by F.S. § 166.211(2).~~

~~**Sec. 7.33. Tax sale certificate.**~~

~~**Editor's note**—Section 7.33 was derived from Laws of Fla. (1925) ch. 11148, § 128; Laws of Fla. (1929) ch. 14375, § 44. It has been deleted as preempted to general law by F.S. § 166.211(2).~~

~~Sec. 7.34. List of property sold, etc., required; disposition.~~

~~Editor's note~~ — Section 7.34 was derived from Laws of Fla. (1925) ch. 11148, § 129; Laws of Fla. (1929) ch. 14375, § 45; Laws of Fla. (1931) ch. 15500, § 5; Laws of Fla. (1937) ch. 18872, § 1; Laws of Fla. (1937) ch. 18877, § 20. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.35. Tax certificates purchased by city.~~

~~Editor's note~~ — Section 7.35 was derived from Laws of Fla. (1925) ch. 11148, § 129; Laws of Fla. (1929) ch. 14375, § 45; Laws of Fla. (1931) ch. 15500, § 5; Laws of Fla. (1937) ch. 18872, § 1; Laws of Fla. (1937) ch. 18877, § 20. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.36. Tax certificates are transferable.~~

~~Editor's note~~ — Section 7.36 was derived from Laws of Fla. (1925) ch. 11148, § 129; Laws of Fla. (1929) ch. 14375, § 45; Laws of Fla. (1931) ch. 15500, § 5; Laws of Fla. (1937) ch. 18872, § 1; Laws of Fla. (1937) ch. 18877, § 20. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.37. Redemption of property.~~

~~Editor's note~~ — Section 7.37 was derived from Laws of Fla. (1925) ch. 11148, § 129; Laws of Fla. (1929) ch. 14375, § 45; Laws of Fla. (1931) ch. 15500, § 5; Laws of Fla. (1937) ch. 18872, § 1; Laws of Fla. (1937) ch. 18877, § 20. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.38. Redemption to be recorded.~~

~~Editor's note~~ — Section 7.38 was derived from Laws of Fla. (1925) ch. 11148, § 129; Laws of Fla. (1929) ch. 14375, § 45; Laws of Fla. (1931) ch. 15500, § 5; Laws of Fla. (1937) ch. 18872, § 1; Laws of Fla. (1937) ch. 18877, § 20. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.39. State law as to redemption to be followed.~~

~~Editor's note~~ — Section 7.39 was derived from Laws of Fla. (1925) ch. 11148, § 129; Laws of Fla. (1929) ch. 14375, § 45; Laws of Fla. (1931) ch. 15500, § 5; Laws of Fla. (1937) ch. 18872, § 1; Laws of Fla. (1937) ch. 18877, § 20. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.40. Tax deed to be issued after failure to redeem; when issued; application; form.~~

~~Editor's note~~ — Section 7.40 was derived from Laws of Fla. (1925) ch. 11148, § 129; Laws of Fla. (1929) ch. 14375, § 45; Laws of Fla. (1931) ch. 15500, § 5; Laws of Fla. (1937) ch. 18872, § 1; Laws of Fla. (1937) ch. 18877, § 20. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.41. Foreclosure of tax certificates—By chancery suit.~~

~~Editor's note~~ — Section 7.41 was derived from Laws of Fla. (1925) ch. 11148, § 129; Laws of Fla. (1929) ch. 14375, § 45; Laws of Fla. (1931) ch. 15500, § 5; Laws of Fla. (1937) ch. 18872, § 1; Laws of Fla. (1937) ch. 18877, § 20. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.42. Same—Service of process against nonresident; cost.~~

~~Editor's note~~ — Section 7.42 was derived from Laws of Fla. (1929) ch. 11148, § 129; Laws of Fla. (1929) ch. 14375, § 45; Laws of Fla. (1931) ch. 15500, § 5; Laws of Fla.

~~(1937) ch. 18872, § 1; Laws of Fla. (1937) ch. 18877, § 20. It has been deleted as preempted to general law by F.S. § 166.211(2).~~

~~Sec. 7.43. Recovery of land subject to tax deed; statute of limitations.~~

~~Editor's note~~—Section 7.43 was derived from Laws of Fla. (1925) ch. 11148, § 130; Laws of Fla. (1929) ch. 14375, § 46. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.44. Settlement of delinquent taxes—Waiver of interest and/or penalties.~~

~~Editor's note~~—Section 7.44 was derived from Laws of Fla. (1935) ch. 17656, § 1; Laws of Fla. (1935) ch. 17657, § 1. It has been deleted as obsolete or not needed. See also F.S. § 166.211(2).

~~Sec. 7.45. Same—Authority in general.~~

~~Editor's note~~—Section 7.45 was derived from Laws of Fla. (1935) ch. 17656, § 2; Laws of Fla. ch. 17657, § 2. It has been deleted as obsolete or not needed. See also F.S. § 166.211(2).

~~Sec. 7.46. Payment for land sold for taxes.~~

~~Editor's note~~—Section 7.46 was derived from Laws of Fla. (1925) ch. 11148, § 127; Laws of Fla. (1929) ch. 14375, § 43. It has been deleted as preempted to general law by F.S. § 166.211(2).

Section 15. Repeal of Part I, Article VII, Division 2, Sections 7.53 and 7.54. Part I, Article VII, Division 2, Sections 7.53 and 7.54 are hereby repealed in their entirety, as follows:

~~Sec. 7.53. Composition; meetings; notices; powers and duties.~~

~~Editor's note~~—Section 7.53 was derived from Laws of Fla. (1925) ch. 11148, § 114; Laws of Fla. (1929) ch. 14375, § 30; Laws of Fla. (1937) ch. 18877, § 11. It has been deleted as preempted to general law by F.S. § 166.211(2).

~~Sec. 7.54. Quorum; adjournments; clerks.~~

~~Editor's note~~—Section 7.54 was derived from Laws of Fla. (1925) ch. 11148, § 115; Laws of Fla. (1929) ch. 14375, § 31. It has been deleted as preempted to general law by F.S. § 166.211(2).

Section 16. Repeal of Part I, Article VII, Division 3, Sections 7.61 and 7.62. Part I, Article VII, Division 3, Sections 7.61 and 7.62 are hereby repealed in their entirety, as follows:

~~Sec. 7.61. Generally.~~

~~Editor's note~~—Section 7.61 was derived from Laws of Fla. (1925) ch. 11148, § 111; Laws of Fla. (1929) ch. 14375, § 28. It has been deleted as preempted to general law by Fla. Const. art. VII, § 1. See *City of Tampa v. Birdsong Motors*, 261 So. 2d 1 (Fla. 1972). See also F.S. ch. 205.

~~Sec. 7.62. General state laws to apply to licenses; evidence of necessity to pay license.~~

~~Editor's note~~—Section 7.62 was derived from Laws of Fla. (1925) ch. 11148, § 112; Laws of Fla. (1929) ch. 14375, § 29. It has been deleted as preempted to general law by Fla. Const. art. VII, § 1. See *City of Tampa v. Birdsong Motors*, 268 So. 2d 1 (Fla. 1972). See also F.S. ch. 205.

Section 17. Repeal of Part I, Article VII, Division 4, Section 7.69. Part I, Article VII, Division 4, Section 7.69 is hereby repealed in its entirety, as follows:

~~Sec. 7.69. Authorized.~~

~~Editor's note~~ ~~Section 7.69 was derived from Laws of Fla. (1933) ch. 16655, § 1. It has been deleted as superseded by F.S. § 166.211.~~

Section 18. Repeal of Part I, Article VIII, Sections 8.01 through 8.11. Part I, Article VII, Sections 8.01 through 8.11 are hereby repealed in their entirety, as follows:

~~Sec. 8.01. Created; appointment of judge; absence or disability of judge; sessions; judge's powers generally.~~

~~Editor's note~~ ~~Section 8.01 was derived from Laws of Fla. (1925) ch. 11148, § 39. It has been deleted as Ord. No. 371 A, § 1, 9-24-73 abolished the municipal court as of Oct. 1, 1973.~~

~~Sec. 8.01.1. Municipal judge; Florida Bar membership required.~~

~~Editor's note~~ ~~Section 8.01.1 was derived from Laws of Fla. ch. 69-1531, § 1. It has been deleted as Ord. No. 371 A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.~~

~~Sec. 8.02. Jurisdiction; warrants; writs; processes; service; bail; oaths.~~

~~Editor's note~~ ~~Section 8.02 was derived from Laws of Fla. (1925) ch. 11148, § 40. It has been deleted as Ord. No. 371 A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.~~

~~Sec. 8.02.1. Search warrants.~~

~~Editor's note~~ ~~Section 8.02.1 was derived from Laws of Fla. ch. 65-2164, §§ 1-5. It has been deleted as Ord. No. 371 A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.~~

~~Sec. 8.03. Fines and costs; appeals bond.~~

~~Editor's note~~ ~~Section 8.03 was derived from Laws of Fla. (1925) ch. 11148, § 41. It has been deleted as Ord. No. 371 A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.~~

~~Sec. 8.04. Appeals—Procedure.~~

~~Editor's note~~ ~~Section 8.04 was derived from Laws of Fla. (1955) ch. 31227, § 1. It has been deleted as such act had been declared unconstitutional in Neely v. City of St. Augustine, 170 So. 2d 292 (Fla. 1964). In addition, Ord. No. 371 A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.~~

~~Sec. 8.05. Same—Duty of clerk.~~

~~Editor's note~~ ~~Section 8.05 was derived from Laws of Fla. (1925) ch. 11148, § 43. It has been deleted as Ord. No. 371 A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.~~

~~Sec. 8.06. Reserved.~~

~~Editor's note~~ ~~Laws of Fla. ch. 69-1529, § 3 repealed all laws or parts of laws in conflict. Inasmuch as §§ 1 and 2 of said act created the office of clerk of municipal court and provided the duties thereof. The editors deleted the former provisions of § 8.06 relating to~~

~~the city auditor and clerk as clerk of the municipal court, derived from Laws of Fla. (1925) ch. 11148, § 42, and Laws of Fla. (1929) ch. 14375, § 6. The section has been reserved to preserve format. In addition, Ord. No. 371-A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.~~

~~Sec. 8.06.1. Municipal court clerk—Appointment; term.~~

~~Editor's note~~—Section 8.06.1 was derived from Laws of Fla. ch. 69-1529, § 1. It has been deleted as Ord. No. 371-A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.

~~Sec. 8.06.2. Same—Duties.~~

~~Editor's note~~—Section 8.06.2 was derived from Laws of Fla. ch. 69-1529, § 2. It has been deleted as Ord. No. 371-A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.

~~Sec. 8.07. Estreated bonds.~~

~~Editor's note~~—Section 8.07 was derived from Laws of Fla. (1925) ch. 11148, § 47. It has been deleted as Ord. No. 371-A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.

~~Sec. 8.08. Contempts; disposition of funds.~~

~~Editor's note~~—Section 8.08 was derived from Laws of Fla. (1925) ch. 11148, § 48. It has been deleted as Ord. No. 371-A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.

~~Sec. 8.09. Police chief to serve as court attendant.~~

~~Editor's note~~—Section 8.09 was derived from Laws of Fla. (1925) ch. 11148, § 49. It has been deleted as Ord. No. 371-A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.

~~Sec. 8.10. Persons imprisoned may be required to labor; limitations.~~

~~Editor's note~~—Section 8.10 was derived from Laws of Fla. (1925) ch. 11148, § 50. It has been deleted as Ord. No. 371-A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.

~~Sec. 8.11. Remission of fines; suspension of sentences.~~

~~Editor's note~~—Section 8.11 was derived from Laws of Fla. (1925) ch. 11148, § 51. It has been deleted as Ord. No. 371-A, § 1, 9-24-73 abolished the municipal court effective Oct. 1, 1973.

Section 19. Repeal of Part I, Article IX, Sections 9.02 and 9.03. Part I, Article IX, Sections 9.02 and 9.03 are hereby repealed in their entirety, as follows:

~~Sec. 9.02. Arrests.~~

~~Editor's note~~—Section 9.02 was derived from Laws of Fla. (1925) ch. 11148, § 44. It has been deleted as it related to the municipal court, which court was abolished by Ord. No. 371-A, § 1, 9-24-73, effective Oct. 1, 1973.

~~Sec. 9.03. Chief and jail officers to take bond from persons arrested.~~

~~Editor's note~~—Section 9.03 was derived from Laws of Fla. (1925) ch. 11148, § 46. It assumed ordinance status pursuant to F.S. ch. 166 and has been deleted as obsolete.

Section 20. Repeal of Part I, Article XI, Sections 11.01 through 11.08. Part I, Article XI, Sections 11.01 through 11.08 are hereby repealed in their entirety, as follows:

~~Sec. 11.01. Limitations on power to issue bonds; election.~~

~~Editor's note~~ ~~Section 11.01 was derived from Laws of Fla. (1925) ch. 11148, § 146; Laws of Fla. (1929) ch. 14375, § 62. It has been deleted as a limitation on power that was repealed by F.S. ch. 166, F.S. § 166.101 et seq. provides full authority to issue bonds.~~

~~Sec. 11.02. Refunding bonds.~~

~~Editor's note~~ ~~Section 11.02 was derived from Laws of Fla. (1925) ch. 11148, § 146; Laws of Fla. (1929) ch. 14375, § 62. It has been deleted as a limitation on power that was repealed by F.S. ch. 166, F.S. § 166.101 et seq. provides full authority to issue bonds.~~

~~Sec. 11.03. Bonds to be signed and attested; coupons; registrations; full faith and credit of city pledged; when bonds mature.~~

~~Editor's note~~ ~~Section 11.03 was derived from Laws of Fla. (1925) ch. 11148, § 147; Laws of Fla. (1929) ch. 14375, § 63. It has been deleted as a limitation on power that was repealed by F.S. ch. 166, F.S. § 166.101 et seq. provides full authority to issue bonds.~~

~~Sec. 11.04. Sale of bonds.~~

~~Editor's note~~ ~~Section 11.04 was derived from Laws of Fla. (1925) ch. 11148, § 147; Laws of Fla. (1929) ch. 14375, § 63. It has been deleted as a limitation on power that was repealed by F.S. ch. 166, F.S. § 166.101 et seq. provides full authority to issue bonds.~~

~~Sec. 11.05. Credit pledged to pay bonds; property tax levy for payment of bonds.~~

~~Editor's note~~ ~~Section 11.05 was derived from Laws of Fla. (1925) ch. 11148, § 150; Laws of Fla. (1929) ch. 14375, § 66. It has been deleted as a limitation on power that was repealed by F.S. ch. 166, F.S. § 166.101 et seq. provides full authority to issue bonds.~~

~~Sec. 11.06. Board of bond trustees Established; appointment; oath; bond required of members; powers generally; accounts; secretary; terms.~~

~~Editor's note~~ ~~Section 11.06 was derived from Laws of Fla. (1925) ch. 11148, § 80; Laws of Fla. (1929) ch. 14375, § 14. It has been deleted as obsolete and not needed. See F.S. §§ 166.101, 166.122.~~

~~Sec. 11.07. Same Duties generally.~~

~~Editor's note~~ ~~Section 11.07 was derived from Laws of Fla. (1925) ch. 11148, § 149; Laws of Fla. (1929) ch. 14375, § 65. It has been deleted as a limitation on power that was repealed by F.S. ch. 166, F.S. § 166.101 et seq. provides full authority to issue bonds. It has been deleted as obsolete or not needed. See F.S. §§ 166.101, 166.122.~~

~~Sec. 11.08. Retirement of bonds.~~

~~Editor's note~~ ~~Section 11.08 was derived from Laws of Fla. (1925) ch. 11148, § 149; Laws of Fla. (1929) ch. 14375, § 65. It has been deleted as a limitation on power that was repealed by F.S. ch. 166, F.S. § 166.101 et seq. provides full authority to issue bonds.~~

Section 21. Repeal of Part I, Article XII, Sections 12.01 through 12.06 and 12.08 through 12.28. Part I, Article XII, Sections 12.01 through 12.06 and 12.08 through 12.28 are hereby repealed in their entirety, as follows:

~~Sec. 12.01. Modification of improvement contracts.~~

~~Editor's note~~—Section 12.01 was derived from Laws of Fla. (1925) ch. 11148, § 155. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.02. Aggregate of contracts not to exceed estimates.~~

~~Editor's note~~—Section 12.02 was derived from Laws of Fla. (1925) ch. 11148, § 156. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.03. Improper contracts void.~~

~~Editor's note~~—Section 12.03 was derived from Laws of Fla. (1925) ch. 11148, § 157. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.04. Commission may declare improvements necessary; service of notice; return; publication.~~

~~Editor's note~~—Section 12.04 was derived from Laws of Fla. (1925) ch. 11148, § 158. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.05. Procedure when assessments are not paid within specified time.~~

~~Editor's note~~—Section 12.05 was derived from Laws of Fla. (1925) ch. 11148, § 159. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.06. Borrowing money in anticipation of unpaid special assessments.~~

~~Editor's note~~—Section 12.06 was derived from Laws of Fla. (1925) ch. 11148, § 160. It has been deleted as a limitation on power that was repealed by F.S. ch. 166.

~~Sec. 12.08. Assessments for public improvements not to be made until bids for labor and costs are received.~~

~~Editor's note~~—Section 12.08 was derived from Laws of Fla. (1925) ch. 11148, § 152. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.09. Authority to levy special assessments for local improvements.~~

~~Editor's note~~—Section 12.09 was derived from Laws of Fla. (1925) ch. 11148, § 132; Laws of Fla. (1929) ch. 14375, § 48. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.10. Assessments to be in proportion to property benefited.~~

~~Editor's note~~—Section 12.10 was derived from Laws of Fla. (1925) ch. 11148, § 132; Laws of Fla. (1929) ch. 14375, § 48. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.11. Resolution Required; contents.~~

~~Editor's note~~—Section 12.11 was derived from Laws of Fla. (1925) ch. 11148, § 133; Laws of Fla. (1929) ch. 14375, § 49. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.12. Same Plans and specifications.~~

~~Editor's note~~—Section 12.12 was derived from Laws of Fla. (1925) ch. 11148, § 133; Laws of Fla. (1929) ch. 14375, § 49. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.13. Same Publication.~~

~~Editor's note~~—Section 12.13 was derived from Laws of Fla. (1925) ch. 11148, § 133; Laws of Fla. (1929) ch. 14375, § 49. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.14. Tax assessment roll; procedure; contents; apportionment based on benefits.~~

~~Editor's note~~—Section 12.14 was derived from Laws of Fla. (1925) ch. 11148, § 134; Laws of Fla. (1929) ch. 14375, § 50; Laws of Fla. (1937) ch. 18877, § 15; Ord. No. 84-12, § 8, 4-23-84. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.15. Hearings; protests; modification of proposal; correction of assessment roll; ordinance required; contents; notice.~~

~~Editor's note~~—Section 12.15 was derived from Laws of Fla. (1925) ch. 11148, § 135; Laws of Fla. (1929) ch. 14375, § 51; Laws of Fla. (1937) ch. 18877, § 16. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.16. Action of commission upon hearing of protests.~~

~~Editor's note~~—Section 12.16 was derived from Laws of Fla. (1925) ch. 11148, § 136; Laws of Fla. (1929) ch. 14375, § 52; Laws of Fla. (1937) ch. 18877, § 17. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.17. Clerk to transmit confirmed and certified roll to chief accountant.~~

~~Editor's note~~—Section 12.17 was derived from Laws of Fla. (1925) ch. 11148, § 136; Laws of Fla. (1929) ch. 14375, § 52; Laws of Fla. (1937) ch. 18877, § 17; Ord. No. 84-12, § 8, 4-23-84. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.18. Claims for damages because of improvements.~~

~~Editor's note~~—Section 12.18 was derived from Laws of Fla. (1925) ch. 11148, § 137; Laws of Fla. (1929) ch. 14375, § 53. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.19. Special assessments collected as ad valorem taxes; payment in installments; interest; lien against property assessed.~~

~~Editor's note~~—Section 12.19 was derived from Laws of Fla. (1925) ch. 11148, § 138; Laws of Fla. (1929) ch. 14375, § 54; Laws of Fla. (1937) ch. 18877, § 18; Ord. No. 74-16, § 1, 7-8-74. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 12.20. Procedure for settlement of claims; judicial determination; notice to city by claimant.~~

~~**Editor's note**—Section 12.20 was derived from Laws of Fla. (1925) ch. 11148, § 139; Laws of Fla. (1929) ch. 14375, § 55. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.~~

~~**Sec. 12.21. Duty of city manager upon adoption of ordinance; payments by city for improvement.**~~

~~**Editor's note**—Section 12.21 was derived from Laws of Fla. (1925) ch. 11148, § 140; Laws of Fla. (1929) ch. 14375, § 56. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.~~

~~**Sec. 12.22. Rebates; supplemental assessments.**~~

~~**Editor's note**—Section 12.22 was derived from Laws of Fla. (1925) ch. 11148, § 141; Laws of Fla. (1929) ch. 14375, § 57; Laws of Fla. (1937) ch. 18877, § 19. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.~~

~~**Sec. 12.23. Reassessments.**~~

~~**Editor's note**—Section 12.23 was derived from Laws of Fla. (1925) ch. 11148, § 142; Laws of Fla. (1929) ch. 14375, § 58. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.~~

~~**Sec. 12.24. Owner may pay assessment at any time; no bar to supplementary assessments.**~~

~~**Editor's note**—Section 12.24 was derived from Laws of Fla. (1925) ch. 11148, § 143; Laws of Fla. (1929) ch. 14375, § 59. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.~~

~~**Sec. 12.25. Legality of special assessments may be contested within thirty days.**~~

~~**Editor's note**—Section 12.25 was derived from Laws of Fla. (1925) ch. 11148, § 144; Laws of Fla. (1929) ch. 14375, § 60. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.~~

~~**Sec. 12.26. Improvement bonds—Issuance authorized; conditions.**~~

~~**Editor's note**—Section 12.26 was derived from Laws of Fla. (1925) ch. 11148, § 145; Laws of Fla. (1929) ch. 14375, § 61. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.~~

~~**Sec. 12.27. Same—Bonds issued on abutting property not previously pledged.**~~

~~**Editor's note**—Section 12.27 was derived from Laws of Fla. (1925) ch. 11148, § 145; Laws of Fla. (1929) ch. 14375, § 61. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.~~

~~**Sec. 12.28. Same—General requirements.**~~

~~**Editor's note**—Section 12.28 was derived from Laws of Fla. (1925) ch. 11148, § 145; Laws of Fla. (1929) ch. 14375, § 61. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.~~

Section 22. Repeal of Part I, Article XIII, Sections 13.02, 13.07, and 13.08. Part I, Article XIII, Sections 13.02, 13.07, and 13.08 are hereby repealed in their entirety, as follows:

~~Sec. 13.02. Pipe connections to be made before paving streets.~~

~~Editor's note~~ — Section 13.02 was derived from Laws of Fla. (1925) ch. 11148, § 153. It has been deleted as a limitation on power repealed by F.S. ch. 166.

~~Sec. 13.07. City manager to be supervisor of plats, etc.~~

~~Editor's note~~ — Section 13.07 was derived from Laws of Fla. (1925) ch. 11148, § 166; Ord. No. 84-12, § 9, 4-23-84. It has been deleted as obsolete or a limitation on power repealed by F.S. ch. 166.

~~Sec. 13.08. Public streets must be approved by supervisor of plats; exception.~~

~~Editor's note~~ — Section 13.08 was derived from Laws of Fla. (1925) ch. 11148, § 167. It has been deleted as obsolete or a limitation on power repealed by F.S. ch. 166.

Section 23. Repeal of Part I, Article XIV, Division 1, Sections 14.01 through 14.12, and 14.23 through 14.26. Part I, Article XIV, Division 1, Sections 14.01 through 14.12, and 14.23 through 14.26 are hereby repealed in their entirety, as follows:

~~Sec. 14.01. Fiscal year.~~

~~Editor's note~~ — Section 14.01 was derived from Laws of Fla. (1925) ch. 11148, § 93; Laws of Fla. (1929) ch. 14375, § 15. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 14.02. City manager to submit budget to commission; information required.~~

~~Editor's note~~ — Section 14.02 was derived from Laws of Fla. (1925) ch. 11148, § 94; Laws of Fla. (1929) ch. 14375, § 16. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 14.03. Budget estimate to be filed with chief accountant.~~

~~Editor's note~~ — Section 14.03 was derived from Laws of Fla. (1925) ch. 11148, § 94; Laws of Fla. (1929) ch. 14375, § 16; Ord. No. 84-12, § 10, 4-23-84. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 14.04. Budget estimate to be basis for tax levies and appropriations.~~

~~Editor's note~~ — Section 14.04 was derived from Laws of Fla. (1925) ch. 11148, § 94; Laws of Fla. (1929) ch. 14375, § 16. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 14.05. Exceeding budget estimate.~~

~~Editor's note~~ — Section 14.05 was derived from Laws of Fla. (1925) ch. 11148, § 94; Laws of Fla. (1929) ch. 14375, § 16. It was a limitation on power that was repealed by F.S. ch. 166.

~~Sec. 14.06. Budget estimate to show expenditures contemplated; notice and hearing; adoption; certification; disposition of unexpended funds.~~

~~Editor's note~~ — Section 14.06 was derived from Laws of Fla. (1925) ch. 11148, § 95; Laws of Fla. (1929) ch. 14375, § 17; Laws of Fla. (1933) ch. 16657, § 2; Laws of Fla. (1937) ch. 18877, § 4; Ord. No. 74-27, § 1, 9-9-74. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 14.07. Transfer of funds.~~

~~Editor's note~~ — Section 14.07 was derived from Laws of Fla. (1925) ch. 11148, § 97; Laws of Fla. (1929) ch. 14375, § 18; Ord. No. 84-12, § 10, 4-23-84. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 14.08. Commission may levy taxes to promote general welfare, etc.~~

~~Editor's note~~ — Section 14.08 was derived from Laws of Fla. (1925) ch. 11148, § 100; Laws of Fla. (1929) ch. 14375, § 20. It has been deleted as a limitation on power repealed by F.S. ch. 166. See also F.S. §§ 166.211, 166.131, 166.201.

~~Sec. 14.09. Money drawn from treasury; issuance of warrants.~~

~~Editor's note~~ — Section 14.09 was derived from Laws of Fla. (1925) ch. 11148, § 99; Laws of Fla. (1929) ch. 14375, § 19; Ord. No. 84-12, § 10, 4-23-84. It assumed ordinance status pursuant to F.S. ch. 166 and has been transferred into the Code of Ordinances.

~~Sec. 14.10. When competition required for expenditure over one thousand dollars.~~

~~Editor's note~~ — Section 14.10 was derived from Laws of Fla. (1925) ch. 11148, § 154; Laws of Fla. (1955) ch. 31222, § 1. It has been deleted as a limitation on power that was repealed by F.S. ch. 166.

~~Sec. 14.11. Commission may borrow money; current revenue notes.~~

~~Editor's note~~ — Section 14.11 was derived from Laws of Fla. (1925) ch. 11148, § 148; Laws of Fla. (1929) ch. 14375, § 64; Ord. No. 84-12, § 10, 4-23-84. It has been deleted as a limitation on power repealed by F.S. ch. 166.

~~Sec. 14.12. Determination of anticipated revenue, rate of interest, etc., prior to sale; deposit of proceeds.~~

~~Editor's note~~ — Section 14.12 was derived from Laws of Fla. (1925) ch. 11148, § 148; Laws of Fla. (1929) ch. 14375, § 64; Ord. No. 84-12, § 10, 4-23-84. It has been deleted as a limitation on power that was repealed by F.S. ch. 166.

~~Sec. 14.23. Resolution declaring purpose, etc., of appropriation.~~

~~Editor's note~~ — Section 14.23 was derived from Laws of Fla. (1925) ch. 11148, § 169. It has been deleted as a limitation on power as repealed by F.S. ch. 166.

~~Sec. 14.24. Notice to be given owner; procedure when owner cannot be found.~~

~~Editor's note~~ — Section 14.24 was derived from Laws of Fla. (1925) ch. 11148, § 170. It has been deleted as a limitation on power repealed by F.S. ch. 166.

~~Sec. 14.25. Purchase of property by city.~~

~~Editor's note~~ — Section 14.25 was derived from Laws of Fla. (1925) ch. 11148, § 171. It has been deleted as a limitation on power repealed by F.S. ch. 166.

~~Sec. 14.26. Procedure on failure to agree on purchase price.~~

~~Editor's note~~ — Section 14.26 was derived from Laws of Fla. (1925) ch. 11148, § 172. It has been deleted as a limitation on power repealed by F.S. ch. 166.

Section 24. Repeal of Part I, Article XV, Sections 15.01 through 15.10. Part I, Article XV, Sections 15.01 through 15.10 are hereby repealed in their entirety, as follows:

~~Sec. 15.01. Created; composition; appointments; qualifications of members; terms of office; vacancies; compensation.~~

~~Editor's note~~—Section 15.01 was derived from Laws of Fla. ch. 57-1778, § 1. It has been deleted as obsolete.

~~Sec. 15.02. Meetings; chairman, etc.; quorum; records.~~

~~Editor's note~~—Section 15.02 was derived from Laws of Fla. ch. 57-1778, § 2. It has been deleted as obsolete.

~~Sec. 15.03. Duties.~~

~~Editor's note~~—Section 15.03 was derived from Laws of Fla. ch. 57-1778, § 3. It has been deleted as obsolete.

~~Sec. 15.04. Rules and bylaws.~~

~~Editor's note~~—Section 15.04 was derived from Laws of Fla. ch. 57-1778, § 4. It has been deleted as obsolete.

~~Sec. 15.05. Provision for funds, etc., for commission.~~

~~Editor's note~~—Section 15.05 was derived from Laws of Fla. ch. 57-1778, § 5. It has been deleted as obsolete.

~~Sec. 15.06. Form of and procedure as to commission's recommendations.~~

~~Editor's note~~—Section 15.06 was derived from Laws of Fla. ch. 57-1778, § 6. It has been deleted as obsolete.

~~Sec. 15.07. Ex officio members.~~

~~Editor's note~~—Section 15.07 was derived from Laws of Fla. ch. 57-1778, § 7. It has been deleted as obsolete.

~~Sec. 15.08. Acquisition of real property by city's street changes.~~

~~Editor's note~~—Section 15.08 was derived from Laws of Fla. ch. 57-1778, § 8. It has been deleted as obsolete.

~~Sec. 15.09. Removal of members from office.~~

~~Editor's note~~—Section 15.09 was derived from Laws of Fla. ch. 57-1778, § 9. It has been deleted as obsolete.

~~Sec. 15.10. Cooperation with county zoning and planning commission.~~

~~Editor's note~~—Section 15.10 was derived from Laws of Fla. ch. 57-1778, § 10. It has been deleted as obsolete.

Section 25. Repeal of Part I, Article XVII, Division 1, Sections 17.01 through 17.12, 17.14, and 17.15. Part I, Article XVII, Division 1, Sections 17.01 through 17.12, 17.14, and 17.15 are hereby repealed in their entirety, as follows:

~~Sec. 17.01. Commission may grant franchises.~~

~~Editor's note~~—Section 17.01 was derived from Laws of Fla. (1925) ch. 11148, § 173; Laws of Fla. (1929) ch. 14375, § 68; Ord. No. 77-14, § 1, 4-25-77. It has been deleted as a limitation on power repealed by F.S. ch. 166.

~~Sec. 17.02. Reserved.~~

~~Editor's note~~ — Ord. No. 77-14, § 2, adopted April 25, 1977, repealed § 17.02 providing that franchises not exceed thirty years. Said section was derived from Laws of Fla. (1925) ch. 11148, § 174; and Laws of Fla. (1929) ch. 14375, § 69.

~~Sec. 17.03. Commission to prescribe service, etc., to be rendered; improvements to be rendered.~~

~~Editor's note~~ — Section 17.03 was derived from Laws of Fla. (1925) ch. 11148, § 175; Laws of Fla. (1929) ch. 14375, § 70; Laws of Fla. (1951) ch. 27858, § 1. It has been deleted as a limitation on power that was repealed by F.S. ch. 166.

~~Sec. 17.04. Commission may require utility to extend service.~~

~~Editor's note~~ — Section 17.04 was derived from Laws of Fla. (1925) ch. 11148, § 176; Laws of Fla. (1929) ch. 14375, § 71. It has been deleted as a limitation on power that was repealed by F.S. ch. 166.

~~Sec. 17.05. Annexed property to be subject to grant.~~

~~Editor's note~~ — Section 17.05 was derived from Laws of Fla. (1925) ch. 11148, § 177; Laws of Fla. (1929) ch. 14375, § 72. It has been deleted as a limitation on power that was repealed by F.S. ch. 166.

~~Sec. 17.06. Grants subject to control of city.~~

~~Editor's note~~ — Section 17.06 was derived from Laws of Fla. (1925) ch. 11148, § 178; Laws of Fla. (1929) ch. 14375, § 73. It has been deleted as a limitation on power repealed by F.S. ch. 166.

~~Sec. 17.07. Reserved.~~

~~Editor's note~~ — Section 17.07, providing that grants of franchise must contain a forfeiture clause, was repealed by Ord. No. 77-14, § 2, adopted April 25, 1977. Said section was derived from Laws of Fla. (1925) ch. 11148, § 179 and Laws of Fla. (1925) ch. 14375, § 74.

~~Sec. 17.08. Utility to keep books of account.~~

~~Editor's note~~ — Section 17.08 was derived from Laws of Fla. (1925) ch. 11148, § 180; Laws of Fla. (1929) ch. 14375, § 75. It assumed ordinance status pursuant to F.S. ch. 166 and has been deleted as obsolete.

~~Sec. 17.09. Utility to file report for preceding fiscal year; information required.~~

~~Editor's note~~ — Section 17.09 was derived from Laws of Fla. (1925) ch. 11148, § 180; Laws of Fla. (1929) ch. 14375, § 75. It assumed ordinance status pursuant to F.S. ch. 166 and has been deleted as obsolete.

~~Sec. 17.10. Commission to have access to utility's records.~~

~~Editor's note~~ — Section 17.10 was derived from Laws of Fla. (1925) ch. 11148, § 180; Laws of Fla. (1929) ch. 14375, § 75. It assumed ordinance status pursuant to F.S. ch. 166 and has been deleted as obsolete.

~~Sec. 17.11. Reserved.~~

~~Editor's note~~ — Ord. No. 77-14, § 2, enacted April 25, 1977, repealed § 17.11 specifying the penalty for failure to comply with law. Said section was derived from Laws of Fla. (1925) ch. 11148, § 180 and Laws of Fla. (1929) ch. 14375, § 75.

~~Sec. 17.12. Same Exception.~~

~~Editor's note~~ ~~Section 17.12 was derived from Laws of Fla. (1925) ch. 11148, § 180; Laws of Fla. ch. 14375, § 75. It assumed ordinance status pursuant to F.S. ch. 166 and has been deleted as obsolete.~~

~~Sec. 17.14. Electrical contracts with private firms.~~

~~Editor's note~~ ~~Section 17.14 was derived from Laws of Fla. (1925) ch. 11148, § 182; Laws of Fla. (1929) ch. 14375, § 77; Laws of Fla. (1939) ch. 20099, § 1. It was a limitation on power that was repealed by F.S. ch. 166.~~

~~Sec. 17.15. Regulations of gas and electrical rates.~~

~~Editor's note~~ ~~Section 17.15 was derived from Laws of Fla. (1935) ch. 17658, § 1. It was a limitation on power that was repealed by F.S. ch. 166.~~

Section 26. Repeal of Part I, Article XVII, Division 2, Section 17.20. Part I, Article XVII, Division 2, Section 17.20 is hereby repealed in its entirety, as follows:

~~Sec. 17.20. Revenue certificate of indebtedness.~~

~~Editor's note~~ ~~Section 17.20 was derived from Laws of Fla. ch. 67-1976, § 1. It was a limitation on power that was repealed by F.S. ch. 166.~~

Section 27. Repeal of Part I, Article XVII, Division 3, Section 17.37. Part I, Article XVII, Division 3, Section 17.37 is hereby repealed in its entirety, as follows:

~~Sec. 17.37. Issuance of revenue bonds.~~

~~Editor's note~~ ~~Section 17.37 was derived from Laws of Fla. ch. 59-1789, § 5. It has been deleted as a limitation on power repealed by F.S. ch. 166. See also F.S. § 166.101 et seq.~~

Section 28. Repeal of Part I, Article XVIII, Sections 18.01 through 18.05. Part I, Article XVIII, Sections 18.01 through 18.05 are hereby repealed in their entirety, as follows:

~~Sec. 18.01. Creation by ordinance.~~

~~Editor's note~~ ~~Section 18.01 was derived from Laws of Fla. ch. 63-1856, § 1. It has been deleted as obsolete.~~

~~Sec. 18.02. Purposes of ordinance; duties of commission.~~

~~Editor's note~~ ~~Section 18.02 was derived from Laws of Fla. ch. 63-1856, § 2. It has been deleted as obsolete.~~

~~Sec. 18.03. Powers of commission.~~

~~Editor's note~~ ~~Section 18.03 was derived from Laws of Fla. ch. 63-1856, § 3. It has been deleted as obsolete.~~

~~Sec. 18.04. Issuance of certificates of indebtedness.~~

~~Editor's note~~ ~~Section 18.04 was derived from Laws of Fla. ch. 63-1856, § 4. It has been deleted as obsolete.~~

~~Sec. 18.05. Eminent domain.~~

~~Editor's note~~ ~~Section 18.05 was derived from Laws of Fla. ch. 63-1856, § 5. It has been deleted as obsolete.~~

Section 29. Repeal of Part I, Article XIX, Sections 19.01 through 19.03. Part I, Article XIX, Sections 19.01 through 19.03 are hereby repealed in their entirety, as follows:

~~**Sec. 19.01. Established; composition; appointments, removals and vacancies; terms of office.**~~

~~**Editor's note**—Section 19.01 was derived from Laws of Fla. ch. 57-1775, § 1. It has been deleted as obsolete.~~

~~**Cross reference**—City Planning Commission created, § 15.01.~~

~~**Sec. 19.02. Rules, etc.; chairman; meetings; quorum; compensation; members not to hold other city office.**~~

~~**Editor's note**—Section 19.02 was derived from Laws of Fla. ch. 57-1775, § 2. It has been deleted as obsolete.~~

~~**Sec. 19.03. Capacity and duties.**~~

~~**Editor's note**—Section 19.03 was derived from Laws of Fla. ch. 57-1775, § 3. It has been deleted as obsolete.~~

Section 30. Repeal of Part I, Article XXI. Part I, Article XXI is hereby repealed in its entirety, as follows:

~~**St. Augustine—St. Johns County Airport Authority**~~

~~**Editor's note**—Article XXI, consisting of sections 21.01—21.12, has been deleted as not a part of the city's charter. It was derived from Laws of Fla. ch. 63-1853, Laws of Fla. ch. 65-2169, Laws of Fla. ch. 67-1983, Laws of Fla. ch. 69-1535 and Laws of Fla. ch. 89-496.~~

Section 31. Repeal of Part I, Article XXII, Section 22.01. Part I, Article XXII, Section 22.01 is hereby repealed in its entirety, as follows:

~~**Sec. 22.01. Code validated.**~~

~~**Editor's note**—Section 22.01 was derived from Laws of Fla. ch. 65-2159. It has been deleted as obsolete.~~

Section 32. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter 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 33. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 34. 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 35. 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 _____, 2019.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

ITEM 8.C.1.
Res. 2019-22

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.

DATE: July 26, 2019

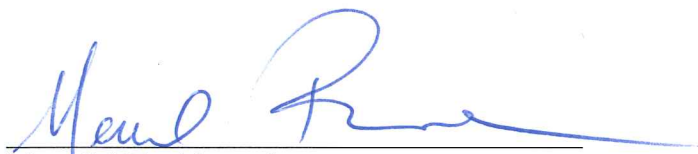
RE: Proposed Resolution No. 2019-22 setting the Fire Assessment Fee rates for Residential and Non-Residential properties

Attached is proposed Resolution No. 2019-22 which will set the Fire Assessment Fee Residential rate at \$0.0689 per square foot and the Non-Residential rate at \$0.1257 per square foot. These rates will generate revenue to offset approximately 50.55% of the Fire Department budget.

Please place this Resolution on the agenda for the City Commission meeting of August 12, 2019. A public hearing is required with this Resolution.

If you have any questions about the attached Resolution and rates, please do not hesitate to contact me.

Thank you,



Meredith Breidenstein
Director, Budget & Performance Management
City of St. Augustine

RESOLUTION NO. 2019-22

A RESOLUTION OF THE CITY OF ST. AUGUSTINE, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF ST. AUGUSTINE; ESTABLISHING THE RATE OF ASSESSMENT; CONFIRMING THE PRELIMINARY RATE RESOLUTION; REIMPOSING FIRE PROTECTION ASSESSEMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF ST. AUGUSTINE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida (the "City Commission"), has enacted Ordinance 2016-20 (the "Ordinance"), which authorizes the imposition of Fire Protection Assessments for fire protection services, facilities, and programs against Assessed Property located within the City;

WHEREAS, the reimposition of a Fire Protection Assessment for fire protection services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning the Fire Protection Assessed Cost among parcels of Assessed Property;

WHEREAS, the City Commission desires to reimpose a fire protection assessment program in the City using the procedures provided by the Ordinance, including the tax bill collection method for the Fiscal Year beginning on October 1, 2018;

WHEREAS, the City Commission, on July 9, 2019, adopted Resolution No. 2018-33 (the "Preliminary Rate Resolution");

WHEREAS, the Preliminary Rate Resolution contains and references a brief and general description of the fire protection services, facilities and programs to be

provided to Assessed Property; describes the method of apportioning the Fire Protection Assessed Cost to compute the Fire Protection Assessment for fire protection services, facilities, and programs against Assessed Property; estimates rates of assessment; and directs the updating and preparation of the Assessment Roll and provision of the notice required by the Ordinance;

WHEREAS, pursuant to the provisions of the Ordinance, the City is required to confirm or repeal the Preliminary Rate Resolution, with such amendments as the City Commission deems appropriate, after hearing comments and objections of all interested parties;

WHEREAS, the Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance;

WHEREAS, notice of a public hearing has been published and mailed, as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; an affidavit regarding the form of notice mailed being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on August 12, 2019 and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

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

SECTION 1. AUTHORITY. This resolution is adopted pursuant to Ordinance No. 2016-20; the Initial Assessment Resolution (Resolution No. 2016-25); the Final

Assessment Resolution (Resolution No. 2016-29), the Preliminary Rate Resolution (Resolution No. 2019-19), Article VIII, Section 2, Florida Constitution; sections 166.21 and 166.041, Florida Statutes; the City of St. Augustine Home Rule Charter; and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This resolution constitutes the Annual Rate Resolution as defined in Ordinance No. 2016-20. All capitalized terms in this resolution shall have the meanings defined in the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, and the Preliminary Rate Resolution.

SECTION 3. REIMPOSITION OF FIRE PROTECTION ASSESSMENTS.

(A) The parcels of Assessed Property described in the Fire Protection Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of the fire protection services, facilities, and programs described or referenced in the Preliminary Rate Resolution in the amount of the Fire Protection Assessment set forth in the updated Fire Protection Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing is incorporated herein by reference.

(B) It is hereby ascertained, determined and declared that each parcel of Assessed Property within the City will be specifically benefitted by the City's provision of fire protection services, facilities, and programs in an amount not less than the Fire Protection Assessment for such parcel, computed in the manner set forth in the Preliminary Rate Resolution.

(C) Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, and the Preliminary Rate Resolution, from the fire protection services, facilities, or programs to be provided and a legislative determination that the Fire Protection Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Preliminary Rate Resolution.

(D) The method for computing Fire Protection Assessments described and referenced in the Preliminary Rate Resolution is hereby approved. The apportionment methodologies described and adopted in the Preliminary Rate Resolution are hereby approved.

(E) For the Fiscal Year beginning October 1, 2019, the estimated Fire Protection Assessed Cost to be assessed is \$1,488,981.36. The Fire Protection Assessments to be assessed and apportioned among the benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Protection Assessed Cost for the Fiscal Year commencing October 1, 2019, are hereby established as follows:

**FIRE PROTECTION ASSESSMENTS
FISCAL YEAR 2019-2020**

<u>Residential Property Use Categories</u>	<u>Rate Per Square Foot</u>
Residential	\$0.0689
<u>Non-Residential Property Use Categories</u>	<u>Rate Per Square Foot</u>
Non-Residential	\$0.1257

(F) As authorized in the Ordinance, the Maximum Assessment Rates that can, but are not required, to be assessed and apportioned among the benefited parcels in future fiscal years without additional notice to Owners of the Tax Parcels as required by the Ordinance are hereby established as follows for the purpose of this Annual Rate Resolution:

MAXIMUM FIRE PROTECTION ASSESSMENTS

Residential Property Use Categories	Rate Per Square Foot
Residential	\$0.1053
Non-Residential Property Use Categories	Rate Per Square Foot
Non-Residential	\$0.1921

(G) The above rates of assessment are hereby approved. Fire Protection Assessments for fire protection services, facilities, and programs in the amounts set forth in the Fire Protection Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in such Fire Protection Assessment Roll for the Fiscal Year beginning October 1, 2019.

(H) As authorized in Section 2.14 of the Ordinance, interim Fire Protection Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.

(I) Fire Protection Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(J) The Fire Protection Assessment Roll, as herein approved, together with the

correction of any errors or omissions as provided for in the Ordinance, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 4. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Fire Protection Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Assessment Resolution.

SECTION 5. CONFIRMATION OF PRELIMINARY RATE RESOLUTION. The Preliminary Rate Resolution is hereby confirmed.

SECTION 6. SEVERABILITY. If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this resolution.

SECTION 8. EFFECTIVE DATE. This Final Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 12th day of August, 2019.

CITY OF ST. AUGUSTINE, FLORIDA

Mayor

ATTEST:

City Clerk

(Corporate Seal)

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

APPENDIX A
AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Meredith Breidenstein who, after being duly sworn, depose and say:

1. Meredith Breidenstein as Director of Budget & Performance Management of the City of St. Augustine, Florida ("City"), pursuant to the authority and direction received from the City Commission, timely directed the preparation of the Assessment Roll and the preparation and mailing of notices in accordance with the Fire Protection Assessment Ordinance adopted by the City Commission on July 11, 2016 (the "Assessment Ordinance") and in conformance with the Initial Assessment Resolution adopted by the City Commission on July 9, 2018 (the "Initial Assessment Resolution"). Meredith Breidenstein has caused the notices required by the Assessment Ordinance to be prepared in conformance with the Initial Assessment Resolution. An exemplary form of such notice is attached hereto. Meredith Breidenstein has caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within twenty (20) days of the notice; and the date, time, and place of the hearing.

2. On or before July 27, 2019, Meredith Breidenstein caused the mailing of the above-referenced notices in accordance with the Assessment Ordinance and the Initial Rate Resolution by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the St. Johns County Property Appraiser for the purpose of the collection of ad valorem taxes.

FURTHER AFFIANTS SAYETH NOT.

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Meredith Breidenstein, affiant

The foregoing Affidavit of Mailing was sworn to and subscribed before me this ____ day of _____, 2019 by Meredith Breidenstein, Director of Budget & Performance Management, City of St. Augustine, Florida. She is personally known to me or has produced _____ as identification and did take an oath.

Notary Public, State of Florida at Large

Printed Name
My Commission Expires: _____
Commission No.: _____

FORM OF NOTICE TO BE MAILED

******* NOTICE TO PROPERTY OWNER *******

City of St. Augustine
75 King Street.
St. Augustine, Florida
32085-0210

CITY OF ST. AUGUSTINE, FLORIDA NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE PROTECTION NON-AD VALOREM ASSESSMENTS NOTICE DATED: July 27, 2019
--

Owner Name
Address
City, State Zip

Tax Parcel # _____
Legal Description: _____

As required by Section 197.3632, Florida Statutes, and City Ordinance No. 2016 – 20 notice is given by the City of St. Augustine that an annual assessment for fire protection services using the tax bill collection method, may be levied on your property for the fiscal year October 1, 2019 - September 30, 2020. The purpose of this assessment is to fund fire protection services benefitting improved property located within the City of St. Augustine. The total annual fire protection assessment revenue to be collected within the City of St. Augustine is estimated to be \$1,488,981.36 for the fiscal year October 1, 2019 – September 30, 2020. The annual fire protection assessment is based on the classification of each parcel of property and number of billing units contained therein.

The above parcel is classified as_____.

The total number of billing units on the above parcel is_____.

The type of billing units on the above parcel is_____.

The annual fire protection assessment for Fiscal Year 2018-2019 for the above parcel is
\$_____.

The maximum annual fire protection assessment that can be imposed without further notice for future fiscal years for the above parcel is \$_____.

A public hearing will be held at 5:00 p.m. on August 12, 2019, in City Commission Chambers, Alcazar Room, of City Hall, 75 King Street, St. Augustine, Florida for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact Darlene Galambos, City Clerk at (904) 825-1007, at least 7 days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Fire Protection Assessment Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, the Preliminary Rate Resolution and the preliminary assessment roll are available for inspection at the City Clerk, located at City Hall, 75 King Street, St. Augustine, Florida.

The fire protection service non-ad valorem assessment amount shown on this notice will be collected by the St. Johns County Tax Collector on the ad valorem tax bill mailed in November of each year that the assessment is imposed. Failure to pay the assessments could cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your fire protection service assessment, please contact the City's Budget and Performance Management office Monday through Friday between 9:00 a.m. and 5:00 p.m.

***** THIS IS NOT A BILL *****

APPENDIX B

PROOF OF PUBLICATION

CITY OF ST. AUGUSTINE, FLORIDA

DATE: August 4, 2017

TO: legal@staugustinerecord.com

VIA EMAIL

RE: Legal Ad for **FRIDAY, JULY 26, 2019**

Please place the following advertisement in the legal section on **FRIDAY, JULY 26, 2019** using double column width and bill the Purchasing Division, City of St. Augustine, P. O. Box 210, St. Augustine, FL 32085-0210.



**NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR
COLLECTION OF FIRE PROTECTION SPECIAL ASSESSMENTS**

Notice is hereby given, pursuant to section 197.3632, Florida Statutes, that the City Commission of the City of St. Augustine will conduct a public hearing to consider the imposition of annual fire protection special assessments for the provision of fire protection services using the uniform method of collection within the municipal boundaries of the City of St. Augustine. The hearing will be held at 5:00 p.m. on August 12, 2019, in City Commission Chambers, Alcazar Room, of City Hall, 75 King Street, St. Augustine, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact Darlene Galambos, City Clerk at (904) 825-1007, at least seven days prior to the date of the hearing. The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The following tables reflect the proposed fire protection assessment schedules.

**FIRE PROTECTION
ASSESSMENTS FISCAL
YEAR 2019-2020**

Residential Property Use Categories	Rate Per Square Foot
Residential	\$0.0689
Non-Residential Property Use Categories	Rate Per Square Foot
Non-Residential	\$0.1257

**MAXIMUM FIRE PROTECTION ASSESSMENT FOR
FUTURE FISCAL YEARS**

Residential Property Use Categories	Rate Per Square Foot
Residential	\$0.1053

Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.1921

Copies of the Fire Protection Assessment Ordinance, the Initial Assessment Resolution and the preliminary Assessment Roll are available for inspection at the City Clerk, City Hall, located at 75 King Street, St. Augustine, Florida. The fire protection service non-ad valorem assessment will be collected on the ad valorem tax bill to be mailed in November 2016. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. If you have any questions, please contact the City's Budget and Performance Management office at 904-825-1006, Monday through Friday between 9:00 a.m. and 5:00 p.m.

[INSERT MAP OF THE CITY OF ST. AUGUSTINE]

**CITY COMMISSION
CITY OF ST. AUGUSTINE,
FLORIDA**

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact St. Augustine City Clerk (904)825-1007, 75 King Street, St. Augustine, FL 32084; or St. Johns County ADA Coordinator (904)209-0650, 500 San Sebastian View, St. Augustine, FL 32084. For hearing impaired individuals: Florida Relay Service 1-800-955-8771 (TDD) or 1-800-955-8770 (V), not later than 5 days prior to the proceeding at the address given above.

Darlene Galambos
City Clerk, City of St. Augustine

Xc: J. Regan, City Manager, T. Burchfield, Asst. City Manager I. Lopez, City Attorney
A. Raines, Purchasing, charge 001.51220.53490

APPENDIX C

FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Mayor of the City of ST. AUGUSTINE, or authorized agent of the City of ST. AUGUSTINE, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire protection services (the "Non-Ad Valorem Assessment Roll") for the City is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the St. Johns County Tax Collector by September 15, 2019.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the St. Johns County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this _____ day of _____, 2019.

CITY OF ST. AUGUSTINE, FLORIDA

By: _____
Mayor

[to be delivered to Tax Collector prior to September 15]

ITEM 9.A.1.
Ord. 2019-15

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: June 19, 2019

RE: ORDINANCE 2019-15: GENDER NEUTRAL TERMINOLOGY

Please find attached Ordinance 2019-15. Consistent with the City Commission's direction to our office regarding amendments to the City Charter, we are presenting an ordinance to amend all sections necessary to include both genders and use gender neutral terminology.

Please place Ordinance 2019-15 on the regular City Commission agenda for first reading on July 8, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Tim Burchfield, Assistant City Manager
Darlene Galambos, City Clerk

ORDINANCE NO. 2019-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO AMEND ALL SECTIONS NECESSARY TO PROVIDE GENDER NEUTRAL LANGUAGE THROUGHOUT; PROVIDING FOR INCLUSION IN THE CHARTER 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 City's Charter has not been thoroughly revised since 1925, and the City Commission determined at its April 3, 2019 public workshop that a revision of its Charter was overdue; and

WHEREAS, public comment was taken, and after presentation by staff and Commission deliberation, the City Commission directed the City Attorney to draft a revision of the Charter to make all language consistently gender neutral; 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. Amendment to Part I, Article II, Sections 2.02 and 2.05. Part I, Article II, Sections 2.02 and 2.05 are hereby amended, as follows:

Sec. 2.02. - Powers generally; members to judge own elections, etc.; forfeiture of office on conviction of crime.

The city commission shall constitute the governing body of the city, with powers as hereafter provided, to pass ordinances, adopt resolutions and appoint an administrative officer to be known as the city manager and to exercise all other powers hereinbefore or hereafter provided. A quorum of the city commission shall consist of three commissioners, but a less number may adjourn from day to day to compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance and no legislative action on the part of the city commission shall be valid unless concurred in by a three-fifths vote of all the members of the city commission. The city commission shall be the judge of the election and the qualifications of its own members subject to review by the courts. Any member of the commission who shall be convicted of a felony or a crime involving moral turpitude while in office shall forfeit his or her office.

Sec. 2.05. - Forfeiture of office by commissioner losing qualifications.

Any commissioner who shall cease to possess any of the qualifications required under the six [four] preceding sections [§§ 2.01—2.04] shall forthwith forfeit his or her office.

Section 2. Amendment to Part I, Article III, Sections 3.02 and 3.05. Part I, Article III, Sections 3.02 and 3.05 are hereby amended, as follows:

Sec. 3.02. - General powers.

(...)

- (r) *Codification of ordinances.* The City of St. Augustine, Florida, shall have the power, and is hereby authorized, by and through its city commission, at any time, to appoint some person or persons and authorize ~~him or~~ them to arrange and codify the ordinances of said city and to publish such codification in an appropriate volume which shall become the laws of said city upon the adoption by ordinance duly passed by the city commission; and provided further, that in the exercise of the power by said commission to adopt said codification, it shall not be necessary to publish said codification, but the publication of the ordinance adopting the same shall be sufficient to make the codification of such ordinances binding as the laws of said city.

Sec. 3.05. - Commission to exercise all powers not delegated; administrative service to be dealt with through city manager.

All powers of the city except such as are vested in the jurisdiction of the municipal court and except as otherwise provided by this charter or by the constitution of the state, are hereby vested in the city commission; and, except as otherwise provided by this charter, or by the constitution of the state, the city commission may, by ordinance or resolution, prescribe the manner in which any power of the city shall be exercised. Neither the commission nor any of its members shall dictate the appointment of any person to office or employment by the city manager or in any manner prevent the city manager from exercising his or her own judgement in selecting the personnel of his or her administration. The commission and its members shall deal with the administrative service solely through the city manager and neither the commission nor any member thereof shall give orders to, nor make requests of any of the subordinates of the city manager, either publicly or privately. Provided, however, nothing herein shall be taken or construed as a criminal violation or to prohibit the commission or any member thereof from making requests for information only from any of the subordinates of the city manager or the city's administrative service.

Section 3. Amendment to Part I, Article IV, Division 1, Section 4.02. Part I, Article IV, Division 1, Section 4.02 is hereby amended, as follows:

Sec. 4.02. - Investigation of departments, officers; process; procedure.

The city commission, or any committee thereof, the city manager or any advisory board appointed by the city commission for such purposes, shall have power at any time to cause the affairs of any department or the conduct of any officer or employee to be investigated and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the president or chairman of the body or by the officer making the investigation, and shall be served by any officer authorized by law to serve such process. The authority making such investigation shall have power to cause the testimony to be given under oath, such oath to be administered by some officer

having authority under the law of the state to administer oaths; and shall also have power to punish as for contempt any person refusing to testify to any fact within his or her knowledge, or produce any book or papers under his or her control relating to the matter under investigation.

Section 4. Amendment to Part I, Article IV, Division 3, Section 4.09. Part I, Article IV, Division 3, Section 4.09 is hereby amended, as follows:

Sec. 4.09. - Election; powers and duties.

The commissioner elected to Seat Three shall serve as mayor and shall preside at all meetings of the commission and perform such other duties consistent with his or her office as may be imposed by it, and he or she shall have a voice and vote in the proceedings of the commission but no veto power. He or she may use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general laws of the state so requires, but this shall not be considered as conferring upon him or her the administrative or judicial functions of a mayor under the general laws of the state. He or she shall be recognized as the official head of the city by the courts for the purpose of serving civil processes by the government in the exercise of military law and for all ceremonial purposes. He or she may take command of the police and govern the city by proclamation during times of grave public danger or emergency. The powers and duties of the mayor shall be such as are conferred upon him or her by the city commission in pursuance of the provisions of this Charter and no others. In the absence of the mayor, the other members of the city commission shall select one of their number to perform his or her duties.

Section 5. Amendment to Part I, Article IV, Division 4, Sections 4.10, 4.13 and 4.16. Part I, Article IV, Division 4, Sections 4.10, 4.13 and 4.16 are hereby amended as follows:

Sec. 4.10. - Appointment; qualifications; temporary manager during absence, etc.

The city commission shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission, and he or she shall hold office at the pleasure of the city commission. He or she shall be chosen solely on the basis of his or her executive and administrative qualifications, without regard to his or her political belief, and he or she need not be a resident of the city or state at the time of his or her appointment. During the absence or disability of the city manager, the city commission may designate some properly qualified person to temporarily execute the functions of the office.

Sec. 4.13. - Powers and duties generally.

The city manager shall be responsible to the city commission for the proper administration of all affairs of the city and to that end, his or her powers are and they shall be:

(...)

- (f) To recommend to the commission for adoption such measures as he or she may deem necessary or expedient in the interest of the city;

(...)

- (i) The city manager of the City of St. Augustine, Florida, or his or her designee, shall be the purchasing agent of said city by whom all purchases of supplies shall be made; and he or she shall approve all vouchers for the payment of same. In the capacity of

purchasing agent he or she shall also conduct all sales of personal property which has become necessary or unfit for the city's use. Competitive formal bids should be solicited for any single item which exceeds the purchase cost of five thousand dollars (\$5,000.00); provided, however, that when such formal bids have been received on public works construction contracts to be let by the city and they are in excess of the estimated construction costs as prepared by independent engineers or architects on behalf of the city then, and in that event, the city manager may, subject to approval of the city commission, negotiate the terms and conditions of such construction contracts with any qualified contractor, whether low bidder or otherwise, so as to bring the cost of the proposed contract within the engineers' and/or architects' estimate or the amount of money available to the city for such contract.

Sec. 4.16. - Additional duties.

The city manager shall manage and control all city owned public utilities operated and managed by the municipality, and the office of the city manager shall be charged with the management and operation of all public works and the regulation by ordinances of the city commission of all charitable and correctional institutions and agencies of the city, enforce all laws, ordinances and regulations relative to the preservation and promotion of public health; shall manage or inspect water, lighting, heating, power and transportation enterprises of the city; shall manage and control the use, construction, improvement, repair and maintenance of all recreational facilities of the city, including parks, playgrounds and public gymnasiums, bathhouses and social centers; ~~he~~ shall manage and supervise all public improvements, works and undertakings of the city, except as otherwise provided in this charter; ~~he~~ shall have charge of the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts, aqueducts, public highways, sewers, drains, ditches, culverts, streams, watercourses, and all public buildings; ~~he~~ shall manage and control market houses, crematories, sewerage disposal plants and farms, and ~~he~~ shall enforce all the obligations of privately owned or operated public utilities which are enforceable by the city; ~~he~~ shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for such public work; the cleaning, sprinkling and lighting of streets and public places; the collection and disposal of wastes; the preservation of tools and appliances belonging to the city and pertaining to the functions of its several departments.

Section 6. Amendment to Part I, Article IV, Division 5, Sections 4.19 and 4.20. Part I, Article IV, Division 5, Sections 4.19 and 4.20 are hereby amended, as follows:

Sec. 4.19. - Special duties.

The city commission shall appoint a city attorney who shall act as the legal adviser to, and attorney and counselor for, the municipality and all of its officers in matters relating to their official duties. He or she shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned and shall endorse on each his or her approval of the form and correctness thereof and no contract with the municipality shall take effect until his or her approval is so endorsed thereon. He or she shall prosecute and defend for and in behalf of the city all complaints, suits and controversies in which the city is a party. He or she shall furnish the city commission, the city manager, the head of any department or any officer or board not included in any department his or her opinion on any question of law relating to their respective powers and duties.

Sec. 4.20. - Additional duties.

In addition to the duties specifically imposed under the preceding section he or she shall perform such other professional duties as may be required of him or her by ordinance or resolution of the city commission or as are prescribed for city attorneys under the general law of the state and which are not inconsistent with this charter and with any ordinance or resolution which may be passed by the city commission.

Section 7. Amendment to Part I, Article IV, Division 6, Sections 4.21 and 4.22. Part I, Article IV, Division 6, Sections 4.21 and 4.22 are hereby amended, as follows:

Sec. 4.21. - Appointment; duties generally.

There shall be a city clerk who shall be appointed by and serve during the pleasure of the city commissioners and who, under the supervision of the city manager, shall be director of the department of records. He or she shall attend all meetings of the city commission and shall keep a journal of its proceedings, the correctness of which proceedings as entered in such journal shall be certified to after each meeting by his or her signature and by the signature of the presiding officer of the city commission. He or she shall be the custodian of the seal of the city and of all records and papers of a general character pertaining to the affairs of a municipality. He or she shall attest to the signature of the mayor-commissioner on all contracts and other documents requiring such attestation.

Sec. 4.22. - Additional duties.

In addition to the duties specifically imposed under this Charter, the city clerk shall perform such other duties as may be required of him or her by ordinance or resolution of the city commission, as well as such as may be required by the city manager or of city clerks by the general laws of the state applicable to municipalities and not inconsistent with this Charter or with any ordinance or resolution passed by the city commission.

Section 8. Amendment to Part I, Article IV, Division 9, Section 4.44. Part I, Article IV, Division 9, Section 4.44 is hereby amended, as follows:

Sec. 4.44. - Composition; powers and duties generally of fire chief.

The fire force of the City of St. Augustine shall consist of a chief, who shall be a fire warden, and as many subordinate professional officers, professional ~~firemen~~ firefighters and employees, employed on a full time basis, as the city commission shall by ordinance determine is reasonably required to afford fire protection to the city. In determining the level of fire protection to be afforded, the city commission shall consider the recommendations of the Insurance Service Organization, the National Fire Protection Association, the fire chief, the city manager and the level of service afforded cities of a comparable size. The fire chief shall have exclusive control of the stationing and transfer of all ~~firemen~~ firefighters and other officers and employees constituting the fire force, subject to such rules and regulations as may be prescribed by city manager or by ordinance of the city; he or she shall have exclusive management and control of such officers and employees as may be employed in the administration of the affairs of his or her force. In case of riot, conflagration or like emergency, the city manager may appoint additional ~~firemen~~ firefighters for temporary service. The fire chief shall have, subject to the remaining portions of this charter, the right to suspend any officer or employee of the fire force because of incompetency, neglect of duty, drunkenness, failure to obey orders given by proper authority or for any other just or reasonable cause and shall immediately report the fact of such suspension to the city manager for final action.

Section 9. Amendment to Part I, Article IX, Sections 9.04, 9.05 and 9.06. Part I, Article IX, Sections 9.04, 9.05 and 9.06 are hereby amended, as follows:

Sec. 9.04. - Composition; chief to control force.

The Police Force of the City of St. Augustine shall consist of a chief of police and as many subordinate officers, ~~policemen~~ **officers** and employees, employed on a full time basis, as the city commission shall by ordinance determine is reasonably required to enforce the law. The chief of police shall have exclusive control of the stationing and transfer of all ~~patrolmen~~ **police officers** and other officers and employees constituting the police force, subject to the approval of the city manager and under such rules and regulations as the city commission may prescribe or as may be prescribed by the ordinances of the city.

Sec. 9.05. - Additional ~~policemen~~ **officers during emergencies.**

In case of riot or other grave emergency and during elections or similar occasions, the city manager may appoint additional ~~patrolmen and police~~ officers for temporary service. No person shall act as a special ~~policeman~~ **officer**, ~~special detective~~ or other ~~special police~~ officer for any purpose whatsoever, except on written authority of the city manager. Such authority shall be exercised only under the direction and control of the chief of police for a specified time.

Sec. 9.06. - Powers and duties generally of chief.

The chief of police shall attend all meetings of the city commission and aid in the enforcement of order under the direction of the presiding officer. He ~~or she~~ shall execute the commands of the city commission and all processes issued by authority thereof which shall be issued to him ~~or her~~ by the mayor. He ~~or she~~ shall perform such other duties appropriate to his ~~or her~~ office as may be imposed upon him ~~or her~~ by law, the ordinances of the city, and by direction of the city manager, consistent with this Act. He ~~or she~~ shall have the right to suspend any officer or employee of the police force because of incompetency, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority or for any other just and reasonable cause and he ~~or she~~ shall immediately report the fact of such suspension to the city manager for final action.

Section 10. Amendment to Part I, Article X, Section 10.045. Part I, Article X, Section 10.045 is hereby amended, as follows:

Sec. 10.045. - City attorney to represent board of trustees.

The city attorney shall give advice to said board of trustees in all matters pertaining to their duties in the administration of said municipal police officers' retirement trust fund whenever requested; and he ~~or she~~ shall represent and defend said board as its attorney in all suits and actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said board; provided, however, that if the board of trustees so elects, it may employ independent legal counsel at the pension fund's expense for the purposes contained herein, together with such other professional, technical, or other advisers as the board deems necessary.

Section 11. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter of the City of St. Augustine, 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 12. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 13. 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 14. 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 _____, 2019.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: June 20, 2019

RE: ORDINANCE 2019-16: REMOVAL OF PROCEDURE FOR VACATING STREETS

Please find attached Ordinance 2019-16. Consistent with the City Commission's direction to our office regarding amendments to the City Charter, we are presenting an ordinance to remove the procedures for street vacation from the Charter and instead codifying a procedure in the municipal code consistent with the procedures for other ordinance noticing and hearings.

Please place Ordinance 2019-16 on the regular City Commission agenda for first reading on July 8, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Tim Burchfield, Assistant City Manager
Darlene Galambos, City Clerk

ORDINANCE NO. 2019-16

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO REMOVE THE PROCEDURE FOR VACATING STREETS; PROVIDING FOR INCLUSION IN THE CHARTER 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 City's Charter has not been thoroughly revised since 1925, and the City Commission determined at its April 3, 2019 public workshop that a revision of its Charter was overdue; and

WHEREAS, public comment was taken, and after presentation by staff and Commission deliberation, the City Commission directed the City Attorney to draft a revision of the Charter to remove the procedure for vacating streets in order to codify it into the City Code; 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. Repeal of Part I, Article XIII, Section 13.06. Part I, Article XIII, Section 13.06 is hereby repealed in its entirety, as follows:

~~Sec. 13.06.— Procedure for vacating streets.~~

~~The city commission in vacating any street or part of street or changing the name of any street, may include in one ordinance the change of name or vacation or narrowing of more than one street, avenue or alley, but before vacating any street or part thereof, or narrowing any street, the commission shall first pass a resolution declaring its intention to do so. Personal service, the same as in the civil actions, shall be made upon all persons whose property abuts upon the portion of the street affected by the proposed vacation or narrowing and by publication once in one daily newspaper of general circulation in the city as to all the persons who cannot be personally served. Said notice shall state the time and place at which objections can be heard before the city commission and the commission may thereafter by ordinance declare such vacation or narrowing of street, avenue or alley of which notice was previously given as hereinbefore provided for and such order of the commission vacating or narrowing a street which has been dedicated to public use by the proprietor shall, to the extent to which it is vacated or narrowed, operate as a revocation of the acceptance thereof by the commission, but the right of way and easement therein of any lot owner shall not be impaired thereby.~~

Section 2. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter 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 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2019.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: June 20, 2019

RE: ORDINANCE 2019-17: PROCEDURE FOR VACATING ROADS

Please find attached Ordinance 2019-17 which amends Chapter 22 of the City Code to clarify procedures for vacating roads.

Please place Ordinance 2019-17 on the regular City Commission agenda for first reading on July 8, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Tim Burchfield, Assistant City Manager
Darlene Galambos, City Clerk

ORDINANCE NO. 2019-17

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 22 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING ARTICLE V, SECTION 22-176 TO PROVIDE THE CITY COMMISSION AUTHORITY TO SET PETITION FEES BY RESOLUTION; AMENDING ARTICLE V, SECTION 22-177 TO PROVIDE THE CITY COMMISSION AUTHORITY TO WAIVE THE WAITING PERIOD FOR PREVIOUSLY DENIED PETITIONS; CREATING ARTICLE V, SECTION 22-178 TO ESTABLISH REQUIREMENTS FOR ROAD VACATION PETITIONS; CREATING ARTICLE V, SECTION 22-179 ESTABLISHING REVIEW, NOTICE AND HEARING PROCEDURES FOR ROAD VACATION PETITIONS; PROVIDING FOR SEVERABILITY; 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 city commission at its June 10, 2019 meeting reviewed proposed changes to the city charter and directed that reference to the road vacation process be removed from the charter and instead codified in the municipal code; and,

WHEREAS, over time, the city clerk created a de facto process to supplement the minimal existing procedures, and requests that the procedure be codified for clarity and consistency; and

WHEREAS, municipal road vacations are within the broad authority of home rule powers, and the proposed procedures better mirror similar ordinance notice and hearings; 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.

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

Section 1. Amendment to Chapter 22, Article V, Section 22-176. Chapter 22, Article V, Section 22-176 of the Code of the City of St. Augustine, is hereby amended as follows:

Sec. 22-176. - Fee for petition for vacation, abandonment of street, alley or other public way.

The city commission will set the petition fee by resolution for the reasonable administrative costs related to ~~There is hereby levied and assessed a charge of a nonrefundable fee of four hundred dollars (\$400.00) to be paid to the city upon the filing with the city commission of~~ any petition for the vacation or abandonment of any street, alley or other public way. No petition for the vacation or abandonment of any street, alley or other public way will be placed by the city manager on the agenda of the city commission unless and until such fee shall have been paid.

Section 2. Amendment to Chapter 22, Article V, Section 22-177. Chapter 22, Article V, Section 22-177 of the Code of the City of St. Augustine, is hereby amended as follows:

Sec. 22-177. - Waiting period established for petitions previously denied by the city commission.

Whenever the city commission has denied a petition for a vacating or abolishing of a street, alley or right-of-way no further application shall be filed for the same street, alley or right-of-way for a period of one (1) year from the date of such action. In the event that two (2) or more petitions for the same street, alley or right-of-way or any part or all of the same has been denied, no further petition shall be filed for the same property for a period of two (2) years from the date of such action denying the last application filed. The city commission may waive the waiting period for just cause if it is found to be in the public interest.

Section 3. Creation of Chapter 22, Article V, Section 22-178. Chapter 22, Article V, Section 22-178 of the Code of the City of St. Augustine, is hereby created as follows:

Sec. 22-178. - Petition requirements.

Petitioner will remit the required fee and a completed application to the City Clerk. The petition must include the following:

- (a) The name and address of the petitioner or petitioners, and any authorized agent;
- (b) Sufficient proof of ownership evidencing petitioner's ownership of property adjacent to the right-of-way;
- (c) Identification and concurrence of all affected property owners and easement holders adjacent to, or that must access, the right-of-way to be vacated;
- (d) A clear and concise statement of the purpose and intent for the vacation;
- (e) A legal description of the right-of-way to be vacated with a site plan, streetscape, or other visual documentation that clearly depicts the right-of-way to be vacated and its effect on adjacent public lands, utility and drainage easements, natural habitats, or scenic vistas.
- (f) A statement that the information submitted is complete, true and correct, and that petitioner understands and agrees that the city commission may retain

an easement for utilities, drainage, or other public purpose as a condition to the right-of-way vacation.

Section 4. Creation of Chapter 22, Article V, Section 22-179. Chapter 22, Article V, Section 22-179 of the Code of the City of St. Augustine, is hereby created as follows:

Sec. 22-179. – Review, notice and hearing.

Petitioner shall attend a staff review of their petition, and address all staff questions or concerns prior to being scheduled for a hearing before the city commission. Any unresolved staff concerns will be described to the city commission. The petition will first be heard by the city commission, and if the commission finds that the petition requirements have been met and that staff concerns have been adequately addressed with any conditions needed to safeguard the public interest, the city commission may direct the city manager to place the item for first reading of an ordinance to vacate the right-of-way. If the ordinance is passed on first reading and set for public hearing, no later than fifteen days prior to second reading the City Clerk will send a mailed notice, certified, return receipt, to all affected property owners and easement holders, as well as, place an advertisement in a newspaper of general circulation, notifying the public of a second reading and public hearing regarding the proposed right-of-way vacation.

Section 5. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 22, Section 22-176, Section 22-177, Section 22-178 and Section 22-179 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 6. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. 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 8. 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 _____, 2019.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: June 20, 2019

RE: ORDINANCE 2019-18: REMOVAL OF ANNUAL CHRISTMAS BONUSES

Please find attached Ordinance 2019-18. Consistent with the City Commission's direction to our office regarding amendments to the City Charter, we are presenting an ordinance to remove the procedures regarding annual Christmas bonuses from the Charter and instead codifying a procedure in the municipal code consistent with state statute and current policy.

Please place Ordinance 2019-18 on the regular City Commission agenda for first reading on July 8, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Tim Burchfield, Assistant City Manager
Darlene Galambos, City Clerk

ORDINANCE NO. 2019-18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO REMOVE PROCEDURES FOR ANNUAL CHRISTMAS BONUSES; PROVIDING FOR INCLUSION IN THE CHARTER 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 City's Charter has not been thoroughly revised since 1925, and the City Commission determined at its April 3, 2019 public workshop that a revision of its Charter was overdue; and

WHEREAS, public comment was taken, and after presentation by staff and Commission deliberation, the City Commission directed the City Attorney to draft a revision of the Charter to remove the outdated Christmas bonus policy no longer in use and not consistent with §215.425, Florida Statutes; 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. Repeal of Part I, Article II, Section 2.10. Part I, Article II, Section 2.10 is hereby repealed in its entirety, as follows:

~~Sec. 2.10. Annual Christmas bonus~~

~~The City of St. Augustine, Florida, is hereby authorized and empowered to pay, by resolution, to each of its officers and employees a Christmas bonus less all necessary deductions. That such bonus shall be in addition to and in no manner in lieu of any other regular compensation paid to such officer and employee.~~

Section 2. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter 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 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2019.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

ITEM 9.B.1.
Res. 2019-21

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: June 25, 2019

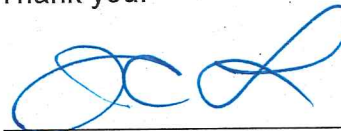
RE: RESOLUTION 2019-21: AMENDMENT TO REORGANIZATIONAL RESOLUTION

As requested by the City Commission, please find enclosed an amendment to the reorganization resolution. This resolution amends the previously adopted Resolution 2018-44 to provide for a maximum four-hour duration to regular City Commission meetings, extension of meetings by a simple majority vote, and required re-noticing:

*Section 1. Schedule of Regular Meetings. The regular meetings of the St. Augustine City Commission will be held in the Alcazar Room, City Hall, St. Augustine, Florida on the second and fourth Mondays of each month beginning at approximately 5:00 p.m., unless cancelled or rescheduled due to a holiday or other closure of City offices. The time and location of a meeting may be changed upon reasonable notice, consistent with the requirements of Florida law. The reorganizational meeting of the City Commission will be held at 7:30 p.m. on the first Monday in December following an election, consistent with Article V, Section 5.02 of the City Charter. **Regular meetings will adjourn no later than four (4) hours after the call to order, unless extended by simple majority vote of the City Commission. The City Commission may continue a hearing or reschedule any items to a future meeting date. Items that require specific noticing will be re-noticed in the event a meeting adjourns prior to hearing the scheduled item.***

Please place Resolution 2019-21 on the regular City Commission agenda for adoption on July 8, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Tim Burchfield, Assistant City Manager
Darlene Galambos, City Clerk

RESOLUTION NO. 2019-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA ADOPTING, CONFIRMING, AND RATIFYING THE SCHEDULE OF REGULAR MEETINGS, THE ORDER OF BUSINESS OF THE AGENDA, THE RULES OF DECORUM, THE RULES OF PROCEDURE, THE SPECIAL MEETING PROCEDURES, AND THE ADMINISTRATIVE POLICIES AND PROCEDURES OF THE ST. AUGUSTINE CITY COMMISSION; PROVIDING FOR THEIR USE BY OTHER CITY BOARDS AND COMMITTEES; PROVIDING FOR AMENDMENT, REPEAL OR SUSPENSION OF THESE RULES, PROCEDURES AND POLICIES BY MAJORITY VOTE OF THE CITY COMMISSION; AND PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS.

WHEREAS, the City Charter provides for regular meetings, as well as, special meetings of the City Commission; and

WHEREAS, the City Charter provides that the City Commission may adopt a resolution to prescribe the rules, procedures and policies related to the conduct of its meetings; and

WHEREAS, the City Commission finds that adoption of the following rules, procedures and policies will further the public health, safety and welfare, as well as, the good governance of the City.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, THAT THE FOLLOWING BE ADOPTED, CONFIRMED, AND RATIFIED:

Section 1. Schedule of Regular Meetings. The regular meetings of the St. Augustine City Commission will be held in the Alcazar Room, City Hall, St. Augustine, Florida on the second and fourth Mondays of each month beginning at approximately 5:00 p.m., unless cancelled or rescheduled due to a holiday or other closure of City

offices. The time and location of a meeting may be changed upon reasonable notice, consistent with the requirements of Florida law. The reorganizational meeting of the City Commission will be held at 7:30 p.m. on the first Monday in December following an election, consistent with Article V, Section 5.02 of the City Charter. Regular meetings will adjourn no later than four (4) hours after the call to order, unless extended by simple majority vote of the City Commission. The City Commission may continue a hearing or reschedule any items to a future meeting date. Items that require specific noticing will be re-noticed in the event a meeting adjourns prior to hearing the scheduled item.

Section 2. Order of Business. The format and order of the Agenda of the St. Augustine City Commission is hereby adopted and incorporated herein as Exhibit "A" *Order of Business.*

Section 3. Rules of Decorum. Resolution 2015-36 provides specific notice and guidance to the public regarding the applicable rules of decorum, and it is confirmed and incorporated herein as Exhibit "B" *Rules of Decorum.*

Section 4. Rules of Procedure. The rules of procedure during meetings of the St. Augustine City Commission are hereby adopted and incorporated herein as Exhibit "C" *Rules of Procedure.*

Section 5. Special and Emergency Meetings. Special meetings of the St. Augustine City Commission may be scheduled and conducted consistent with the procedures for special meetings hereby adopted and incorporated herein as Exhibit "D" *Special Meetings.* Emergency meetings may be called as allowed pursuant to local, state and federal law.

Section 6. Administrative Policies and Procedures. The administrative procedures of the St. Augustine City Commission are hereby adopted and incorporated herein as Exhibit "E" *Administrative Policies and Procedures*.

Section 7. Other City Boards and Committees. Meetings of the City's boards and committees may provide for variations to reflect the work of their board or committee, but should generally follow the format of the Order of Business, comply with the City's Rules of Decorum, Meeting Procedures, provisions for Special Meetings, and with the requirements of Florida's Government in the Sunshine Law.

Section 8. These rules, procedures and policies may be amended, repealed or suspended by a majority vote of the City Commission.

Section 9. It is the intent of the City Commission to adopt the rules, procedures and policies found herein, to confirm the use of the Rules of Decorum as they may be amended from time to time, and to repeal any conflicting provisions in prior resolutions.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this _____ day of _____, 2019.

CITY OF ST. AUGUSTINE, FLORIDA

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

City Clerk, Darlene Galambos

(Seal)

EXHIBIT "A"

ORDER OF BUSINESS

CITY OF ST. AUGUSTINE CITY COMMISSION REGULAR MEETING AGENDA [DATE], 5:00PM ALCAZAR ROOM

- 1. CALL TO ORDER**
 - ❖ Roll Call
 - ❖ Invocation and Pledge of Allegiance
- 2. ADMINISTRATIVE ITEMS**
 - A. Modification and Approval of **Regular Agenda**
- 3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS**
- 4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING**
 - ❖ 3 minutes per individual
- 5. CONSENT AGENDA – Modification(s); Motion to Approve**
- 6. APPEALS**
- 7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS**
 - A. General Public Presentations
 - B. Items of Great Public Importance
 - C. Other Items Requiring Public Hearing
- 8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED**
 - A. Ordinances – Second Reading
 - B. Ordinances – First Reading (*only if required by law*)
 - C. Resolutions – Public Hearing (*only if required by law*)
- 9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED**
 - A. Ordinances – First Reading
 - B. Resolutions
- 10. STAFF REPORTS AND PRESENTATIONS**
- 11. ITEMS BY CITY ATTORNEY (*See Consent Agenda also*)**
- 12. ITEMS BY CITY CLERK (*See Consent Agenda also*)**
- 13. ITEMS BY CITY MANAGER (*See Consent Agenda also*)**
- 14. ITEMS BY MAYOR AND COMMISSIONERS**
- 15. ADJOURN**

EXHIBIT "B"

RULES OF DECORUM

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

Each speaker must comply with the following rules of decorum when addressing the commission, board or committee:

- ❖ THE SPEAKER MAY NOT ADDRESS THE COMMISSION, BOARD OR COMMITTEE FROM THE AUDIENCE.
- ❖ THE SPEAKER MAY ONLY APPROACH THE PODIUM TO SPEAK WHEN RECOGNIZED BY THE CHAIRPERSON.
- ❖ THE SPEAKER MAY NOT APPROACH THE DAIS WITHOUT THE CHAIRPERSON'S PERMISSION.
- ❖ THE SPEAKER MUST DIRECT QUESTIONS AND COMMENTS AT THE COMMISSION, BOARD OR COMMITTEE, THROUGH THE CHAIRPERSON.
- ❖ THE SPEAKER MUST OBSERVE THE TIME LIMITS SET FOR PUBLIC COMMENT.
- ❖ THE SPEAKER AT A PUBLIC HEARING MUST LIMIT HIS OR HER COMMENTS TO THE SUBJECT OF THE HEARING.
- ❖ THE SPEAKER MUST AVOID MAKING IRRELEVANT, REPETITIVE, PERSONAL, IMPERTINENT OR SLANDEROUS COMMENTS.

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

EXHIBIT "C"

MEETING PROCEDURES

- A. **AUDIO AND VIDEO OF PUBLIC MEETINGS:** The City of St. Augustine may audio and video record and broadcast public meetings. Members of the public and the media may also record public meetings as allowed by law; however, placement of equipment may not interfere with the life, safety codes, and the orderly conduct of the meeting or with the ability of the audience to see and hear the proceedings.
- B. **CELL PHONES:** Cell phones must be muted. Any conversation on cell phones during the meeting must be made outside City Commission Chambers.
- C. **PUBLIC RECORDS:** All documents presented as part of the record of the proceedings shall be considered, received and filed without the necessity of a motion.
- D. **ORDER OF SPEAKERS:** No members of the Commission shall speak more than twice on one question without first obtaining the leave of the Mayor, nor more than once until the other members have spoken, if they desire to speak, nor shall any member speak longer than ten minutes on one occasion, but the Mayor may extend the member's time for an additional five (5) minutes.
- E. **COURTESIES OF THE FLOOR:** The Mayor may extend the courtesies of the floor to any person he or she may see fit at any time during the deliberations of the City Commission unless there is an objection. It shall not be necessary for a member of the City Commission to move that the courtesies of the floor be extended. It shall be sufficient if the City Commissioner makes the request, and the Mayor shall grant such request unless there is an objection. Any person addressing the Commission shall do so from the lectern after stating their name and physical address for the record. Failure to state either their name or physical address for the record will not bar the person from making public comment, but may affect the ability of that person to establish standing in further legal proceedings.
- F. **MANNER OF MOTIONS AND VOTES:** The Mayor will preside at all meetings of the Commission. In his or her absence, the Vice-Mayor will preside; and in his or her absence the Commissioner with most seniority will preside. In the conduct of the meeting, the Commission may employ Roberts Rules of Order except as otherwise provided by law or the rules of the Commission. Seconds to motions, however, shall be required, and the Mayor-Commissioner shall have voice vote and may make motions and seconds to motions. After establishing a quorum, all votes will be decided by majority vote of those present and legally able to vote on the measure. Tie votes shall operate as a technical denial on the measure. On quasi-judicial matters, Commissioners shall disclose ex parte communication consistent with Florida law.
- G. **MAYOR AND CITY COMMISSIONER COMMENT PERIOD:** Only matters requiring Commission action for approval, disapproval or for general information of the entire Commission shall be presented by the Mayor or the City Commissioners

at that portion of the meeting allotted to the Mayor and City Commissioners. Housekeeping details shall be reported to the City Manager by the individual Commissioners at times other than during regular meetings, all in accord with Chapters 119.011 and 286.011, Florida Statutes.

- H. **PUBLIC COMMENT:** Consistent with the laws of the State of Florida, members of the public shall be given a reasonable opportunity to be heard before the City Commission takes formal action on a proposition. Regular meetings of the City Commission and its boards and committees shall provide for a general public comment period. Agenda items requiring a separate public hearing shall provide an opportunity for public comment on that item. If a person or agent of a person wishes to address the City Commission during either the general public comment period or during a specific public hearing item listed on the agenda, the person desiring to speak should complete a Public Comment card available at the back of the meeting chamber. The speaker should indicate on the card the subject of the comment and submit the card to the City Clerk who will then forward it to the Mayor.

At the appropriate portion of the meeting, under General Public Comment or at the time of the Public Hearing on agenda items requiring a public hearing, the Mayor will call the name of each person submitting a card and request that person to come forward. The Mayor will also make a general announcement for anyone unable to fill out a comment card, to come forward to provide their comments. After being recognized by the Mayor, the person should come to the podium and, for the public record, state his or her name, and physical address of their residence, business, or real property. Failure to state either their name or physical address for the record will not bar the person from making public comment, but may affect the ability of that person to establish standing in further legal proceedings.

For agenda items, the speaker should state whether he or she favors or disfavours the item he or she wishes to address. For non-agenda items, the speaker should identify the subject of the public comment and make his or her statement. Agents shall identify themselves, identify their client by name and their address. The speaker should then proceed to state their position or present information.

Appearances on all items will be limited to three (3) minutes, and no person may speak for more than three (3) minutes during any General Public Comment or Public Hearing period unless the Mayor allows otherwise. A speaker may not donate speaking time to another speaker. Persons desiring to distribute handouts should provide a minimum of ten (10) copies to the City Clerk. Persons wishing to display an electronic presentation, drawing or rendering must contact the City Clerk a minimum of five (5) business days prior to the meeting and make arrangements for a copy for the record.

- I. **MEETING DECORUM:** City Commission meetings are formal governmental meetings conducted to transact public business. In conducting the public's business, the City commits to the principles of civility, honor and dignity. Individuals appearing before the City are requested to observe the same

principles when making comments on items and issues presented to the City for their consideration. The City Commission may request that individuals providing testimony and evidence in a quasi-judicial proceeding be sworn-in as witnesses. The City's Resolution 2015-36 providing for Rules of Decorum shall govern all meetings of the City Commission and its boards and committees.

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

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

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

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

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

**CITY COMMISSION – APPEAL OF [BOARD NAME]
[DENIAL] or [APPROVAL] OF
[ORDER ON APPEAL] [APPLICATION NUMBER]
[APPLICATION ADDRESS AND PROJECT NAME (if any)]**

1. EX PARTE DISCLOSURE

2. CITY ATTORNEY PROCEDURAL REMINDER

- ❖ No new evidence is to be presented; this is an appeal on the record of the _____ Board hearing based on the right to appeal the denial/approval of _____ to the City Commission pursuant to section 28-29 (g).
- ❖ Public comment will be allowed but will be unsworn as it is limited to argument of facts already in the record of the _____ hearing.

A. Required findings by the City Commission:

- ❖ City Code Section 28-29(g)(5) states that, “the city commission shall find whether in its opinion error was made and within the terms of this section affirm, reverse or modify the action appealed.”

- ❖ **City Code Section 28-29(g):**

- (4) An appeal hearing before the city commission shall be scheduled at the next reasonably available city commission meeting. **The hearing shall be based on the record below and no new evidence or testimony shall be considered unless the appellant requests a modification to the action under appeal.** If a modification is requested, the only new evidence and testimony allowed shall be limited to the modification.
- (5) **The city commission shall find whether in its opinion error was made** and within the terms of this section **affirm, reverse or modify the action appealed** as it deems just and equitable. If the applicant presents modifications to the action under appeal, the city commission may accept the modification and so modify the order, may remand the appeal back to the board for further review, or may deny the modification and affirm the action appealed.
- (6) **The decision of the city commission shall be the final administrative action**, and appeals from the decision of the city commission shall be appealed to the circuit court.

B. The standard of review for a quasi-judicial decision requires all of the following:

- a) Procedural due process was afforded to the applicant;
- b) The _____ Board applied the correct law; and

- c) The decision was supported by competent, substantial evidence in the record.

3. STAFF PRESENTATION

- ❖ Overview presented by Planning & Building Director (*or other staff presentation*)
 - 20 minutes

4. PUBLIC COMMENT

- ★ *Can be before or after Appellant*
- ❖ Limited to argument on the record below; no new testimony or evidence.
 - 3 minutes per speaker

5. APPELLANT PRESENTATION

- ★ *If public comment is heard after Appellant, Appellant will be given an opportunity for rebuttal*
- ❖ Limited to argument on the record below; no new testimony or evidence.
 - 20 minutes
- ★ *If Appellant is not the Property Owner, the Property Owner will be given an opportunity to present a rebuttal)*
 - 20 minutes

6. CITY COMMISSION QUESTIONS

7. COMMISSIONER DELIBERATIONS AND VOTE

- ❖ Motion to approve the appeal, finding that the _____ Board committed an error and the City Commission reverses the _____ order. (City Commission grants the _____).
- *or*
- ❖ If a modification is presented, City Commission may
 - a) Deny the modification, or
 - b) Approve the modification, or
 - c) Motion to remand back to _____ Board to have the Board review and consider the modification.
- *or*
- ❖ Motion to deny the appeal and confirm the _____ Board order (City Commission denies the _____).

The City Commission, through the Chair/Mayor, may extend the courtesies of the floor and allow for more time for an issue specific presentation, as it deems necessary to ascertain the relevant facts in the record and law at issue consistent with due process.

EXHIBIT “D”

SPECIAL MEETINGS

1. WORKSHOPS:

- A. PURPOSE AND INTENT: City Commission Workshops are public meetings scheduled for City Commissioners to discuss, with or without the presence or input of City boards, committees, consultants or staff, matters related to certain subjects requiring detailed study or clarification.
- B. SCHEDULING: The City Manager may suggest an item be set for a future Workshop, to be scheduled if approved by a majority vote or consensus of the City Commission. A Workshop may also be requested by any Commissioner during a City Commission meeting, to be scheduled if approved by majority vote or consensus of the City Commission.
- C. LOCATION: Workshops of the Commission may be held in City Commission Chambers or a designated Conference Room at City Hall, or other location within the boundaries of the City of St. Augustine consistent with Florida law.
- D. PUBLIC MEETING: Workshops of the Commission shall be noticed and open to the public. A workshop agenda and meeting minutes shall be made available to the public consistent with Florida law.

2. SPECIAL MEETINGS:

- A. PURPOSE AND INTENT: The purpose of Special Meetings is to provide flexibility when a regular meeting needs to be supplemented or rescheduled. Special Meetings may be in addition to any regularly scheduled meetings of the City Commission. Special Meetings may also be scheduled as joint sessions with the City's boards and committees, or with outside agencies.
- B. SCHEDULING: The decision to hold a Special Meeting shall be determined by majority vote or consensus of the City Commission during a commission meeting.
- C. LOCATION: Special Meetings of the Commission may be held in City Commission Chambers or a designated Conference Room at City Hall, or other location within the boundaries of the City of St. Augustine consistent with Florida law. If the Special Meeting is located outside the boundaries of the City of St. Augustine, such as joint City-County meetings held at St. Johns County facilities, the City Commission shall comply with the requirements of Chapter 166.0213(2), Florida Statutes prior to holding the meeting.
- D. PUBLIC MEETING: Special Meetings of the Commission shall be noticed and open to the public. A Special Meeting agenda and meeting minutes shall be made available to the public consistent with Florida law.

3. PUBLIC COMMENT DURING WORKSHOPS AND SPECIAL MEETINGS:

Members of the public will be given a reasonable opportunity to be heard on a proposition before the City Commission, however, the City Commission may designate a Special Meeting or Workshop without public comment if a separate public meeting is made available for public comment prior to formal action by the City Commission, consistent with Chapter 286.0114, Florida Statutes. The public comment period will be scheduled at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the City Commission takes the official action. The City Commission will make that determination at the beginning of the Workshop or Special Meeting, or at a prior regular meeting. A decision regarding the timing of public comment shall be approved by a majority vote or by a consensus of the City Commission.

4. MODIFICATION:

The City Commission will utilize the Order of Business, Rules of Decorum, Rules of Procedure, and Administrative Procedures as with regular meetings of the City Commission, unless modified for the purposes of the Special Meeting or Workshop.

5. EMERGENCY MEETINGS:

Emergency meetings shall comply with the requirements of federal, state, and local law.

EXHIBIT "E"

ADMINISTRATIVE POLICIES AND PROCEDURES

1. MEETING AND AGENDA PREPARATION:

- A. The City Manager will prepare each meeting agenda. Regular meeting agendas will be available to the public by noon of the Tuesday preceding the City Commission meeting. All items must be submitted before noon on the Thursday two weeks prior to the City Commission meeting. The City Manager may modify the regular Order of Business in order to group related ordinances, resolutions, and proposals into one comprehensive presentation for clarity, however individual items will be heard and voted on consistent with Florida law.
- B. Special meetings or workshops may deviate from these deadlines, as necessary due to their scheduling, however the City Manager will endeavor to make these agendas available as soon as practicable. Agenda deadlines may be modified due to holiday schedules, office closures, or other unforeseen circumstances, at the discretion of the City Manager, but at a minimum shall meet the requirements of the State of Florida's Government in the Sunshine Law. Emergency meetings shall comply with the requirements of federal, state, and local law.
- C. Any member of the public seeking placement on the regular agenda must contact the City Clerk's Office at City Hall by telephone at: (904) 825-1007, by email at: cosa@citystaug.com or dgalambos@citystaug.com, or by fax at: (904) 825-1008, and must provide that person's name, business name (if applicable), a summary statement of the business to be presented to the Commission and a copy of all documents to be presented. If audio visual aids will be used, such as PowerPoint slides, projections or motion pictures, these must be reviewed and approved as to format by the City's technicians before noon of the Tuesday preceding the City Commission meeting. Placement of an agenda item before the Commission by a member of the public must have the sponsorship of a member of the City Commission.
- D. In accordance with the American With Disabilities Act, persons needing a reasonable accommodation to participate in this proceeding should contact the City Clerk at 75 King Street, 2nd Floor, St. Augustine, Florida, 32084, telephone (904) 825-1007, not later than seven (7) days prior to the proceeding. If you are hearing or voice impaired, please call the Florida Relay Service at 711 or toll free at 1-800-955-8771 (TTY).
- E. The Mayor or any Commissioner may sponsor a Proclamation to be placed on the Agenda. All Proclamations will be issued in the name of the City Commission and signed by the Mayor. Proclamations may be placed on the consent agenda for formal presentation at a future City Commission meeting, or they may be adopted and presented at the same meeting. Any adopted Proclamation that is not scheduled for formal presentation at a City Commission meeting will be so noted in the Agenda under Items by City Clerk.
- F. The Mayor or any Commissioner may request that an item be placed on the Agenda for exploratory City Commission discussion. Any matters that require

drafting of a City ordinance or amendment of a City ordinance may be added to an Agenda for presentation but must have the consensus of a majority of the Commission given at a Commission meeting prior to staff mobilizing to produce workshops, meetings, studies or draft documents. Resolutions and other matters that may involve substantial staff mobilization may also be added to an Agenda for presentation by the Mayor or any City Commissioner in order to obtain direction and Commission consensus.

- G. The City Manager may add to the Agenda for presentation any administrative matter prior to obtaining consensus of the City Commission if such matter is deemed necessary to the orderly administration of the City consistent with the powers and duties of the City Manager pursuant to the City Charter. The City Manager may instruct the employees under the City Manager's supervision and control to prepare an administrative matter for presentation. The City Manager may also retain consultants to assist in the duties prescribed for city managers.
- H. The City Attorney may add to the Agenda for presentation a resolution, ordinance, or other legal document prior to obtaining consensus of the City Commission, if the City Attorney deems it necessary to protect a legal interest of the City consistent with the powers and duties of the City Attorney pursuant to the City Charter. The City Attorney may instruct the employees under the City Attorney's supervision and control to prepare a legal matter for presentation. The City Attorney may also retain outside counsel to assist in the duties prescribed for city attorneys.

2. EXPENDITURE OF FUNDS:

- A. The City Manager is instructed that persons or community or charitable organizations requesting public funds or contributions of goods or services be advised that the policy of the City Commission, in order not to discriminate among the many requests for such aid, is that no direct contributions of public funds or direct contributions of goods or services will be made by the City Commission to such community organizations or groups. The City Commission of its own motion may approve the expenditure of public funds, goods or services if the City Commission finds that such expenditure is of a paramount public purpose and creates only an incidental private benefit. The City Commission may also create and fund various grants to be administered by the City Manager.
- B. The City Manager is instructed that requests for individual travel or other related expenditures of funds requested by a City Commissioner shall be granted up to a maximum of \$2,500.00 per fiscal year. Any request or item in excess of the annual allocation must be approved by the City Commission.

3. APPOINTMENT OF MEMBERS TO BOARDS AND COMMITTEES:

A. POSITIONS PROVIDED FOR BY CITY ORDINANCE:

- i. Sixty days prior to the expiration of a scheduled term, a notification of such expiration will be given to the City Commission in the Consent Agenda. A summary of the qualifications and duties applicable to the board in question

and a list of current members will be included in the notification. This deadline may be modified due to extraordinary circumstances.

- ii. Following notification, a special advertisement will be placed in the St. Augustine Record requesting applicants for the proposed vacancy.
- iii. The individuals holding the expiring term will be notified of the scheduled expiration and requested to fill out an application to express continued interest in serving.
- iv. Applicants for any City board or committee having an application currently on file will receive notification of the scheduled term expiration and be requested to update or confirm their application.
- v. At the City Commission meeting held prior to the expiration of a term on a given board, the City Clerk's office will place on the agenda a request for an appointment. The request will include all applications. From the combined list of applicants, the Commission will either finalize the appointment or determine to shorten the list of applicants and invite certain prospects to attend a subsequent Commission meeting following notification of the vacancy. The Commission may vote on the applicant by any lawful manner, including but not limited to, by motion and majority vote in the same manner as any other action item.
- vi. In the event a vacancy occurs on any board or committee for any reason other than expiration of term, the City will follow the procedures described in this section except that notification of a vacancy will be given at the next Commission meeting following receipt of notification of the vacancy by the City.
- vii. Citizen boards which assist in the governing of the City of St. Augustine shall be composed of persons who reside in the City of St. Augustine, unless otherwise stated. The City Commission reserves the authority to make exceptions in the event of difficulty filling positions or for other good cause as allowed by law or local regulation. Citizen boards that require its members to be members of certain occupations or professions in order to be qualified to hold their public positions are not prohibited from practicing that occupation or profession, consistent with Chapter 112.313(7), Florida Statutes and CEO 84-63 and 04-1.

B. POSITIONS NOT PROVIDED FOR BY CITY ORDINANCE:

- i. All appointments of members of boards and committees not provided for by City Ordinance will terminate on January 31st of any year following a year in which the City holds an election of City Commissioners. Single purpose committees will be deemed terminated upon final presentation of their work or findings to the City Commission.
- ii. At the first regular City Commission meeting following the installation of newly elected City Commissioners, the City Manager or City Clerk by way of the Consent Agenda will notify the City Commission of all terminations of the

subject boards and committees. The notification will include a list of the current members of each board or committee and the date of the meeting at which the Commission will consider renewing terminated boards and committees or creating new boards and committees.

- iii. At the regular City Commission meeting following the meeting at which the City Manager provided notification of terminations, the City Clerk will place on the agenda for said meeting a request for renewal or creation of boards and committees and a request for appointments to these boards and committees. The Commission will proceed to vote on the renewal or creation of boards and committees.
- iv. The Commission will renew or create each board or committee by motion and voice vote. Membership appointments for each board and committee will be as determined by the City Commission.
- v. In the event a vacancy occurs on a board or committee for any reason other than expiration of term, the City Clerk will notify the Commission of a vacancy at the next Commission meeting following receipt of notification of the vacancy by the City. Vacancies will be appointed as determined by the City Commission, consistent with all applicable laws and regulations.
- vi. The City Commission may give preference to persons who reside or own property within the City for appointment to boards and committees not provided for by City Ordinance, but the Commission is not required to grant such preference, unless otherwise required by federal, state or local law.

4. RESIGN TO SERVE REQUIREMENT:

- A. A member of a City committee or board, shall resign from service on that committee or board prior to qualifying for any elected office of government, including the office of St. Augustine City Commissioner or Mayor. A currently serving member of an elected office of government may not apply for, or be nominated to, any committee or board of the City of St. Augustine, unless the member has resigned from that elected office.
- B. This prohibition shall not apply to the Mayor or City Commissioners acting in their official City capacity, either as a liaison or as an officer on another board or committee.
- C. These requirements are intended to address situations not already regulated pursuant to the State of Florida's resign to run or dual office holding regulations. Applicants to City of St. Augustine boards and committees who hold other appointed or elected office should familiarize themselves with State statutes to determine if their appointment would constitute dual office-holding or violate resign to run requirements, and whether their current agency prohibits the appointment, before applying for a City appointed position.
- D. The acceptance of an incompatible office by one already holding office operates as a resignation of the first. Holley v. Adams, 238 So. 2d 401 (Fla. 1970).

ITEM 9.B.2.
Res. 2019-23

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: July 2, 2019

RE: **RESOLUTION 2019-23: AMENDMENT TO REORGANIZATIONAL RESOLUTION**

Please find enclosed Resolution 2019-23 which authorizes the City Manager to execute temporary construction easements related to the submerged lands of the City.

Individuals seeking to obtain permits from governmental agencies must comply with the regulations adopted by those agencies in order to apply for and obtain permits for development activities upon the City's sovereign submerged lands. The permitting agencies may require that an easement be executed by and between the City and the permit applicant as part of their permitting process.

Article IV of the City Code exempts private residential docks from obtaining a submerged land lease for the use of the City's submerged lands, as an accessory use to residential structures. Article IV, 7-85(f) of the City Code provides that the City Manager shall have the authority to enter into and execute submerged lands leases in the name of the City, but it does not provide for the City Manager to execute temporary construction easements over submerged lands when there is no related submerged land lease.

The enclosed resolution authorizes the City Manager to execute temporary easements between the City and a permit applicant necessary for agency permitting related to residential construction, for docks or other ancillary residential structures, over the City's submerged lands. These temporary easements will be for a six (6) month duration, but may be renewed or extended in order to complete construction.

Please place Resolution 2019-23 on the regular City Commission agenda for adoption on August 12, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Tim Burchfield, Assistant City Manager
Darlene Galambos, City Clerk

RESOLUTION NO. 2019-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE TEMPORARY CONSTRUCTION EASEMENTS RELATED TO THE SUBMERGED LANDS OF THE CITY OF ST. AUGUSTINE.

THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE ADOPTS THE FOLLOWING FINDINGS:

WHEREAS, the State of Florida enacted by special act of the legislature Chapter 11148—(no.1126) in 1925, designating the City of St. Augustine as its successor in title to all sovereign submerged lands owned or held by the State of Florida; and

WHEREAS, individuals seeking to obtain permits from governmental agencies, such as, but not limited to, the Army Corps of Engineers, the Department of Environmental Protection, or the St. Johns River Water Management District, must comply with the regulations adopted by those agencies in order to apply for and obtain permits for development activities upon the City's sovereign submerged lands; and

WHEREAS, the permitting agencies may require that an easement be executed by and between the City and the permit applicant as part of their permitting process; and

WHEREAS, Article IV of the City of St. Augustine municipal Code exempts private residential docks from obtaining a submerged land lease for the use of the City's submerged lands, as an accessory use to residential structures; and

WHEREAS, Article IV of the City of St. Augustine municipal Code provides that it is not intended to supersede state or federal regulations, nor impede navigation within state and federal waters, and the provisions of the Code are intended to be cumulative and interpreted consist with state and federal regulations of sovereign submerged lands; and

WHEREAS, Article IV, 7-85(f) of the City of St. Augustine municipal Code provides that the City Manager shall have the authority to enter into and execute submerged lands leases in the name of the City, but it does not provide for the City Manager to execute

temporary construction easements over submerged lands when there is no related submerged land lease;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, THAT

Section 1. The City of St. Augustine, adopts the findings of fact and conclusions of law as described in the recitals herein.

Section 2. The City Commission authorizes the City Manager to execute temporary easements between the City and a permit applicant necessary for agency permitting related to residential construction, for docks or other ancillary residential structures, over the City's submerged lands. The temporary easement will be for a six (6) month duration, but may be renewed or extended in order to complete construction. The temporary easement will expire upon expiration of the easement term.

Section 3. This resolution shall become effective immediately upon adoption by the City Commission.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this 12th day of August, 2019.

CITY OF ST. AUGUSTINE, FLORIDA

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

City Clerk, Darlene Galambos
(Seal)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, P.E.
City Manager

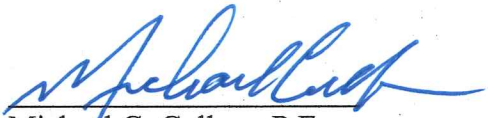
DATE: July 11, 2019

RE: Agenda Item for August 12, 2019 City Commission Meeting
Resolution 2019-24: Requesting SJRWMD and the FL DEP
Reduce Permit Application Fees

Per Section 218.075 of the Florida Statutes, the City as a municipality with a population of 25,000 or less, is requesting a reduction of permit processing fees; and further certifies that it qualifies for the fee reduction since the percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average as established by the attached Memorandum from the Florida Department of Revenue (FL DOR).

With City Commission approval the City receives a reduction of the annual permit application fees for Fiscal Year 2019-2020 from the St. Johns River Water Management District (SJRWMD) and the Florida Department of Environmental Protection (FDEP).

Please add Resolution 2019-24 to the City Commission Meeting agenda for Monday, August 12, 2019.



Michael G. Cullum, P.E.
Director, Public Works

Attachments: Resolution 2019-24
SJRWMD District Form No. 40C-1.603(13)
FL DEP Request to Reduce Annual Fees Application

Copy: Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Mark Litzinger, Director of Finance
Paul Williamson, Director of Public Affairs

RESOLUTION 2019-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA REQUESTING THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO REDUCE PERMIT APPLICATION FEES.

WHEREAS, Section 218.075, Florida Statutes, allows reduction of permit processing fees for municipalities with a population of 25,000 or less upon certification by that municipality that the cost of the permit processing fee is a fiscal hardship; and

WHEREAS, The City of St. Augustine, a municipality, certifies that it is a municipality with a population of 25,000 persons or less; and

WHEREAS, the City of St. Augustine, a municipality, further certifies that it qualifies for permit processing fee reduction for the fiscal year October 1, 2019 through September 30, 2020 since the percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year; and

WHEREAS, this documentation is established by the attached Memorandum from the Florida Department of Revenue dated June 25, 2019.

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

That the City of St. Augustine, a municipality, does hereby request that the St. Johns River Water Management District and the Florida Department of Environmental Protection reduce the permit application fee for public purpose projects for which the City of St. Augustine, a municipality, is the permit applicant to a fee of \$100 per permit, or if the permit application fee is less than \$100 by 50 per cent, for the fiscal year beginning October 1, 2019 and ending September 30, 2020.

PASSED IN REGULAR SESSION of the City Commission of the City of St. Augustine, Florida this ____ day of August, 2019.

ATTEST:

Tracy Upchurch, Mayor

Darlene Galambos, City Clerk

(SEAL)



Florida Department of Revenue
Property Tax Oversight

Jim Zingale
Executive Director

5050 West Tennessee Street, Tallahassee, FL 32399

floridarevenue.com

June 25, 2019

Holly A. Donahue
P.O. Box 210
St. Augustine, FL 32085

CITY OF ST. AUGUSTINE

The table below shows the requested information related to per capita taxable value and the percentage of assessed property that is exempt from ad valorem taxation.

	<u>City of St. Augustine</u>	<u>Florida</u>
Total Just Value	2,604,748,795	2,779,762,077,127
Total Assessed Value	2,193,619,471	2,344,014,739,790
Taxable Value	1,604,018,333	1,862,983,263,912
Exempt Amount	589,601,138	481,030,507,953
Population	14,021	30,353,132
Per Capita Taxable Value Average	114,401	61,377
Percentage of Assessed Value Exempt from Taxation	26.88%	20.52%
Millage	7.5000	
Sources: "Ad Valorem Data Book 2018" (DOR) and "Florida Estimates of Populations 2018" (BEBR)		

Please contact either Lizette Kelly at 850-617-8865 or Lizette.Kelly@floridarevenue.com or Allison Kever at 850-617-8925 or Allison.Kever@floridarevenue.com if you have any questions. Thank you.

Property Tax Oversight, Research & Analysis

ak

Wastewater Annual Fee Waiver/Reduction Guidance
10/11/2017

The following guidance addresses Wastewater Annual Fee Reduction pursuant to Section [218.075](#), Florida Statutes. A copy of the statutory provision is attached.

1. **Applicability** – The fee reduction provision applies only to counties of population 50,000 or less on April 1, 1994, until such counties exceed a population of 75,000 and municipalities with a population of 25,000 or less, or for any entity created by special act, local ordinance, or interlocal agreement of such counties or municipalities, or any county or municipality not included within a metropolitan statistical area, and which meet one of the 5 economic criteria specified in Section [218.075](#), F.S.
2. **Certification** – The attached worksheet ‘Request to Reduce/Waive a Current Wastewater Annual Fee’ identifies the criteria for a reduction of the annual fee pursuant to Section [218.075](#), F.S. The “governing body” (e.g., Mayor, County Commission Chairman, etc.) signing the worksheet certifies that the cost of the annual fee is a “fiscal hardship” to the City/County or entity thereof by identifying which criteria is being claimed. Backup documentation in support of such claim for Section [218.075](#), F.S. should be provided, see items 3 and 4 below.
3. **Economic Criteria** – For example, one of the economic criteria under which communities commonly apply is Section [218.075\(1\)](#) which is “Per capita taxable value is less than the statewide average for the current fiscal year.” Supporting documentation for this provision, as well as [218.075](#) (2) and (4), may be obtained from the **Department of Revenue, Research and Analysis Unit** at: PTOResearchAnalysis@floridarevenue.com or fax to (850) 617-6108 (FAX on letterhead) and Attention to: Lizette Kelly (850) 617-8865 or Harvey Bissoo (850) 717-6502.
4. **Financial Criteria** – For example, one of the financial criteria under which some entities of a City/County might apply is Section [218.075\(5\)](#) which is “a state of financial emergency”. Supporting documentation for this provision can be determined by referring to s. [218.503\(1\)](#). As for Section [218.075\(3\)](#) please refer to the attached worksheet.
5. **Invoice** – The Wastewater Annual Fee invoice lists the full annual fee amount that would be due without a reduction pursuant to Section [218.075](#), F.S. This is true even if a fee reduction certification was claimed in previous years. The reason for this is that the certification applies only to the current fiscal year so a ‘new’ certification must be provided to qualify for the reduction in the current year.
6. **Payment** – For applicants meeting the statutory criteria for fee reduction or waiver under Section [218.075](#), F.S., the statute limits the amount of the application fee to no more than \$100. However, the cost of issuing a check in that amount and processing the check exceeds \$100 so **if an applicant satisfies the requirements for relief, the fee should be waived in its entirety.**
7. **Request** – Those who wish to apply for fee reduction or waiver should submit the following 3 items:
 1. Backup Documentation supporting the claim. (*This may be data from the DOR or a Resolution.*)
 2. Worksheet completed request for review.
 3. Invoice for reference and filing.

Wastewater annual fee waiver requests should be emailed to Noreen.Biernacki@dep.state.fl.us or postal mailed to Department of Environmental Protection, Division of Water Resource Management, c/o Noreen Biernacki, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400

Florida Statutes

Title XIV Taxation and Finance

Chapter 218 Financial Matters Pertaining to Political Subdivisions

218.075 Reduction or waiver of permit processing fees.—Notwithstanding any other Provision of law, the Department of Environmental Protection and the water management districts shall reduce or waive permit processing fees for counties with a population of 50,000 or less on April 1, 1994, until such counties exceed a population of 75,000 and municipalities with a population of 25,000 or less, or any county or municipality not included within a metropolitan statistical area. Fee reductions or waivers shall be approved on the basis of fiscal hardship or environmental need for a particular project or activity. The governing body must certify that the cost of the permit processing fee is a fiscal hardship due to one of the following factors:

- (1) Per capita taxable value is less than the statewide average for the current fiscal year;
- (2) Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;
- (3) Any condition specified in s. [218.503\(1\)](#) which results in the county or municipality being in a state of financial emergency;
- (4) Ad valorem operating millage rate for the current fiscal year is greater than 8 mills; or
- (5) A financial condition that is documented in annual financial statements at the end of the current fiscal year and indicates an inability to pay the permit processing fee during that fiscal year.

The permit applicant must be the governing body of a county or municipality or a third party under contract with a county or municipality and the project for which the fee reduction or waiver is sought must serve a public purpose. If a permit processing fee is reduced, the total fee shall not exceed \$100.

History.—s. 1, ch. 94-278; s. 8, ch. 98-258; s. 25, ch. 2004-305.

**Request to Reduce/Waive a Current Wastewater Annual Fee
Pursuant to Section 218.075, F.S.**

Applicant

DEP Facility ID: _____ **Facility Name:** _____
Name of County, Municipality, or entity thereof: _____
Authorized Representative: _____
Mailing Address: _____
City: _____ **State:** _____ **Zip Code:** _____
Telephone: _____ **Fax:** _____ **E-mail:** _____

The undersigned hereby certifies that the above local government meets the population requirements of Section [218.075](#), F.S., and (*check the following applying to your claim*):

- ✓ The above individual is the applicant for a County, Municipality, or created entity thereof for which this fee reduction is sought; and
- ✓ Certifies the above local government qualifies for permit processing fee reduction for the **2018** fiscal year due to one or more of the following factor(s):
 - ☐ (1) The per capita taxable value is less than the statewide average for the current fiscal year;
 - ☐ (2) The percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year; or
 - ☐ (4) Ad valorem operating millage rate for the current fiscal year is greater than 8 mills;
 - ☐ (3) Any condition specified in Section [218.503](#), F.S., that determines a state of financial emergency;
 - ☐ (5) A financial condition that is documented in annual financial statements at the end of the current fiscal year and indicates an inability to pay the permit processing fee during that fiscal year.
- ✓ The above factors are supported by the attached documentation...

Note: The Department of Revenue does NOT decide qualification for fee waiver. The Department of Environmental Protection will be the reviewer of all claims.

Based on this certification, the applicant above hereby requests that the Department of Environmental Protection reduce the Wastewater Annual Fee for the above local government to \$100 or waive the fee in its entirety. **Please Do NOT submit \$100 with your fee waiver request.** It has been determined that the cost of issuing a check in that amount and processing the check exceeds \$100, therefore if an applicant satisfies the requirements for relief, the fee will be waived in its entirety.

Signature of Applicant: _____ **Date:** _____

Title: _____

Drinking Water Annual Fee Waiver/Reduction Guidance for the period of July 2018 - June 2019

The following guidance addresses Drinking Water Annual Fee Reduction pursuant to Section 218.075, Florida Statutes. A link the statutory provision is provided below.

Key Points:

1. Application for a fee waiver must be submitted every year.
2. For a waiver request for the period July 2018 to June 2019, documentation from the Florida Department of Revenue must be from the **Ad Valorem Data Book 2017**.
3. A waiver application must include a copy of the 2018-2019 drinking water fee invoice; therefore, waiver requests will **NOT** be accepted until invoices go out **July 16, 2017**. You may request documentation from the Florida Department of Revenue before that date.

1. Certification – **The attached worksheet ‘Request to Waive a Current Drinking Water Annual Fee’ identifies the criteria for a waiver of the annual fee** pursuant to Section 218.075, F.S. The “governing body” (e.g., *Mayor, County Commission Chairman, etc.*) signing the worksheet certifies that the cost of the annual fee is a fiscal hardship to the City/County or entity thereof by identifying which criteria is being claimed. Backup documentation in support of such claim for Section 218.075, F.S. should be provided. See items 2 and 3 below.

2. Economic Criteria – Communities commonly apply under the economic criteria in Section 218.075(1): “Per capita taxable value is less than the statewide average for the current fiscal year.” Supporting documentation for this provision, as well as Section 218.075(2) and (4), may be obtained from

Department of Revenue, Research and Analysis Unit

PTOResearchAnalysis@floridarevenue.com

or fax to 850-617-6108 (*FAX on letterhead*)

Attention to: Lizette Kelly (850-617-8865) or Harvey Bissoo (850-717-6502).

3. Financial Criteria – Section 218.075(5) is “a state of financial emergency”. Supporting documentation for this provision can be determined by referring to Section 218.503(1). For Section 218.075(3) please refer to the worksheet.
4. Invoice – The Drinking Water Annual Fee invoice lists the full annual fee amount. The certification applies only to the current fiscal year; therefore, a ‘new’ certification must be provided to qualify for the reduction in the current year.
5. Payment – For applicants meeting the statutory criteria, the fee is waived in full for those approved for a waiver. **In short, please do not send any payment or fee with your waiver application.**
6. Request – Applicants should submit the following three items:
 1. **Documentation** supporting the claim.
 2. The completed request **worksheet** (*attached below*).
 3. A copy of the **invoice**.

Please scan and submit these three items as one document. Thank you.

Please e-mail completed applications to Bruce.Nickerson@dep.state.fl.us

☐ COUNTY ☒ MUNICIPALITY

RESOLUTION NO. 2019-24

REQUEST TO THE ST. JOHNS RIVER
WATER MANAGEMENT DISTRICT
TO REDUCE PERMIT APPLICATION FEES

WHEREAS, Section 218.075, Florida Statutes, allows a reduction of permit processing fees for municipalities with a population of 25,000 or less, counties which had a population of 50,000 or less on April 1, 1994, and have not yet exceeded a population of 75,000, or any county or municipality not included within a metropolitan statistical area, certification by that municipality or county that the cost of the permit processing fee is a fiscal hardship; and

WHEREAS, City of St. Augustine ☐ County ☒ Municipality certifies that it:

- ☒ is a municipality with a population of 25,000 persons or less; or
- ☐ is a county which had a population of 50,000 persons or less on April 1, 1994, and which currently does not have a population exceeding 75,000; or
- ☐ is not included within a metropolitan statistical area; and

WHEREAS, City of St. Augustine ☐ County ☒ Municipality further certifies that it qualifies for permit processing fee reduction for the Fiscal Year October 1, 2019 through September 30, 2020 due to one or more of the following factor(s):

- ☐ Per capita taxable value is less than the statewide average for the current fiscal year; or
- ☒ Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year; or
- ☐ Any condition specified in section 218.503, Florida Statutes, that determines a state of financial emergency; or
- ☐ Ad valorem operating millage rate for the current fiscal year is greater than 8 mills; or

☐ A financial condition that is documented in annual financial statements at the end of the current fiscal year and indicates an inability to pay the permit processing fee during that fiscal year.

WHEREAS, these factors are supported by the attached documents:

NOW, THEREFORE, BE IT RESOLVED, that City of St. Augustine ☐ County ☒ Municipality does hereby request that the St. Johns River Water Management District reduce the permit application fee for public purpose projects for which City of St. Augustine ☐ County ☒ Municipality is a permit applicant to a fee of \$100 per permit, or if the current permit application fee is less than \$100 by 50 percent, for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020.

PASSED AND ADOPTED THIS _____ DAY OF _____,

City of St. Augustine ☐ COUNTY ☒ MUNICIPALITY
BY ITS ☐ COUNTY/ ☒ CITY COMMISSION

MEMBERS OF THE COMMISSION:

ATTEST:

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: August 1, 2019

RE: **RESOLUTION 2019-28: AUTHORIZING CITY MANAGER TO EXECUTE ANNUAL AGREEMENT**

Please find enclosed Resolution 2019-28 which authorizes the City Manager to execute the annual agreement between the City and Flagler College, Inc. for law enforcement patrol of the Flagler College campus. Flagler College, Inc. pays the City for this service. Each year the total payment is determined by the City's annual budget.

Please place Resolution 2019-28 on the regular City Commission agenda for adoption on August 12, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Tim Burchfield, Assistant City Manager
Darlene Galambos, City Clerk

RESOLUTION NO. 2019-28

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE ANNUAL AGREEMENT BETWEEN THE CITY OF ST. AUGUSTINE AND FLAGLER COLLEGE, INC. FOR LAW ENFORCEMENT PATROL OF THE FLAGLER COLLEGE CAMPUS.

WHEREAS, Flagler College, Inc. is the owner of certain properties in St. Augustine, Florida and desires to have a high-profile law enforcement patrol to promote a higher degree of protection for its students, faculty, properties, residents and users of its properties and services; and

WHEREAS, Flagler College, Inc. has previously contracted with the City of St. Augustine for the performance of such high-profile law enforcement; and

WHEREAS, Flagler College, Inc. pays the City of St. Augustine for law enforcement patrol in quarterly installments, the total of which is determined by the City's annual budget;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, THAT

Section 1. The City of St. Augustine, adopts the findings of fact and conclusions of law as described in the recitals herein.

Section 2. The City Commission authorizes the City Manager to execute the annual agreement between the City of St. Augustine and Flagler College, Inc. providing the assignment of police personnel to patrol the Flagler College campus.

Section 3. This resolution shall become effective immediately upon adoption by the City Commission.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this 12th day of August, 2019.

CITY OF ST. AUGUSTINE, FLORIDA

ATTEST:

City Clerk, Darlene Galambos

(Seal)

Tracy W. Upchurch, Mayor-Commissioner

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, City Manager

RE: Francis Field Events held in March-April 2020

DATE: July 30, 2019

With the passage of Resolution 2018-13, the St. Augustine City Commission set a number of parameters governing events on Francis Field including that the site may not be used for events on consecutive weekends.

Faced with the realities of the March-April 2020 calendar and the preferred dates of each of the the four multi-day events held during those months, city staff was faced with two options:

- work out a plan that allowed each event to be held on its preferred dates, even though that meant having events on consecutive weekends; or
- assigning dates to events without regard to preferred dates to ensure no events were held on consecutive weekends.

These four events have become an expected cultural and entertainment addition to the city's busy spring season, and each one has its unique scheduling criteria on which it attributes its success. Staff believes that rather than lose their preferred dates which fall in the peak of the spring season, the management of these four events are willing to cooperate with each other and will manage their staff, volunteers, service providers and vendors to ensure smooth and on-time move-in and move-out activities.

Thus, below is each event's preferred date criteria and, based on that criteria, the event's 2020 dates:

- St. Augustine Celtic Music & Heritage Festival/St. Patrick Day Parade
weekend before St. Patrick's Day -- March 13-15
- St. Augustine Lions Seafood Festival
weekend after or on St. Patrick's Day -- March 20-22
- Sunrise Rotary's Rhythm & Ribs
exchanged with Old Town Art Show -- March 27-29
- Old Town Art Show
Palm Sunday Weekend -- April 4-5

It should be noted that even though Sunrise Rotary's Rhythm & Ribs prefers the first weekend in April, in a spirit of cooperation for other events, its management agreed to the earlier weekend allowing the Old Town Art Show to remain on its preferred date, Palm Sunday Weekend.

Looking to the future, at least through 2027, it is not possible to schedule these four events on the dates they prefer and at least some not fall on consecutive weekends. If avoiding the use of Francis Field on consecutive weekends in March and April as well as the rest of the year is a priority, then a process will have to be developed for assigning dates to these events.

This is an issue that should be addressed by the City Commission as we continue to refine the city's policies regarding events' use of public property.

A handwritten signature in blue ink, appearing to read 'Paul K. Williamson', with a large, stylized loop at the beginning.

Paul K. Williamson
Public Affairs Director

Schedule showing preferred dates for annual events on Francis Field -- March/April 2021-2027

Revised: 07.30.19

Year	March (Sat & Sun)				April (Sat & Sun)			
2020	Feb 29-Mar 1	07-08 Bike Week	14-15 Celtic Festival	21-22 Lions Seafood	28-29 Rhythm & Ribs	04-05 Palm Sunday Old Town Art	11-12 Easter Wkcd Easter Parade	18-19 Family Fun Fest
2021	06-07	13-14 Celtic Festival	20-21 Bike Week Lions Seafood	27-28 Palm Sunday Old Town Art		03-04 Easter Wkcd Easter Parade Rhythm & Ribs	10-11	17-18 Family Fun Fest
2022	05-06	12-13 Celtic Festival	19-20 Lions Seafood	26-27		02-03 Rhythm & Ribs	09-10 Palm Sunday Old Town Art	16-17 Easter Wkcd Easter Parade
2023	04-05	11-12 Celtic Festival	18-19 Lions Seafood	25-26		01-02 Palm Sunday Old Town Art Rhythm & Ribs	08-09 Easter Wkcd Easter Parade	15-16 Family Fun Fest
2024	02-03	09-10 Celtic Festival	16-17 Lions Seafood	23-24 Palm Sunday Old Town Art	30-31 Easter Wkcd Easter Parade	06-07 Rhythm & Ribs	13-14	20-21 Family Fun Fest
2025	01-02	08-09	15-16 Celtic Festival	22-23 Lions Seafood	29-30	05-06 Rhythm & Ribs	12-13 Palm Sunday Old Town Art	19-20 Easter Easter Parade
2026	Feb 28-Mar 1	07-08	14-15 Celtic Festival	21-22 Lions Seafood	28-29 Palm Sunday Old Town Art	04-05 Easter Wkcd Easter Parade Rhythm & Ribs	11-12	18-19 Family Fun Fest
2027	06-07	13-14 Celtic Festival	20-21 Palm Sunday Lions Seafood Old Town Art	27-28 Easter Wkcd Easter Parade		04-04 Rhythm & Ribs	10-11	17-18 Family Fun Fest

2021-2027 show dates preferred by the organizers based on their own criteria.

No attempt has been made here to resolve obvious conflicts beyond 2020.

- ✓ Celtic Festival: weekend before St. Patrick's Day
- ✓ Lions Seafood: weekend after (or on) St. Patrick's Day
- ✓ Rhythm & Ribs: first weekend in April
- ✓ Old Town Art Show: Palm Sunday weekend

RESOLUTION NO. 2019-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 9 OF RESOLUTION 2018-13 TO REMOVE THE PROHIBITION ON CERTAIN CONSECUTIVE EVENTS HELD ON FRANCIS FIELD, AND REAFFIRMING ALL OTHER PROVISIONS OF RESOLUTION 2018-13.

WHEREAS, due to the nature of floating dates for certain holidays, Resolution 2018-13 presents an impossibility in the upcoming years' calendars and requires an amendment to section 9 of said resolution; and

WHEREAS, the City otherwise wishes to confirm and reaffirm the policy as set by Resolution 2018-13;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, THAT

Section 1. Upon the effective date of this resolution, Section 9 of Resolution 2018-13 is hereby amended as follows:

Section 9. Upon the effective date of this resolution, Francis Field may not be used for events on consecutive weekends except during March and April and then only for events that were held between October 1, 2016, and September 30, 2017, and no road closures requiring an FDOT permit will be allowed on consecutive days except for November 11 and 12, 2018.

Section 2. All other provisions of Resolution 2018-13 not amended are hereby reaffirmed.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this _____ day of _____, 2019.

CITY OF ST. AUGUSTINE, FLORIDA

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

City Clerk, Darlene Galambos
(Corporate Seal)

ITEM 10.A.

Discussion: CDBG Grant

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, P.E.
City Manager

DATE: August 5, 2010

RE: City Commission Meeting Agenda Item

The City has been notified that it is eligible to apply to the Florida Department of Economic Opportunity (FDEO), under a special funding cycle, for a Small Cities Community Development Block Grant (CDBG) for Disaster Recovery from Hurricane Irma. A total of \$85,819,653.00 is being made available through a competitive application process to local governments located within the forty-eight (48) counties impacted by Hurricane Irma. These funds must be used for potential projects that meet the following threshold criteria:

1. Projects or programs must meet a CDBG-DR National Objective such as:
 - Benefit to low-moderate-income individuals, Benefit to low-moderate-income areas, and address an urgent need.
2. Projects or programs must meet CDBG-DR Infrastructure Eligible Activities such as:
 - Storm water, wastewater, and drinking water projects will take priority. Emergency community shelters, demolition or rehabilitation of publicly or privately owner commercial or industrial buildings, and economic revitalization which includes any CDBG-DR eligible activity that demonstrably restores and improves some aspect of the local economy are also eligible activities.
3. Projects or programs must address a clear unmet need:
 - Tied to the Hurricane Irma storm event, primarily serving low-to moderate-income (LMI) residential neighborhoods.

Additional information regarding the range of activities that may be undertaken will be provided at the public hearing. In developing an application for submission to FDEO, the City must plan to minimize displacement of persons as a result of planned CDBG activities. In addition, the City is required to develop a plan to assist displaced persons.

ITEM 10.B.

Presentation: 91 Coquina Ave.

M E M O R A N D U M

TO: John P. Regan
City Manager

DATE: July 26, 2019

RE: Request for Proposals Meldrim Cottage 91 Coquina Ave

At the May 13th City Commission Meeting, Staff was asked by Commissioner's to solicit the community for proposals on how to: "Best preserve the Meldrim Cottage located at 91 Coquina Ave at an offsite location". Staff's challenge was to develop and advertise a request for proposal application searching for candidates with the best adaptive reuse concept to give this period-correct historic structure a true second lease on life.

Initial public inquiry requested the opportunity to inspect the structure closer, enhancing individual applications. Staff hosted a two-hour open house for the interested parties attracting over 50 guests. This opportunity revealed the true scope of the project and generated additional questions and concerns for potential applicants. This response prompted staff to extend the application period an additional two weeks for respondents to refine their applications.

The City received three complete applications, and an evaluation team reviewed each application. Staff's recommendation to the Commission is selection of the proposal from the Florida Agricultural Museum. The team unanimously agreed the museum's concept would have the greatest chance for restoration and preserving this classic example of a Florida ranch style house. Members noted the plan to reuse the cottage as a focal point of a new Turpentine and Forestry Exhibit was a "natural fit" and recognized the history of the Meldrim cottage. The museum also has experienced staff and resources available to restore this home with period accuracy. Evaluation team members were apprehensive and hesitant from recommending the two private residence concepts. They believed those applications final locations were not fully articulated or solidified in their proposals, renderings would alter many of the traditional features of the house, and applicants did not have the same restoration resources available as the museum. In addition, staff believed private ownership would not maximize public viewing of this historic structure.

Representatives from the museum will be in attendance at the meeting should Commissioner's have any questions on their proposal. If you concur with the evaluation team's recommendation submitting this application, please place this on the August 12, 2019, City commission agenda under staff presentations for their consideration and approval. Please feel free to contact me if you have any questions or inquiries.

Respectfully,



Corey L. Sakryd
Grants Administration Coordinator

CLS

xc: Jim Piggott, Director General Services

ITEM 10.C.

Presentation: Nightlife

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

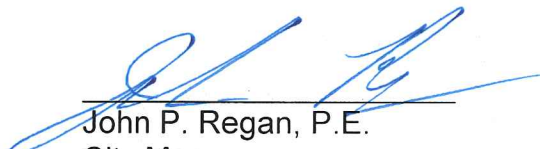
DATE: August 6, 2019

RE: Quality of Nightlife Strategic Plan Presentation

This presentation is a strategic plan to address the key issues that are affecting our downtown character. This presentation will present specific findings that support the strategic plan as well as the modifications I am recommending to the City Commission.

This activity is in response to the February action of the City Commission's adoption of an objective of the City's strategic plan that is a pro-active plan to preserve our downtown character. This strategic plan was modified based on the observations of Commissioner Sikes-Kline who has been concerned about the negative changes in our downtown area for a period of time.

The action that is desired is the adoption of this plan.



John P. Regan, P.E.
City Manager

Enclosure
JPR/lf



Quality of Nightlife Strategic Plan

John P. Regan, P.E., City Manager
City of St. Augustine

*City Commission Meeting
August 12, 2019*



CITY OF
ST AUGUSTINE
— EST. 1665 —

Strategic Overview

How did we get here?

- City Commission adopted the Strategic Plan, February 2019
- Chief Fox and Commissioner Sikes-Kline attended the Responsible Hospitality Institute conference, March 2019
- Chief Fox and City Manager Regan attended West Palm Downtown Development Authority workshop, May 2019
- Commissioner Sikes-Kline and Mobility Manager Franklin visited City of Orlando, May 2019



CITY OF
ST. AUGUSTINE
— EST. 1565 —

Strategy Overview

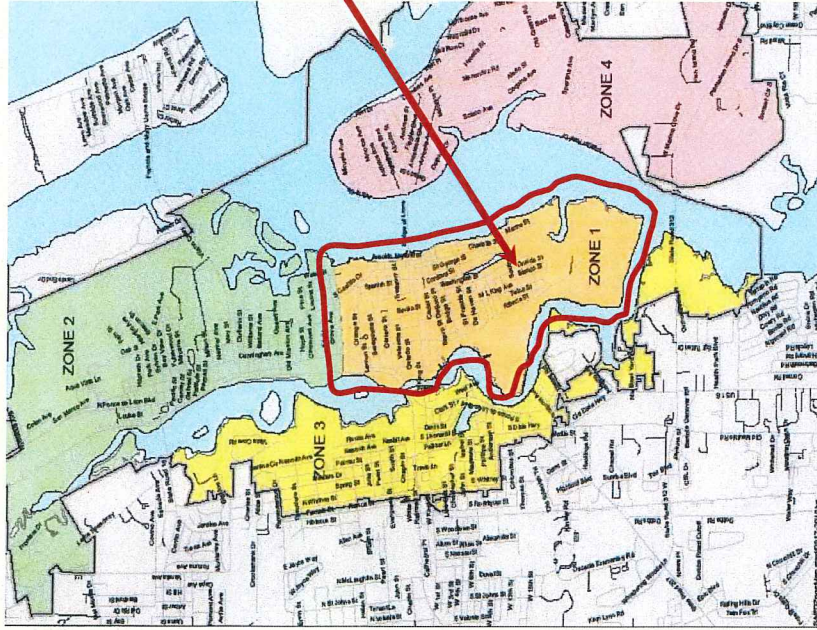
What makes this so important?

Strategic Plan Planks:

- St. Augustine Police Department response to calls statistics
- Public Works
- Urban design improvements
- Ride-share hub and drop-off locations
- Update the alcohol ordinance



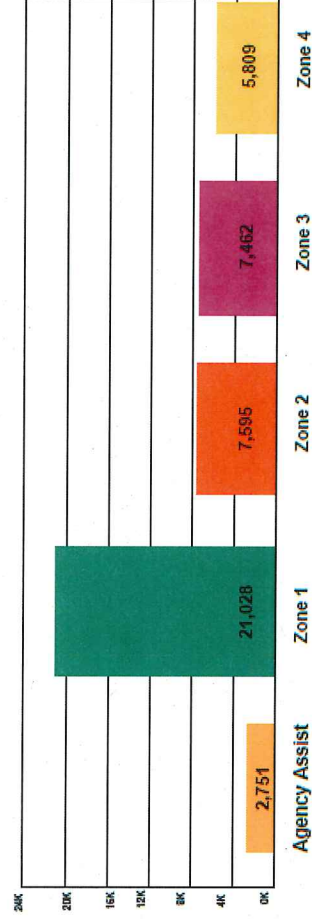
Key Issue: Police response to calls



Officers in Zone 1
work 48% of all calls for service

Total Calls for Service 44,645

Calls for Service by Zone

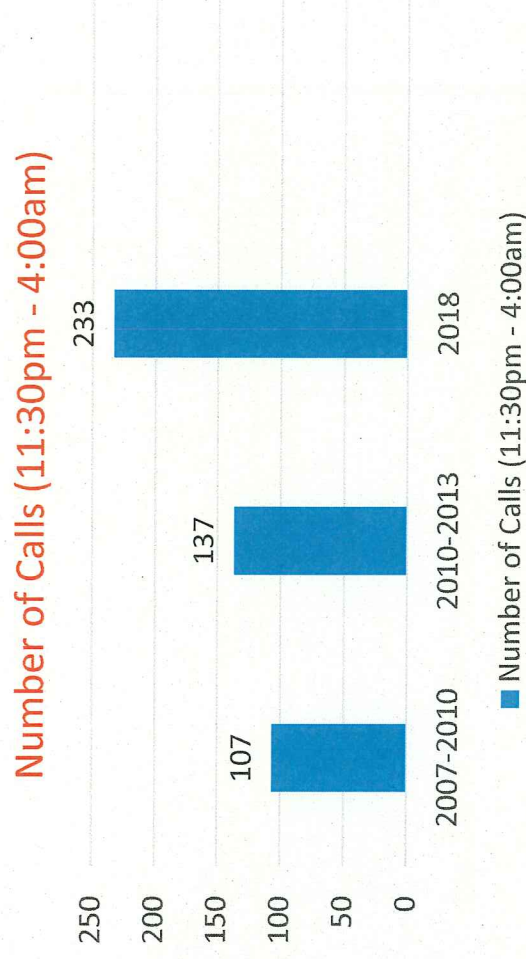


CITY OF
ST AUGUSTINE
— EST. 1565 —

Key Issue: Increase in 5 crime categories

- Battery
- Noise
- Disorderly conduct
- DUI
- Intoxicated persons

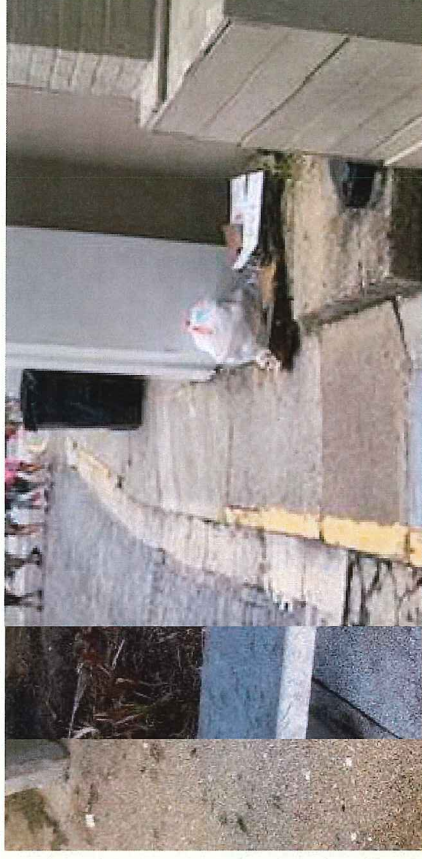
In 2010, the ordinance changed nighttime hours of operation



➤ Perception of Police presence

Key Issue: Degradation of cleanliness

➤ Streets, sidewalks

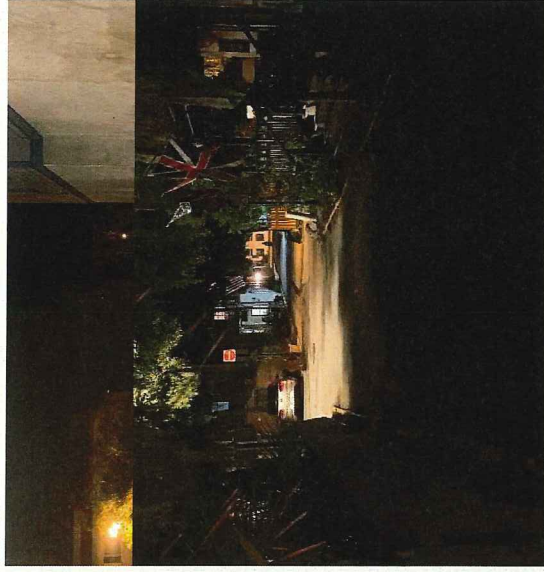


➤ Trash, recycling



Key Issue: Need for ongoing urban design

➤ Dark streets



➤ Damaged sidewalks/streets



➤ Improvements made, need to continue



Key Issue: Need for ride-share and pedestrian management

- Current location concerns
 - Avenida Menendez
 - King Street
 - Pedestrian crossing hazards

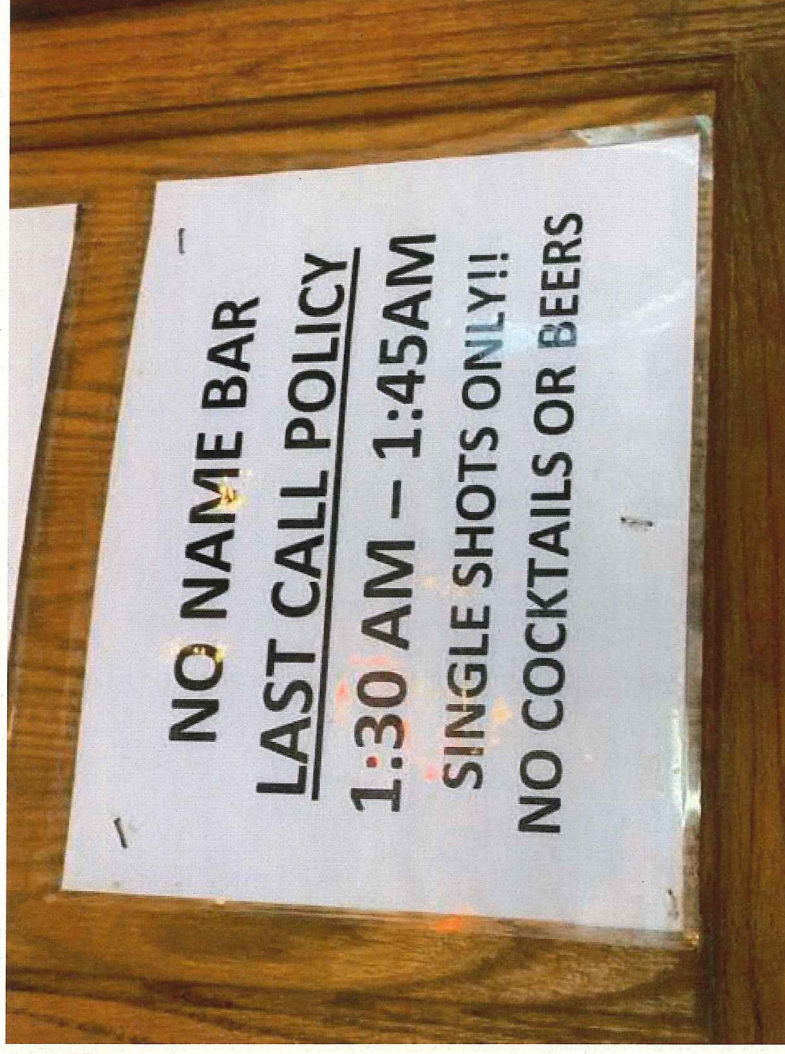
- Ride-share hub solution

City of Orlando
artistic rendering



CITY OF
ST AUGUSTINE
— EST. 1565 —

Key Issue: Inconsistent alcohol service policy enforcement



CITY OF
ST. AUGUSTINE
— EST. 1565 —

What do we do about it?

Objective: Proactive planning to preserve downtown character

(2019 Strategic Plan, p. 16)

**Develop a strategic plan for change to improve the
quality of our nightlife and reputation as a
place for quality dining and entertainment experiences,
not just drinking and consumption of alcohol**



CITY OF
ST. AUGUSTINE
— EST. 1565 —

Solution: Plank 1 – Increase police presence

- **One additional officer**
 - **Minimizes impact of taking away from other areas of policing in the city**
- **Create two CSOs, Community Service Officers, (West Palm model)**



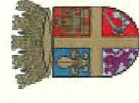
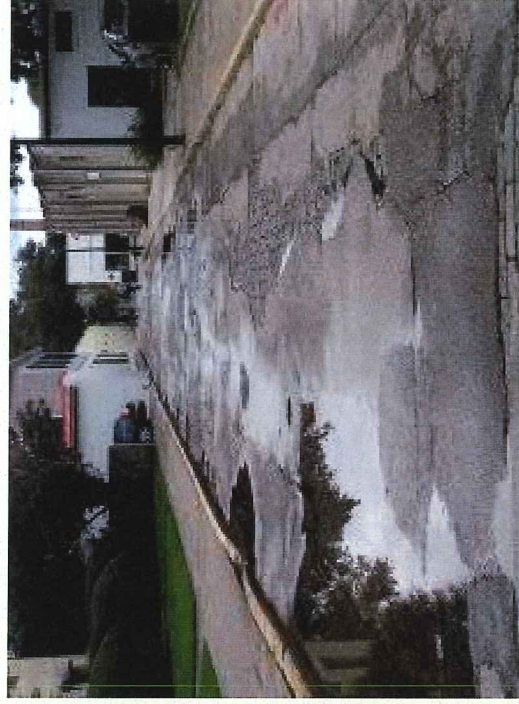
Solution: Plank 2 – Public Works initiative

- One additional Solid Waste employee
- Second crew of steam cleaning and pressure washing streets
- Human factors engineering placement of trash receptacles
- Solar-powered, big belly compacting dumpster



Solution: Plank 3 – Continuing to improve urban design

- Ongoing street improvements – paving, sidewalk repair
- Lighting survey and upgrades



CITY OF
ST. AUGUSTINE
— EST. 1565 —

Solution: Plank 4 – Creation of ride-share hubs

- Already in place:
Clock tower at VIC



- Already in place:
Avenida Menendez



- Already in place:
Ponce statue at the Plaza



Solution: Plank 5 – Update alcohol ordinance

- **Selling alcohol is a privilege, not a right**
- **Alcohol ordinance workshop for stakeholders**
 - **Wednesday, August 28, 3:00pm – 5:00pm in The Alcazar Room**
 - **Restaurant and bar owners**
 - **Public is invited**
- **Allow for public feedback**





Discussion / Questions



ITEM 10.D.

Presentation: CUNA Street

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

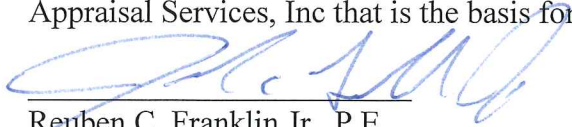
DATE: August 1, 2019

RE: Agenda Item for August 12, 2019 City Commission Meeting;
Cuna Street Beautification License Agreement

Please find attached the revised license agreement for the Cuna Street Beautification Project between the City of St. Augustine and 12 Avenida Menendez, LLC. Revisions were made based on feedback received from the City Commission during the July 8, 2019 meeting. The following revisions have been made to the agreement for the City Commission's consideration:

1. Exhibit B includes the site plan and the limits of the leased area including a note setting 48 seats as the maximum number of seats allowed within the leased area;
2. Exhibit C includes the estimated project costs including the maximum cost share amount of \$450,000;
3. Paragraph 3 "upward" was included in the language for the CPI adjustment;
4. Paragraph 4A references Exhibit C which details the project costs and is now included in the agreement and no longer referenced; and
5. Paragraph 15A language was added instructing the City Manager to notify the City Commission of a violation and to allow a City agent access to the licensed area during hours of operation to ensure compliance with the agreement; and
6. Paragraph 15C the first violation fine was revised from \$500 to \$750.00.

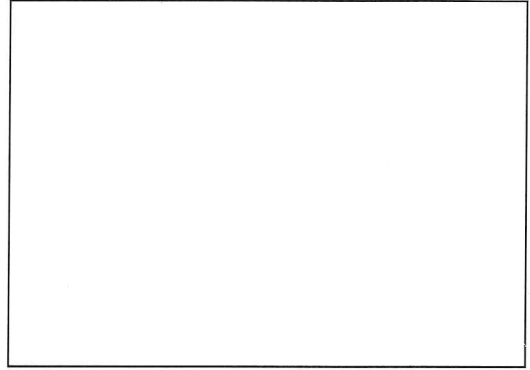
For reference, also attached is the presentation dated July 8, 2019 including renderings of the proposed project and the Market Rent Estimate report prepared by Pacetti Appraisal Services, Inc that is the basis for the lease rate included in the agreement.



Reuben C. Franklin Jr., P.E.
Mobility Program Manager

cc: City Attorney & Department Heads
Attachments: License Agreement
Cuna Street Beautification Presentation
Market Rent Estimate Report

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



LICENSE AGREEMENT

COMES NOW the **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation, E.I.D. No. 59-6000420, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 ("CITY"), and grants to **12 AVENIDA MENENDEZ, LLC**, a Florida limited liability company, whose mailing address is 44 Avenida Menendez, St. Augustine, Florida 32084 ("LICENSEE"), permissive use of a portion ("LICENSED AREA") of the CITY'S real property described in **Exhibit "A"** attached hereto and incorporated herein by reference.

This License is subject to the following terms and conditions:

TERMS:

1.

- A. The initial term of the License will be ten (10) years, with an option for one additional ten (10) year renewal term. The term of this License is sometimes referred to herein as the "License Term."
- B. Licensee shall have one (1) option to renew the term of this License for a term of ten (10) years, upon the following terms and conditions:
 - i. Licensee shall notify the City in writing not less than ninety (90) days prior to the expiration date of this License in order to exercise the option provided hereunder.
 - ii. The renewal term shall be on the same terms and conditions as set forth in this License (except for those terms and conditions relating to construction of the Public Facilities and improvements (e.g., Paragraph 4 hereof shall not apply to the renewal term since the improvements will have been completed), and the monthly fee payable for the rights to the License shall be adjusted to be at "Market Rate" (as defined below).
 - iii. "Market Rate" shall be initially proposed by Licensee as the amount of rent per square foot then being charged in St. Augustine, Florida for space comparable to the Licensed Area (the "Comparable Space") and taking into consideration all other relevant factors establishing similarity or dissimilarity between the comparable lease or licensing and the licensing

of the Licensed Area to Licensee for the renewal term, including without limitation, length of license term, quality and quantity of any existing improvements, quality and creditworthiness of Licensee, amenities or other generally applicable concessions, allowances, and the time periods of availability for use by the licensee or tenant of such Comparable Space.

- iv. Within thirty (30) days after City receives the notice of Licensee's proposal of the Market Rate, City shall notify Licensee whether or not City accepts Licensee's proposed Market Rate. If so, that shall apply. If not, City and Licensee shall seek to negotiate that. In the event that City and Licensee are not able to agree as to the Market Rate within thirty (30) days of good faith negotiation, then the Market Rate for the extension term shall be the Market Rate determined by selected three (3) licensed real estate appraisers, one of whom shall be named by City, one by Licensee, and the two so selected shall select a third. Each appraiser shall be [licensed in the State of Florida] as a real estate appraiser, having no less than [ten (10)] years' experience in such field, and recognized as ethical and reputable within the field. City and Licensee agree to make their selection promptly within five (5) days after the expiration of the thirty (30) day period, or sooner if mutually agreed upon. The two appraisers selected by City and Licensee shall promptly select a third appraiser within ten (10) days after they both have been selected, and each appraiser, within fifteen (15) days after the third appraiser is selected, shall submit his or her independent determination of said Market Rate simultaneously to City and Licensee. The Market Rate shall be the mean of the two closest rental rate determinations. City and Licensee shall each pay the fee of the appraiser selected by it, and they shall equally share the payment of the fee of the third appraiser.
- v. If the City determines in good faith that there is a public purpose for a different use of the Licensed Area, and notifies Licensee of that in writing prior to Licensee's exercise of the renewal option, then Licensee and City shall negotiate in good faith to determine what necessary modifications would be needed to this License for the renewal term in order for the City to achieve that public purpose, and if the parties do not reach an agreement, then the renewal option shall terminate.

2.

- A. The effective date of commencement for purposes of constructing the Public Facilities and improvements in Paragraph 4 below shall be _____. The first ten (10) years of the License Term for the Licensed Area shall begin upon the later of City acceptance of the Public Facilities or written notice by Licensee (the "Commencement Date"). The termination date of the initial term shall be ten (10) years from the Commencement Date. If renewed, the termination date of the additional term shall be ten (10) years from the end of the initial term.
- B. The Licensed Area is depicted on **Exhibit "B"** to this License, and the Licensed Area is for the exclusive use of Licensee during the periods of use by Licensee set forth in Paragraph 11C of this License.

- 3. LICENSEE shall pay **\$1,458.33** to the CITY monthly for the rights to the License. If the License is suspended or terminated, the portion of a month remaining and already paid

shall be forfeited by LICENSEE, but the remainder of monthly term payments shall be held in abeyance during the suspension or termination. The rent shall be annually adjusted upward on the first day of [Enter Date] and on the first day of October of each year thereafter based on the increase in the Consumer Price Index (CPI) for southern urban consumers for areas with a population of fewer than 50,000 for the measured period of June 1st through May 31st of each year.

4. In consideration for the rights and benefits to LICENSEE, LICENSEE will:

- A) Contract, retain and assume all financial responsibility for the project management of the site design and construction, including but not limited to, utility for the site design, sidewalk, lighting, vehicle surface, curb or curbless transition, landscaping, and signage for the totality of the right of way of Cuna Street, between Charlotte Street and Avenida Menendez as itemized in **Exhibit "C"** attached hereto and incorporated herein.
- B) Cost share the site design and construction costs of the improvements contemplated in the site design in Paragraph 4(A) as follows:
 - i) CITY: 50% - To be paid by City upon completion and acceptance of the construction work, which acceptance shall not be unreasonably withheld, delayed, or conditioned.
 - ii) LICENSEE: 50%
- C) Site design and construction contracting will be procured, managed, contracted, and invoiced directly by and between LICENSEE and its contractors. LICENSEE shall assume all risk and liability as between itself and its consultants, contractors, and subcontractors, and no party shall look to the CITY for liability, indemnification, or redress in relation to the terms of LICENSEE's third party site design and construction contracting. Contractor shall provide a one (1) year warranty for the improvements it constructs in favor of Licensee and City.
- D) LICENSEE agrees to secure the timely and satisfactory completion of the work with a performance bond in form and content satisfactory to CITY and insured by a surety satisfactory to CITY.
- E) LICENSEE agrees to submit a site specific Maintenance of Traffic (MOT) plan in cooperation with the CITY for review and approval describing construction sequencing, public access to existing businesses, emergency and other services access and identifying precise work hours; said MOT plan to be reviewed and approved by the CITY prior to commencement of the work and prior to the CITY's Pre-Construction Meeting.
- F) LICENSEE agrees to construct and install the Public Facilities and improvements as described in the Plans and in accordance with all permits and specifications in all material respects.
- G) Until the Public Facilities are accepted by the City, LICENSEE agrees to be responsible for all associated design, permitting, project management, construction, testing and costs as per Plans, specifications and permits, provided however that the CITY shall reimburse Licensee for 50% of the costs as set forth above.

- H) LICENSEE agrees to use good faith diligent efforts to complete construction and installation and successfully complete final inspection of the work within three hundred sixty five (365) days following the issuing of the permit, subject to force majeure.
- I) LICENSEE agrees to transfer ownership and maintenance of the Public Facilities to the CITY following successful completion of construction and close-out documentation in accordance with plans and permits, at which time the CITY will assume all maintenance obligations and liability for all areas except as otherwise set forth in this License with respect to the Licensed Area (depicted in **Exhibit "B"**), for the periods that the Licensed Area is to be operated by LICENSEE pursuant to this License per Paragraph 11C below.

5. Subject to the terms and conditions of this Paragraph 5, the City may revoke this License upon ninety (90) days' notice by delivery to the Licensee of written notice of revocation directed to the Licensee. The ninety (90) day period shall commence on the date of receipt of the written notice by the Licensee. The City may only revoke this License if the City determines in good faith that there is a "paramount public purpose" requiring the use of the Licensed Area by the City, and the revocation shall only be for that "paramount public purpose." Licensee shall be entitled to fair compensation for loss of the Licensed Area equal to the unamortized cost of the Public Facilities and improvements paid for by Licensee that were not reimbursed by the City. The unamortized portion cost shall be calculated on a straight line basis over the ten (10) year term of this License (i.e., a 10% amortization each year).

6. All notices required by this License shall be effected by delivery of said notice in writing to the recipient party by U.S. Mail, certified, return receipt requested. All notices shall be sent to the mailing address of the recipient CITY or LICENSEE as described herein.

7. LICENSEE, at all times during the License Term, shall carry public liability insurance insuring the Licensed Area against personal injury and property damage with a company authorized to conduct business in the State of Florida and satisfactory to the CITY. Said insurance shall name the City of St. Augustine as an additional insured with limits of coverage not less than: \$300,000, bodily injury or death, each person; \$1,000,000, bodily injury or death, each accident; and \$300,000, property damage. LICENSEE shall supply written proof of insurance to CITY within fifteen (15) days of the date of the issuing of a permit for construction. CITY's representative, with regard to providing the written proof required herein, shall be the City Manager for the City of St. Augustine, at the mailing address described herein, unless and until CITY notifies LICENSEE otherwise in writing.

8.

- A) Construction Period. During the period commencing when Licensee commence constructing the Public Facilities and ending when the City accepts the Public Facilities, LICENSEE shall indemnify CITY and hold CITY harmless for any and all claims for damages, costs and expense to any person or property, whether real or personal, due to any willful misconduct, negligent act or omission of LICENSEE, or any representative, agent, customer or employee of LICENSEE, or for liens of contractors or subcontractors of Licensee arising from construction of the Public Facilities, or arising out of the improper or negligent use by LICENSEE of the CITY's property in the Licensed Area subject to this License. This provision shall be full and total indemnity against any kind or character of claim whatsoever which is asserted against the CITY arising out of LICENSEE's negligence or willful misconduct or for liens of contractors or subcontractors of Licensee arising from construction of the Public Facilities. LICENSEE, by acceptance of this License, hereby agrees to defend on behalf of the

CITY any and all suits, claims or causes of action brought against the CITY and to pay any judgment or judgments which may be rendered against the CITY arising out of such negligent acts or omissions of LICENSEE. No third party beneficiaries are contemplated or created pursuant to the terms of this License.

- B) License Term. During the License Term, LICENSEE shall indemnify CITY and hold CITY harmless for any and all claims for damages, costs and expense to any person or property, whether real or personal, due to any negligent act or omission of LICENSEE, or any representative, agent, customer or employee of LICENSEE, arising out of the use by LICENSEE of the CITY's property in the Licensed Area subject to this License. This provision shall be full and total indemnity against any kind or character of claim whatsoever which is asserted against the CITY arising out of LICENSEE's negligence. LICENSEE, by acceptance of this License, hereby agrees to defend on behalf of the CITY any and all suits, claims or causes of action brought against the CITY and to pay any judgment or judgments which may be rendered against the CITY arising out of such negligent acts or omissions of LICENSEE. No third party beneficiaries are contemplated or created pursuant to the terms of this License.

9. For any litigation arising out of the interpretation or enforcement of the terms and conditions of this License, venue shall lie exclusively in a court of competent jurisdiction located in St. Johns County, Florida.

10. With the exception of the "Restaurant Tenants" (as described below), LICENSEE shall not directly or indirectly assign, sublease, hypothecate, sell, mortgage, encumber or otherwise transfer this License or any interest therein without the written permission of CITY, which permission shall not be unreasonably withheld, conditioned or delayed. It is contemplated that the Licensee will enter into lease(s) with tenant(s) for the premises located at 12 Avenida Menendez, St. Augustine, FL 32084 (the "Restaurant Tenants"). Licensee may sublicense all or any portion of its rights under this License to Restaurant Tenants without the requirement of any consent from the City.

11. CITY grants this License to LICENSEE for use of the real property described in **Exhibit "B"** as follows:

GENERAL CONDITIONS:

- A. Commercial Loading Zone Hours of Operation: The entirety of the driving surface area, also referred to as the street or cart path, shall be designated by signage as a commercial vehicle loading zone only consistent with Resolution 2019-03. LICENSEE shall have no liability for operation of the Licensed Area during the commercial loading zone hours of operation.
- B. Pedestrian and Non-Motorized Traffic Only Hours of Operation: The entirety of the driving surface area, also referred to as the street or cart path, shall be designated by signage as pedestrian and non-motorized traffic only at all other times.
- C. On-street Dining Hours of Operation: Licensee is entitled to exclusive use of the Licensed Area during the following periods of each day during the term of this License: 10:00 AM to 1:15 AM. A portion of the driving surface area (also referred to as the street or cart path) shall be designated as a licensed, on-street dining area. That area is the Licensed Area depicted on Exhibit "B." Outdoor dining fencing, furniture, and wares cannot be placed on the street before the end of the commercial loading zone hours of operation and must be removed no later than one (1) hour before the beginning of the commercial loading zone hours of operation (the "Removal

Requirement"). On-street dining will end at 12:15 AM. The LICENSED AREA must be clearly demarcated with fencing, and no other area of the right-of-way may be used for restaurant food and beverage service, patron waiting area, staging, or entertainment. The parties acknowledge that, in accordance with applicable law, no alcoholic beverage may be opened, carried, served, or consumed outside of the LICENSED AREA in a public area. Licensee shall install appropriate signage warning of same (the "Signage Requirement"). Street bollards shall be in place blocking the street from vehicular traffic prior to on-street dining setup and use. If the bollards malfunction such that they cannot be raised or lowered, on-street dining is suspended until the bollards are repaired or replaced. LICENSEE acknowledges and agrees that closure of the LICENSED AREA for repairs or maintenance is at the CITY'S discretion for public safety purposes, and is not compensable, unless the total period of such closure exceeds thirty (30) days in any one year, in which case license fees shall abate day for day for any periods that on-street dining is suspended or not available.

SPECIAL CONDITIONS:

12. No amplified music may be played in the LICENSED AREA, nor will speakers be directed towards the licensed area from the restaurant. LICENSEE acknowledges and understands that the adjacent unlicensed area of Cuna Street is open for pedestrian activity including street artists and street vendors consistent with City Code.

13. During the periods of Licensee's exclusive use, the LICENSED AREA can only be used for dining tables and chairs for food service that can include alcoholic beverages, but not be used for the sole purpose of serving alcoholic beverages (i.e., not for only serving liquor without food). The Licensed Area shall not be used as a waiting area for restaurant patrons, except for the areas where tables have been removed and no alcohol is served.

14. LICENSEE agrees to the number, type, and placement of tables and chairs in the LICENSED AREA as shown on the site plan described in **Exhibit "B"**. By adoption of this License, the CITY does not warrant or guarantee approval of the design elements, including but not limited to, fencing, signage, furniture, and light fixtures. LICENSEE will be responsible for obtaining all necessary permits, including but not limited to, approval from the Historical Architectural Review Board (HARB). LICENSEE acknowledges and agrees that the CITY may enforce any generally applicable regulations affecting the operations of the business located on the premises, as are now in existence or as may be enacted in the future.

VIOLATIONS AND PENALTIES:

15. Subject to the notice and cure provisions of this License, in addition to any other legal remedy or citation available in the municipal code, any uncured violations by Licensee of the General or Special Conditions may be penalized as follows:

- A. The City Manager, or his or her designee, will notify the City Commission and issue a notice of violation to the LICENSEE identifying the date and time of the violation, the General or Special Condition found in violation, and any witnesses to the violation. Supporting documentation such as, but not limited to, photographs, witness statements, or affidavits may be included in the notice. The CITY'S agents may review compliance with general and special conditions on site of the licensed area during the LICENSEE'S hours of operation.

- B. The notice of violation shall state the date and time for a public hearing before the City Commission, at which time evidence and testimony will be heard, and the LICENSEE will be provided a reasonable opportunity to be heard.
- C. If, after the hearing, the City Commission finds that LICENSEE has intentionally violated any of the General or Special Conditions of the License in a material respect, the City Commission may:
- i) For a First Violation in a rolling twelve (12) month period: Receive a fine of ~~\$500.00~~ \$750.00;
 - ii) For a Second Violation in a rolling twelve (12) month period: Receive a fine of \$1,000.00;
 - iii) For a Third Violation in a rolling twelve (12) month period: Suspend the Licensee's use of the Licensed Area only for a term not to exceed three (3) months.
 - iv) If there is a Fourth Violation within one hundred eighty (180) days of the Third Violation, the City Commission is granted the option to terminate the license without liability to the City for the remainder of the term regardless of the calendar year.

16. NOTICE AND CURE. LICENSEE shall have the following cure periods, measured from LICENSEE's receipt of a written notice of default or violation from the City, in which to cure any breaches of this License: (i) ten (10) days for any monetary defaults; (ii) except for "Short Term Breaches" (as defined below), thirty (30) days for any nonmonetary defaults or violations (provided, however, if LICENSEE's failure or breach is of a nature such that it cannot reasonably be cured within such thirty (30)-day period, LICENSEE shall not be deemed to be in default of this License provided LICENSEE commences to cure such failure or breach within such thirty (30)-day period and thereafter diligently prosecutes such cure to completion); and (iii) forty eight (48) hours for Short Term Breaches. The term "Short Term Breaches" means the failure by Licensee to comply with General Condition C and Special Conditions 12, 13 and 14.

LICENSEE, by acceptance of this License, acknowledges that LICENSEE, and LICENSEE's tenants, heirs, assigns and successors shall be unequivocally bound by the terms and covenants contained herein.

[SIGNATURES APPEAR FOLLOWING PAGE(S)]

IN WITNESS WHEREOF, the parties hereto have executed this License Agreement on this _____ day of _____, 2019.

ATTEST:

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

Darlene Galambos, City Clerk
(SEAL)

By: _____
John P. Regan, City Manager

Witness:

**LICENSEE:
12 AVENIDA MENENDEZ, LLC,
a Florida limited liability company**

Print Name: _____

By: _____
L. John Arbizzani, Manager

Witness:

Print Name: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CITY ATTORNEY

EXHIBIT "A"

LEGAL DESCRIPTION OF OVERALL PARCEL

THE PUBLIC RIGHT-OF-WAY KNOWN AS CUNA STREET ADJACENT TO THE PROPERTY ADDRESSED 12 AVENIDA MENENDEZ AND BOUND BY AVENIDA MENENDEZ TO THE EAST AND CHARLOTTE STREET TO THE WEST.

EXHIBIT "B"

SITE PLAN AND DEPICTION OF LICENSED AREA

EXHIBIT B Description of Leased Area + Site Plan

TOTAL ROW HARDSCAPE: 3,034 SQ. FT.
TOTAL DINING AREA: 1,617 SQ. FT. (53%)

48 seats total
NOTE: Table quantity and chair layout is diagrammatic, with 48 seats MAXIMUM.

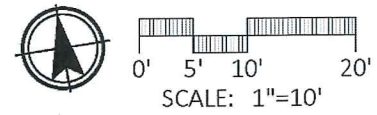
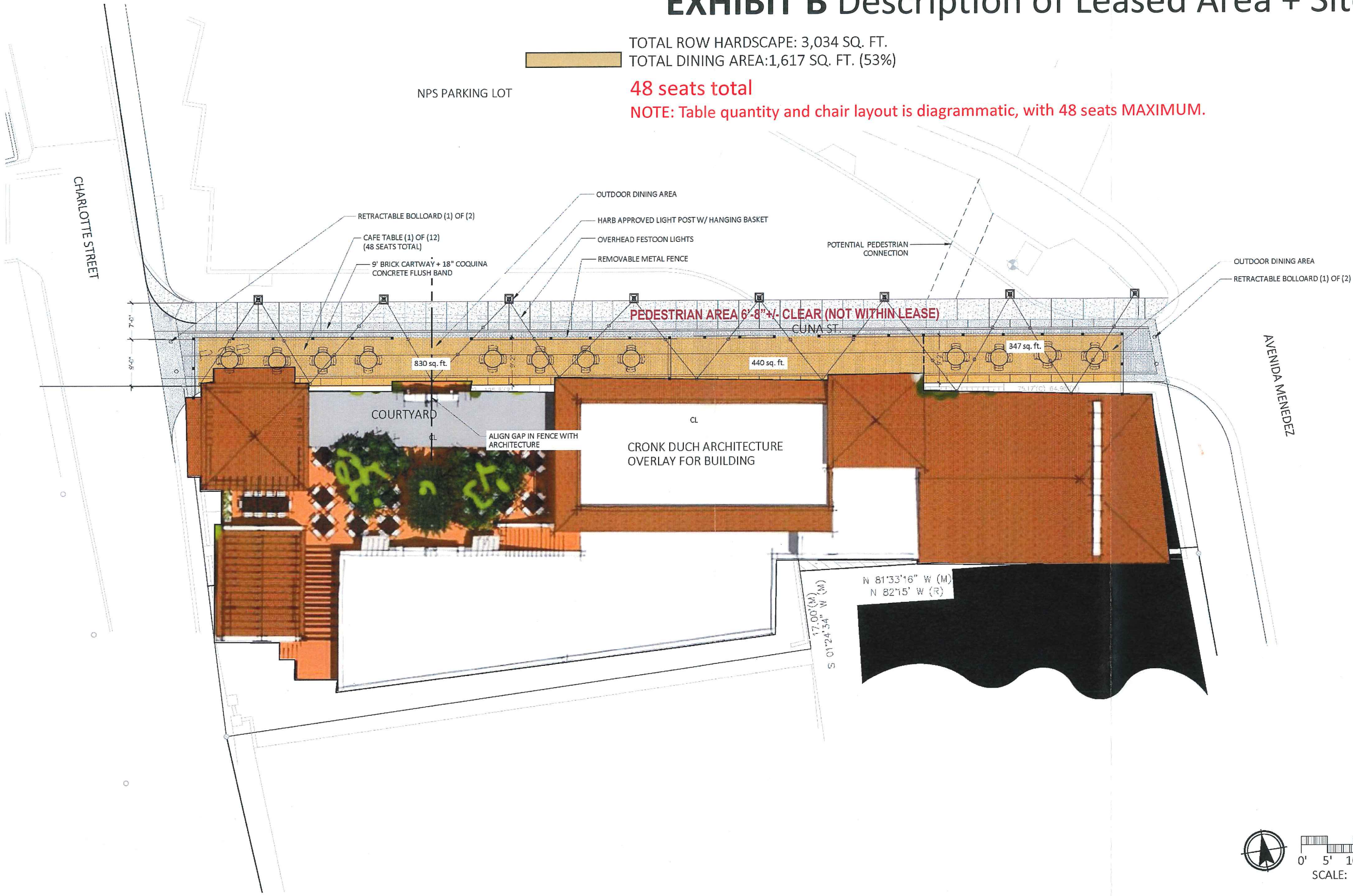


EXHIBIT "C"
PROJECT COST ESTIMATE

EXHIBIT C Estimated Project Costs

Preliminary Cost - Cuna Street from Charlotte Street to Avenida Menendez (200 LF)					
DID Streetscape					
Edits 01/16/19					
		Unit	Total	Unit Cost	Total Cost
A. Roadway Construction					
1. Mobilization		LS	1	\$12,500.00	\$12,500.00
2. Site Preparation					\$12,500.00
	Clear & Grub	SF	3,400	\$5.00	\$17,000.00
	Remove Existing Road	SF	3,400	\$2.00	\$6,800.00
					\$23,800.00
3. Roadway					
	Pavers	SF	1,800	\$9.00	\$16,200.00
	Paver Installation	SF	1,800	\$2.90	\$5,220.00
	Sand (1")	SF	1,800	\$0.25	\$450.00
	Concrete (6")	SF	1,800	\$10.00	\$18,000.00
	Subgrade	SF	1,800	\$0.54	\$972.00
	Bollard (Removable)	EA	4	\$9,000.00	\$36,000.00
					\$76,842.00
	Curb				
	Coquina Concrete Ribbon Curb 18"Wx12"	LF	400	\$23.90	\$9,560.00
					\$9,560.00
	Sidewalk				
	Coquina Concrete 8"	SF	1,600	\$8.00	\$12,800.00
					\$12,800.00
4. Maintenance of Traffic					
	Pedestrian Path	SY	100	\$28.00	\$2,800.00
	Pedestrian Fencing	LF	400	\$4.90	\$1,960.00
	Work Zone Signs	EA	4	\$45.00	\$180.00
	Type III Barricades	EA	4	\$55.00	\$220.00
	Business Signs	EA	4	\$100.00	\$400.00
					\$5,560.00
5. Signing					
	Sign Single Post	AS	2	\$2,285.00	\$4,570.00
					\$4,570.00
6. Erosion Control		LS	1	\$500.00	\$500.00
					\$500.00
7. Landscape					
	Street Trees				
	Cabbage Palm	EA	6	\$360.00	\$2,160.00
	Oak	EA	2	\$360.00	\$720.00
	Tree Grate	EA	6	\$1,500.00	\$9,000.00
					\$11,880.00

Preliminary Cost - Cuna Street from Charlotte Street to Avenida Menendez (200 LF)					
DID Streetscape					
Edits 01/16/19					
		Unit	Total	Unit Cost	Total Cost
Site Furniture					
	Bench	EA	6	\$3,000.00	\$18,000.00
	Litter Receptacle	EA	2	\$2,000.00	\$4,000.00
	Recycle Receptacle	EA	1	\$2,200.00	\$2,200.00
	Bike Rack	EA	4	\$900.00	\$3,600.00
					\$27,800.00
Irrigation					
	1" Service Connection	EA	1	\$315.00	\$315.00
	1" Water Meter	EA	1	\$265.00	\$265.00
	1" Backflow Preventer	EA	1	\$768.00	\$768.00
	1" service line	LF	200	\$3.00	\$600.00
	Controller	EA	1	\$420.00	\$420.00
	Zone Valve	EA	1	\$150.00	\$150.00
	Hanging Basket Drip Line Services	EA	5	\$997.50	\$4,987.50
	Tree Drip Line Services	EA	6	\$52.50	\$315.00
					\$7,820.50
8. Lighting					
	Light (Fixture)	AS	9	\$1,500.00	\$13,500.00
	Light Pole Assembly (Direct Bury)	AS	9	\$5,500.00	\$49,500.00
	Pull Box	EA	9	\$315.00	\$2,835.00
	Conduit (2")	LF	400	\$18.90	\$7,560.00
	Conductor (#10 or >)	LF	400	\$0.57	\$228.00
	Conductor (#8-#6)	LF	400	\$0.84	\$336.00
	Conductor (#4-#2)	LF	400	\$1.70	\$680.00
	Electrical Service Connection	EA	1	\$8,400.00	\$8,400.00
					\$83,039.00
9. Special Condition Items (Roadway)					
	As-Builts	LS	1	\$2,000.00	\$2,000.00
					\$2,000.00
B. Water and Sewer Construction					
10. Utilities (Water and Sewer)					
	Sewer				
	Services	EA	2	\$775.00	\$1,550.00
	Manhole	EA	1	\$4,625.00	\$4,625.00
	Manhole Adjust Top & Replace Ring & Cov	EA	1	\$700.00	\$700.00
	PVC Gravity Sewer Main (8")	LF	70	\$64.30	\$4,501.00
	Core & Connect to Structure	EA	1	\$500.00	\$500.00
					\$11,876.00
				Total	\$290,547.50
					\$290,547.50

ESTIMATED CONSTRUCTION COST

\$290,547 *1.08 (8% INFLATION)=

\$313,791

\$ 313,791.30 Construction

\$ 62,758.26 20% Allowance Engineering

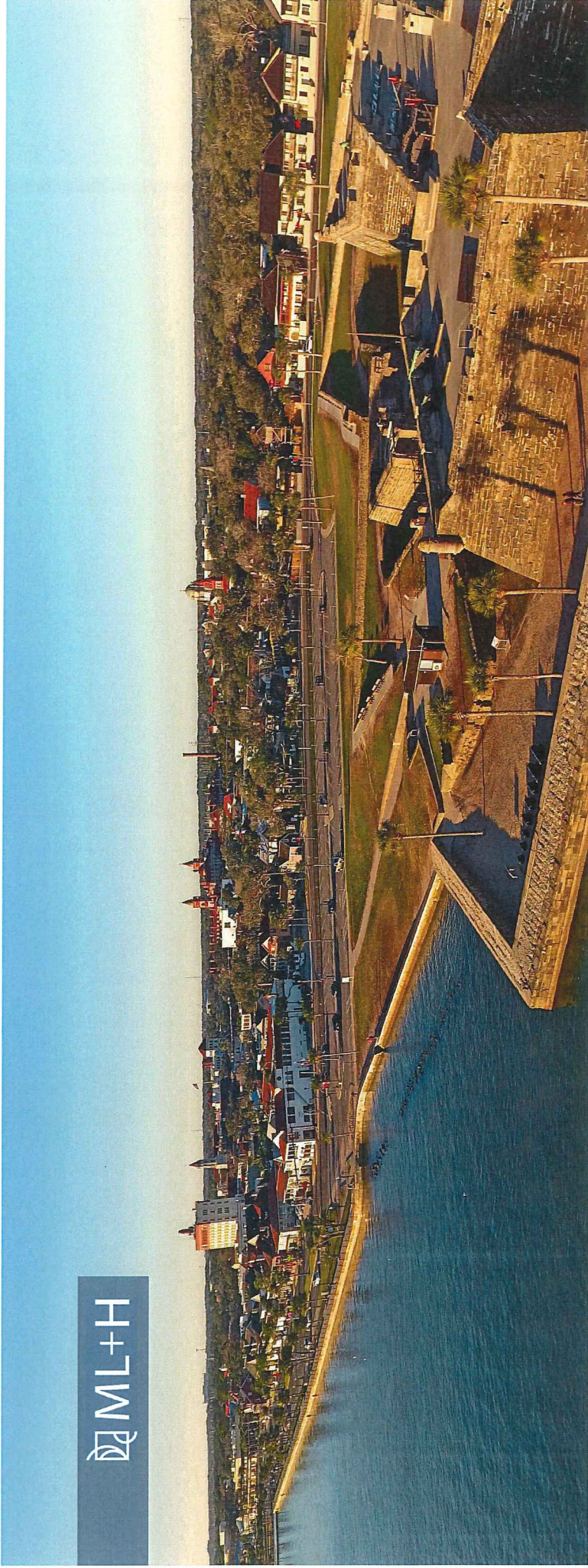
\$ 9,413.74 3% Construction Contingency (on \$313,791.30)

\$ 32,000.00 8 months x \$4,000 month SDC

\$ 417,963.30 (rolled up to \$419,970)

\$417,970

\$450,000 max



CUNA STREET BEAUTIFICATION PARTNERSHIP OPPORTUNITY

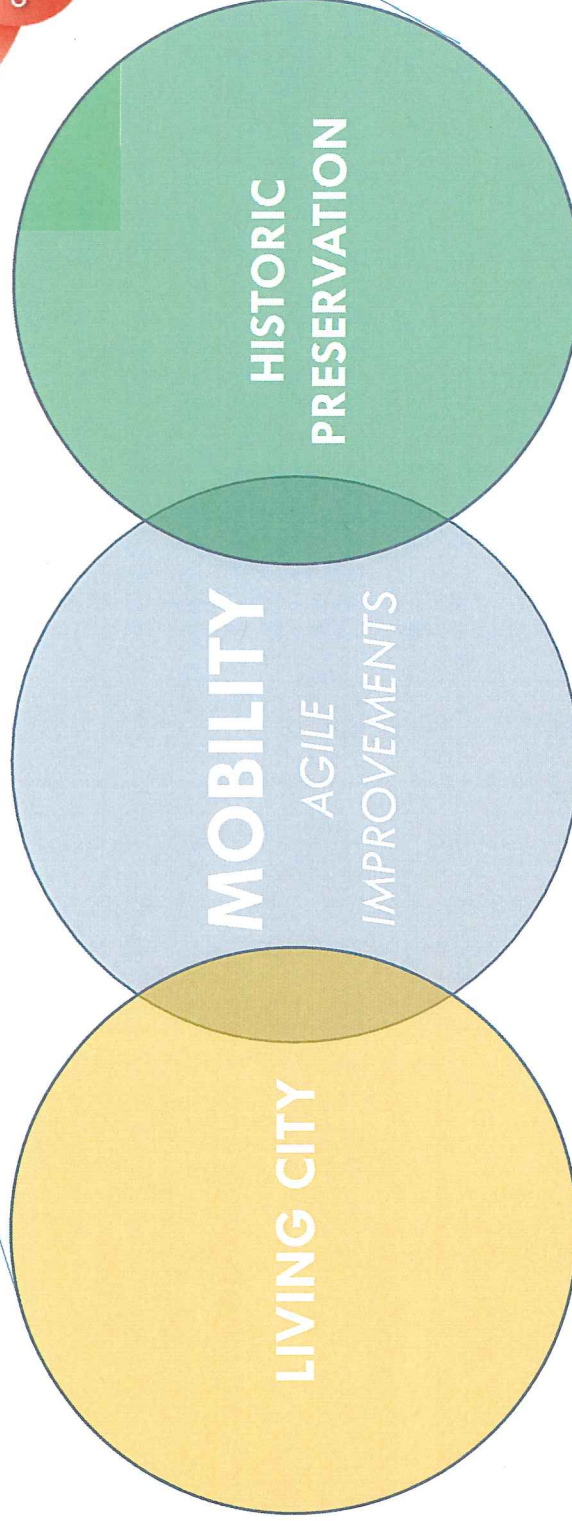
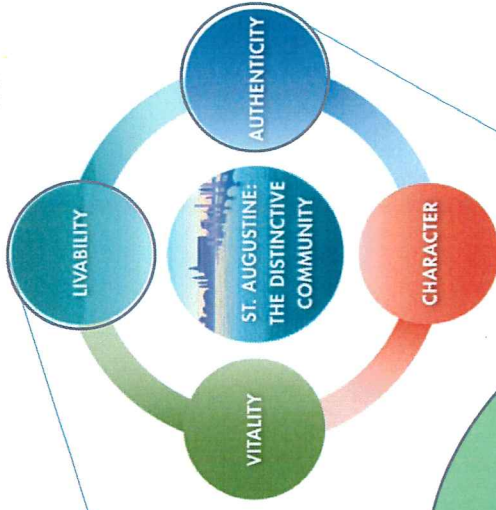
City Commission Presentation
July 8, 2019
version 6.2

OUR COMMUNITY

CUNA STREET IS CURRENTLY IN CIP

DESIGN 2020

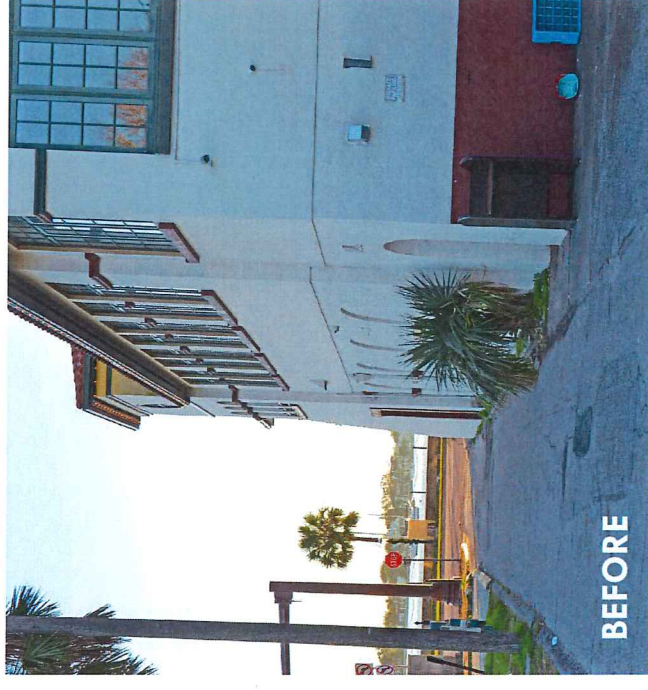
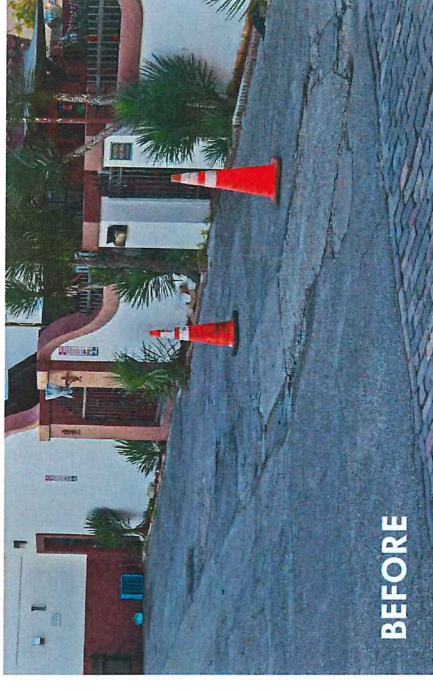
IMAGE FROM VISION 2014 AND BEYOND



5 POINT VISION

ADDING LIFE TO OUR LIVEABLE CITY

1. **Adding Life to Our City**
2. **Implement** St. Augustine Downtown Streetscape Guidelines
3. **Improve view** of historic district from...
 - Castillo de San Marcos
 - Avenida Menendez
 - Cuna Street
 - To Historic District...invites pedestrians *into* the historic downtown
4. **Create *engaging atmosphere***
 - Pedestrian friendly
 - Great place for RESIDENTS and visitors
 - Scents and sounds of a great restaurant
5. **Additional Safe** pedestrian connector
 - Retractable bollard opportunity
 - Improved Lighting
 - Active Street Life



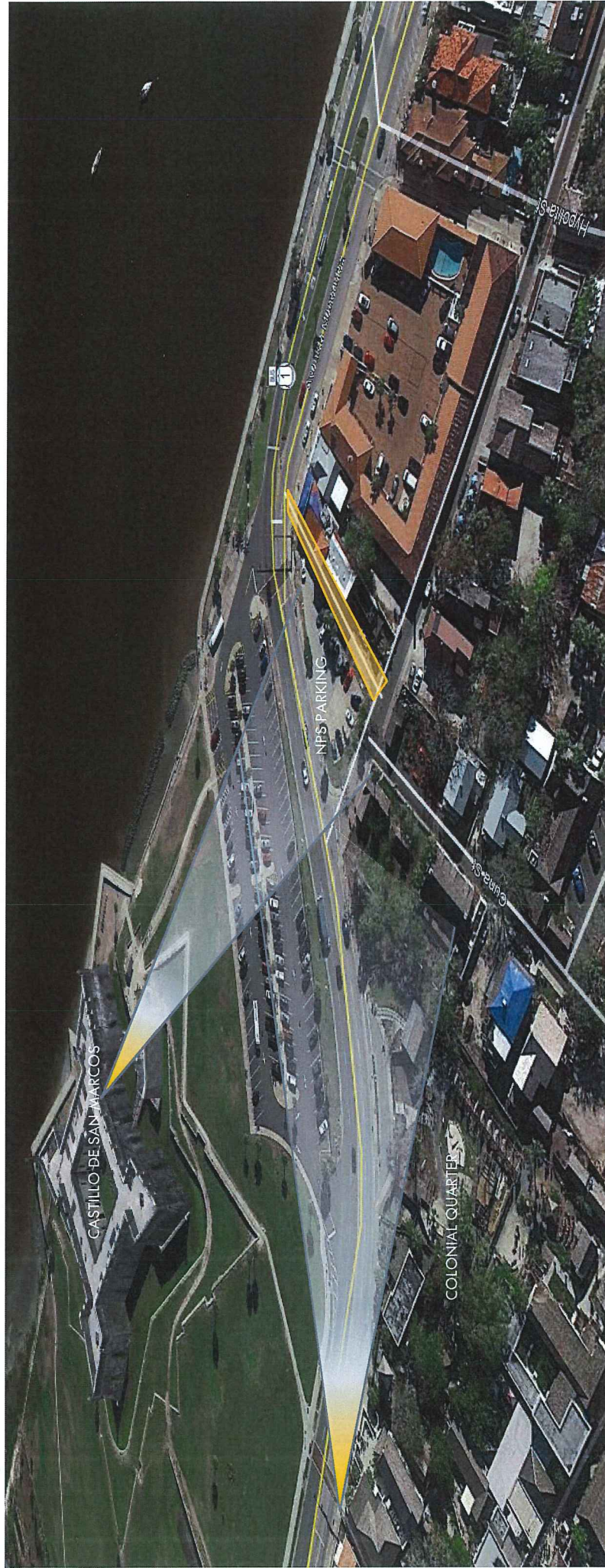
ADDING LIFE TO OUR LIVEABLE CITY



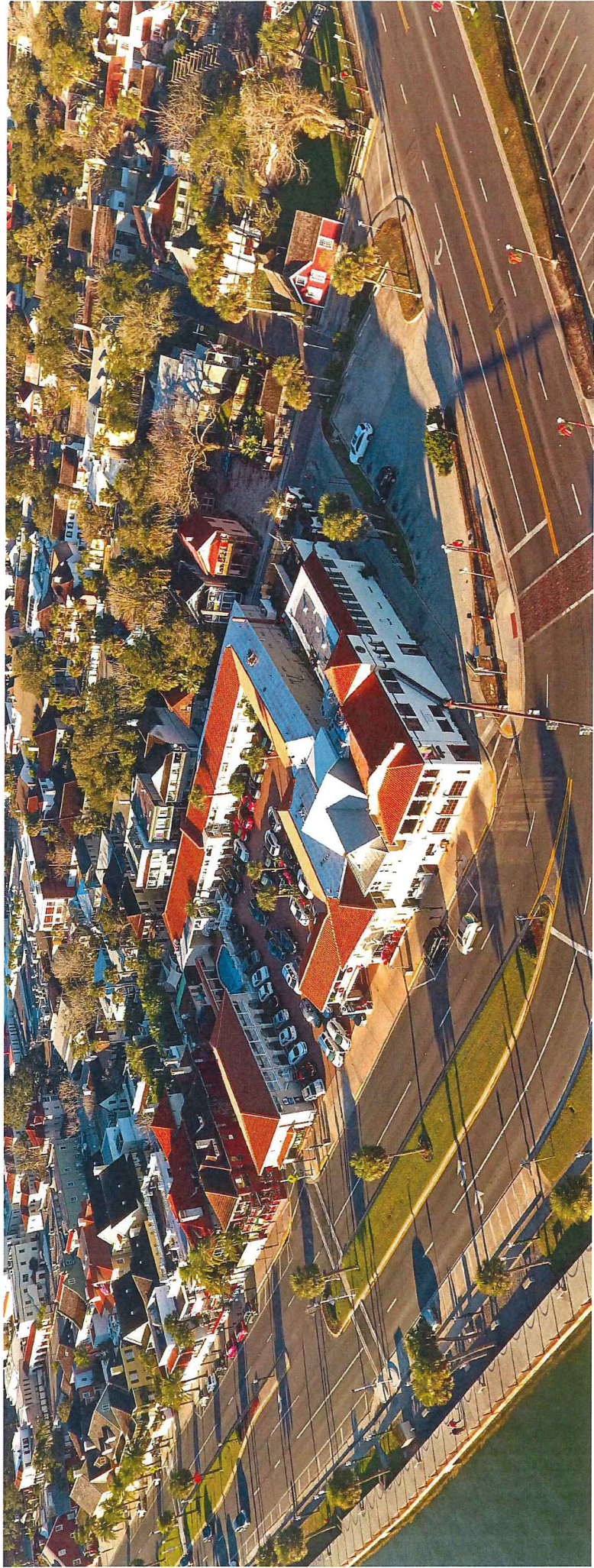
"An inviting, bustling street life is the most compelling feature of a great downtown."



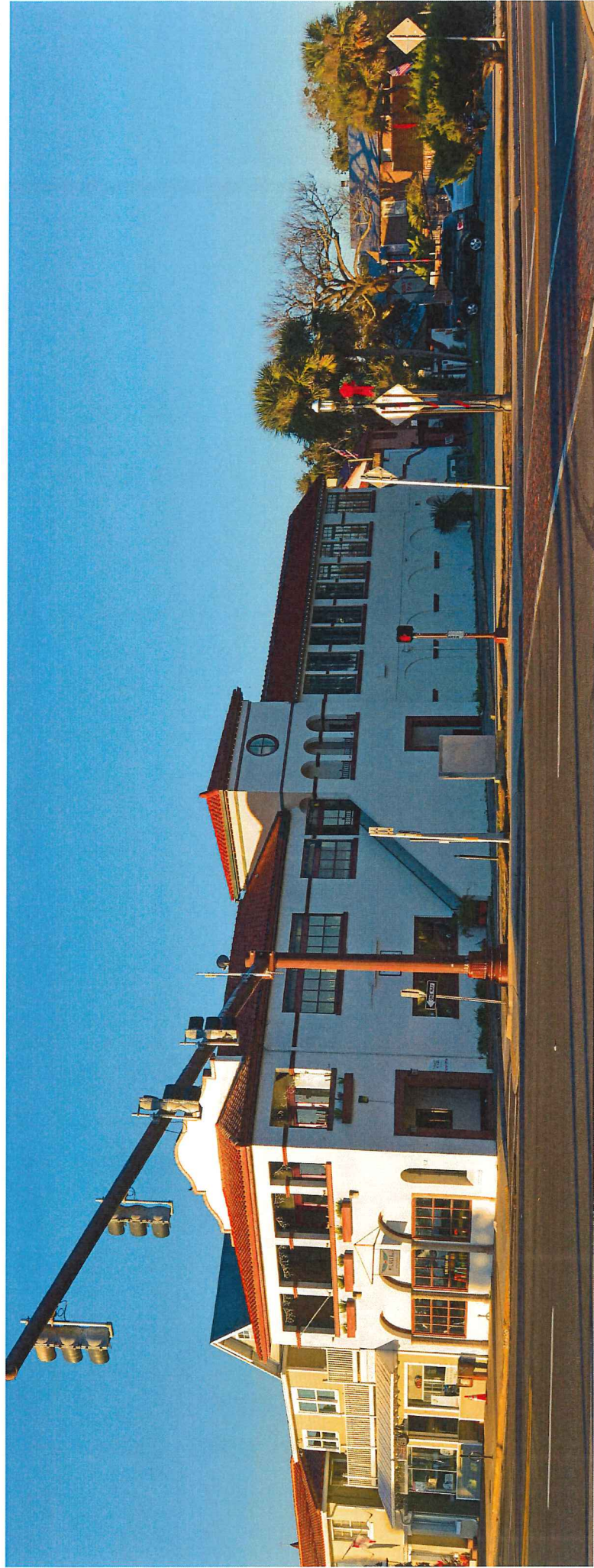
LOCATION + VIEWS

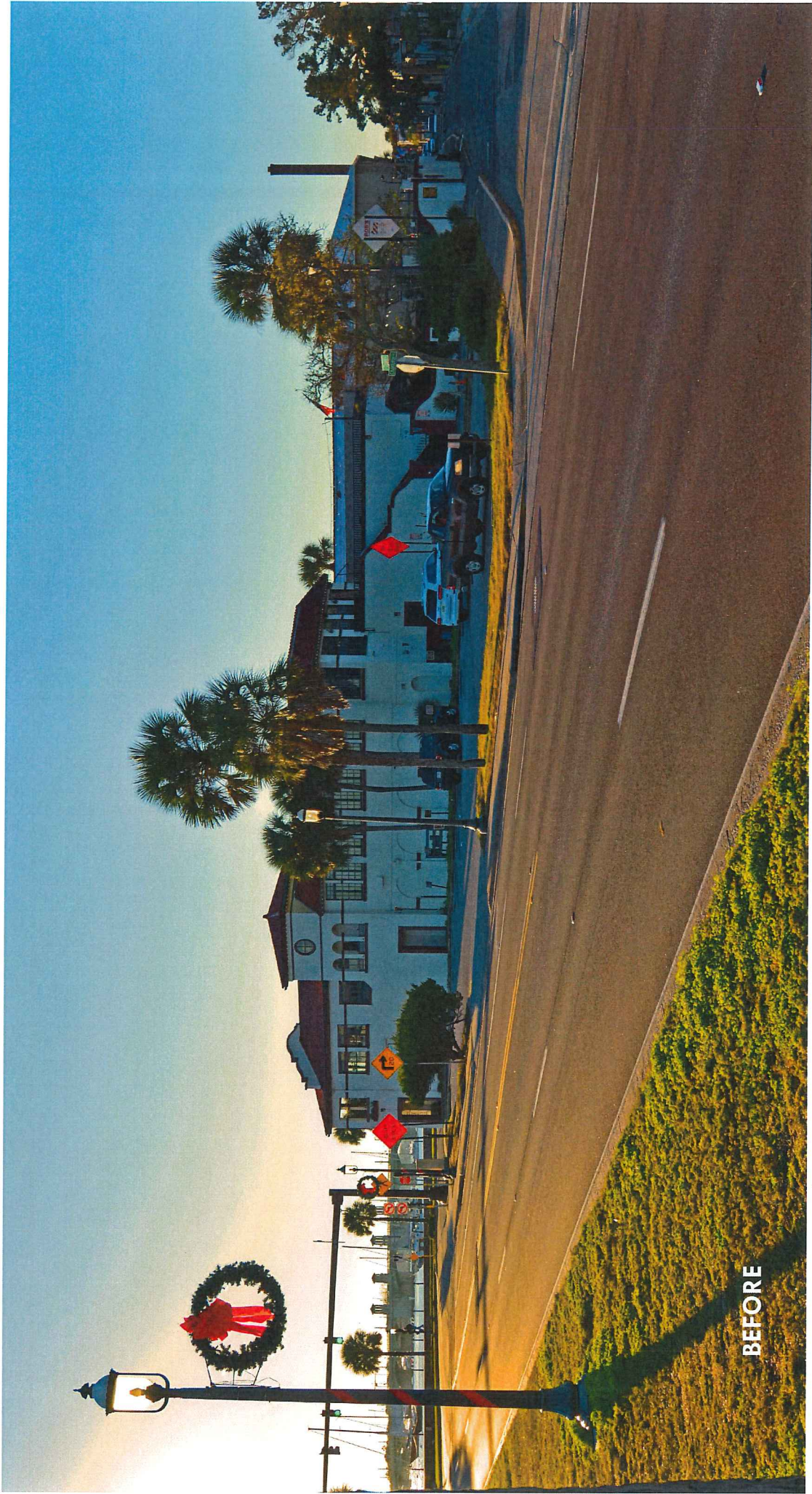


CURRENT CONDITIONS



CURRENT CONDITIONS





BEFORE



Improved Views
Commercial Loading Zone 2am-10am





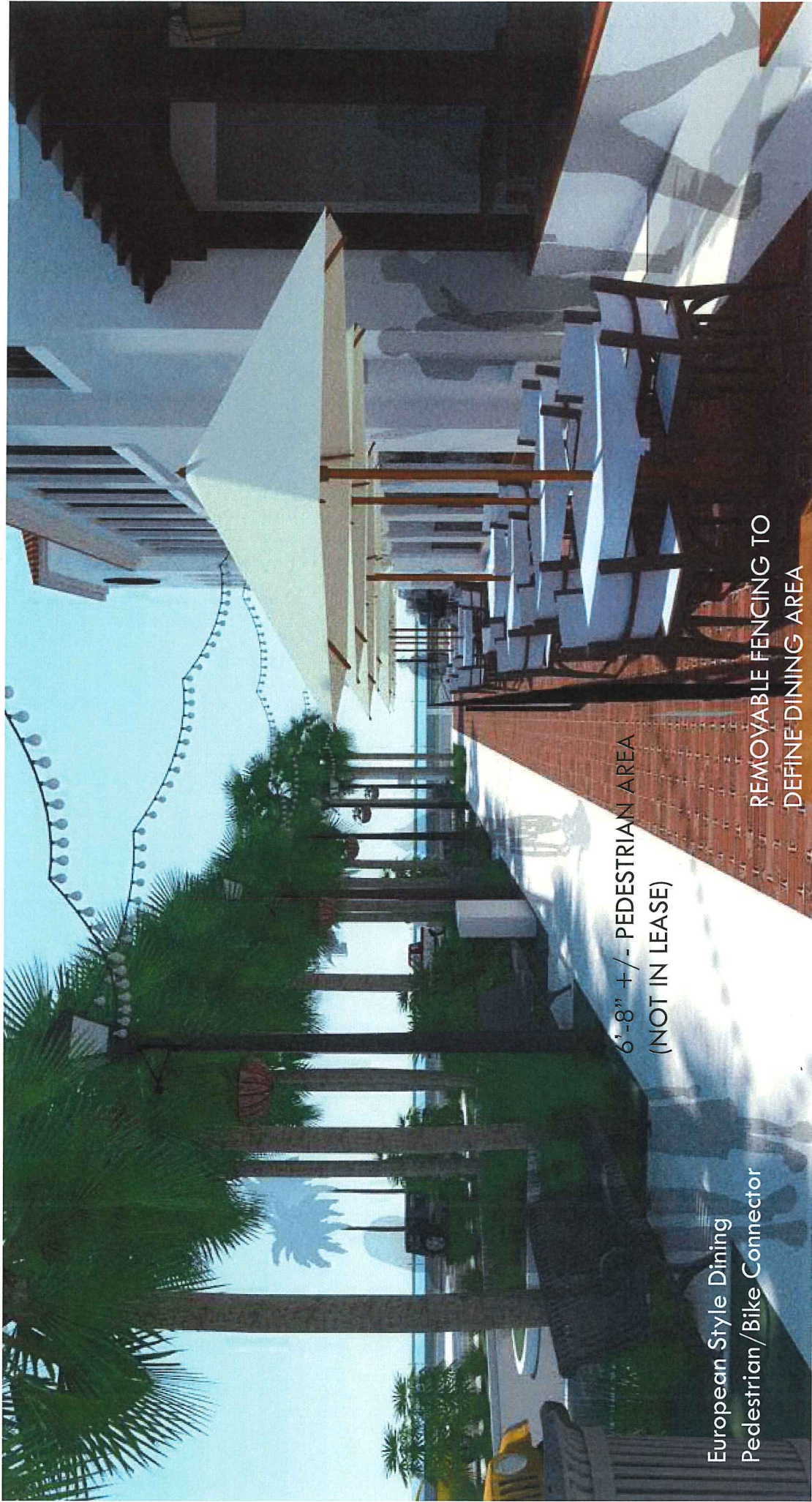
European Style Dining
Improved Entry / Connector to Castillo de San Marcos



BEFORE



Commercial Delivery Zone for Downtown (2am – 10am)



European Style Dining
Pedestrian/Bike Connector

6'-8" +/- PEDESTRIAN AREA
(NOT IN LEASE)

REMOVABLE FENCING TO
DEFINE DINING AREA





European Style Dining
Pedestrian/Bike Connector

Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com | LC00000391 (Florida)

ESTIMATED PROJECT COST

Preliminary Cost - Cuna Street from Charlotte Street to Avenida Menendez (200 LF)						
DID Streetscape Edits 07/16/19						
		Unit	Total	Unit Cost	Total Cost	
A. Roadway Construction						
1. Mobilization		LS	1	\$12,500.00	\$12,500.00	
2. Site Preparation		SF	3,400	\$5.00	\$17,000.00	\$12,500.00
	Clear & Grub	SF	3,400	\$2.00	\$6,800.00	\$23,800.00
	Remove Existing Road					
3. Roadway		SF	1,800	\$9.00	\$16,200.00	
	Pavers	SF	1,800	\$2.90	\$5,220.00	
	Paver Installation	SF	1,800	\$0.25	\$450.00	
	Sand (1")	SF	1,800	\$10.00	\$18,000.00	
	Concrete (6")	SF	1,800	\$0.54	\$972.00	
	Subgrade	SF	1,800	\$0.54	\$972.00	
	Bollard (Removable)	EA	4	\$9,000.00	\$36,000.00	\$76,842.00
	Curb					
	Coquina Concrete Ribbon Curb 18"Wx12"	LF	400	\$23.90	\$9,560.00	\$9,560.00
	Sidewalk					
	Coquina Concrete 8"	SF	1,600	\$8.00	\$12,800.00	\$12,800.00
4. Maintenance of Traffic		SY	100	\$28.00	\$2,800.00	
	Pedestrian Path	LF	400	\$4.90	\$1,960.00	
	Pedestrian Fencing	EA	4	\$45.00	\$180.00	
	Work Zone Signs	EA	4	\$95.00	\$220.00	
	Type II Barricades	EA	4	\$100.00	\$400.00	
	Business Signs					\$5,560.00
5. Signage		AS	2	\$2,285.00	\$4,570.00	
	Sign Single Post					
6. Erosion Control		LS	1	\$500.00	\$500.00	\$4,570.00
7. Landscape						\$500.00
	Street Trees					
	Cabbage Palm	EA	6	\$360.00	\$2,160.00	
	Oak	EA	2	\$360.00	\$720.00	
	Tree Grate	EA	6	\$1,500.00	\$9,000.00	\$11,820.00

Site Furniture		EA	6	\$3,000.00	\$18,000.00
Bench		EA	2	\$2,000.00	\$4,000.00
Litter Receptacle		EA	1	\$2,200.00	\$2,200.00
Recycle Receptacle		EA	4	\$900.00	\$3,600.00
Bike Rack					
\$27,800.00					
Irrigation					
1" Service Connection		EA	1	\$315.00	\$315.00
1" Water Meter		EA	1	\$265.00	\$265.00
1" Backflow Preventer		EA	1	\$768.00	\$768.00
1" service line		LF	200	\$3.00	\$600.00
Controller		EA	1	\$420.00	\$420.00
Zone Valve		EA	1	\$150.00	\$150.00
Hanging Basket Drip Line Services		EA	5	\$997.50	\$4,987.50
Tree Drip Line Services		EA	6	\$52.50	\$315.00
\$7,820.50					
8. Lighting					
Light (Fixture)		AS	9	\$1,500.00	\$13,500.00
Light Pole Assembly (Direct Bury)		AS	9	\$5,500.00	\$49,500.00
Pull Box		EA	9	\$315.00	\$2,835.00
Conduit (2")		LF	400	\$18.90	\$7,560.00
Conductor (#10 or >)		LF	400	\$0.57	\$228.00
Conductor (#8-#6)		LF	400	\$0.84	\$336.00
Conductor (#4-#2)		LF	400	\$1.70	\$680.00
Electrical Service Connection		EA	1	\$8,400.00	\$8,400.00
\$83,039.00					
9. Special Condition Items (Roadway)					
As-Builts		LS	1	\$2,000.00	\$2,000.00
\$2,000.00					
B. Water and Sewer Construction					
10. Utilities (Water and Sewer)					
Sewer					
Services		EA	2	\$775.00	\$1,550.00
Manhole		EA	1	\$4,625.00	\$4,625.00
Manhole Adjust Top & Replace Ring & Cov		EA	1	\$700.00	\$700.00
PVC Gravity Sewer Main (6")		LF	70	\$64.30	\$4,501.00
Core & Connect to Structure		EA	1	\$500.00	\$500.00
\$11,876.00					
Total				\$290,547.50	\$290,547.50

ESTIMATED CONSTRUCTION COST
\$290,547 * 1.08 (8% INFLATION) =

\$313,791

\$ 313,791.30 Construction

\$	62,758.26	20% Allowance Engineering
----	-----------	---------------------------

\$	9,413.74	3% Construction Contingency (on \$313,791.30)
----	----------	---

\$	32,000.00	8 months x \$4,000 month SDC
----	-----------	------------------------------

\$ 417,963.30 (rolled up to \$419,970) **\$417,970** **\$450,000 max**

Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com | LC00000391 (Florida)

LICENSE AGREEMENT

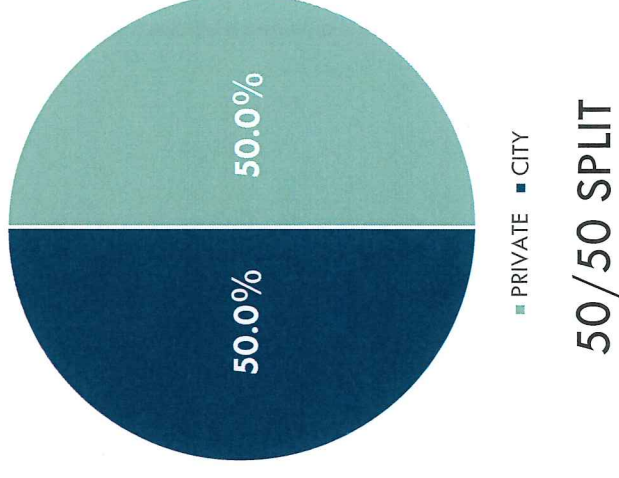
TERM 10 Years (initial)

LIMITS Area for tables + waiting (see Exhibit 'B')

PAYMENT \$1,458.33 per month license fee
(1,617 sq. ft. x \$10.82 per sq. ft. = \$17,500 annual fee)

**Cuna Street Streetscape
Improvement:**
~\$450,000 project cost
with contingency

Cost Share Diagram
Proposed Cuna Streetscape with ENGINEERING/SDC



LICENSE AGREEMENT

GENERAL CONDITIONS (Page 5)

- Commercial Loading Zone
 - 7 days per week, 365 days per year
- Pedestrian and Non-Motorized Traffic Only
 - On-Street Dining Hours of Operation
 - On street dining ends

2am – 10am	VEHICULAR	10am – 2am	PEDESTRIAN + NON-MOTORIZED
No Dining		10am – 12:15am	DINING (stops at 12:15am)
			No Dining

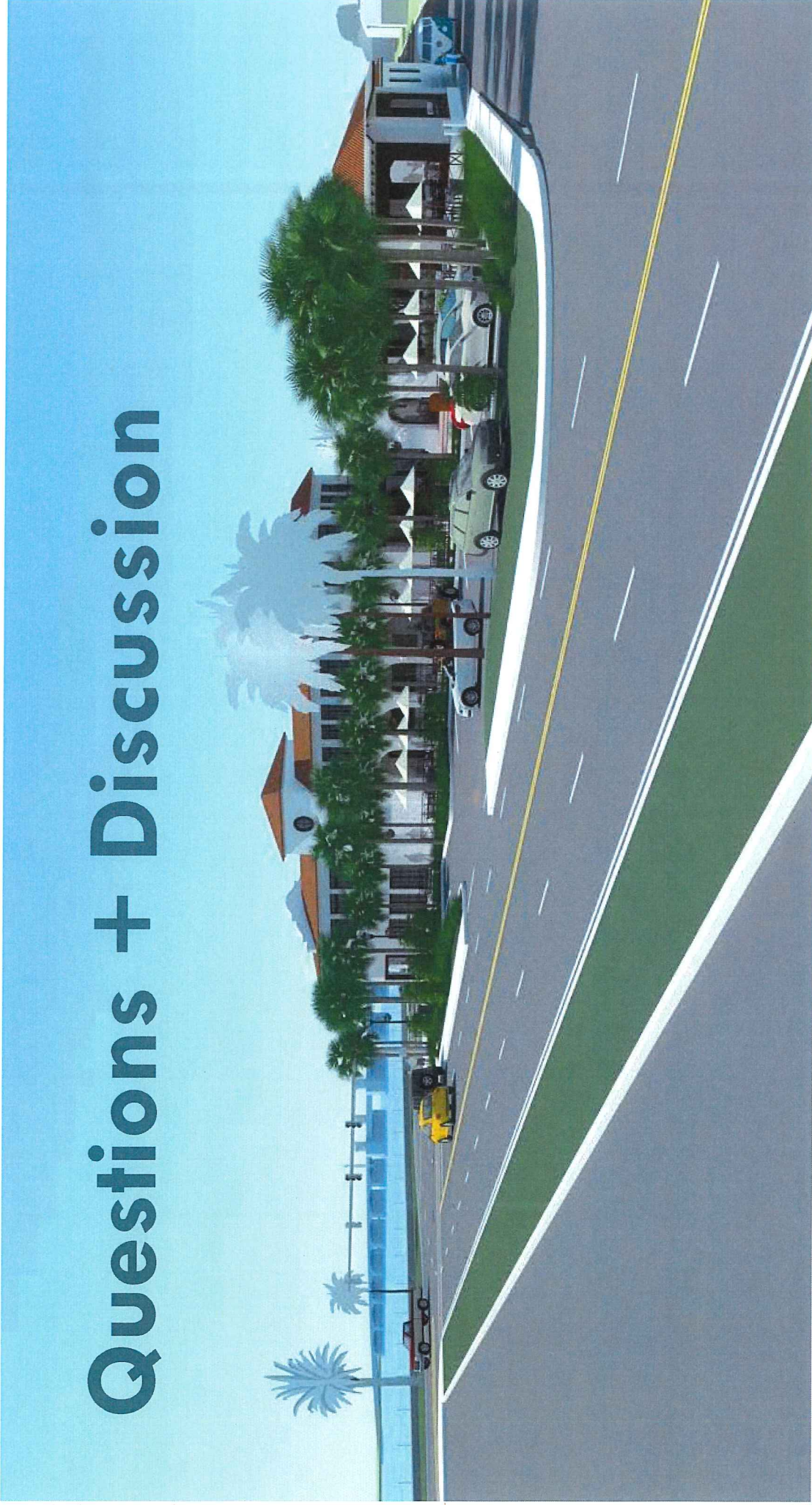
GENERAL CONDITIONS (Page 6)

- No amplified music in licensed area
- Twelve (12) 4-person tables and chairs + waiting area

VIOLATIONS AND PENALTIES (Page 6-7)

- 1st in a rolling 12-month period:
 - \$500 fine
- 2nd in a rolling 12-month period:
 - \$1,000 fine
- 3rd in a rolling 12-month period:
 - Suspended use up to 3 months
- 4th violation within 180 days of 3rd:
 - Commission termination allowed

Questions + Discussion



**MARKET RENT ESTIMATE
OF THE
1,177± SQUARE FOOT SECTION OF
THE CUNA STREET ROAD RIGHT-OF-WAY
LOCATED JUST EAST OF CHARLOTTE STREET,
ST. AUGUSTINE, ST. JOHNS COUNTY, FL 32084**

PREPARED FOR:

MR. L. JOHN ARBIZZANI
12 AVENIDA MENENDEZ LLC.

PREPARED BY:

Ronald N. Pacetti, MAI
State-Certified General Real Estate Appraiser RZ 677
Pacetti Appraisal Services Inc.

PACETTI APPRAISAL SERVICES INC.

Real Estate Appraisers and Consultants

Ronald N. Pacetti, MAI
State-Certified General Real Estate Appraiser
RZ 677

June 27, 2019

Mr. L. John Arbizzani
12 Avenida Menendez LLC.
44 Avenida Menendez,
St. Augustine, FL 32084

Re: Estimate of market rent for the 1,177 square foot section of Cuna Street road right-of-way located just east of Charlotte Street, St. Augustine, St. Johns County, FL 32084.

Dear Mr. Arbizzani:

At your request, we have made an investigation and analysis of the above mentioned property. The purpose of this investigation and analysis was to provide the following opinions of value for the Subject Property:

- Market Rent "as is"

The property rights appraised are the rights of the Fee Simple Interest in the Subject Property.

The Subject Property was inspected on May 10, 2019.

The Subject site is part of the road right-of-way for Cuna Street, located east of Charlotte Street. The area in question is 1,177 sf out of the 3,034 square foot section of Cuna Street located between Charlotte St. and Avenida Menendez. The 1,617± square foot site is planned to be leased by the adjacent restaurant owner for use as an outdoor dining area for up to 48 seats. The area to be leased is planned to be improved with brick pavers and a coquina concrete sidewalk, a portion of the cost which will be paid by the lessee. At the request of our client, we have been asked to provide our opinion of the Fair Annual Market Rent for this section of roadway.

This Appraisal Report is in conformance with Standard Rule 2 Report Options of the Uniform Standards of Professional Appraisal Practice, effective January 1, 2014. As such, the report presents summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation has been retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated in this report.

Mr. Arbizzani
Page two,

The appraisal is intended to conform with the Uniform Standards of Professional Appraisal Practice (USPAP), the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, applicable state appraisal regulations. The appraisal is also prepared in accordance with the appraisal regulations issued in connection with the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA).

This appraisal was not made, nor was the appraisal rendered on the basis of a minimum requested valuation, specific valuation, or an amount which would result in the approval of a loan.

Subject to the definition of market rent as set forth in this report, as well as the General Assumptions, Extraordinary Assumptions and Limiting Conditions, we have formed the following opinions of value for the subject property as of May 10, 2019:

ANNUAL MARKET VALUE RENT FOR THE 1,617 SF LAND AREA

SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS
\$17,500

Thank you for the opportunity to be of service to you in this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ronald N. Pacetti".

Ronald N. Pacetti, MAI
State-Certified General Real Estate Appraiser RZ 677

CERTIFICATION

We certify that, to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- We have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- Ronald N. Pacetti has made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the persons signing this certification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, Ronald N. Pacetti has completed the continuing education program for Designated Members of the Appraisal Institute.



Ronald N. Pacetti, MAI
State-Certified General Real Estate Appraiser RZ 677

LIMITING CONDITIONS

1. Unless otherwise stated, the value appearing in this appraisal represents the opinion of the market Value or the Value Defined AS OF THE DATE SPECIFIED. Market Value of real estate is affected by national and local economic conditions and consequently will vary with future changes in such conditions.
2. The value estimated in this appraisal report is gross, without consideration given to any encumbrance, restriction or question of title, unless specifically defined.
3. This appraisal report covers only the property described and any values or rates utilized are not to be construed as applicable to any other property, however similar the properties might be.
4. It is assumed that the title to the premises is good; that the legal description is correct; that the improvements are entirely and correctly located on the property described and that there are no encroachments on this property, but no investigation or survey has been made.
5. This appraisal expresses our opinion, and employment to make this appraisal was in no way contingent upon the reporting of predetermined value or conclusion.
6. No responsibility is assumed for matters legal in nature, nor is any opinion of title rendered. In the performance of the investigation and analysis leading to the conclusions reached herein, the statements of others were relied on. No liability is assumed for the correctness of these statements; and, in any event, the appraisers' total liability for this report is limited to the actual fee charged.
7. Neither all nor any part of the contents of this report (especially any conclusions, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute or any of its designations) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication without our prior written consent and approval.
8. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures which would render it more or less valuable. The Appraiser assumes no responsibility for such conditions or the engineering which might be required to discover these factors.
9. Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyls, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to the attention of the appraiser, nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test for such substances or conditions. If the presence of such substances, such as asbestos, urea formaldehyde foam insulation, or other hazardous substances or environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is no such proximity thereto that

would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.

10. The Americans with Disabilities Act ("ADA") became effective January 26, 1992. The appraiser has not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since the appraiser has no direct evidence relating to this issue, possible noncompliance with the requirements of ADA in estimating the value of the property has not been considered.

In addition to the general special assumptions and limiting condition outlined in this report, the above value is subject to the following extraordinary assumptions and hypothetical conditions:

Extraordinary Assumption

An assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions.

1. None

Hypothetical Condition

A hypothetical condition is a condition contrary to known fact on the effective date of the appraisal but is supposed for the purpose of analysis.

1. None



VIEW OF THE SUBJECT SITE FROM AVENIDA MENENDEZ



VIEW OF THE SUBJECT SITE FROM CHARLOTTE ST.

Scope of Work – Information Analyzed

The subject site and surrounding building and site improvements were inspected. Photographs taken during the site inspection include the following:

- View of the Subject site
- Site improvements
- Roadways and site access

Market Data Analyzed

Gathered and analyzed social, economic, governmental and environmental data from the St. Johns County area and the subject's immediate submarket.

Data sources include: municipal Planning Departments, LoopNet, CoStar and the St. Augustine MLS.

Specific Data

Specific data relate to the property being appraised and to comparable properties. These data include legal, physical, locational, cost and income and expense information about the properties and the details of comparable sales.

Data gathered and analyzed pertaining to the subject property included zoning information, building plans, and site plans. Competitive property data included rental prices, site size, zoning information and intended use of property.

SCOPE OF WORK - APPRAISAL METHOD AND TECHNIQUES EMPLOYED

The following appraisal methods and techniques were considered in the analysis of the subject property:

Cost Approach

Since the Subject site is currently a paved street right-of-way, the Cost Approach was not considered applicable or necessary to provide a credible opinion of value.

Sales Comparison Approach

The Sales Comparison Approach typically provides a good indication of value for vacant land. Therefore, the Sales Comparison Approach was used to indicate a market value for Subject Site. To value the Subject site we have used the Across-The-Fence Method (ATF). As noted, the land area being appraised is owned by the City of St. Augustine, and is currently being used as road right-of-way for Cuna Street. This section of Cuna Street is planned to be closed to vehicles and will be improved with brick pavers and a sidewalk area for pedestrians only once closed. Since this property is owned by the City for use as road right-of-way it currently has no zoning in place. Therefore, to value this land area, we have assumed that if sold, it would be given a similar zoning as the adjacent property along the south side of Cuna Street, which is currently zoned HP-2. Therefore, to value the Subject site, we have assumed a zoning of HP-2, as per the ATF

method. Once the market value of the site was determined, an annual market rental rate can then be established by applying market oriented rental rate returns to the as-is land value.

Income Approach

Since the Subject Property is vacant land that is planned to be leased to the adjacent landowner, the Income Approach was not applicable.

REPORT TYPE

This report has been prepared in an Appraisal Report format in conformance with Standard Rule 2 Report Options of the Uniform Standards of Professional Appraisal Practice, effective January 1, 2014. As such, the report presents discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation has been retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated in this report.

Purpose of Appraisal

The purpose of this investigation and analysis was to provide our opinion of value for the Subject Property under the following premises:

- Market Rental Rate "as is"

Effective Date of Value

The effective date of this appraisal is May 10, 2019, which is the date the Subject Property was inspected.

Date of the Appraisal

The date of this appraisal is June 27, 2019, which is the date the appraisal was completed.

Intended User/Client of the Appraisal

The intended user/client of this appraisal is 12 Avenida Menedez LLC. and/or their assigns.

Intended Use of the Appraisal

The intended use of this appraisal is to assist the client in the possible future leasing of the Subject Property.

Interest Appraised

The interest appraised herein is the Fee Simple Interest

Fee Simple Estate

"Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat".

(Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, Chicago, Illinois, 2015)

Market Rent

"The most probable rent that a property should bring in a competitive and open market reflecting the conditions and restrictions of a specified lease agreement, including the rental adjustment and revaluation, permitted uses, use restrictions, expense obligations, term, concessions, renewal and purchase options, and tenant improvements (TI's).

(Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, Chicago, Illinois, 2015)

DEFINITION OF ACROSS-THE-FENCE (ATF) METHOD

A land valuation method often used in the appraisal of corridors. The across-the-fence method is used to develop a value opinion based on comparison to abutting land. See also corridor valuation.¹

DEFINITION OF ACROSS-THE-FENCE (ATF) VALUE

In the valuation of real estate corridors, the value concluded based on a comparison with adjacent lands before the consideration of any other adjustment factors. (IRWA) See also across-the-fence (ATF) method.²

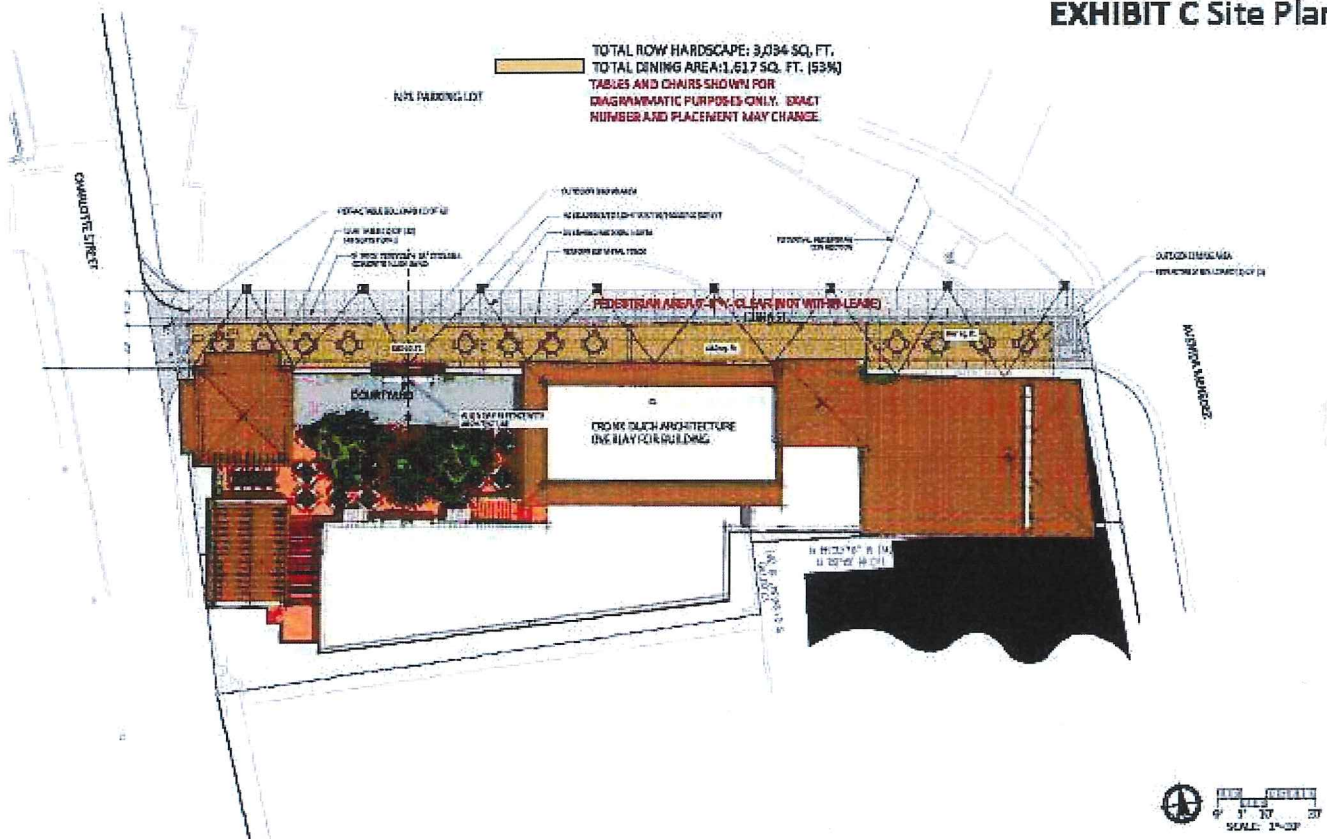
¹ Source: Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6th ed., (Chicago: Appraisal Institute, 2015).

² Source: Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6th ed., (Chicago: Appraisal Institute, 2015).

LEGAL DESCRIPTION:

Not provided - see attached site plan outlining the 1,617 SF space being appraised.

EXHIBIT C Site Plan



NEIGHBORHOOD DATA

The Subject Property is along Cuna Street, between Charlotte St. and Avenida Menendez. A neighborhood is defined in terms of common characteristics, trends and groupings of similar or complementary land uses. The Subject Neighborhood may be delineated as follows:

Northern Boundary	-	Castillo Drive
Southern Boundary	-	South Street
Eastern Boundary	-	Matanzas Bay
Western Boundary	-	Highway U.S. 1

The subject neighborhood is basically the downtown St. Augustine area. St. Augustine was chosen as the overall best city in Florida to live by Money Magazine. Money gave the city high marks for economic growth. It reported that Moody's projects job growth of 18% from 2016 to 2021. That ability to grow jobs is integral to the city's continued vitality. One of the other positive aspects of St. Augustine is its walkability, which is particularly important considering the scarcity of parking in some places. Also, Architectural Digest selected the Oldest City as one of "The 25 Best Small Towns in America".

The major roadways in the City of Saint Augustine include San Marco Avenue (Avenida Menendez), Ponce De Leon Boulevard and King Street. San Marco Avenue is a two to four-lane roadway which travels near the major attractions of the historic district, northward to its north terminus at U.S. Highway 1. Ponce De Leon Boulevard is a four-lane roadway which travels north-south on the west side of the historic district of Saint Augustine. Ponce De Leon Boulevard travels near, but not through, the heart of the City's historic district.

Uses in the Subject's immediate area include commercial properties to the west, a parking lot and the Castillo de San Marcos Fort to the north, a restaurant and hotel to the south, and Avenida Menendez followed by the Matanzas Bay to the east. Other uses in the immediate area include various mixed use commercial buildings, inns, bars, restaurants, the just a few blocks to the northeast, and Flagler College to the west of the Subject.

The Subject is located within the primary historic/tourist area, which is bordered by St. Francis Street on the south, Orange Street on the north, Matanzas Bay on the east, and Granada Street on the west. In this area there are numerous historic buildings, popular restaurants and tourist oriented retailers. One of the characteristics of the entire historic district and some of the surrounding blocks is the lack of parking. Some of the old streets are too narrow to accommodate two-way traffic and street parking. Many of the old streets are narrow one-way streets. Consequently, the historic area is generally promoted as a "walking" area. Tourists can park in city parking lots near a Visitor Information Center at San Marco Avenue, adjacent to Orange Street, or at the Castillo de San Marcos Fort.

The Castillo de San Marcos Fort is over 300 years old and is one of the most popular tourist attractions in Northeast Florida. By far, the most popular route for walking traffic is from the fort or Visitor Information Center to Saint George Street. The northern portion of Saint George Street is generally closed to automobile traffic. It is lined with several historic structures, such as the oldest school house in the United States. Several of the very popular local restaurants, such as The Columbia Restaurant, are located on Saint George Street. There are no official counts of the pedestrian traffic on Saint George Street. However, this area is known to be the primary retail

location for Saint Augustine. It is well known that one block off Saint George Street, in any direction, results in a significant reduction of pedestrian traffic.

The City of St. Augustine has recently completed the revamping of a number of streets in the downtown area. The project is to revamp Hypolita, Spanish and Treasury Streets with new underground utilities, brick paving and lighting began in April of 2014. The \$3.3 million improvement project, part of which is being paid for by the adjacent property owners, was recently completed. During the construction period the streets were torn up, with car traffic prohibited and pedestrian traffic limited.

Summary

The Subject Property's location within the neighborhood is considered good because of its central location within the downtown historical area. The overall downtown neighborhood has a steady tourism business that is only expected to increase in the future. It is a highly desirable area for tourist oriented retailers, lodging facilities and restaurants. This area is considered to be the heart of the nation's oldest city. The continued preservation of the 200 to 400 year old structures will ensure this area's popularity as a tourist destination.

The Subject neighborhood is nearly 100% built-out. Due to the past growth that has taken place in this neighborhood and the unavailability of vacant land in the area, property values are expected to see increases which will, at least, keep pace with inflation during the foreseeable future. A careful search of the immediate and general Neighborhood did not reveal any adverse influences or conditions which would diminish the value of the Subject Property.

PROPERTY DATA

Location The Subject site is part of the road right-of-way for Cuna Street, located east of Charlotte Street. The area in question is 1,617 sf out of the 3,034 square foot section of Cuna Street located between Charlotte St. and Avenida Menendez.

Zoning : Since this property is owned by the City of St. Augustine for use as road right-of-way it currently has no zoning in place. Therefore, for valuation purposes we have assumed that if sold, the Subject site would be given a similar zoning as the adjacent property to the south as per the Across The Fence Methodology. The adjacent restaurant property to the south is currently zoned Historic Preservation 2 (HP-2), by the City of St. Augustine, FL. This zoning 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.

Permitted uses and structures include: single-family; multifamily; tourist homes; professional and business offices; rooming and boarding houses; banks and other financial institutions; retail sales including new, antique, gifts, souvenir and crafts; services; museums; housing for elderly; and home offices. Additionally, there are a wide variety of uses that are permitted by special exception including, hotels/motels and cocktail lounges/taverns.

All new buildings or structures within these historical districts shall conform to the Architectural Guidelines for Historical 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.

1) Minimum lot requirements:

A. Minimum lot width, thirty-five feet.

B. Minimum lot area, one thousand seven hundred fifty (1,750) square feet.

2) Maximum lot coverage of all buildings:

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.

3) Maximum and minimum yard requirements:

A. Front. Main building must be located on the street frontage. The main building shall not exceed the lesser of eighty (80) percent of the lot width or forty (40) feet.

1. Secondary buildings which connect to a main building shall be set back the lesser of forty (40) percent of total depth or forty (40) feet.

2. Main buildings on the same lot shall be separated by minimum of twenty (20) feet.

B. Rear. Three (3) feet minimum.

C. Side. Three (3) feet minimum, except that Spanish Colonial reproduction structures may be located on the north property line when no windows or doors are located in the north facade and there is a six-foot minimum setback on the south property line.

(4) Maximum height of structures:

A. No portion of peaked roof main buildings or structures shall exceed thirty-five (35) feet, two and one-half (2 1/2) stories. No portion of flat-roofed main buildings or structures shall exceed thirty (30) feet, two (2) stories.

B. No portion of secondary buildings or structures and connections shall exceed fifteen (15) feet. Setback requirements for the HP-3 district include a three foot rear setback and a three foot side setback. There is also a maximum lot coverage of 70% for all buildings.

Future Land Use:

The adjacent property has a future land use of Historic Preservation. Therefore, we have valued the Subject site assuming a future land use of Historic Preservation.

In conclusion, using the ATF methodology, commercial uses are legally permissible under both the zoning and future land use categories.

Site Size & Shape:

The Subject site is part of the road right-of-way for Cuna Street, located east of Charlotte Street. The area in question is 1,617 sf out of the 3,034 square foot section of Cuna Street located between Charlotte St. and Avenida Menendez. The 1,617± square foot site is planned to be leased by the adjacent restaurant owner for use as an outdoor dining area for up to 48 seats. The area to be leased is planned to be improved with brick pavers and a coquina concrete sidewalk, a portion of the cost which will be paid by the lessee. All sizes and measurements are according to the site development plan provided by the client and are subject to a survey.

Access:	Access is provided by both Cuna Street and Avenida Menendez.	
Topography:	The Subject sites appear to be level and at the grade of the adjacent road and the drainage appears to be adequate.	
Utilities:	Water	- City of St. Augustine
	Sewer	- City of St. Augustine
	Electric Service	- Florida Power & Light
	Law Enforcement	- St. Augustine Police Department
	Fire Protection	- City of St. Augustine Fire Department
Property History:	The Subject parcels are currently listed under the ownership of the City of St. Augustine.	

It should be pointed out that a complete title history of the Subject Property was not undertaken or conducted by the appraiser, nor was one provided. However, based on the St. Johns County Tax Rolls, no arms-length ownership transfers have taken place within the last three years.

Listings/Contracts

To the best of our knowledge, the Subject Property is not listed for sale or under contract.

Leases

The owners of the adjacent site are proposing to lease the Subject Property for outdoor dining purposes. No further lease information was provided.

HIGHEST AND BEST USE

Highest and Best Use is defined in the 5th edition of *The Dictionary of Real Estate Appraisal* (Appraisal Institute, Chicago, 2010), as follows:

"That reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability."

Conclusion

The Highest and Best Use is a 2-fold analysis. The first analysis requires a determination of the Highest and Best Use of the Subject Property as vacant. The second analysis determines the Highest and Best Use of the Subject Property as improved.

The Subject Property is put to a 4-point test to determine the potential uses in order to estimate the Highest and Best Use. The test requires the Highest and Best Use of the property as vacant and improved to be: legally permissible, physically possible, financially feasible, and that use which results in the greatest return to the real estate. The Highest and Best Use is addressed in the following analysis.

Highest and Best Use as Vacant

In using the Across the Fence Methodology, the Subject Property as vacant, based on the physical and legal limitations, as well as locational attributes, could be developed with several types of commercial uses.

Without an in-depth feasibility study and additional market data, which is beyond the scope of this appraisal report, it would be difficult to determine exactly which specific use would meet with the strongest market acceptance. However, based on market data regarding the expected continued tourism growth in this area, and since the sites have good road frontage along Charlotte Street and Avenida Menendez, some type of tourist related retail use would be the most feasible and productive.

Based on the Subject's favorable location and exposure, it is our opinion that the highest and best use of the Subject site, as vacant, would be for development of a tourist related commercial use.

VALUATION ANALYSIS

Preface to Value

In estimating the annual market rent for the Subject Property we first valued the Subject site as vacant land, and then applied a market rental return rate to this value to arrive at the annual market rent. In estimating the Market Value of Subject Site only the Sales Comparison Approach to value was used.

ESTIMATE OF LAND VALUE

The Sales Comparison Technique is the preferred method to estimate the value of land. The Principle of Substitution affirms that an informed buyer should pay no more for a given site than an amount which a substitute site with equal or similar amenities could be obtained.

By the gathering and analysis of land sales of similar properties, a confirmed record of the range of prices paid by informed buyers is obtained. From this record adjustments can be made for differences in property characteristics which would have an effect on value, and an indication of the Subject Property's value by common units of measurement can be made.

Units of measurement often used in buying and selling vacant land are Price per Acre, Price per Square Foot, Price per Front Foot and Price per Lot. The unit of measure most used by the market in buying and selling land parcels similar to the Subject is the Price per Square Foot.

All properties have their own unique features which relate to location, size, shape, zoning, development potential, date of sale, deed restrictions, financing, etc. In order to accurately isolate most of these differences to determine their relative importance in a sale would require the use of what is known as a "paired sale" technique. In that process, two properties which are identical except for **one** feature (say time, for example) are compared. The difference in the unit value of comparison selected for analysis would then indicate if a property's value had increased or decreased over the time period between the sales. It is obvious that as two, three, four or more differences are added, the ability to accurately isolate differences and compare sales is diminished. Appraisers are required, in those instances, to use their training and experience to input subjective analysis to relate the sale property to the Subject Property.

Where market supported adjustments could be extracted, the comparative adjustments to the comparable sale properties are quantitative. When market data indicates relationships which cannot be quantified, a relative comparison analysis is used to examine the comparable sales to determine whether their characteristics are inferior, superior or equal to the Subject's. Numerous land sales were located, analyzed and compared to the Subject site, with the sales summarized below selected as reflecting the greatest comparability to the Subject Property. On the following pages a Land Sales Location Map and Land Sales Summary Chart can be found followed by a discussion of each land sale.

LAND SALE NO. 1**TRANSACTION DATA**

DATE: 3/27/15
O.R. BOOK: 4005/1206
GRANTOR: VIRTU Cathedral Building LLC.
GRANTEE: 44 Avenida Menendez LLC.
SALES PRICE: \$1,450,000
TERMS OF SALE: Cash to seller

PROPERTY DESCRIPTION

LEGAL: CITY OF ST AUG Lots A & B of re-sub of Lot 1, Blk. 5.
PARCEL ACCOUNT #: 196340-0000
LOCATION: West side of Avenida Menendez, just north of Cathedral Street, St. Augustine, FL. The property address is 44 Avenida Menendez.
ZONING: HP-2, City of St. Augustine, FL.
FUTURE LAND USE: Historic Preservation
ELEVATION: Level and at the grade of the street.

SITE AREA: Nearly rectangular-shaped parcel containing 13,845± square feet

UTILITIES: Central water and sewer

SALE ANALYSIS

PRICE PER SQUARE FOOT: \$104.73

COMMENTS

This site contained roughly 115.85± feet of frontage along the west side of Avenida Menendez and 102± feet along the east side of Charlotte Street.

At the time of sale the lot was improved with a 4-lane bank drive-thru built in 1993 and a 1,620 square foot office building constructed in 1965. The bank drive-thru had a short-time left of its lease at the time of sale and the grantee was occupying the office building. The property was purchased for future commercial development and the improvements were considered to be only an interim use. Therefore, no value contribution was given to the improvements.

Confirmed with: Sammy Hale (Rep of Grantee)

LAND SALE NO. 2



TRANSACTION DATA

DATE:	9/2/2014
O.R. BOOK:	3925/1825
GRANTOR:	Sebastian Lofts LLC.
GRANTEE:	SA Marina Holdings LLC.
SALES PRICE:	\$625,000
TERMS OF SALE:	Cash to seller

PROPERTY DESCRIPTION

LEGAL:	CITY OF ST AUG Part of except 305 feet of Lot 4, Block 46-L lying south of San Sebastian Harbor Drive Parcel F OR 3925/1825.
PARCEL ACCOUNT #:	203470-0000
LOCATION:	South side of Sebastian Harbor Drive, roughly 85' west of Iberia Street, St. Augustine, FL. The property address is 90 Iberia Street.
ZONING:	PUD, Planned Unit Development, City of St. Augustine, FL.

FUTURE LAND USE: Residential Medium Density/Mixed Use

ELEVATION: Level and at the grade of the street.

SITE AREA: Nearly rectangular-shaped parcel containing 21,344± square feet

UTILITIES: Central water and sewer

SALE ANALYSIS

PRICE PER SQUARE FOOT: \$29.28

COMMENTS

This site was vacant and being used as a dirt parking lot at the time of sale. The site has 218+ feet of road frontage along Sebastian Harbor Drive.

LAND SALE NO. 3**TRANSACTION DATA**

DATE:	7/30/2018
O.R. BOOK:	4613/1967
GRANTOR:	San Sebastian Retail LLC.
GRANTEE:	Seavin Inc.
SALES PRICE:	\$3,000,000
TERMS OF SALE:	Cash to seller

PROPERTY DESCRIPTION

PARCEL ACCOUNT #:	203350-0020 & 203350-0000
LOCATION:	Southwest quadrant of King Street and Sebastian Harbor Drive, St. Augustine, FL.
ZONING:	PUD, Planned Unit Development, City of St. Augustine, FL.
FUTURE LAND USE:	Residential Medium Density/Mixed Use
ELEVATION:	Level and at the grade of the street.

SITE AREA: Two contiguous parcels which together form an irregular shaped parcel containing a total of 94,090± square feet

UTILITIES: Central water and sewer

SALE ANALYSIS

PRICE PER SQUARE FOOT: \$31.88

COMMENTS

This was the sale of the two vacant, contiguous parcels located at the southwest quadrant of King Street and Sebastian Harbor Drive, in the City of St. Augustine, FL. This site was vacant and being used as a dirt parking lot at the time of sale. The site was purchased by the owners of the San Sebastian Winery located on the adjacent parcel, at the northeast corner of King Street and Sebastian Harbor Drive. The site is planned for future development to include parking, retail and restaurant use.

The site has approximately 300± feet of frontage along the south side of King Street, and 170± feet of frontage along the west side of Sebastian Harbor Drive. The site also has approximately 157± feet of frontage along the east side of the San Sebastian River.

An aerial photograph of a residential neighborhood in St. Augustine, Florida. The map shows several lots outlined in red. The lots are numbered with their area in square feet. The text "CITY OF ST. AUGUSTINE" is overlaid on the map. The map also shows street names and other lot numbers. The red-outlined lots are numbered 49.05, 50.03, 84.92, 50.29, 50.02, 50.01, 50.04, 50.05, 50.06, 50.07, 50.08, 50.09, 50.10, 50.11, 50.12, 50.13, 50.14, 50.15, 50.16, 50.17, 50.18, 50.19, 50.20, 50.21, 50.22, 50.23, 50.24, 50.25, 50.26, 50.27, 50.28, 50.29, 50.30, 50.31, 50.32, 50.33, 50.34, 50.35, 50.36, 50.37, 50.38, 50.39, 50.40, 50.41, 50.42, 50.43, 50.44, 50.45, 50.46, 50.47, 50.48, 50.49, 50.50, 50.51, 50.52, 50.53, 50.54, 50.55, 50.56, 50.57, 50.58, 50.59, 50.60, 50.61, 50.62, 50.63, 50.64, 50.65, 50.66, 50.67, 50.68, 50.69, 50.70, 50.71, 50.72, 50.73, 50.74, 50.75, 50.76, 50.77, 50.78, 50.79, 50.80, 50.81, 50.82, 50.83, 50.84, 50.85, 50.86, 50.87, 50.88, 50.89, 50.90, 50.91, 50.92, 50.93, 50.94, 50.95, 50.96, 50.97, 50.98, 50.99, 51.00. The text "CITY OF ST. AUGUSTINE" is overlaid on the map. The map also shows street names and other lot numbers. The red-outlined lots are numbered 49.05, 50.03, 84.92, 50.29, 50.02, 50.01, 50.04, 50.05, 50.06, 50.07, 50.08, 50.09, 50.10, 50.11, 50.12, 50.13, 50.14, 50.15, 50.16, 50.17, 50.18, 50.19, 50.20, 50.21, 50.22, 50.23, 50.24, 50.25, 50.26, 50.27, 50.28, 50.29, 50.30, 50.31, 50.32, 50.33, 50.34, 50.35, 50.36, 50.37, 50.38, 50.39, 50.40, 50.41, 50.42, 50.43, 50.44, 50.45, 50.46, 50.47, 50.48, 50.49, 50.50, 50.51, 50.52, 50.53, 50.54, 50.55, 50.56, 50.57, 50.58, 50.59, 50.60, 50.61, 50.62, 50.63, 50.64, 50.65, 50.66, 50.67, 50.68, 50.69, 50.70, 50.71, 50.72, 50.73, 50.74, 50.75, 50.76, 50.77, 50.78, 50.79, 50.80, 50.81, 50.82, 50.83, 50.84, 50.85, 50.86, 50.87, 50.88, 50.89, 50.90, 50.91, 50.92, 50.93, 50.94, 50.95, 50.96, 50.97, 50.98, 50.99, 51.00.

DATE:	11/3/2016
O.R. BOOK:	4284/1727
GRANTOR:	Barnacle Bills Inc.
GRANTEE:	San Marco Hotel Inc.
SALES PRICE:	\$1,600,000
TERMS OF SALE:	Cash to seller

LEGAL:	Kingsland Addn City Lot 9-B OR4284/1727, Kingsland Addition City Lot 8 OR4284/1727, & Kingsland Addition City Lot 7 OR4284/1727
PARCEL ACCOUNT #:	193890-0000, 193900-0000 & 193920-0000
LOCATION:	North side of W. Castillo Drive, approximately 360+ feet west of San Marco Ave, St. Augustine, FL.
ZONING:	HP-5, Historic Preservation, City of St. Augustine, FL.
FUTURE LAND USE:	Historic Preservation

ELEVATION: Level and at the grade of the street.

SITE AREA: Three, detached rectangular shaped parcels containing a total of 25,700± square feet

UTILITIES: Central water and sewer

SALE ANALYSIS

PRICE PER SQUARE FOOT: \$62.26

COMMENTS

This was the sale of the former Barnacle Bills restaurant, located along the north side of Castillo Drive within the City of St. Augustine. This site was purchased by the adjacent hotel owner in order to raze the existing improvements, and construct a parking lot for his proposed hotel on the adjacent parcel.

Two of the parcels are adjacent to each other while the third is detached with a single-family residence located between them. The three parcels have a total of 185± feet of frontage along the north side of Castillo Drive and Grove Ave.

LAND SALE NO. 5**TRANSACTION DATA**

DATE: August 25, 2009

GRANTOR: St. Augustine National Bank

GRANTEE: Bishop of Diocese of St. Augustine

SALES PRICE: \$1,595,000

O.R.BK/PAGE: 3233/526

TERMS OF SALE: Cash to Seller

PROPERTY DESCRIPTION

LEGAL: City of St. Augustine Lot 2, Block 15

PARCEL ACCOUNT # 197670-0000

LOCATION: Northwest corner of St. George Street and Cathedral Place, St. Augustine, FL.

ZONING: HP-2, Historic Preservation 2, by the City of St. Augustine, FL.

ELEVATION: Basically level and at the grade of the road.

SITE AREA: .41± gross acres or 17,860± SF

UTILITIES: Central water and sewer to the site.

SALE ANALYSIS

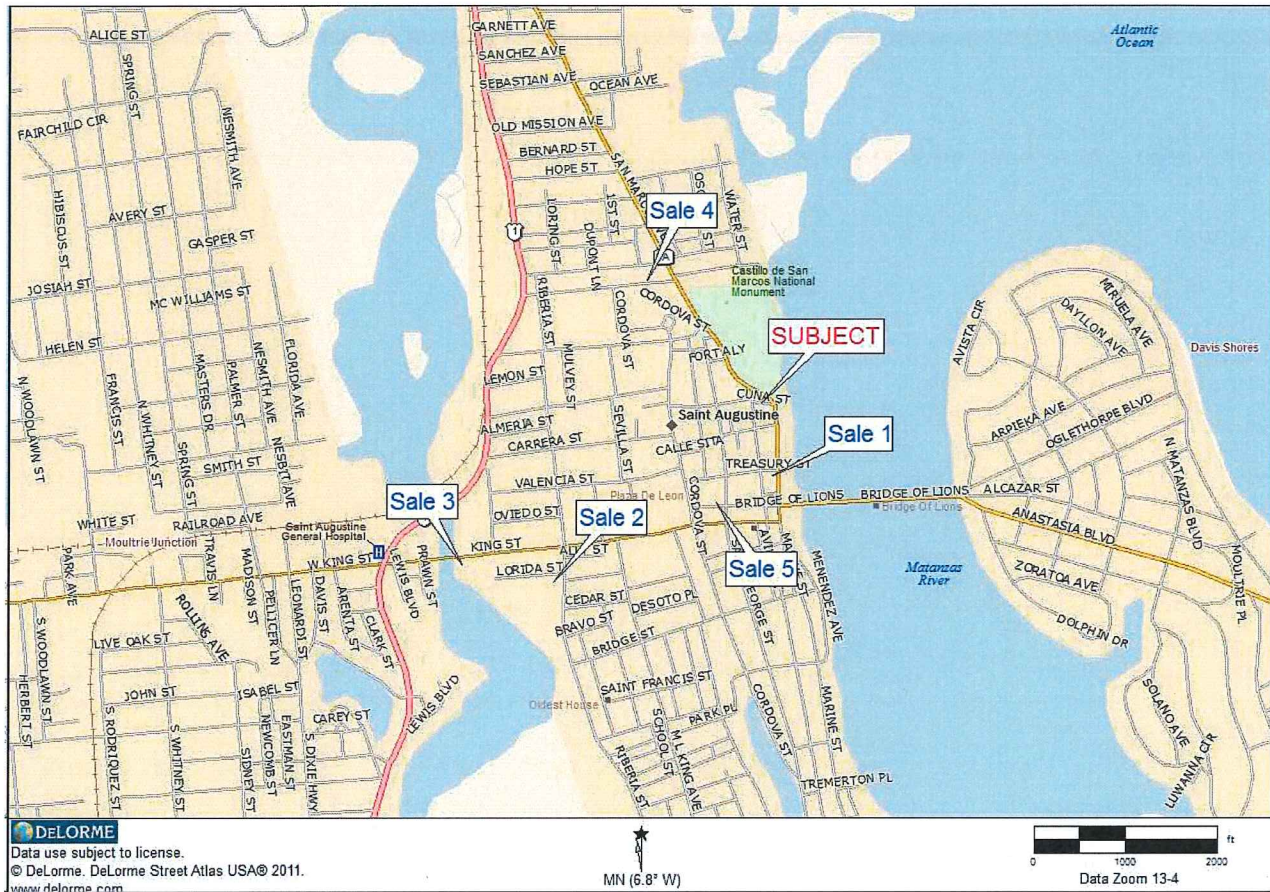
PRICE PER SQUARE FOOT: \$89.31 square foot

COMMENTS

This site is currently improved as a parking lot which is attached to the Bank of America's Parking lot. It was considered overflow parking, so the bank decided to sell the property. It was placed under contract in order to construct a two-story mixed use property. The buyer had his design turned down a number of times by the City, so instead of continuing to fight for approvals, the buyer flipped the contract to the Diocese of St. Augustine for a small profit. The church will continue to use property for parking.

This site contains 114± feet of frontage along the west side of St. George Street and 153+ feet along the north side of Cathedral Place.

LAND SALES MAP



Discussion of Vacant Land Sales

The five sales utilized in the valuation of the Subject site are summarized below:

COMPARABLE LAND SALES ADJUSTMENT CHART

Sale No.	Subject	1	2	3	4	5
Sale Date		03/27/15	09/02/14	07/30/18	11/03/16	08/25/09
Sale Price		\$1,450,000	\$625,000	\$3,000,000	\$1,600,000	\$1,595,000
Property Data						
Land Area (Useable Acres)	1,617	13,845	21,344	94,090	25,700	17,860
Zoning	HP-2	HP-2	PUD	PUD	HP-5	HP-2
Land Use	HP	HP	RMD/MU	RES/MU	HP	HP
Sale Price SF		\$104.73	\$29.28	\$31.88	\$62.26	\$89.31

As can be seen from the above chart, these sales were analyzed on a price per square foot basis. The unadjusted range of values of the sales was from \$29.28 to \$104.73 per square foot.

Property Rights Conveyed

Each of the sales considered conveyed the right of the fee simple interest and no adjustments were necessary.

Financing

The next adjustment required to each sale is for favorable or untypical financing which would affect the sale price of a property. We were able to verify the financing on each of the transactions. All of the sales were purchased cash to seller and no adjustments were required.

Conditions of Sale

All of the sales were arms length and no adjustment for condition of sale was warranted.

Adjustment for Financing

The comparables were all purchased with conventional financing, cash or had financing which did not impact their sales prices. Therefore, no adjustments were made nor any cash equivalencies performed on the comparable sales.

Market Conditions

The next adjustment required to each of the sales is for changing market conditions over time. The commercial market from 2004 through 2007 was characterized by increasing property values as demand outweighed supply in most areas. However, the end of 2007 was the peak of the market (about a year after the residential market peak). At this time the demand for commercial space began to decline and about the end of 2006 prices began to stabilize. From the end of 2006 till early 2012, rents steadily decreased, while vacancy rates steadily increased. In addition, a

number of building owners have had to offer rent concessions to existing tenants in order to prevent them from leaving. However, from early 2012 to the present, values appeared to have stabilized, with increases in rents and occupancy rates being experienced in most areas over the past four years, as demand has picked up. The most recent indicators are that commercial values stabilized in 2012/2013, with increases in rents and occupancy rates being experienced in most areas of St. Augustine over the past five to six years. Therefore, an upward market condition adjustment was applied to the sales. The market condition adjustments are based on the following criteria.

Year	Change
2014	5% per year
2015	5% per year
2016	5% per year
2017	5% per year
2018	5% per year
2019	5% per year

Location/Site Prominence

The location Sales 1 & 5 were considered to be similar. The locations of the remaining sales were considered to be inferior as compared to the Subject, and were adjusted upward accordingly.

Site Size

The comparables ranged in size from 13,845 to 94,090 square feet. Based upon the economies of scale, smaller sites tend to sell for a higher price per square foot than larger sites, considering all other characteristics are equal. The sales were all adjusted upward accordingly.

Road Frontage/View Premium

The Subject has frontage along two major roadways in the downtown area, which is considered to be similar to Sales 1 & 5. Each of the remaining sales have high visibility from only one road and required an upward adjustment for this attribute.

Access

All of the Sales were considered to be similar as compared to the Subject in this aspect.

Parcel Shape/Miscellaneous

No adjustment was required.

Zoning/Development Potential

The Subject Property is zoned HP-2, which allows 100% lot coverage and does not require parking or retention. All of the Sales, except for sales 1 & 5, were considered to be inferior as compared to the Subject in this aspect.

Conclusion

The Subject is located within the historical district of downtown St. Augustine. This area is nearly 100% built-out; therefore, sales of vacant parcels are few and far between. The sales discussed above are considered the most similar to the Subject overall, and reflect the best available market data on which to base our estimate of land value. After adjustments, the sales ranged in price from \$79.88 to \$126.72 per square foot, with the average price being \$106.34 per square foot, and the median price being \$119.09 per square foot. Therefore, based on the above sales, and giving most weight to sales 1, 4 and 5 after adjustments, since these sales required the smallest adjustments and were the most similar overall, it is our opinion that the Market Value of the Subject site is \$120.00 per square foot calculated as follows:

$$1,617 \text{ SF @ } \$120.00 \text{ Per SF} = \$194,040, \text{ or } \$194,000 \text{ Rd.}$$

COMPARABLE LAND SALES ADJUSTMENT CHART

Sale No.	Subject	1	2	3	4	5
Sale Date		03/27/15	09/02/14	07/30/18	11/03/16	08/25/09
Sale Price		\$1,450,000	\$625,000	\$3,000,000	\$1,600,000	\$1,595,000
Property Data						
Land Area (Useable Acres)	1,617	13,845	21,344	94,090	25,700	17,860
Zoning	HP-2	HP-2	PUD	PUD	HP-5	HP-2
Land Use	HP	HP	RMD/MU	RES/MU	HP	HP
Sale Price SF		\$104.73	\$29.28	\$31.88	\$62.26	\$89.31
Property Rights Conveyed		0.00%	0.00%	0.00%	0.00%	0.00%
Financing		0.00%	0.00%	0.00%	0.00%	0.00%
Conditions of Sale		0.00%	0.00%	0.00%	0.00%	0.00%
Market Condition Adjustment		21.00%	24.00%	4.00%	13.00%	27.00%
Adjusted Unit Price Range		\$126.72	\$36.31	\$33.16	\$70.35	\$113.42
Physical Adjustments						
Location/Site Prominence		0.00%	70.00%	60.00%	30.00%	0.00%
Site Size		0.00%	10.00%	50.00%	20.00%	5.00%
Road Frontage/View Premium		0.00%	10.00%	10.00%	10.00%	0.00%
Access		0.00%	0.00%	0.00%	0.00%	0.00%
Parcel Shape/Misc.		0.00%	0.00%	0.00%	0.00%	0.00%
Zoning/Development Potential		0.00%	30.00%	30.00%	15.00%	0.00%
Total Adjustment		0.00%	120.00%	150.00%	75.00%	5.00%
Adjusted Price Per SF		\$126.72	\$79.88	\$82.90	\$123.11	\$119.09
Avg. adjusted price Usable SF	\$106.34					
Med. Adjusted price Usable SF	\$119.09					

Conclusion - Market Rent

As noted above, we have determined the market value of the Subject Parcel to be \$140,000. To arrive at the annual market rent for this parcel, we have consulted with RealtyRates.com which is an investor survey outlining land lease rates of returns for various property types. According to the RealtyRates.com 1st Quarter of 2019 Investor Survey, the IRR range for retail land leases is from 5.87% to 12.60%, with the average reported being 8.67%. The reported range of return for a restaurant land lease is from 5.98% to 16.66%, with the average being 9.96%, while the reported range for all properties was indicated to be from 5.83% to 17.57%, with the average being 9.14%. This is in-line with the rate of return expected from most developer's that we have talked with in the past, all of which indicated that they typically look for an 8% to 10% return on leased land.

RealtyRates.com INVESTOR SURVEY - 1st Quarter 2019*						
LAND LEASES						
Property Type	Capitalization Rates			Discount Rates		
	Min.	Max.	Avg.	Min.	Max.	Avg.
Apartments	3.23%	11.00%	7.23%	5.83%	11.50%	8.23%
Golf	3.38%	17.07%	9.54%	5.98%	17.57%	10.54%
Health Care/Senior Housing	3.38%	12.10%	7.87%	5.98%	12.60%	8.87%
Industrial	3.38%	10.97%	7.57%	5.98%	11.47%	8.57%
Lodging	3.38%	16.70%	8.18%	5.98%	17.20%	9.18%
Mobile Home/RV Park	3.38%	13.92%	8.52%	5.98%	14.42%	9.52%
Office	3.38%	10.58%	7.28%	5.98%	11.08%	8.28%
Restaurant	3.38%	16.16%	8.96%	5.98%	16.66%	9.96%
Retail	3.27%	12.10%	7.67%	5.87%	12.60%	8.67%
Self-Storage	3.38%	11.10%	8.63%	5.98%	11.80%	9.63%
Special Purpose	3.78%	17.12%	9.36%	6.89%	19.35%	10.05%
All Properties	3.23%	17.12%	8.25%	5.83%	17.57%	9.14%

*4th Quarter 2018 Data

Copyright 2019 RealtyRates.com™

Based on the above information, it is our opinion that an appropriate annual return to lease the Subject Site would be roughly 9%, and we have utilized this rate in our Market Rent Calculations to follow:

Market Value of the Subject Site as-is	\$194,000
Annualized Expected Rate of Return	x .09
Annual Market Rent	\$ 17,460
	\$ 17,500

ADDENDUM

QUALIFICATIONS - RONALD N. PACETTI

Resident of Florida since birth, licensed by Real Estate Commission, State of Florida since 1987.

Formal Education

Bachelor of Science in Business Administration, 1986 from
University of Florida, Gainesville, Florida.

Master of Arts in Real Estate, 1989 from University of
Florida, Gainesville, Florida.

Real Estate Education

University of Florida Courses, Sponsored by the Appraisal Institute:

Real Estate Analysis, 1986
Real Estate Law, 1988
Real Estate Feasibility, 1988
Real Estate Valuation I and II, 1987, 1989
Case Studies in Real Estate Valuation, 1989
Valuation Analysis and Report Writing, 1989
Real Estate Finance, 1988

Recent Courses and Seminars:

*4-Hour Business Practice and Ethics - May 2016
*4-Hour Supervisory Appraiser/Trainee Appraiser Course - March 2016
*3-Hour Florida Appraisal Laws and Regulations - March 2016
*7-Hour National USPAP Update Course - March 2016
*7-Hour Online FHA and The Appraisal Process - October 2014
*7-Online Analyzing Operating Expenses - October 2014
*7-Hour Online Using Your HP12C Financial Calculator - October 2014
*Fundamentals of Separating Real, Personal, and intangible Business Assets, March 2012
*Business Practice and Ethics, March 2012
*Argus Discounted Cash Flow Software, October 2011

QUALIFICATIONS - RONALD N. PACETTI - Continued

Memberships and Professional Affiliations

Member Appraisal Institute, MAI Designation 9277, 1992
Licensed Real Estate Salesman 0490317, State of Florida
State Certified General Appraiser Licensed No. RZ 677, State of Florida

Appraisal Experience

Started Pacetti Appraisal Services in July, 1994.
Appraiser, Clark, Hunter & Associates, March, 1992 to June, 1994.
Associate Appraiser, Callaway & Price, Inc., May, 1988 to February, 1992.
Staff Appraiser, Dub Clark & Associates, March, 1987 to August, 1987.

Types of Properties Appraised

Appraisals made on the following types of property throughout the State of Florida for individuals, attorneys, insurance companies, banks, corporations, government agencies, and mortgage companies.

Acreage	Medical Buildings
Apartment Buildings	Mobile Home Parks
Bed and Breakfast	Office Buildings
Commercial Buildings	Office Condominiums
Condemnation	Recreation Leases
Condominiums (Individual	Residences
Units and Discounted	Radio Towers
Sellouts of Total	Service Stations
Projects)	Shopping Centers
Country Clubs	Special Purpose
Duplexes	Store Buildings
Easements	Subdivisions
Farms	Vacant Commercial Land
Foreclosures	Vacant Industrial Land
Golf Courses	Warehouses
Industrial Buildings	R.V. Parks



RICK SCOTT, GOVERNOR

JONATHAN ZACHEM, SECRETARY



**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

FLORIDA REAL ESTATE APPRAISAL BD

THE CERTIFIED GENERAL APPRAISER HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 475, FLORIDA STATUTES

PACETTI, RONALD NEIL

1301 PLANTATION ISLAND DRIVE SOUTH
SUITE 303A
ST AUGUSTINE FL 32080

LICENSE NUMBER: RZ677

EXPIRATION DATE: NOVEMBER 30, 2020

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

ITEM 11.B.
Status Reports

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: July 15, 2019

RE: QUARTERLY REPORT: 3RD QUARTER FY 2018-2019 – ITEMS BY CITY ATTORNEY 11B.

Please find enclosed the following documents reflecting the fiscal year 2018-2019 3rd quarter in review for the City Attorney's office:

- ❖ **WORK LOG DRAFTING & REVIEW CHART (200 ITEMS)**
- ❖ **PUBLIC MEETINGS ATTENDANCE CHART (71.5 HOURS)**
- ❖ **CITY ORDINANCE VIOLATION DISPOSITION CHART (26 CASES)**
- ❖ **STAFF & NEW BOARD MEMBER TRAINING CHART (4 HOURS)**
- ❖ **ORDINANCE & RESOLUTION CHART (26 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) Craig A. Marlowe v. City (*Riperian rights & development on submerged lands*)
- 2) MASCI General Contractor, Inc. v. City (*Breach of contract dispute*)
- 3) Seavin, Inc. v. City (*Real estate transactional dispute involving City*)

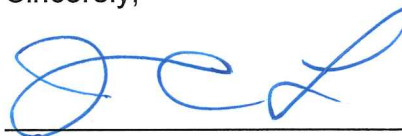
Pending charter and code review updates our office is continuing to work on are:

- 1) Zoning and Land Development Regulations: The Evaluation and Appraisal Report (EAR) comprehensive plan amendments are due by November 2019, and the land development regulation updates in the code will likely be adopted thereafter, but there may be some overlap in the schedule. (*Ch. 3: Advertising and Signs; Ch. 11: Environmental Protection; Ch. 21: Planning and Development; Ch. 25: Trees and Landscaping; Ch. 28: Zoning*).
- 2) Historic Preservation Master Plan: On October 22, 2018, the City adopted Resolution 2018-43, the City's Historic Preservation Master Plan and Supplement, this should lead to some code implementation or stand-alone issue specific amendments. (*Ch. 6: Archaeological Preservation; Ch. 28: Zoning*). The City is currently implementing Design Standards for Entry Corridors.

- 3) Tree Code: On December 10, 2018, the City adopted Resolution 2018-46, creating a Tree Mitigation Fund. This should lead to some code implementation or stand-alone issue specific amendments. (*Ch. 25: Trees & Landscaping*).
- 4) Implementation of Event Policy in Public Spaces: This is a continuation of the adopted event policy, including a review of terms of use for special events, and legal updates to clarify and conform to existing law, including terms of use for public spaces. A draft ordinance, 2019-20 is currently under review. (*Multiple Chapters*).
- 5) Sea Planes – Ordinance 2019-12, updating code regulations to conform to State statute regarding landing zones for aircraft, including sea planes, went before the City Commission for first reading at the June 24th meeting. (*Ch. 28: Zoning*).
- 6) Charter Amendments – On April 3, 2019, the kick-off workshop was held to provide a broad overview of possible changes. Ordinance 2019-13, regarding procedures for annual salary supplements based on satisfactory work performance and seniority and Ordinance 2019-14, to remove all obsolete, preempted, and superseded sections of the Charter went before the commission for first reading at the June 24th regular meeting. Ordinance 2019-15, providing gender neutral terminology throughout the City's Charter, Ordinances 2019-16 and 2019-17, regarding procedures and fees for petitions for road vacations and Ordinance 2019-18, removing language regarding annual Christmas bonuses, will be heard for first reading at the August 12th meeting. Additional ordinances are forthcoming for further amendments requested by the Commission. (*Multiple Sections*).

I have asked the City Manager to place this quarterly report under "Items by City Attorney - 11B" on the agenda for the August 12, 2019 City Commission meeting. The attached charts are included for the Commission's information and I will provide a presentation if the Commission so desires. The Annual Report will also be included as the schedule for the quarterly report had to be changed to accommodate the cancelled July meeting.

Sincerely,



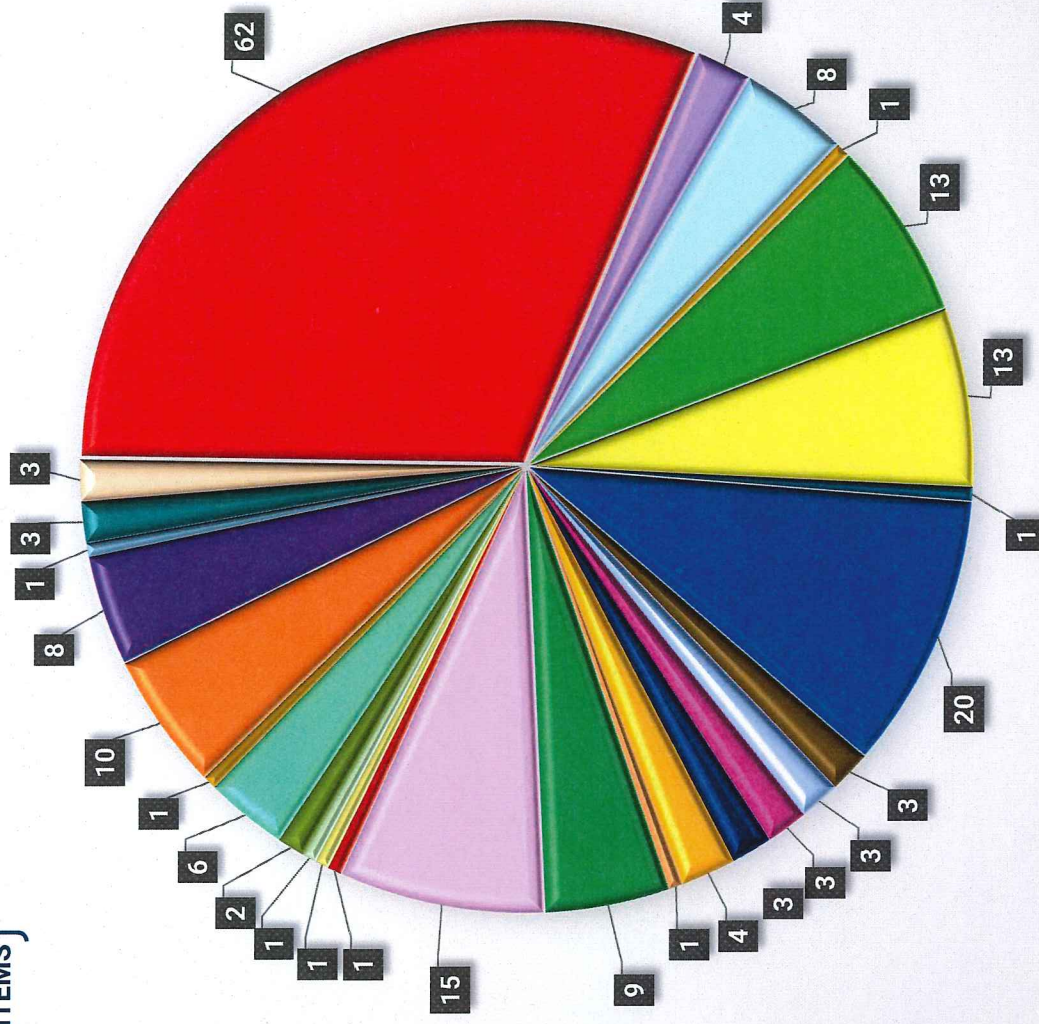
Isabelle C. Lopez
City Attorney

Attachments

WORK LOG DRAFTING & REVIEW: 3RD QUARTER FY 2018-2019

[BY NUMBER OF ITEMS]

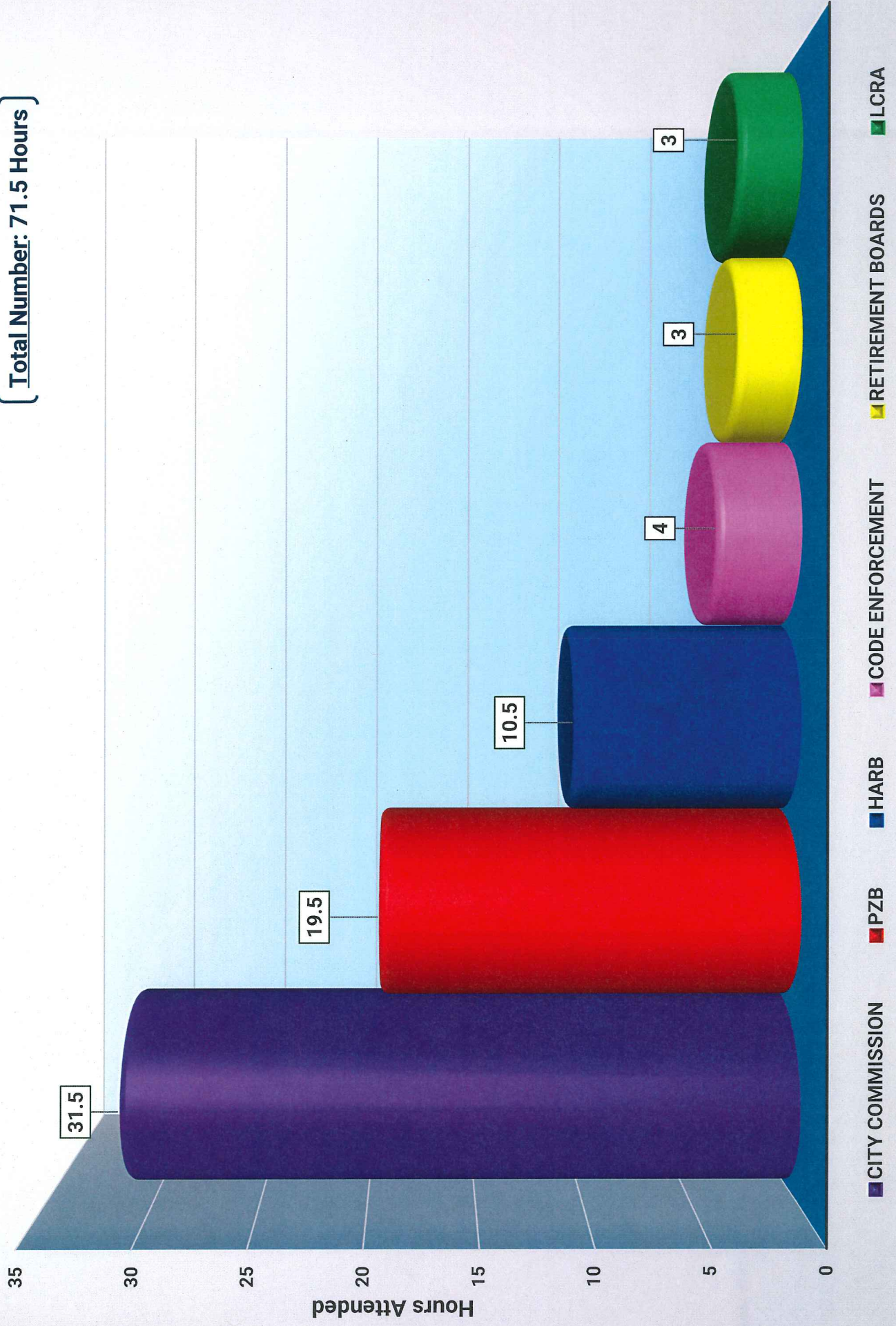
[TOTAL: 200 ITEMS]



Agreement - 62	Application - 4	Bill of Sale - 8	Certificate - 1
Contract - 13	Correspondence - 13	Covenant - 1	Easement - 20
Form - 3	Lease Agreement - 3	License - 3	Maintenance Bond - 3
Memorandum - 4	Notice - 1	Order - 9	Ordinance - 15
Petition - 1	Plan - 1	Plat - 1	Pleading - 2
Release & Waiver - 6	Request - 1	Research - 10	Resolution - 8
Right of Way - 1	Submerged Lands Lease - 3	Utility Lien Release - 3	

PUBLIC MEETING ATTENDANCE: 3RD QUARTER FY 2018-2019

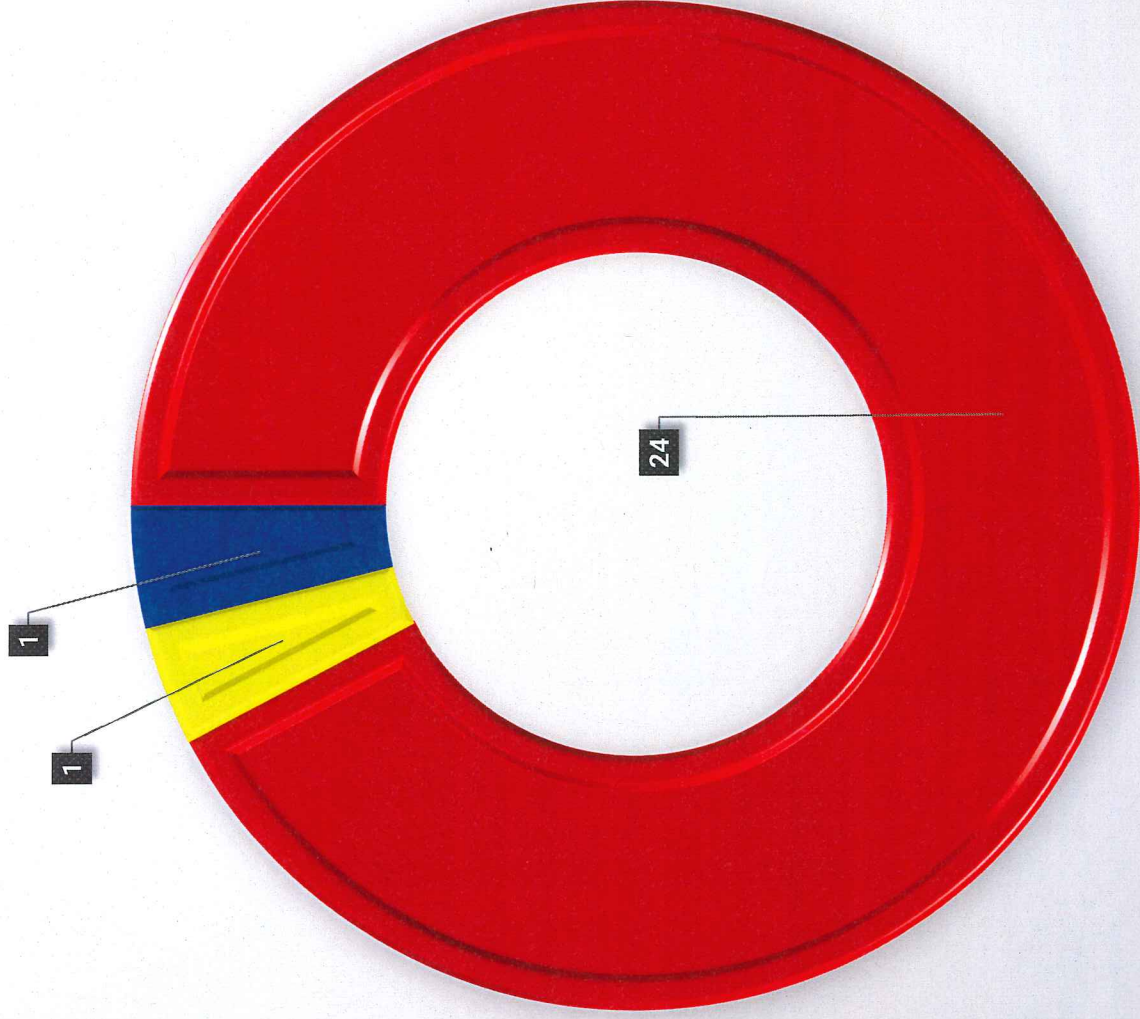
[Total Number: 71.5 Hours]



CITY ORDINANCE VIOLATIONS: 3RD QUARTER FY 2018-2019

[BY NUMBER OF CASES]

[TOTAL: 26 CASES]



■ Adjudicated Guilty - 24

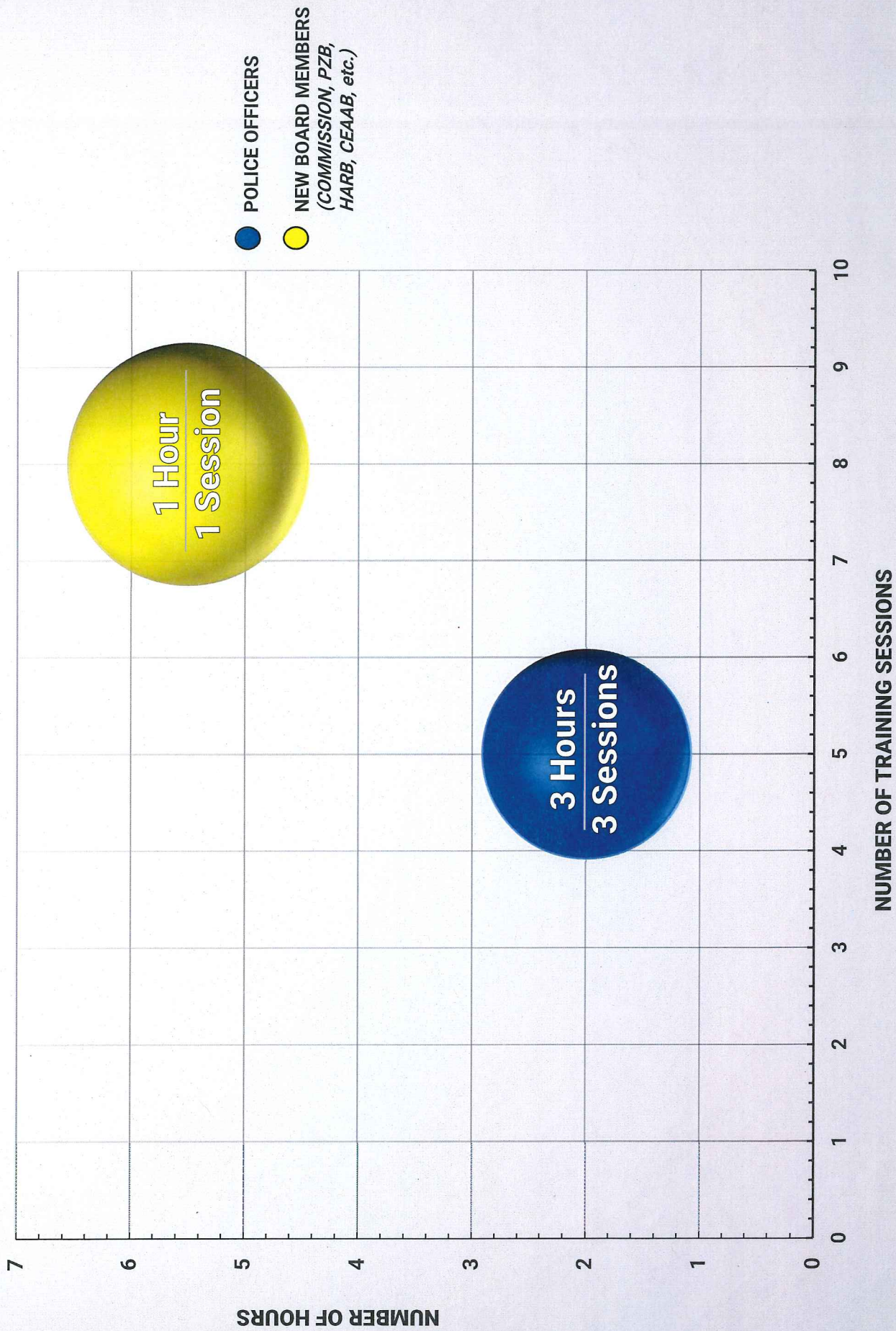
■ Adjudication Withheld - 1

■ Dismissed - 1

OUR OFFICE, WORKING IN CONNECTION WITH THE SAPD OUTREACH OFFICERS, WAS ABLE TO PLACE TWO (2) DEFENDANTS THIS QUARTER INTO REHABILITATION PROGRAMS AND HAVE THEIR SENTENCES COMMUTED.

STAFF & NEW BOARD MEMBER TRAINING: 3RD QUARTER FY 2018-2019

[TOTALS: 4 HOURS | 4 SESSIONS]



ORDINANCES & RESOLUTIONS – 3RD QUARTER FY 2018-2019

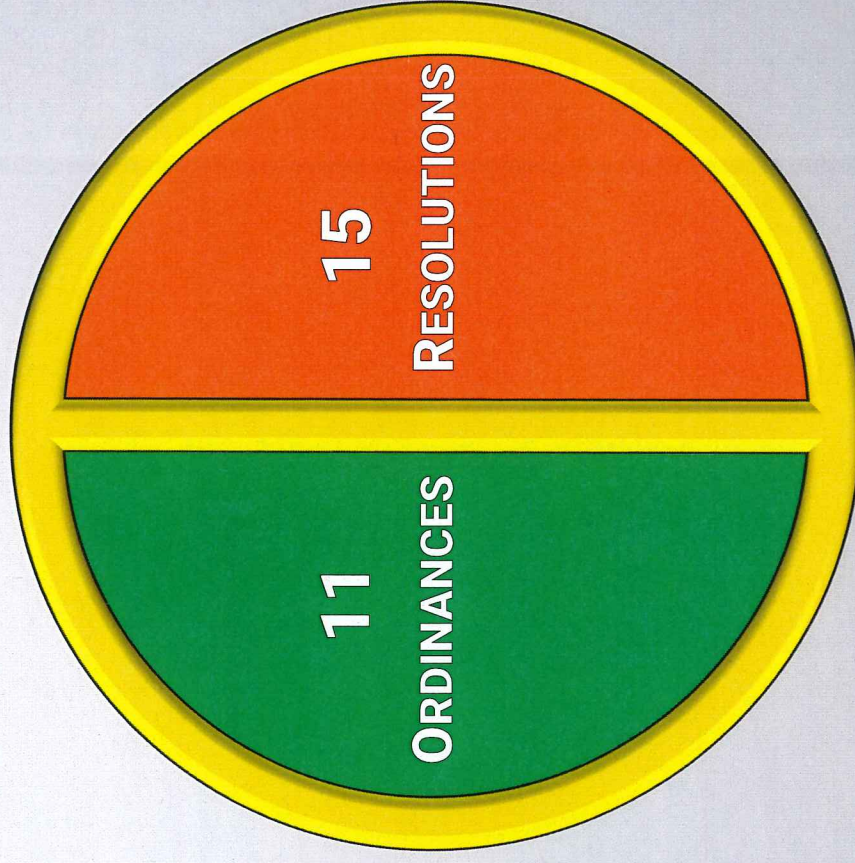
ORDINANCES

- 2019-07: Shipyards LUPA
- 2019-08: Shipyards Rezoning
- 2019-09: Property Registration
- 2019-10: Dissolution of Antigua at St. Augustine CDD
- 2019-12: Regulation of Aircraft within City Limits
- 2019-13: Amendment to Salary Supplement Language in Code
- 2019-14: Removal of Obsolete/Superseded Language in Charter
- 2019-15: Gender Neutral Terminology in Charter
- 2019-16: Removal of Road Vacation Procedure in Charter
- 2019-17: Amendment to Road Vacation Procedures in Code
- 2019-18: Removal of Annual Bonus Language in Charter

RESOLUTIONS

- 2019-07: FDOT Maintenance Agreement for State Highways
- 2019-08: Small Matching Grant - Re-Examining Archaeological Zones
- 2019-09: Small Matching Grant - Heritage through Digital Media
- 2019-10: Petition to Vacate a Portion of N. St. Augustine Boulevard
- 2019-11: Grant Assistance - FL FWCC Derelict Vessel Find Removal Funding Program
- 2019-12: FDOT Traffic Signal Maintenance & Compensation Agreement
- 2019-13: Llambias House Grant Support
- 2019-14: Property Registration Fee Schedule
- 2019-15: Support Application for the Hurricane Irma National Park Service Sub-Grant
- 2019-16: Road Vacation Petition Fees
- 2019-17: Support HR 3167 to Reauthorize & Reform the National Flood Insurance Program
- 2019-18: Adopt Proposed Millage Rate
- 2019-19: Initial Fire Assessment Fee
- 2019-20: FDOT Utility Work by Highway Contractor Agreement
- 2019-21: Amendment to the Reorganization Resolution

[TOTAL: 26 ITEMS]



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: July 22, 2019

RE: **ANNUAL STATUS UPDATE REPORT**

Please find enclosed the following documents reflecting the year-in-review:

1. Public Meetings Attendance Chart
2. Staff & New Board Member Training Chart
3. Work Log Drafting & Review Chart
4. In-House Counsel Civil Litigation and Appeals Chart
5. Cases Aided by Outside Counsel Chart
6. City Ordinance Violation Disposition Chart
7. Ordinance & Resolution Chart
8. Legislative Bill Tracking Chart
9. Proposed Budget Changes Chart – FY 2019-20

Administrative:

The City Attorney's office currently consists of one City Attorney with twenty-three (23) years of experience and one Assistant City Attorney with ten (10) years of experience. The office is supported by an administrative assistant who also provides reciprocal lunch and vacation coverage to the City Manager's administrative assistant.

The offices physically consist of three separate offices, with overflow filing capacity at the City Manager's office, and printing capacity at a communal printer in a separate room. The preliminary budget submitted to Administration for fiscal year 2019-20 is \$411,383.00. This includes salaries and benefits, professional membership dues, continuing education and training, office supplies, copying, and specialty supporting services such as real estate appraiser costs, title company searches, court reporting costs and legal research software and books.

Overview:

The City Attorney's office provides general counsel services to the City Commission and all of the City's boards and committees; the CRA, HARB, PZB, Code Enforcement, as well as, issue specific committees as appointed. The range of services includes attending public meetings, drafting resolutions and ordinances, reviewing upcoming agenda items, training staff and boards

on Government in the Sunshine, Public Records and Ethics, assisting staff in answering board member or citizen questions, and advising staff on issues ranging from land use to life safety codes. In addition, the City Attorney by Charter advises officials on issues relating to their official duties, which can include requesting formal and informal opinions from the Commission on Ethics or the Attorney General's office. Public meetings comprised **288 hours of attorney time** from July 2018-June 2019, with an additional **19.5 hours of new board member and staff public records training**.

Legislative Review:

The City Attorney keeps abreast of changes in the law or proposed legislation that may impact the City. This past legislative session was especially active in terms of sponsored bills that could have impacted the City. Our office tracked **97 bills** from initial filing through enactment or setting aside. We assist the City's legislative consultants on both text and strategy, as needed.

Special Projects:

As part of our staff support to City departments, in the past year we have actively reviewed and provided comment and proposed language to a number of special projects including updates to the City Charter. The City Commission held a public workshop on April 3rd this year, at which time it was determined that a thorough revision of the charter was necessary. The City Attorney's office has done a detailed review of every section of the Charter and has already presented multiple ordinances to the Commission to implement the requested amendments. In addition, we review annually the legally available revenue sources from tax levies and other sources in conjunction with the Director of Budget & Performance Management.

Contracts, Agreements, Bonds, Leases:

Contract and procurement review is provided by our office, as are traditional and submerged land leases. Most standard contracts, including letter agreements, leases, license agreements, bailments and object loan agreements utilize standardized templates created and revised episodically by the City Attorney's office. Additional contract and bid review is required when the City piggybacks on other agency contracts, and occasionally vendors insist on their specific contract forms which requires more revisions and legal review. All bonds, contracts and instruments, per Charter, must be reviewed and endorsed by the City Attorney. The City Attorney's office reviewed **676 documents** this past year.

In-House Litigation:

The City Attorney's office also provides the defense to Petitions for Writ of Certiorari (appeals of zoning or permit denials) from the local circuit court through to all appeals. Historically, this office did not defend this type of litigation, but out-sourced it. Since 2011, we have kept this type of work in-house with the City Attorney. We have also kept other types of litigation in-house, including mandamus actions, a riparian rights lawsuit, as well as, the defense of all code enforcement orders through the statutory hearing process before a special magistrate, known as §70.51 hearings.

We prosecute both criminal and civil code violations, which includes discovery, motion practice, hearings and ultimately trial. Included with this report is a chart of dispositions showing **285 criminal cases** prosecuted by our office from July 2018-June 2019. Typical criminal code enforcement cases involve drinking in public, camping in public, urinating in public or panhandling in violation of City ordinances. In addition to criminal code enforcement, this office also enforces

through the court system, civil citations. These range from bicycle, skateboard and leash law violations that are not administratively paid within the first thirty (30) days, to more complex mooring field and noise violations that raise constitutional and procedural claims. This office also prosecutes small claims cases on occasion, and defends the City's interests as a creditor in foreclosures and bankruptcies, as well as prosecuting civil forfeiture cases and responding to garnishment proceedings.

The City Attorney's office continues to work with the Circuit Court's Veterans Treatment Court Coordinator, the Veterans Administration and the St. Augustine Police Department's Community Outreach officers to identify potential candidates among the City's criminal defendants for assistance from the VA or other rehabilitation centers. This year our office had two (2) homeless defendants with histories of cases involving camping in public, public intoxication, and aggressively panhandling who were transferred to a rehabilitation center in Jacksonville for treatment following their jail sentences.

In addition to purely litigation matters, the City Attorney's office also responds to inquiries by the Justice Department, Labor Department, and local citizens on issues ranging from handicap accessibility to wage and hour issues involving our contractors, as well as complaints pursuant to the City's Human Rights Ordinance.

Outside Counsel:

The City Attorney by resolution of the City Commission is authorized to retain outside counsel to assist in the legal representation of the City. Some recurring outside counsel costs include labor law, but others are individualized case-by-case assistance on specialty issues such as eminent domain and environmental law. Although outside counsel is retained, the City Attorney's office provides research, review, and revision support.

The City must hire a special magistrate when a property owner makes a claim to the statutory alternative dispute resolution process (§70.51), such as when appealing an order of the Code Enforcement Board. The City must also pay for a special criminal defense attorney for indigent defendants in criminal citation prosecutions, as required by law. Our office represents the Code Enforcement Board and defends its orders, but statutorily we are prohibited from also representing the prosecution of Code Enforcement cases before that Board. Most cases are presented and prosecuted by the Building Official and code enforcement officers directly, but occasionally an attorney must be hired to advise staff in its prosecution of a particularly involved or difficult case.

In addition, the Office of Budget and Performance Management is looking into the possibility of adding the cost of a special magistrate for short-term rentals and after hours alcohol enforcement into the City Attorney budget.

Litigation that is not covered by our insurer, such as contract disputes or complex real estate/land development litigation, is billed to outside firms. These cases tend to be document intensive, with tens of thousands of pages of supporting documents being filed by the plaintiffs in one case alone. This type of intensive litigation requires dedicated paralegal and associate support staff, as well as, litigation software to track discovery that our office does not possess. Although the assistance of outside counsel relieves the work load of the two (2) attorneys in the City Attorney's office, nonetheless, outside counsel rely on our institutional knowledge and we are intrinsically involved in assisting their work, especially when reviewing discovery requests and coordinating the sometimes very extensive responses necessary from our dozen City departments. In addition, our

office coordinates with the outside attorneys on all pre-litigation claims, most of which consist of slip and fall personal injury, including research and analysis regarding the City's historic ownership, maintenance and control of right-of-way.

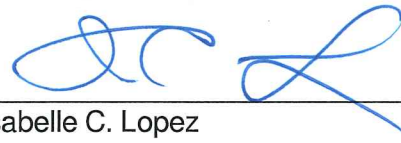
Conclusion:

I hope that this brief report gave you a meaningful review of our duties and operations. As always, should you wish to meet with me individually to discuss any of this information, or the specifics of a particular case, please let me know.

I have asked the City Manager to place this annual status update report under City Attorney Items on the City Commission's agenda for the August 12, 2019 City Commission meeting.

The report is for your review and approval and although I am not asking to make a presentation, I will be ready to answer any questions.

Sincerely,



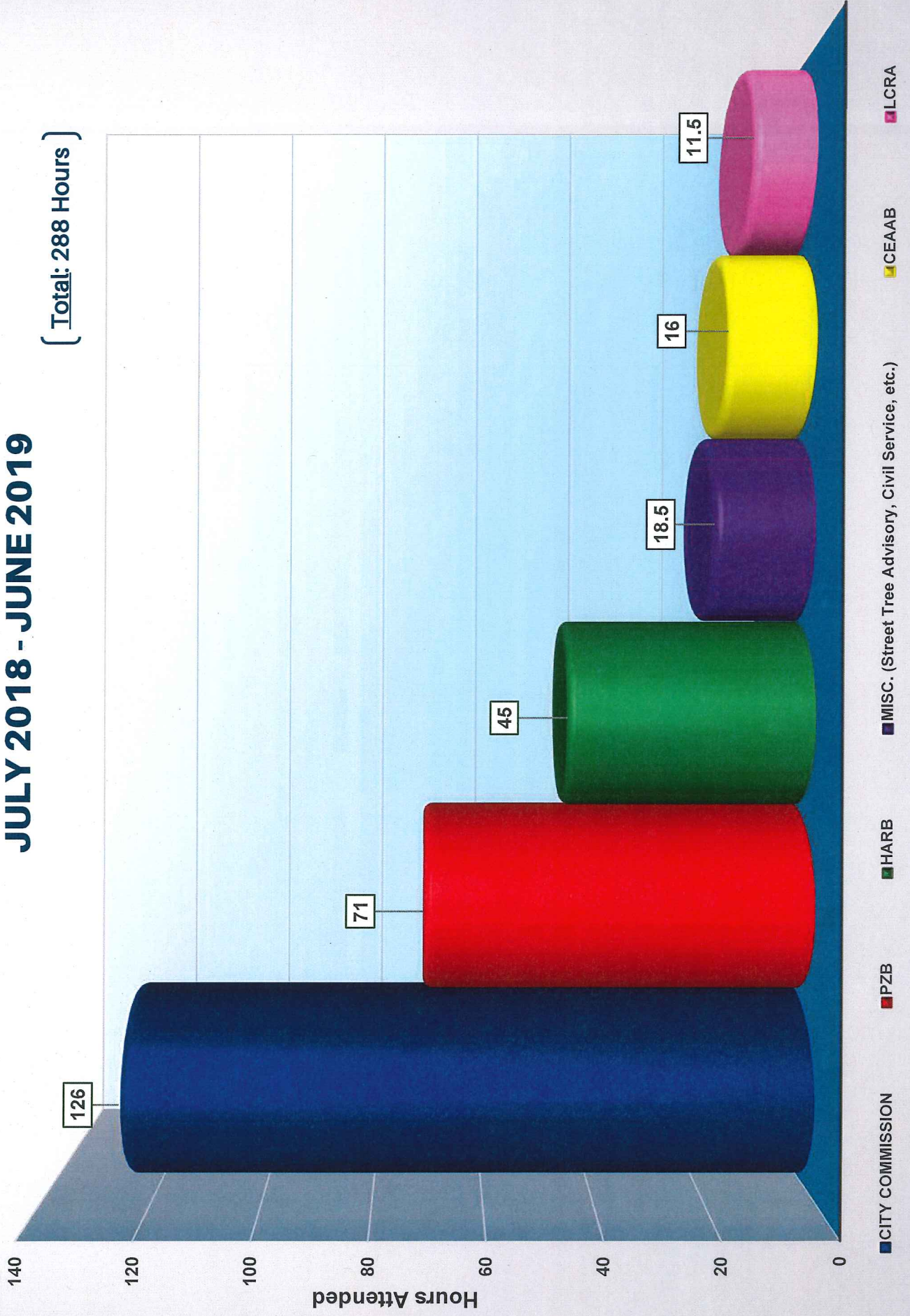
Isabelle C. Lopez
City Attorney

Attachments

PUBLIC MEETING ATTENDANCE

JULY 2018 - JUNE 2019

[Total: 288 Hours]

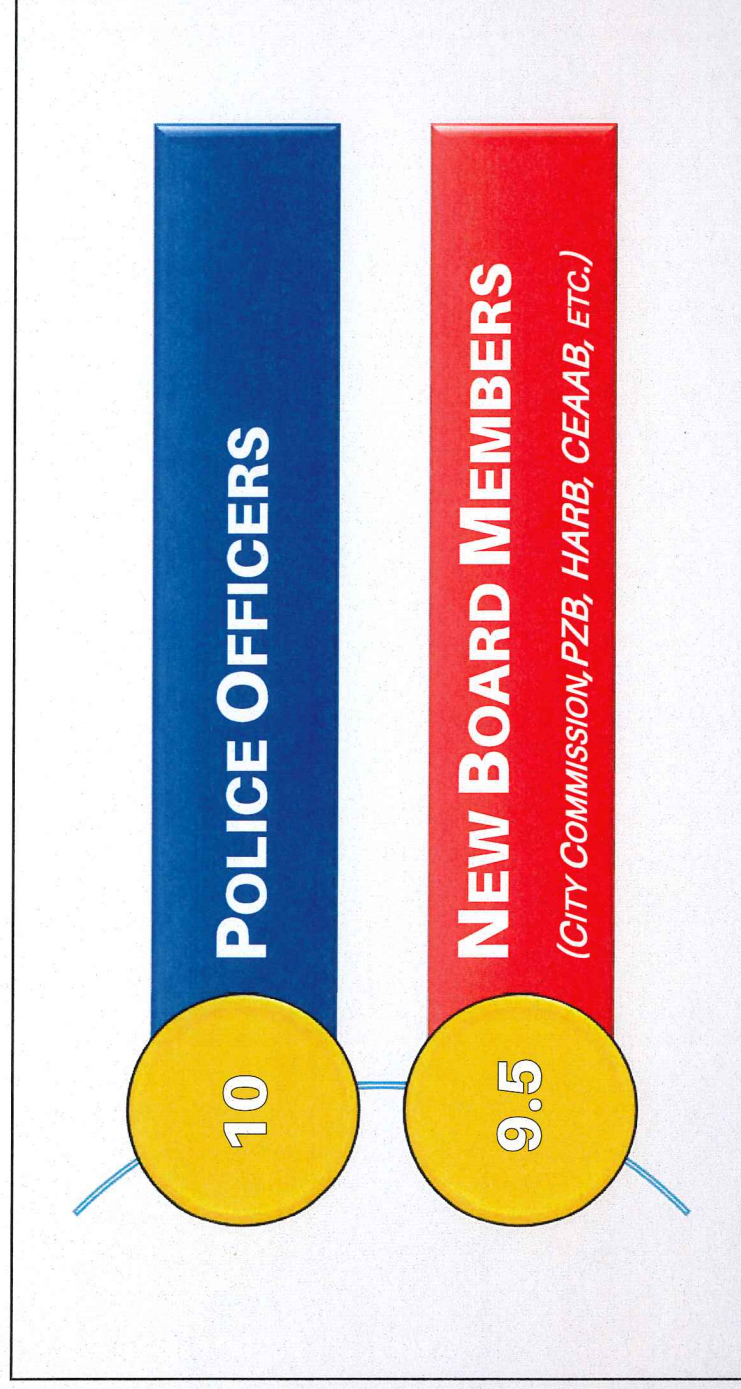


STAFF & NEW BOARD MEMBER TRAINING

JULY 2018 - JUNE 2019

[BY NUMBER OF HOURS]

[TOTAL: 19.5 HOURS]

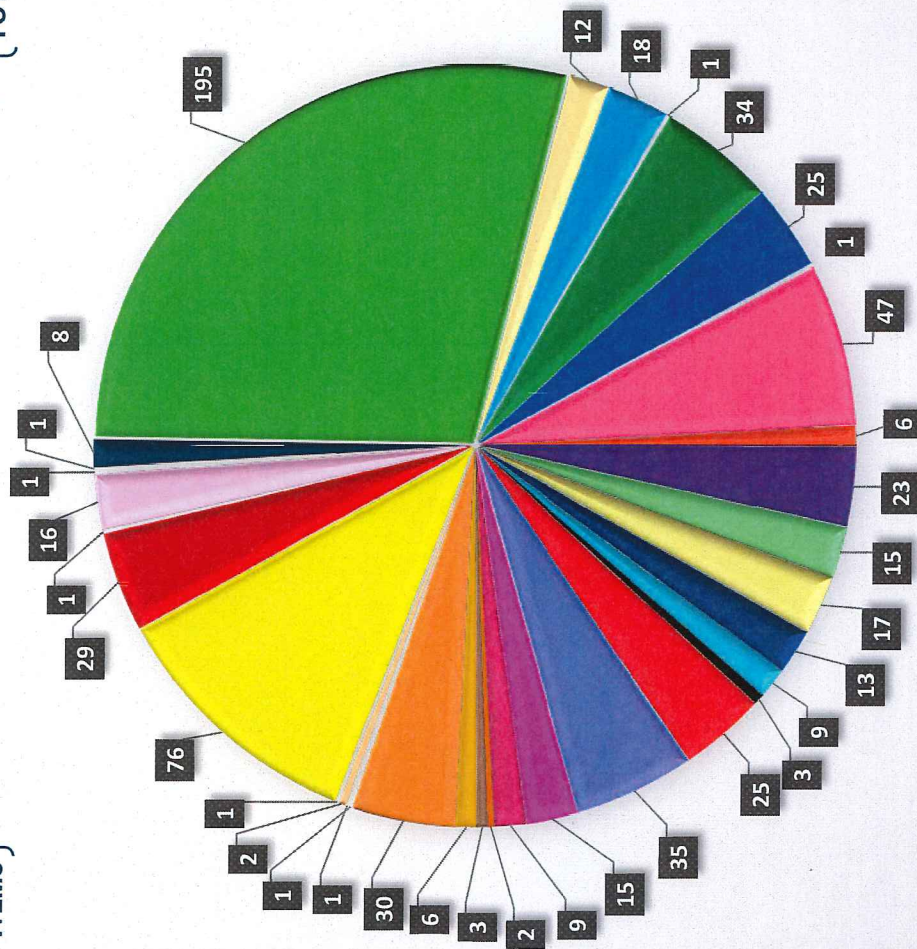


WORK LOG DRAFTING & REVIEW

JULY 2018 - JUNE 2019

[BY NUMBER OF ITEMS]

[TOTAL: 676 ITEMS]



Agreement - 195	Application - 12	Contract - 34
Correspondence - 25	Covenant - 1	Lease Agreement - 23
License - 10	Lien Release - 17	Notice - 3
Order - 25	Ordinance - 35	Petition - 2
Plan - 3	Plat - 6	Release of Easement - 1
Report - 2	Request - 1	Right-of-Way - 1
Submerged Land Lease - 16	Subpoena - 1	
Bill of Sale - 18	Easement - 47	Certificate - 1
Maintenance Bond - 13	Performance Bond - 15	Form - 6
Pleading - 30	Research - 76	Memorandum - 9
Survey - 1		Personal Guaranty - 9
		PUD - 1
		Resolution - 29
		Waiver & Release - 8

IN-HOUSE COUNSEL: CIVIL LITIGATION & APPEALS

July 2018 - June 2019

[By Number of Cases]

[Total: 5 Cases]

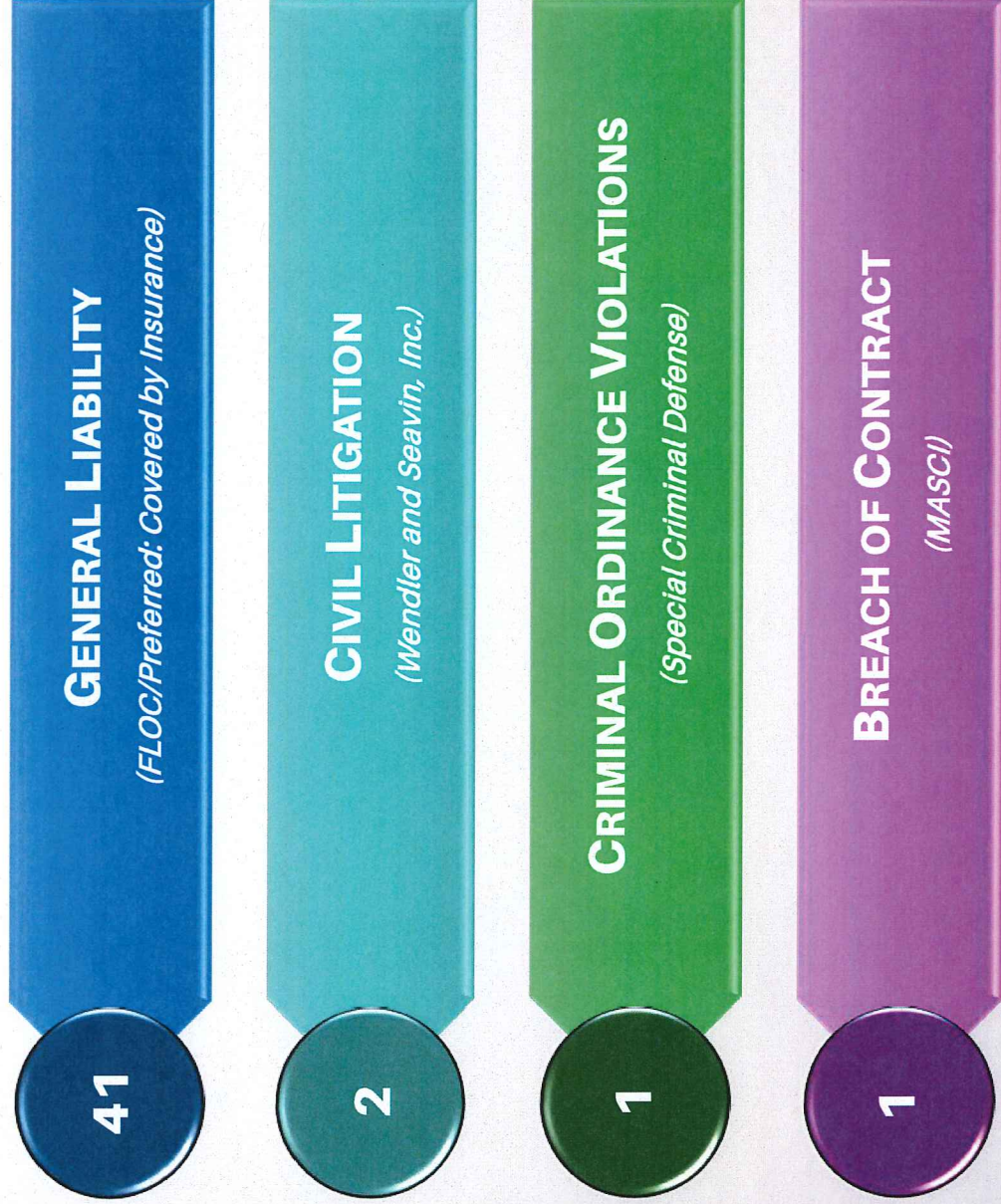


CASES AIDED BY OUTSIDE COUNSEL

JULY 2018 - JUNE 2019

[By Number of Cases]

[Total: 45 Cases]

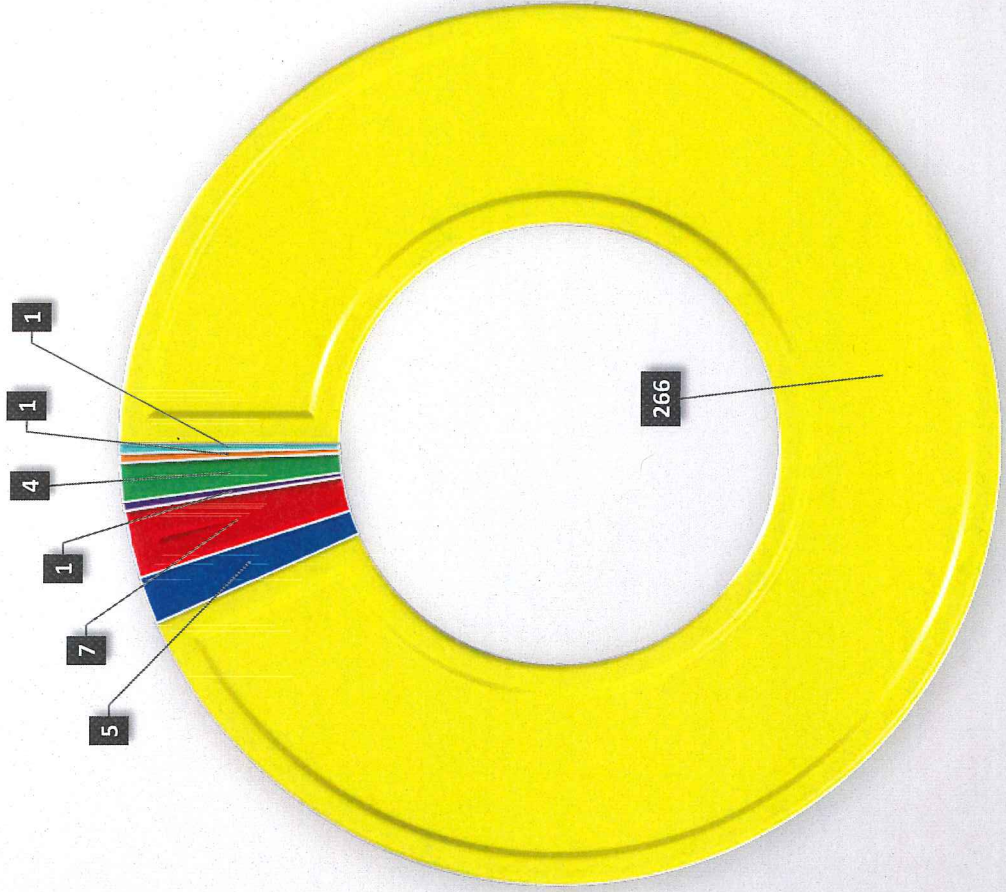


CITY ORDINANCE VIOLATIONS

July 2018 - June 2019

[BY NUMBER OF CASES]

[TOTAL: 285 CASES]

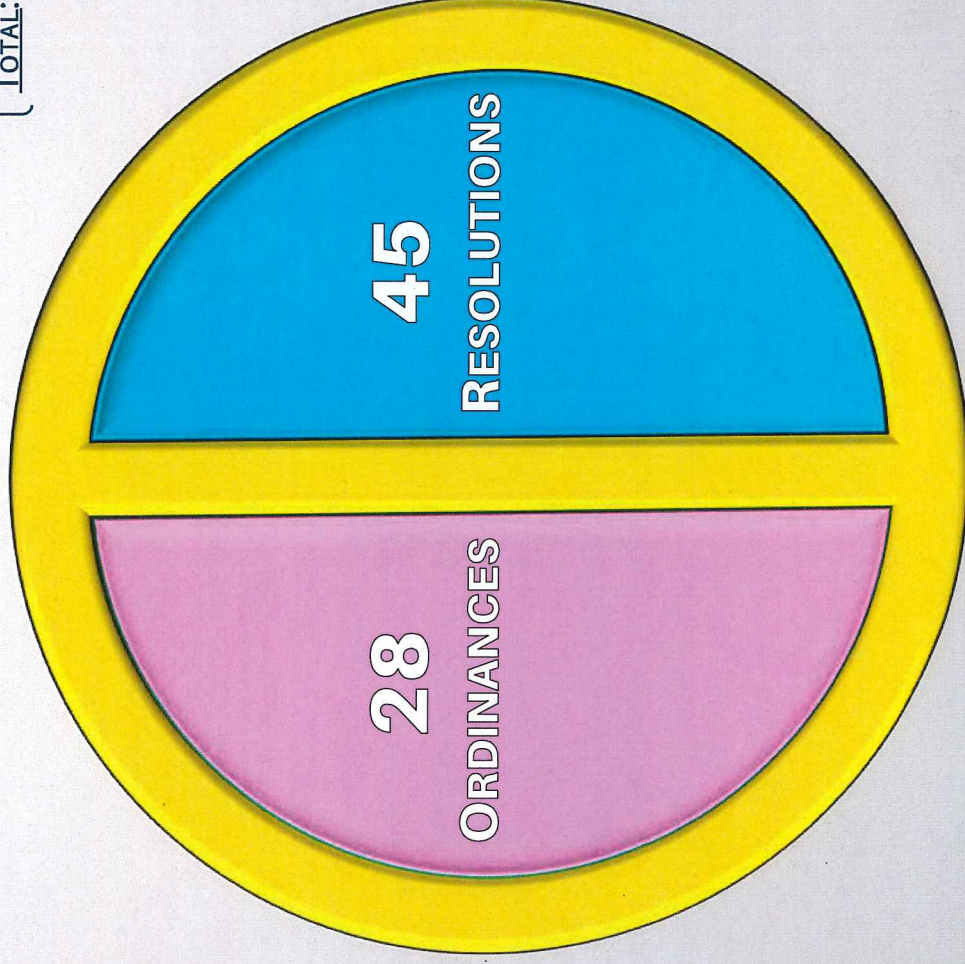


OUR OFFICE, WORKING IN CONNECTION WITH THE SAPD OUTREACH OFFICERS, WAS ABLE TO PLACE TWO (2) DEFENDANTS INTO REHABILITATION PROGRAMS AND HAVE THEIR SENTENCES COMMUTED. A THIRD DEFENDANT WAS OFFERED THIS OPTION, BUT DECLINED. ONE (1) DEFENDANT COMPLETED TWENTY (20) HOURS OF COMMUNITY SERVICE IN LIEU OF GOING TO COURT.

ORDINANCES & RESOLUTIONS

July 2018 - June 2019

[TOTAL: 72 ITEMS]



LEGISLATIVE BILL TRACKING

2019 SESSION

[Total: 97 Bills]

Micromobility Devices & Motorized Scooters	SB 542 & HB 453	Water Resources	SB 628 & HB 1199	Inspections & Permits	HB 1139 & SB 1752
Public Records	SB 602 & HB 407	Firefighters	SB 426 & HB 857	Local Gov't Public Construction Works	SB 806 & HB 167
Public Meetings	SB 518 & HB 265	Employment Conditions & Preemption of Conditions of Employment	SB 432 & HB 847	Environmental Regulation	SB 816 & HB 771
Affordable Housing	SB 350 & HB 1155	Sexual Harrassment	SB 240	Biosolids Management	SB 1278 & HB 405
Impact Fees	SB 144 & HB 207	Possession of Real Property	SB 54	Discretionary Sales Surtaxes	HB 5
Property Development	HB 7103	Taking Claims Within Areas of Critical State Concern	HB 1019 & SB 1694	Local Tax Referenda	SB 336
Growth Management	SB 1730	% of Elector Votes Required to Approve Amendment or Revision	HB 57 & SJR 232	Communications Services	SB 1000 & HB 693
Vegetable Gardens	SB 82 & SB 145	Preemption of Local Regulations	HB 3 & SB 1748	911 Services & E911 Systems	SB 536 & HB 441
Monuments & Memorials	SB 288 & HB 97	Community Redevelopment Agencies	HB 9 & SB 1054	Local Gov't Fiscal Transparency	HB 15 & SB 1350
Traffic Infraction Detectors	HB 6003 & SB 622	Property Rights & Private Property Rights Protection	SB 1720 & HB 1383	Local Gov't Financial Reporting	HB 861 & SB 1616
Water Quality Improvements	SB 216, SB 1758, HB 141 & HB 1395	Private Property Rights of Homeowners & Private Property Rights	SB 824, SB 1400 & HB 1159	St. Augustine West Septic to Sewer	HB 9159 & SB 9161
Preemption of Local Regulations	SB 588	Public Utility Storm Protection Plans	HB 797 & SB 796	Towing & Immobilizing Vehicles & Vessels	HB 1237 & SB 1792
Governmental Powers	HB 1299	Sports Franchises and Facilities & Sports Development	HB 791, HB 233 & SB 414	Vessels	HB 1319 & SB 1530
Single-Use Plastic Straws	HB 603	Taxation Transparency	HB 7053	Attorney Fees & Costs	SB 1140 & HB 829
State Shared Revenues & State Funds	SB 594, SB 70 & HB 1103	Vacation Rentals	HB 987 & SB 812	Federal Immigration Enforcement	SB 168, SB 170 & HB 527
Public Construction	SB 246 & HB 101	Florida Building Code & Enforcement	HB 715 & SB 1036	Displacement of Private Waste Companies	HB 1169 & SB 1572
Growth Management	HB 291 & SB 428	Small-Scale Comprehensive Plan Amendments	SB 1494 & HB 6017	Fleet Vehicle Rebate Program	SB 1368

PROPOSED BUDGET – FY 2019-2020

CODE	CATEGORY	FY 18-19 BUDGET (Actual)	FY 19-20 BUDGET (Proposed)
110	Executive Salaries	\$ 219,244	\$ 227,392
120	Regular Salaries & Wages	\$ 40,744	\$ 41,629
140	Overtime	\$ 0	\$ 0
160	Holiday Supplement	\$ 200	\$ 195
161	Accrued Leave Payout	\$ 0	\$ 0
210	FICA Taxes	\$ 18,196	\$ 18,518
220	Retirement Contributions	\$ 64,841	\$ 63,247
230	Life & Health Insurance	\$ 22,304	\$ 22,147
240	Workers Compensation	\$ 355	\$ 452
250	Unemployment Compensation	\$ 520	\$ 538
	SUBTOTAL	\$ 366,404	\$ 374,118
	INCREASE		+ \$ 7,714
310	Professional Services	\$ 4,552	\$ 6,000
330	Court Reporter Services	\$ 1,000	\$ 1,100
340	Other Contract Services	\$ 2,600	\$ 2,840
400	Travel Expenses	\$ 2,100	\$ 1,920
401	Car Allowances	\$ 7,800	\$ 7,800
410	Telecommunications Services	\$ 2,860	\$ 1,855
420	Postage	\$ 500	\$ 500
464	Office Equip. Repair & Maintenance	\$ 930	\$ 930
471	Reproduction	\$ 3,700	\$ 2,400
490	Miscellaneous Charges	\$ 500	\$ 500
510	Office Supplies	\$ 798	\$ 500
515	Non-Capital Fixed Assets	\$ 328	\$ 0
520	General Operating Supplies	\$ 470	\$ 350
521	Uniforms	\$ 150	\$ 150
540	Subscriptions	\$ 5,702	\$ 5,815
541	Professional Dues & Memberships	\$ 1,745	\$ 1,455
542	Education & Training	\$ 2,275	\$ 2,150
543	Books	\$ 1,055	\$ 1,000
640	Machinery & Equipment	\$ 0	\$ 0
	SUBTOTAL	\$ 39,065	\$ 37,265
	DECREASE		(\$ 1,800.00)
	TOTAL	\$ 405,469	\$ 411,383
	DIFFERENCE		+ \$ 5,914

ITEM 12.A.
NERR Rep. Designation

ITEM 12.B.
Vacancy Notification

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: August 12, 2019

RE: Notification of Board Term Vacancy and Expirations

Planning and Zoning Board

Applications are currently being accepted to fill one (1) term vacancy and two (2) term expirations on the Planning and Zoning Board. The term for Carl Blow, Sarah Ryan, and Grant Misterly will expire September 30, 2019. Because of term limits, Mr. Blow is not eligible for reappointment. The deadline to submit an application is Wednesday, September 11, 2019. Appointment is tentatively scheduled for the September 23, 2019 City Commission meeting.

Advertisements requesting applications will be published in the St. Augustine Record in accordance with board advertising policies and posted on the City website.

Attached is the current Board roster, along with a profile of the qualifications, duties and responsibilities as by ordinance.



Darlene Galambos
City Clerk

Xc: Clerk's Files

CONSENT AGENDA – AUGUST 12, 2019

CA.1. PREVIEW OF UPCOMING COMMISSION MEETINGS.

a) **THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR 2ND READING ON AUGUST 26, 2019:**

- Ordinance 2019-15
- Ordinance 2019-16
- Ordinance 2019-17
- Ordinance 2019-18

b) **REMINDER OF UPCOMING MEETINGS:**

- August 20, 2019, 8:00 p.m., CRA Meeting
- August 20, 2019, 9:00 a.m., Budget Presentation
- August 26, 2019, 5:00 p.m., Regular Meeting

CA.2. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- April 22, 2019, Regular Meeting
- May 13, 2019, Regular Meeting
- June 10, 2019, Regular Meeting

CA.3. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- Jeffrey Sapp – 57 Florida Avenue

CA.4. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

- Proclamation 2019-15 - Stop the Stigma St. Augustine proclaiming August 31, 2019 as Overdose Awareness Day. (*N. Sikes-Kline, Commissioner*).

CA.5. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.

CA.6. Approval use of VIC grounds during 2019 Nights of Lights. (*T. Burchfield, Assistant City Manager*).

CA.7. Financial update for period ending July 31, 2019. (*M. Litzinger, Director, Finance*).

CA.8. Mobility update (*R. Franklin, Mobility Program Manager*)

CA.9. Public Works update. (*M. Cullum, Director, Public Works*).

CA.10. Notification that the current Historic Architectural Review Board (HARB) chair, Catherine Duncan, will be moving outside the City of St. Augustine. (*D. Galambos, City Clerk*).

CA.11. Response letter to the St. Johns County Administrator regarding their request for additional subsidy for the operation of the Sunshine Bus Company.

CA.12. Invoice in the amount of \$1,451.25 dated June 26, 2019 from Bledsoe, Jacobson, Schmidt, Write & Sussman for Special Magistrate services in the 7 Bridge Street matter. (*I. Lopez, City Attorney*).

Invoice in the amount of \$331.00 dated July 24 from St. Augustine Court Reporters for transcription services regarding the Seavin v. City of St. Augustine matter. (*I. Lopez, City Attorney*).

Invoice in the amount of \$7,168.00 dated July 31 from Cavendish Partners, P.A. for services regarding the Seavin v. City of St. Augustine matter. (*I. Lopez, City Attorney*).

END OF CONSENT AGENDA

ITEM CA.2.
Minutes for Approval

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, April 22, 2019

The City Commission met in formal session Monday, April 22, 2019 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 W. Upchurch, Mayor/City Commissioner
Leanna S. A. Freeman, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner

Absent: Nancy Sikes-Kline, City Commissioner (excused)
John Valdes, City Commissioner

John Regan, City Manager
Timothy A. Burchfield, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
David Birchim, Director, Planning and Building
Jim Piggott, Director, General Services
Meredith Breidenstein, Director, Budget & Performance Management
Paul K. Williamson, Director, Public Affairs
Reuben Franklin, Manager, Mobility Program
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Robin DiAngelis, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Mr. Tim Fleming, Deacon of Christ Church, Episcopal Missionary Church, delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

(None)

MOTION

Commissioner Freeman MOVED to approve the Agenda. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

3. Special Presentations, Recognitions and Proclamations

- Proclamation 2019-05 – Proclaiming April as National Child Abuse and Neglect Prevention month.
- Proclamation 2019-08 – Proclaiming May 11 as Letter Carriers Food Drive Day.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Ed Slavin
- Cindy Newsome
- Seber Newsom III
- Thomas Whitcomb
- Hugh Washington
- John Mountcastle
- Alicia Ann McWhorter
- Jill Pacetti
- Jenna Bernstein
- Ray Quinn
- Ron Birchall
- Bill Dudley
- Katherine Owens
- Susan Williams
- Robert Frawley
- Glenda Frawley
- Beverly Kilmore
- David Heimbold
- Carol Lively
- Ellaina Parham
- Ron Rawls
- Doug Russo
- BJ Kalaidi¹

5. Consent Agenda

Mr. Regan read the Consent Agenda.

CA.1. PREVIEW OF UPCOMING COMMISSION MEETINGS.

a) THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR 2ND READING ON MAY 13, 2019: NONE.

b) REMINDER OF UPCOMING MEETINGS:

- May 2, 2019, 8:30 a.m., Mid-Year Budget Analysis
- May 13, 2019, 5:00 p.m., Regular Meeting

CA.2. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS: NONE.

CA.3. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S): NONE.

CA.4. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

- PROCLAMATION 2019-06 PROCLAIMING MAY 2019 AS OLDER AMERICANS MONTH. (T. UPCHURCH, MAYOR).

- PROCLAMATION 2019-07 PROCLAIMING MAY 8, 2019 AS ST. AUGUSTINE GIVING DAY. (T. UPCHURCH, MAYOR).

- PROCLAMATION 2019-09 PROCLAIMS MAY 2019 AS NATIONAL DRUG COURT MONTH. (N. SIKES-KLINE, COMMISSIONER).

CA.5. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.

CA.6. Acceptance of the Commission's second quarter 2019 Action Items, amounts spent and/or encumbered through March 31, 2019. (M. Breidenstein, Director, Budget and Performance Management).

CA.7. Invoice in the amount of \$4,708.75 dated April 1, 2019 from Cavendish Partners, P.A. for legal services regarding the Seavin v. City of St. Augustine matter. (I. Lopez, City Attorney).

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

(None)

¹ Written comments attached to original minutes.

5.B. Approval of Consent Agenda

MOTION

Commissioner Horvath MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

6. Appeals.

(None)

7. General Public Presentations, Items of Great Public Importance, and Other Items Requiring Public Hearings

7.A. General Public Presentations

Property Appraiser Eddie Creamer will make a brief presentation detailing the attainment of a third party auditing service. These efforts are pursuant to enhance homestead compliance and ensure qualified business owners pay proper tangible personal property taxes with the use of a third party firm, while staying ahead of the county's growth curve to generate a tax roll that is fair, equitable and accurate.

Mr. Creamer spoke about an initiative his office was undertaking an audit of over 70,000 homestead exemptions within St. Johns County. He noted there were tools built into the application process to assure that the homestead exemption was properly claimed; however, after approval of an exemption it could become out of date because of circumstances that happened post application.

Commissioner Valdes asked if approval was required from all taxing authorities to proceed.

Mr. Creamer stated that approval was not required; however, all entities must sign the Memorandum of Understanding. He said the audit would be performed by a third-party company who would be

compensated using the penalties, interest and taxes collected from improperly claimed tax exemptions. He also said that no exceptions would be made for property owners who said they were unaware of the violation.

It was the consensus of the Commission to agree with the Memorandum of Understanding.

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2019-05: Updates the City's nuisance code to include defined terms, remove redundant procedures, and provide the City Manager and Building Official authority to immediately abate life safety nuisances.

Isabelle Lopez, City Attorney, presented Ordinance 2019-05.

Public hearing was opened and Commissioners heard comments from the following members of the public:

- BJ Kalaidi¹

Public hearing was closed.

MOTION

Commissioner Horvath MOVED to pass Ordinance 2019-05 on second reading. The motion was SECONDED by Commissioner Valdes.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING DEFINITIONS; PROVIDING FOR DECLARATION OF NUISANCES AND ABATEMENT OF NUISANCES; PROVIDING THAT THE KEEPING OF UNSHELTERED HOUSEHOLD GOODS IS A VIOLATION; REPEALING DUPLICATIVE PROVISIONS; AMENDING THE CHAPTER TO MAKE VARIOUS MINOR AND TECHNICAL CHANGES; PROVIDING PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION APPROVED BY UNANIMOUS VOICE VOTE

8.A.2. Ordinance 2019-06: Addresses inconsistencies between the land development code and the corridor design standards.

Isabelle Lopez presented Ordinance 2019-06.

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

MOTION

Commissioner Valdes MOVED to pass Ordinance 2019-06 on second reading. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER

28, ZONING, TO ADDRESS INCONSISTENCIES BETWEEN THE LAND DEVELOPMENT CODE AND THE CORRIDOR DESIGN STANDARDS, AND TO PROVIDE FOR MODIFICATIONS CONSISTENT WITH THE CRITERIA AND PROCEDURES OF THE ENTRY CORRIDORS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION APPROVED BY UNANIMOUS VOICE VOTE

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

(None)

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

(None)

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

(None)

9.B. Resolutions

(None)

10. Staff Reports and Presentations

10.A. Presentation of the 2018 Comprehensive Annual Financial Report (CAFR) by the City's independent auditor, Gary Huggett of Masters, Smith and Wisby.

Mark Litzinger introduced Gary Huggett, who presented the 2018 Comprehensive Annual Financial Report (CAFR).

Discussion was held regarding the City's year end close out performance and recommendations were made for a more

timely and accurate close out target date 2019.

MOTION

Commissioner Freeman MOVED to pass the 2018 CAFR. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

10.B. Audit committee report by Todd Neville, committee chairman.

Mr. Regan introduced Todd Neville, Certified Public Accountant and former City Commissioner, who had volunteered to serve on the Audit committee for the past two years.

Mr. Neville stated that the responsibility of the Audit committee was to provide independent governance between the City and the auditor. He gave a brief overview of what the committee did during the audit preparation process. He said the committee recommended that the City retain Masters, Smith and Wisby as auditor; however, they felt the City could benefit from a different partner in the firm performing the audit.

MOTION

Mayor Upchurch MOVED to retain Masters, Smith and Wisby as the City's auditing firm with the request for a new partner assigned to the City's audit. The motion was SECONDED by Commissioner Freeman and APPROVED BY UNANIMOUS VOICE VOTE.

10.C. Discussion regarding audit committee membership for next fiscal year.

Ms. Lopez advised the Commission that at their April 3, 2019 meeting, the Audit committee recommended some changes to its composition for Commission approval as follows:

1. The committee should maintain three members.
2. Two out of the three members should be financial experts.
3. Two of the members should be independent of City staff.
4. Member terms should be staggered two year terms that coincided with the CAFR presentation.

After discussion, it was the consensus of the Commission that the Audit committee consist of three financially proficient people, two of whom were chosen by the Commission. Todd Neville was appointed for a one year term for the 2019 Audit committee, with one vacancy yet to be filled. The third committee member would be a financially proficient member of City staff and appointed by the City Manager for a two year term.

MOTION

Mayor Upchurch MOVED to approve the consensus decisions of the Commission. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

The City Clerk was instructed to advertise for the second Commission appointed position.

10.D. Public Works update for second quarter of fiscal year 2018-2019.

Mike Cullum, Public Works Director, provided a Power Point presentation updating the Commission on Public Works second quarter accomplishments.

10.E. Mobility update including Bridge of Lions opening analysis for second quarter of fiscal year 2018-2019.

Reuben Franklin, Mobility Program Manager, gave a PowerPoint presentation and discussed the various mobility programs within the City and providing

updates. He touched on popular topics such as:

- Median beautification on US Highway 1
- Electric vehicle charging stations
- Spring park and ride shuttle
- Bridge of Lions opening analysis
- Tall ships
- Bicycle share program
- River-to-Sea Loop

Mr. Regan requested Commission consensus to renew the tall ship leases. He said the ship owners had made a good faith effort to reduce the number of bridge openings caused by tall ships.

MOTION

Commissioner Valdes MOVED to renew the annual leases of the tall ship tenants at the Municipal Marina with the inclusion of a 30-day "out" clause and that bridge monitoring would continue. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

11. ITEMS BY CITY ATTORNEY

11.A. Sunshine, Public Records and Ethics Minute.

No presentation made, provided by the City Attorney's Office for information purposes.

11.B. 2019 Legislative Bill Tracking information.

No presentation made, provided by the City Attorney's Office for information purposes.

11.C. Legal department update for the second quarter of fiscal year 2018-2019.

Ms. Lopez read the report submitted in the agenda packet.

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

Mr. Regan said that the short term vacation rental legislation had failed in the legislature and the City should move forward with what could be done at the local level.

Mr. Regan also said that Commissioner Sikes-Kline had asked him to relay to the Commission that local business owner Joe Tringali had voluntarily moved his late night beer sales time from 2:00 a.m. to 1:30 a.m. in an effort to partner with the City to change the late night downtown vibe.

14. Items by Mayor and Commissioners

Commissioner Horvath noted the upcoming Keeping History Above Water conference sponsored by Flagler College to be held in May.

Commissioner Valdes felt it was time to schedule a short term rental vacation workshop. The City Clerk would provide possible dates during a future meeting.

15. Adjournment

There being no further business, the meeting was adjourned at 8:00 P.M.²

Tracy W. Upchurch, MAYOR

Darlene Galambos, CITY CLERK

² Transcribed by Robin DiAngelis

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, May 13, 2019

The City Commission met in formal session Monday, January 14, 2019 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 W. Upchurch, Mayor/City Commissioner
Leanna S. A. Freeman, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
Nancy Sikes-Kline, City Commissioner
John Valdes, City Commissioner

John Regan, City Manager
Timothy A. Burchfield, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
David Birchim, Director, Planning and Building
Paul K. Williamson, Director, Public Affairs
Barry Fox, Police Chief
Robin DiAngelis, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Father Ken Herzog, Trinity Episcopal Church, delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

(None)

MOTION

Commissioner Horvath **MOVED** to approve the Agenda. The motion was **SECONDED** by Commissioner Valdes and **APPROVED BY UNANIMOUS VOICE VOTE.**

3. Special Presentations, Recognitions and Proclamations

Mayor Upchurch welcomed the students and said it was an honor for the City to present the following awards:

- Presentation: City Commission High School Citizenship Awards:
 - ❖ Bartram Trail High School - Amanda Higley
 - ❖ Creekside High School - Matthew Ortiz
 - ❖ Florida School for the Deaf & Blind, Blind Department - Martin Vanderwerf
 - ❖ Florida School for the Deaf & Blind, Deaf Department - Samantha Washburn
 - ❖ Pedro Menendez High School - Marisa Flowers
 - ❖ Allen D. Nease High School - Ruchi Patel
 - ❖ Ponte Vedra High School - Grace Freedman

- ❖ St. Augustine High School - Nicolo Sapienza
- ❖ St. Johns Technical High School - Isaac Mills
- ❖ St. Joseph Academy - Gisselle Santiago
- Proclamation 2019-06: Proclaiming May, 2019 as Older Americans Month.
- Proclamation 2019-09: Proclaims May 2019 as National Drug Court Month.
- Proclamation 2019-10: Proclaims May 2019 as National Jewish Heritage Month.
- Proclamation 2019-11: Proclaims May 2019 as National Historic Preservation Month.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Jenna Bernstein
- Van Hogley
- Ed Slavin
- Ron Mickler
- Doug Russo
- Antoinette Wallace
- Ron Rawls
- BJ Kalaidi¹

5. Consent Agenda

Mr. Regan read the Consent Agenda.

CA.1. PREVIEW OF UPCOMING COMMISSION MEETINGS.

a) THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR 2ND READING ON JUNE 10, 2019:

- Ordinance 2019-07
- Ordinance 2019-08
- Ordinance 2019-09
- Ordinance 2019-10

¹ Written comments attached to original minutes.

b) REMINDER OF UPCOMING MEETINGS:

- June 10, 2019, 4:00 p.m., Adelaide Sanchez award presentation to Les Thomas
- June 10, 2019, 5:00 p.m., Regular Meeting
- June 24, 2019, 3:00 p.m., Budget Assumptions
- June 24, 2019, 5:00 p.m., Regular Meeting

CA.2. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- Regular Meeting, February 11, 2019
- Shade Meeting, April 8, 2019
- Regular Meeting, April 8, 2019

CA.3. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S): NONE.

CA.4. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

CA.5. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.

CA.6. For information purposes, Sebastian Inland Harbor Planned Unit Development Bi-Annual Report from Rogers Towers Attorneys at Law. (D. Birchim, Director, Planning and Building).

CA.7. Approval of Quit Claim Deed from City to Sano Vita L.L.C. for .02 acres of land at 841 South Ponce de Leon Unit 6 completing the terms of the Cost Share Agreement dated March 24, 2016. (J. Cary, Assistant City Attorney).

CA.8. Invoice in the amount of \$298.00 dated April 18, 2019 from St. Augustine Court Reporters for transcription services

rendered in the Seavin v. City of St. Augustine matter. (I. Lopez, City Attorney).

Invoice in the amount of \$3,780.00 dated April 30, 2019 from St. Augustine Court Reporters for transcription services rendered in the Seavin v. City of St. Augustine matter. (I. Lopez, City Attorney).

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

(None)

5.B. Approval of Consent Agenda

MOTION

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

6. Appeals.

(None)

7. General Public Presentations, Items of Great Public Importance, and Other Items Requiring Public Hearings

7.A. General Public Presentations

7.A.1. Eugenio Maslowski, Director, Hispanic Culture Film Festival; Maria I. Montoya-Leonard, Hispanic Culture Film Festival Marketing Director and Sonia San Juan, Honorary Vice Consul of Kingdom of Spain For St. Augustine and Jacksonville will provide the Commission with an overview of the Hispanic Culture Film Festival to be held October 3-6, 2019 and seek the City's endorsement of the event.

Mr. Maslowski gave a PowerPoint presentation about the Hispanic Culture Film Festival and requested to use the City Seal as an endorsement for the festival.

MOTION

Commissioner Freeman MOVED to allow the Hispanic Culture Film Festival the use of the City Seal. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

Discussion ensued and it was the consensus of the Commission to send an invitation letter to Aviles, Spain to visit St. Augustine during the film festival.

7.A.2. Mike Cullum, Director, Public Works, will provide a status report as to the improvements to be built on the property and present the Commission with the fact sheet for 91 Coquina Avenue.

Mike Cullum, Public Works Director, presented a PowerPoint progress report regarding the Coquina Park² design. He said the Public Works Department was focused on two areas:

- ✓ Two City owned 36" culverts that went under Coquina Avenue
- ✓ Restoration of the upland portion of the property to restore for a park

Discussion ensued about the removal of non-indigenous Australian pine trees. It was the consensus of the Commission to leave some trees on the property to act as a buffer.

David Birchim, Planning and Building Director, gave the history of the wood frame cottage located on the property. He said the structurally sound foundation could be relocated on or off the property, or demolished. He requested direction from the Commission for proceeding.

Commission discussion regarding the cottage included:

- Finding a person or entity willing to relocate

² "working" title

- Relocating the cottage during park construction and returning it to the property
- Handicap accessibility
- Charming cottage that should be preserved
- Cost to City for possible preservation
- Soliciting proposals for removal and revival of the cottage off site
- Demolition costs
- Providing funds to relocate equal to demolition costs

MOTION

Mayor Upchurch MOVED to request City staff to solicit community proposals for disposition of the cottage with the condition the cottage be moved and maintained. The motion was SECONDED by Commissioner Horvath.

Commissioner Sikes-Kline clarified that if there was no response, the Commission would readdress preservation in its current location.

MOTION APPROVED BY UNANIMOUS VOICE VOTE

7.A.3. Jeremy Marquis of Marquis Latimer + Halback will present a conceptual joint endeavor between the City and the Broudy Family of 5.25 acres to possibly consist of a parking facility, residential units, commercial space, police department building, pedestrian overpass, etc. at the corner of US1 and West King Street.

Mr. Regan introduced Barry Broudy and Jeremy Marquis.

Mr. Broudy advised the Commission of the history of the property and how it evolved to be considered a multi-modal transportation and parking facility that could accommodate workforce housing for the City. He said that the project could benefit King Street and West Augustine and connect with a walkover across U.S. 1.

He also said a new Police Department facility could be built on the property.

Mr. Marquis spoke about creating a hub for those who wanted to work and live in the downtown area.

Commissioners discussed:

- Number of parking spaces
- Parking garage similar to the Historic Downtown Parking garage
- How to define and maintain workforce housing
- Height and density
- City responsibilities
- City as tenants
- Feasibility study

MOTION

Commissioner Valdes MOVED to allow City staff to study to further study the project and return to the Commission with a comprehensive plan. The motion was SECONDED by Mayor Upchurch and APPROVED BY UNANIMOUS VOICE VOTE.

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

(None)

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

8.B.1. Ordinance 2019-07: Amends Future Land Use Map designation for

the property known as the St. Augustine Shipyard from Marine Industrial to Residential Medium Density Mixed Use.

Mayor Upchurch excused himself due to a conflict of interest.³

David Birchim, Planning and Building Director, presented Ordinance 2019-07. He said the Ordinance was reviewed and recommended for approval by the Planning and Zoning Board on April 2, 2019.

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

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2019-07 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019 - 07

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN AND ASSIGNING THE LAND USE CLASSIFICATION FOR APPROXIMATELY 14.68 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF ARAPAHOE AVENUE, NORTH OF DIESEL ROAD, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF MARINE INDUSTRIAL TO THE CLASSIFICATION OF RESIDENTIAL MEDIUM DENSITY/MIXED USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

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 2019-08: Amends the zoning designation for the property known as St. Augustine Shipyard from Planned Unit Development (PUD) to Residential General Office (RGO).

David Birchim presented Ordinance 2019-08.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2019-08 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Valdes.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019 - 08

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE ZONING FOR APPROXIMATELY 14.68 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF ARAPAHOE AVENUE, NORTH OF DIESEL ROAD, 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.

³ Form 8B attached to original minutes.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Horvath
Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY⁴

9.A.2. Ordinance 2019-09: Updates the City's foreclosure maintenance code to mirror the St. Johns County ordinance.

John Cary, Assistant City Attorney, presented Ordinance 2019-09.

MOTION

Commissioner Freeman MOVED to place Ordinance 2019-09 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-09

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING REQUIREMENTS FOR INSPECTION AND REGISTRATION OF CERTAIN PROPERTIES; PROVIDING MAINTENANCE REQUIREMENTS FOR CERTAIN PROPERTIES; PROVIDING SECURITY REQUIREMENTS; PROVIDING ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION APPROVED BY UNANIMOUS VOICE VOTE

9.A.3. Ordinance 2019-10: Dissolution of the Antigua at St. Augustine Community Development District (CDD) as requested by the State of Florida

Department of Economic Opportunity (DEO).

Isabelle Lopez presented Ordinance 2019-10.

MOTION

Commissioner Horvath MOVED to place Ordinance 2019-10 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Valdes.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-10

AN ORDINANCE BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, REPEALING ORDINANCE 2005-33 AND DISSOLVING A COMMUNITY DEVELOPMENT DISTRICT, KNOWN AS THE ANTIGUA AT ST. AUGUSTINE COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 189, FLORIDA STATUTES, PROVING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

MOTION APPROVED BY UNANIMOUS VOICE VOTE

9.B. Resolutions

9.B.1. Resolution 2019-08: Support for Certified Local Government Small Matching Grant: Reexamining St. Augustine's Archaeological Zones. Planning staff is preparing a grant application to the Florida Division of Historical Resources for a \$100,000 project supported with \$50,000 of city matching funds to update archaeological planning resources that could inform a future update to the archaeological zones.

Dr. Andrea White, City Archaeologist, presented Resolution 2019-08.

⁴ There was a brief recess from 7:47 to 7:54 p.m.

MOTION

Commissioner Horvath **MOVED** to pass Resolution 2019-08. The motion was **SECONDED** by Commissioner Valdes and **APPROVED BY UNANIMOUS VOICE VOTE**.

9.B.2. Resolution 2019-09: Support for Certified Local Government Small Matching Grant Accessing St. Augustine's Heritage through Digital Media. Planning staff is preparing a grant application to the Florida Division of Historical Resources for a \$40,000 project with no matching funds to create and publish a series of interactive, digital media websites about St. Augustine's heritage using GIS, multi-media content, and archival materials.

Dr. White presented Resolution 2019-09, asking for support and spoke about the published websites that would use a combination of text, GIS data, interactive maps and tours, video, and historical documents.

MOTION

Commissioner Valdes **MOVED** to pass Resolution 2019-09. The motion was **SECONDED** by Commissioner Sikes-Kline and **APPROVED BY UNANIMOUS VOICE VOTE**.

10. Staff Reports and Presentations

(None)

11. ITEMS BY CITY ATTORNEY

11.A. Sunshine, Public Records and Ethics Minute.

No presentation made, provided by the City Attorney's Office for information purposes.

11.B. 2019 Legislative Bill Tracking information.

John Cary gave a brief presentation regarding the process involved in bill tracking and the bills that affected the City.

11.C. Obtain direction from the Commission regarding entering into a class action settlement regarding Visa and Mastercard and their charging of "interchange fees".

John Cary described the class action settlement and the choices the available to the Commission. He said choices included do nothing, opt out, or opt in.

MOTION

Mayor Upchurch **MOVED** to authorize the City Manager and City Attorney to opt in to the class action settlement after performing a cost/benefit analysis. The motion was **SECONDED** by Commissioner Horvath and **APPROVED BY UNANIMOUS VOICE VOTE**.

12. ITEMS BY CITY CLERK

12.A. Request for appointment of alternate board member for the Historic Architectural Review Board to expire March 28, 2022.

Darlene Galambos said she had received an application from former board member Antoinette Wallace for the alternate position. She noted that Ms. Wallace met the criteria for appointment as an alternate.

MOTION

Commissioner Freeman **MOVED** to appoint Antoinette Wallace for the alternate board member for the Historic Architectural Review Board. The motion was **SECONDED** by Commissioner and **APPROVED BY UNANIMOUS VOICE VOTE**.

12.B. Schedule workshop for ordinance discussion regarding vacation rentals.

Ms. Galambos provided the Commission with dates available to schedule the workshop as follows:

- Wednesday, May 22, 2019
- Tuesday, May 28, 2019
- Thursday, June 6, 2019
- Thursday, June 13, 2019

It was the consensus of the Commission to schedule a workshop for May 22, 2019 from 9:00 a.m. until 12: p.m.

13. ITEMS BY CITY MANAGER

13.A. Request by Operation New Hope to use City seal on its marketing materials, letters and other efforts.

Mr. Regan advised that Operation New Hope had requested to use the City Seal for materials related to bringing the first branch of its Ready4Work anti-recidivism program to St. Augustine.

MOTION

Commissioner Sikes-Kline MOVED to approve the use of the City Seal by Operation New Hope. The motion was SECONDED by Commissioner Freeman and APPROVED BY UNANIMOUS VOICE VOTE.

14. Items by Mayor and Commissioners

Commissioner Sikes-Kline questioned the status of repairs for the audio-visual system.

Merin Dunn, Audio-Visual and Public Records Specialist, reported that repairs were in the ten to fifteen day time period given by the manufacturer and were being fast tracked.

15. Adjournment

There being no further business, the meeting was adjourned at 8:31 P.M.⁵

Tracy W. Upchurch, MAYOR

Darlene Galambos, CITY CLERK

⁵ Transcribed by Robin DiAngelis

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, June 10, 2019

The City Commission met in formal session Monday, June 10, 2019 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 W. Upchurch, Mayor/City Commissioner
Leanna S. A. Freeman, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
Nancy Sikes-Kline, City Commissioner
John Valdes, City Commissioner

John Regan, City Manager
Timothy A. Burchfield, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
David Birchim, Director, Planning and Building
Jim Piggott, Director, General Services
Mike Cullum, Director, Public Works
Mark Litzinger, Director, Financial Services
Meredith Breidenstein, Director, Budget & Performance Management
Paul K. Williamson, Director, Public Affairs
Reuben Franklin, Manager, Mobility Program
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Robin DiAngelis, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Minister Alexius Ferguson, Words of Life Ministries, delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

Mayor Upchurch asked for a moment of silence for those employees of Virginia Beach that were murdered.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

(None)

Mayor Upchurch noted that the Commission would hear Public Comments on all subjects except the two Public Hearings and Short Term rentals which had a time certain for 6:15 p.m.

MOTION

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

3. Special Presentations, Recognitions and Proclamations

**3.A. Proclamation 2019-07:
Proclaiming May 8, 2019 as St.
Augustine Giving Day.**

**4. General Public Comments (3 minutes
per individual)**

Public comment was opened and the
Commission heard from the following
members of the public:

Ron Rawls
Jen Lumberk
Tom Reynolds
Susan Hill
Jon Hodgkin
Michael Jagielsky
BJ Kalaidi¹

Public comment was closed.

5. Consent Agenda

Mr. Burchfield read the Consent Agenda.

**CA.1. PREVIEW OF UPCOMING
COMMISSION MEETINGS.**

a) THE FOLLOWING ORDINANCES
ARE TENTATIVELY SCHEDULED FOR
2ND READING ON JUNE 24, 2019:

- Ordinance 2019-07
- Ordinance 2019-08

**b) REMINDER OF UPCOMING
MEETINGS:**

- June 24, 3:00 p.m., Special Budget
Revenue Meeting
- June 24, 5:00 p.m., Regular Meeting
- July 8, 5:00 p.m., Regular Meeting
- July 22, 5:00 p.m., Regular Meeting

**CA.2. APPROVAL OF MINUTES FROM
PRIOR COMMISSION MEETINGS:**
NONE.

**CA.3. RELEASES OF LIEN FOR UNIT
CONNECTION FEE MORTGAGE(S):**

- Darlene D. Hobbs and Donna D.
Martin, 2830 Collins Avenue

**CA.4. PROPOSED PROCLAMATIONS,
CERTIFICATES OF
APPRECIATION/RECOGNITION.
(COMMISSION APPROVAL REQUIRED).
(TO BE READ AT A SUBSEQUENT
MEETING).**

- Proclamation 2019-12: Proclaims June
26, 2019 as Greek Landing Day.
- Proclamation 2019-13: Proclaims July
5-7, 2019 as Golden Jubilee Plus
XIV in recognition of Richard J.
Murray High.

**CA.5. NOTIFICATION OF
PROCLAMATIONS/CERTIFICATES OF
RECOGNITION ISSUED: NONE.**

**CA.6. Confirmation of Meredith
Breidenstein as Assistant City Manager
effective October 15, 2019 due to the
retirement of Timothy A. Burchfield. (J.
Regan, City Manager).**

**CA.7. Approval of Proportionate Share
Mitigation Agreement between the St.
Johns County School District, the City and
The Landing 2, LLC. (D. Birchim, Director,
Planning and Building).**

**CA.8. Approval of Cost Share
Amendment No. 2 with the St. Johns River
Management District and the City for the
Lincolnvile Drainage Improvements
project. (M. Cullum, Director, Public
Works).**

**CA.9. Approval and authorization to
execute Agreement for Use of Property
Tax Collections to Fund Homestead
Exemption Audit Services between the City
of St. Augustine and the St. Johns County
Tax Collector for the purpose of identifying
improperly claimed exemptions and
identifying unclaimed exemptions. (T.
Burchfield, Assistant City Manager).**

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

¹ Written comments attached to original minutes.

Mayor Upchurch noted that Item CA.9. should read Property Appraiser.

5.B. Approval of Consent Agenda

MOTION

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

6. Appeals.

(None)

7. General Public Presentations, Items of Great Public Importance, and Other Items Requiring Public Hearings

7.A. General Public Presentations

7.A.1. Wanda Forest, North Florida TPO Transportation Planning Manager will present its Transportation Improvement Program (TIP), which identifies all publicly funded highway, transit and aviation projects within our area, for Fiscal Years 2019/2020 through 2023/2024.

Wanda Forest, Transportation Planning Manager for the North Florida TPO, who gave a PowerPoint presentation of upcoming projects in the City's area.

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

7.C.1. (AT OR AFTER 6:15) Follow up workshop on Vacation Rentals to allow public comment for those not able to attend the May 22, 2019 workshop.

David Birchim, Planning and Building Director, gave an updated PowerPoint presentation regarding vacation rentals.

Public comment was opened and Commissioners heard from the following members of the public:

Julio Torres
Brian Funk
Susan McClure
Herbert Gowen
Kyung Bishop-Milo
Dennis Hanks
Bill Conley
Kim Hartwick
Melinda Rakoncay
Cindy Wasserbauer
Michael Jagielsky
Donna Nelson
BJ Kalaidi¹

Public comment was closed.

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2019-09: Updates the City's foreclosure maintenance code to mirror the St. Johns County ordinance.

John Cary, Assistant City Attorney, presented Ordinance 2019-09.

Public hearing was opened and Commissioners heard comments from the following members of the public:

BJ Kalaidi¹

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-09 on second reading. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-09

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING REQUIREMENTS FOR INSPECTION AND REGISTRATION OF CERTAIN PROPERTIES; PROVIDING MAINTENANCE REQUIREMENTS FOR CERTAIN PROPERTIES; PROVIDING SECURITY REQUIREMENTS; PROVIDING ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION APPROVED BY UNANIMOUS VOICE VOTE

8.A.2. Ordinance 2019-10: Dissolution of the Antigua at St. Augustine Community Development District (CDD) as requested by the State of Florida Department of Economic Opportunity (DEO).

Isabelle Lopez presented Ordinance 2019-10.

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

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-10 on second reading. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:
ORDINANCE NO. 2019-10

AN ORDINANCE BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, REPEALING ORDINANCE 2005-33 AND DISSOLVING A COMMUNITY DEVELOPMENT DISTRICT, KNOWN AS THE ANTIGUA AT ST. AUGUSTINE COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 189, FLORIDA STATUTES,

PROVING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

MOTION APPROVED BY UNANIMOUS VOICE VOTE

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

(None)

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

(None)

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

(None)

9.B. Resolutions

9.A.1. Resolution 2019-07: Renewal of the three-year Maintenance Agreement between the Florida Department of Transportation and the City for maintenance of specific turf and landscaped areas listed.

Mike Cullum, Public Works Director, presented Resolution 2019-07.

MOTION

Commissioner Freeman MOVED to pass Resolution 2019-07. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

9.A.2. Resolution 2019-10: Petition to Vacate a portion of North St. Augustine Blvd.

Darlene Galambos, City Clerk, presented Resolution 2019-10.

Todd Grant, Deputy Public Works Director, said he met with the petitioner to discuss

utilities for access or relocation. He said an easement could be created for the City to reach any utilities.

Mayor Upchurch felt it was important that City sidewalks and greenspace were maintained. He also did not want anything to be constructed in the greenspace and that there be no signage.

Commissioner Sikes-Kline shared the Mayor's concerns; however, she was primarily focused on the approach to the bridge and the vista.

Commissioner Freeman felt that vacating the land was not necessary and the applicant could make use of the property without the City vacating the land.

Ms. Lopez said the applicant wanted to be certain before making any improvements. She pointed out that the applicant had submitted a petition for the vacation and the Resolution was the first step in the process, and that there would be public hearings should the commission wish to move forward.

Mayor Upchurch said he was apprehensive about the project and felt the Commission should move forward cautiously.

MOTION

Mayor Upchurch MOVED to pass Resolution 2019-10. The motion was SECONDED by Commissioner Valdes motion was carried 3/2 with Commissioner Freeman and Commissioner Sikes Kline dissenting.

Commissioner Freeman requested a roll call for the vote.

VOTE ON MOTION

AYES: Upchurch, Valdes

NAYS: Freeman, Sikes-Kline, Horvath

MOTION FAILED 2/3

9.A.3. Resolution 2019-11: Authorizes the City Manager to apply for a Derelict Vessel Final Removal Program with the Florida Fish and Wildlife Conservation Commission and upon approval administer the grant.

Cory Sakryd, Grants Administration Coordinator, presented Resolution 2019-11.

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-11. The motion was SECONDED by Mayor Upchurch and APPROVED BY UNANIMOUS VOICE VOTE.

9.A.4. Resolution 2019-12: Annual renewal of the Traffic Signal Maintenance and Compensation Agreement between the Florida Department of Transportation and the City for the fiscal Year 2019-2020.

Reuben Franklin, Mobility Program Manager presented Resolution 2019-12.

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-12. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

9.A.5. Resolution 2019-13: Supports the grant application by the St. Augustine Historical Society for the Llambias House Historic Preservation Management Plan.

Nancy Sikes-Kline presented Resolution 2019-13 in lieu of a letter of support.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2019-13. The motion was SECONDED by Commissioner

**Freeman and APPROVED BY
UNANIMOUS VOICE VOTE.**

10. Staff Reports and Presentations

10.A. Request for direction from the Commission regarding taking corrective action to abate 52 Spring Street to correct a Code Enforcement roof repair not to exceed \$30,000.

David Birchim, explained that there were three homes with unsafe metal roofs. He said the roofs had partially blown off the structures during storms and damaged adjacent homes and cars. He also said the owner was being fined \$250 per day until the violation was corrected. He stated that the fine was currently \$45,000.

Mr. Birchim continued that the agenda item was the Code Enforcement Boards notice to the Commission regarding the abatement order and requested funding to make repairs. He said that an estimate for \$20,000 had been received for all three homes on the property; however, there was no contingency plan for additional repair costs should further issues be discovered.

Commissioners discussed:

- Liens, foreclosure and auction
- Demolition
- Danger to adjacent properties
- Preservation of the original farmhouse

MOTION

Mayor Upchurch MOVED to authorize staff to remove the metal roofing that was creating a hazard to the community, perform minimal work to secure the dangerous conditions of the roof, lien the property, and start foreclosure proceedings as soon as possible. The motion was SECONDED by Commissioner Sikes-Kline.

Commissioner Horvath requested that when the roof was removed, a tarp would

be placed over the structure for minimal stabilization.

Commissioner Freeman wanted to amend the motion to include that staff would update the Commission on any actions taken.

Mayor Upchurch AMENDED his motion to correct the condition of the dangerous roof and the roof tarped, lien the property and start foreclosure as soon as possible, and a report placed on the tracking list. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.²

10.B. Update and request for action on the Fish Island property.

Meredith Breidenstein, Budget and Performance Management Director, requested direction from Commissioners regarding a commitment to manage the property on Fish Island as a passive recreation park. She said the City would seek and work with potential partners to manage the park. She requested a letter sent by the Mayor to the Division of State Lands expressing the City's intent to manage the property.

It was the consensus of the Commission to support management of Fish Island and for the Mayor to send a letter to the State.

11. ITEMS BY CITY ATTORNEY

11.A. Sunshine, Public Records and Ethics Minute.

No presentation made, provided by the City Attorney's Office for information purposes.

11.B. Review of City Charter for determination of revisions to be made in the form of ordinances.

²There was a brief recess from 6:13 to 6:21 p.m.

Isabelle Lopez, discussed routine changes to the Charter that could be made by Ordinance and residency requirements for those who wished to be an elected official.

It was the consensus of the Commission to make changes by Ordinances during a future meeting.

Mayor Upchurch noted that any changes required by ballot needed to be submitted to the Supervisor of Elections by April 2020.

Tracy W. Upchurch, MAYOR

Darlene Galambos, CITY CLERK

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

13.A. Designation of official to be voting delegate at the Annual Florida League of Cities Conference August 15-17, 2019 in Orlando, Florida.

It was the consensus of the Commission to designate Commissioner Sikes-Kline, who had been the voting delegate for many years.

14. Items by Mayor and Commissioners

Commissioner Horvath reminded fellow Commissioners that financial disclosure forms were due on July 1.

Mayor Upchurch urged Commissioners to consider a four hour maximum time limit for Commission meetings.

Commissioner Valdes felt that time limits for other City Boards could also be beneficial.

15. Adjournment

There being no further business, the meeting was adjourned at 7:20 P.M.³

³ Transcribed by Robin DiAngelis

ITEM CA.3.
Lien Release

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: July 22, 2019

RE: **SATISFACTION AND RELEASE OF MORTGAGE – 52 FLORIDA AVENUE**

Enclosed is a Satisfaction and Release of Mortgage for 52 Florida Avenue regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine and Jeffrey Sapp. The mortgage was recorded in the Public Records of St. Johns County on February 1, 2019. 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 August 12, 2019 City Commission meeting.

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

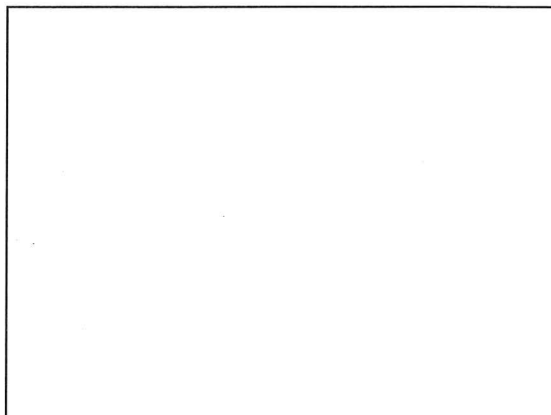


Isabelle C. Lopez
City Attorney

/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 **JEFFREY SAPP**, whose address is 52 Florida Avenue, St. Augustine, Florida 32084, his 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 November 6, 2018, recorded at Official Records Book 4674, Page 1846, 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 4674, Page 1846, 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 _____, 2019.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Darlene Galambos, City Clerk
(S E A L)

By: _____
Tracy W. Upchurch, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Tracy W. 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 _____, 2019.

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

PROPERTY HAVING LOT No. 41-07-29 .36 ACRES RAVENSWOOD SUB LOTS 1 & 2 BLK 36 OR732/81 & 1279/1099(Q/C) & 4077/1380(A/D) & 4077/1380(A/D), WITH THE SECTION No., AND PROPERTY BEGINNING AT 41-07-29 .36 ACRES RAVENSWOOD SUB LOTS 1 & 2 BLK 36 OR732/81 & 1279/1099(Q/C) & 4077/1380(A/D) & 4077/1380(A/D).

PARCEL ID: 109260-0000

ADDRESS: 52 FLORIDA AVENUE, ST. AUGUSTINE, FLORIDA 32084

**UNIT CONNECTION FEE
MORTGAGE**

Public Records of St. Johns County, FL
Clerk number: 2019007318
BK: 4674 PG: 1846
2/1/2019 11:55 AM
Recording \$78.00
Doc M: \$26.95

THIS MORTGAGE, by and between **Jeffrey Sapp** address is 52 Florida Avenue 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.

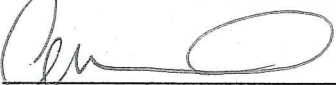
3. That the Mortgagee will make monthly payments in the amount of \$84.45 for 120 months, with the first payment due December 15, 2018

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this 6th day of November, 2018.

Signed, sealed and delivered in the presence of:

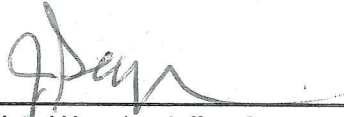


Witness
Printed Name: Maxwell Moulton



Witness
Printed Name: Corian Wilos

BY:



(Printed Name) Jeffrey Sapp
(Address) 52 Florida Avenue.
(Telephone) 904-392-0613

* * * 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, **Jeffrey Sapp**, who is personally known to me or who has produced Florida 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 6th day of November, 2018.



Notary Public, State of Florida

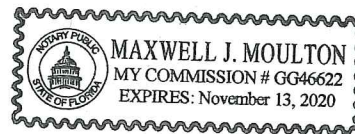


Exhibit "A"

LEGAL DESCRIPTION

Property having Lot No. 41-07-29 .36 Acres RAVENSWOOD SUB LOTS 1 & 2 BLK 36 OR732/81 & 1279/1099(Q/C) &4077/1380(A/D) &4077/1380(A/D), with the Section No. , and property beginning at 41-07-29 .36 Acres RAVENSWOOD SUB LOTS 1 & 2 BLK 36 OR732/81 & 1279/1099(Q/C) &4077/1380(A/D) &4077/1380(A/D).

Parcel: 1092600000

**UNIT CONNECTION FEE
PROMISSORY NOTE**

APPLICANT(S) NAME: Jeffrey Sapp
ADDRESS: 52 Florida Avenue
St. Augustine, FL 32084

\$7,617.00

St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **52 Florida Avenue 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 **7,617.00 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **5.97 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **84.45 Dollars**, commencing on **December 15, 2017** 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 November 6, 2018**, in the presence of:

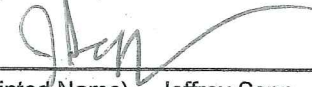


Witness
Printed Name: Maxwell Moulton



Witness
Printed Name: Cori A. Niles

BY:



(Printed Name) Jeffrey Sapp
(Address) 52 Florida Avenue
(Telephone) 904-392-0613

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

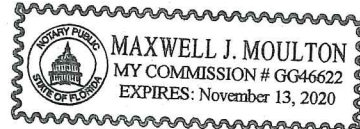
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Jeffrey Sapp**, who is personally known to me or who has produced Florida 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.

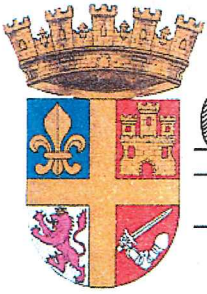
Witness my hand and official seal, this 6th day of November, 2018.



Notary Public, State of Florida



ITEM CA.4.
Proclamation



City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

1565 - 2015



PROCLAMATION

WHEREAS, Substance use disorders affect all communities and over 50% of all people know someone who is affected, but with increased education and support to reduce the stigma associated with substance use, we can reduce the barriers so people can seek the help they need;" and

WHEREAS, The CDC reported 70,237 deaths from overdose in 2017, with 5,634 in Florida and 2,126 from the synthetic opioid fentanyl, but through education, people can learn to recognize the signs and symptoms of overdose, receive Narcan training, and save lives; and

WHEREAS, Four out of five people who start heroin were prescribed prescription pain medication, however through appropriate prescription drop off points, these medications will be less readily available in the home; and

*WHEREAS, The impact of substance use and overdose is apparent in our local community and the events such as **Stop the Stigma St. Augustine** inform people of available community treatment resources in a supportive, non-judgmental venue; and*

WHEREAS, drug overdose knows no limits; it does not recognize victims' race, religion, socio-economic status, or family ties; anyone can battle drug addiction and face a possible overdose; but, recognizing overdose warning signs enables and empowers families and friends to prevent overdose-related death by calling for help.

*NOW, THEREFORE, the City Commission of the City of St. Augustine does hereby proclaim August 31 2019, as **OVERDOSE AWARENESS DAY** in the City of St. Augustine, and urges all our citizens to remember the hundreds lost to overdose and support grieving families in our community.*

IN WITNESS WHEREOF, I hereunto set my hand and do cause the Seal of the City of St. Augustine to be affixed this 24th day of June in the year of our Lord two thousand nineteen and the four hundred and fifty third year of the founding of St. Augustine, the Nation's Oldest City.

2019-15

Tracy W. Upchurch, Mayor

"Most Loyal and Valorous"

Title conferred upon the Presidio of San Agustín November 26, 1715

ITEM CA.6.
VIC Grounds Approval

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: July 12, 2019

RE: St. Augustine Historical Tours, Inc.
Use of VIC Grounds during Nights of Lights

The City has been approached by St. Augustine Historical Tours, Inc. (SAHT) concerning an agreement for usage of the Visitor Information Center (VIC) grounds during the Nights of Lights Extravaganza. SAHT has used the VIC grounds over the past many years to run their trolleys while providing added entertainment for the visitors' enjoyment. The highlights of the agreement are as follows:

- 1) SAHT agrees to provide all necessary equipment and personnel to handle long waiting lines of patrons.
- 2) SAHT agrees to provide and pay for entertainment from the VIC porches to enhance the visitors' experience. SAHT will endeavor to use local school music programs and not-for-profits.
- 3) SAHT will utilize Investing in Kids (INK!), a direct support organization of the St. Johns County School District, as a means of marketing their ticket. INK! will receive funding from those ticket sales.
- 4) SAHT will provide all personnel to handle information requests, security and cleaning of restrooms and VIC grounds.
- 5) SAHT will reimburse VIC for all direct costs related to the use of the VIC restrooms and grounds.
- 6) SAHT will provide personnel to staff the School Board parking lot should the VIC need to open the lot.
- 7) SAHT will pressure wash the promenade at the end of the season and when requested by VIC staff.

- 8) SAHT will pay for personnel to work the intersection of Cordova Street and West Castillo Drive on weekends and peak periods.
- 9) SAHT will pay for a security guard to work the entrance of the parking facility on weekends and peak periods.
- 10) CITY will allow the usage of VIC promenade for over flow SAHT customer base staging.
- 11) CITY will allow the usage of VIC porches for staging of entertainment.
- 12) CITY will provide reasonable notice of its' intent to open the school board parking lot.

As mentioned previously SAHT has successfully used the VIC grounds as a staging point for the Holly Jolly Tours. The relationship has been very good with SAHT responding immediately to any concerns that are raised by VIC staff. SAHT provides approximately five hundred (500) offsite parking spots for their customer base and provides a shuttle to the VIC grounds. SAHT has a long history of giving back to the community and supporting INK!, school music programs and not-for-profits, within this agreement, are only additions to their charitable work. Attached is a list of other philanthropic and charitable donations SAHT makes to the City and St. Johns County.

By way of this memorandum, I am requesting the attached agreements be placed on the August 12, 2019 City Commission agenda for their consideration. Should you have any questions, please call me.



Timothy A. Burchfield
Assistant City Manager

cc: Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Sharon Langford, VIC Manager

Historic Tours of America

Top Philanthropic and Charitable Donations

St. Augustine / St. Johns County

1. **Locals Month** – During the month of September, St. Johns County & Palm Coast residents receive FREE admission to the following local attractions: Old Town Trolley Tour, St. Augustine History Museum, Authentic Old Jail, Potter's Wax Museum, Oldest Store Museum Experience. Locals also receive a 50% discount during the month of September on our award-winning Ghosts & Gravestones Tour.
2. **Hometown Pass** – Residents of St. Johns County and Palm Coast receive complimentary admission all year round when accompanied by a paid guest on the above attractions (excluding Ghosts & Gravestones).
3. **Annual USO/St. Augustine Pal Military Appreciation Day** – Complimentary admission to all active and retired military men/women and their immediate family to the following tours and attractions: Old Town Trolley Tour, St. Augustine History Museum, Authentic Old Jail, Potter's Wax Museum, Oldest Store Museum Experience.
4. **Veteran's Day** – Complimentary admission to all veterans, active duty military personnel and first responders to the following tours and attractions: Old Town Trolley Tour, St. Augustine History Museum, Authentic Old Jail, Potter's Wax Museum, Oldest Store Museum Experience. Also, Old Town Trolley takes \$1 from each ticket sold on Veteran's Day to sponsor a puppy with Patriot Service Dogs. Patriot Service Dogs is an amazing organization that provides veterans with assistance dogs.
5. **First Friday Night Artwalk** – Complimentary continuous loop shuttle service provided by Old Town Trolley (Donation Services \$750 per Month).
6. **Garden Club of St. Augustine, Christmas Tour of Homes** - Complimentary continuous loop shuttle service provided by Old Town Trolley (Donation Services \$6,000).
7. **Bed & Breakfast Holiday Tour** - Complimentary continuous loop shuttle service provided by Old Town Trolley (Donation Services \$8,000).
8. **Tour of Homes, Vilano Fest 2018** - Complimentary continuous loop shuttle service provided by Old Town Trolley (Donation Services \$8,000).
9. **COSA 4th of July Free Park and Ride Shuttle to Fireworks** - Complimentary continuous loop shuttle service provided by Old Town Trolley (Donation Services \$16,000).
10. **Beach Blast Off Free Park and Ride Shuttle** - Complimentary continuous loop shuttle service provided by Old Town Trolley (Donation Services \$4,000).
11. **COSA Nights of Lights "Light Up Night" Free Park and Ride Shuttle** - Complimentary continuous loop shuttle service provided by Old Town Trolley (Donation Services \$4,000).
12. **Holly Jolly Shopping Trolley Fundraiser** - Complimentary continuous loop shuttle service provided by Old Town Trolley (Donation Services \$4,000).

13. **Chamber of Commerce EDC Breakfasts and Legislative Update meetings at the WGV -**
Complimentary continuous loop shuttle service provided by Old Town Trolley (Donation Services \$2,000)
14. **The Chamber of Commerce's Leadership St. Johns -** Daily transportation services throughout the county (Donation Services \$1,450 x 5 months).
15. **Flagler College Tourism Class –** Complimentary trolley tour twice a year (Donation services - \$850)
16. **SAiRA Food & Wine Festival -** Complimentary continuous loop shuttle service provided by Old Town Trolley (Donation Services \$1,375).
17. **Florida Heritage Book Festival -** Complimentary continuous loop shuttle service provided by Old Town Trolley (Donation Services \$2,250).
18. **Junior Service League's "Feel the Wheels" Fundraiser –** Donation of Ghosts & Gravestones Trolley (Donation Services \$2,000).
19. **Miracle on the Bayfront St. Jude Fundraiser -** Complimentary continuous loop shuttle service provided by Old Town Trolley (Donation Services \$2,000).
20. **Annual/Regular Complimentary Tour and/or Shuttle Services** for SJC Assist Program, Betty Griffin House, Arc of the St. Johns, reenactments, parades, various events, etc.
21. **Approximately 50 passes per month** donated to various silent auctions and other fundraisers.
22. **Investing in Kids (INK) -** is the direct support organization for the St. Johns County School District (Annual Donation \$20,000).
23. **St. Johns County School Band and Community Band Nights of Lights Performance Scholarships** (\$500 per performance / \$15,000 total).
24. **Home Again St. Johns Light Up Night Fundraiser** (\$5,000 Platinum Sponsor).
25. **Council on Aging in August –** One complimentary trolley tour for 75 guests – (Donation Services \$1,275).

Dave Chatterton
General Manager
Old Town Trolley Tours & Attractions

PERFORMANCE CONTRACT

COMES NOW the City of St. Augustine, Florida ("CITY"), whose address is P.O. Box 210, St. Augustine, Florida, 32085, and the PRODUCER identified below, who in consideration of the Performance Fee and for other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, agree as follows:

1. PRODUCER name: St. Augustine Historical Tours, Inc.
2. Names of Members of Performance Group, if any: To be determined.
3. Producer Contact: Dave Chatterton
Telephone number: (904) 829-3800
Fax number: (904) 829-6678
Email: DChatterton@historictours.com
4. Place of Performance: Visitors Information Center Patio
5. Dates of Performance: November 24, 2019 through January 31, 2020, excluding days when patio areas are reserved for other functions.
6. Times of Performance: 5:30 until last guest has boarded Trolley on Friday & Saturday nights, may expand days around holidays.
7. Performance Content:
 - a. The Producer and all members of Performance Group as identified above shall perform a performance of a type generally depicted as Holiday Music at the date, time and place identified above. The performance shall run during the operation of the Famous Nights of Lights Trolley.
 - b. Specific Requirements, if any, as to songs, announcements, styles of dress shall be as described below:
 - i. Holiday genre catalog including selections appropriate to the historic heritage of the City of St. Augustine.
8. Performance Fee: The PRODUCER shall be responsible for payment to the Performer.
9. Promotion: The CITY, at the CITY's discretion, may promote the Performance. The PRODUCER may provide the CITY with promotional materials. All promotional documents produced and distributed by the CITY shall be public records as defined by Section 119.011, Florida Statutes, the Florida Public Records Act, and any statutory exemptions to the Act.
10. Sound Check and Set-up: At least One (1) hour prior to Performance, the CITY shall provide the PERFORMER and the PERFORMER'S designated representatives sufficient access to the Place of Performance for set up and sound check. The PERFORMER shall designate to the CITY an individual to oversee sound modifications before and during the Performance.
11. Merchandise: The PRODUCER and PERFORMER are prohibited from selling any merchandise at the place of the performance.
12. Cancellation: The CITY may cancel the Performance if the CITY provides to the PRODUCER either oral or written notice of cancellation at least five (5) days prior to the date of the performance.

13. Termination: Either the CITY or the PRODUCER may terminate this contract upon twenty (20) days prior written notice in the event of a material failure by either part to perform in accordance with the terms of this Contract or material violation of any applicable Federal, State or Local Law, statute, ordinance or resolution,
14. Notices: Any notices regarding this Contract are to be addressed to the following representatives:

CITY:
Assistant City Manager
City of St. Augustine
P.O. Box 210
St. Augustine, FL 32085

PRODUCER:
St. Augustine Historical Tours, Inc.
Attn: Dave Chatterton
167 San Marco Ave.
St. Augustine, FL 32084

15. Indemnification: The PRODUCER shall indemnify and hold harmless the CITY and its officers and employees from liabilities, damages, losses and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the negligence, recklessness or intentionally wrongful conduct of the PRODUCER, PERFORMER, the Performance Group and other persons employed or utilized by the PRODUCER, PERFORMER, or Performance Group in the performance of the Contract.
16. Remedies: Each party to this Contract shall be entitled to seek enforcement of this Contract against the other party and shall have all remedies available at law or in equity, including the remedy of specific performance and all forms of injunctive relief. The CITY, however, specifically and expressly, reserves all rights to sovereign immunity granted to municipalities by law, including, but not limited to, Section 768.28 Florida Statutes.
17. Unenforceability of Provisions: If any provision of this Contract or any portion thereof is held to be invalid or unenforceable, then the remainder of this Contract shall nevertheless remain in full force and effect.
18. Modification: This Contract may only be modified by written agreement approved and executed in a manner consistent with this Contract by all parties to this Contract.
19. Attorneys' Fees: in the event of any litigation, mediation, action by legal counsel, bankruptcy proceeding or collection effort arising in any manner hereunder whether or not suit be brought, the prevailing party or substantially prevailing party shall be entitled to recover all court costs, reasonable attorneys' fees and attorneys' costs, including those arising from appeal at all levels of the proceedings.
20. Choice of Law: Venue: This Contract shall be governed by the laws of the State of Florida. Each party agrees that any action, controversy or cause of action arising out of the terms of this Contract shall be brought in a court of competent jurisdiction in St. Johns County, Florida, regardless of the place of execution of the Contract, and each party hereby waives any right to require that any action to enforce this Contract be brought in any other jurisdiction or venue.

21. Judicial Interpretation: If any of the provisions of this Contract require judicial interpretation, the court interpreting or construing the same shall not apply the presumption that the terms of this Contract shall be more strictly construed against one party by reason of the rule of construction that the document be construed more strictly against the party who prepared or through its agents prepared the Contract, it being agreed that the agents of all parties have participated in the preparation of the Contract.
22. Effective Date: This Contract shall become effective on the later of the date the Contract is approved by the City Manager for the City of St. Augustine and the date the contract is approved by the authorized representative of PRODUCER.
23. Entire Agreement: This Contract constitutes the entire agreement between the parties and no amendment or modification to this document shall be effective unless made in writing and signed by all parties. No other agreements, representations, or promises shall be binding on the parties except those agreements, representations or promises contained herein or in some future writing signed by the parties making such agreements, representations or promises. The parties expressly acknowledge and agree that they have neither made nor relied on any promise or representation except those expressly set forth in this Contract.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly qualified representatives on the dates set forth below.

"CITY"

City of St. Augustine, Florida
A Municipal Corporation

Darlene Galambos, City Clerk
(SEAL)

By: _____
John P. Regan, City Manager

Date: _____

Signed, sealed and delivered
in the presence of:

"SAHT"

St. Augustine Historical Tours, Inc.

WITNESS
Printed Name: _____

By: Dave Chatterton
Dave Chatterton, General Manager
St. Augustine Historical Tours, Inc.

Date: JUN 12 2019

WITNESS
Printed Name: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Isabelle Lopez, City Attorney

EXPANDED USAGE OF VISITORS INFORMATION CENTER AGREEMENT

This Expanded Usage Agreement is made this _____ day of _____, 2019, by and between **St. Augustine Historical Tours, Inc. d/b/a Old Town Trolley Tours (OTT)**, a Florida Corporation, whose address is 167 San Marco Ave., St. Augustine, FL 32084, and the **CITY OF ST. AUGUSTINE (CITY)**, Florida, a municipal corporation created and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida 32085-0210.

- 1) **EXPANDED USAGE GRANTED:** The CITY does hereby grant to OTT rights of expanded usage at the Visitor's Information Center (VIC) during the period of the CITY'S Nights of Lights display. OTT operates the Famous Nights of Lights Trolley during this time period. This tour departs from the bus loading slot between the VIC and the Parking Garage. This expanded usage will include:
 - a. Adding stanchions and signage, which OTT will provide, to help in handling waiting lines.
 - b. In an effort to enhance the whole guest experience, OTT would provide entertainment in the VIC porches. OTT will attempt to provide entertainment through the use of school music programs and other not-for-profit groups. OTT will provide a listing of entertainers and dates to the CITY. The CITY reserves the right to refuse use of the VIC porches for any entertainment group it feels is not appropriate for the Nights of Lights event.
 - c. OTT will utilize Investing in Kids (INK!), the direct support organization for the St. Johns County School District, as one means of marketing the Famous Nights of Lights Trolley Tour as a fundraiser for the organization.
 - d. OTT will provide a customer service representative and a portable desk/counter on the West porch to answer questions and provide information to guests.
 - e. OTT will provide security at the Promenade and VIC bathrooms during peak weeks and as required.
 - f. OTT will provide a mobile cart at the VIC and will provide complimentary cookies and hot apple cider as a tour enhancement. Additional food sales would be restricted to coffee, bottled water, soda and packaged snacks. A percentage of the proceeds from these sales would be donated to a local charity of OTT choosing. OTT would be responsible for all clean up.
 - g. OTT agrees to provide staffing from 6:00 pm to 12:00 a.m. and sufficiently maintain, clean and restock the CITY'S restrooms during the hours of operation of the Famous Nights of Lights trolley including Christmas night.
 - h. Any additional lighting that OTT deems necessary for ambience would be provided at OTT's expense.
 - i. OTT agrees to provide personnel to staff the School Board Lot if required.
 - j. OTT will pressure wash the promenade at the end of the season, and after the peak weeks, if necessary.

- k. OTT will schedule either a police officer or security guard to work the intersection of Cordova Street and West Castillo Drive on Fridays and Saturdays, and every night during the peak period through tour hours.
 - l. OTT will schedule a security guard to work the entrance/exit of the City's parking garage on Fridays and Saturdays, and every night during the peak period through tour hours.
- 2) TERM: This agreement shall be in force during the period when OTT runs its Famous Nights of Lights Trolley. Specifically, the times covered are:
- a. Nightly, starting at 5:30 p.m., until all guests have been able to ride, from Sunday, November 24, 2019 – January 31, 2020.

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

St. Augustine Historic Tours, Inc.
d/b/a Old Town Trolley Tours

City of St. Augustine

By: Dave Chatterton
Dave Chatterton
General Manager

By: _____
Authorized Signature

Date: JUN 12 2019

Date: _____

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, P.E.
City Manager

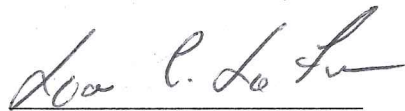
DATE: August 1, 2019

RE: Consent Agenda Item for August 12, 2019 City Commission Meeting

Attached are the unaudited monthly financial statements for Commission review. These financials reflect activity through July 31, 2019. This is 83% through the fiscal year. Comparing this percentage with the actual percentage spent/earned helps guide us through the year.

If you have any questions about the attached documents prior to the meeting, please do not hesitate to contact my offices at 904.825.1030.

Sincerely,



L. Carl Lafleur
Deputy Director, Financial Services

Attachments: Memorandum
Monthly Financial Report for period ending July 31, 2019

CC: Darlene Galambos, City Clerk
Paul Williamson, Director of Public Affairs

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, P.E.
City Manager

DATE: August 01, 2019

RE: July 2019 Monthly Financial Update

This financial overview reflects the City's overall unaudited financial condition through July 2019. Except as noted below, revenues and expenditures are generally on target for the 10 completed month(s) (83%) of the fiscal year. The City's fiscal year begins on October 1st.

General Fund Revenue

With 10 months (83%) of the fiscal year complete, General Fund (GF) revenues are on pace with trends of prior year collections. Through July, the City's GF has collected a total of **\$27,083,557**, or **89%** of its projected annual revenues. For the same period, the GF has expended **\$22,599,728**, or **72%** of budgeted annual expenditures. The City begins receiving ad valorem taxes (the largest source of income to the City) in the month of November. With the exception of debt service, capital improvements, and insurance premiums, GF operating expenditures are generally incurred in equal amounts over the 12 month period.

Property ad valorem taxes are the largest source of General Fund revenue, and make up 43% of total revenues. Other sources of revenue include license and building permit fees, state shared revenue, franchise fees, fines, and investment earnings.

Intergovernmental revenues are received (generally one month in arrears) from other government agencies such as the State and County. The revenues collected in this category include Sales Tax, State Revenue Sharing Proceeds, Local Option Gas Tax, Utility Tax and a few others. Through the month of July, the City collected **\$1,862,245** in intergovernmental revenues, **\$369,599** in Local Option Gas Tax including Insurance Premiums and **\$1,762,055** in Utility Tax. Fiscal YTD collections total **\$3,993,900**, or approximately **75%** of projected revenue, compared to prior YTD totals of **3,986,397** and **76%**, respectively.

Fines and forfeiture revenues are received from parking violations, code violations, court fines, and violations of local ordinances. Fiscal YTD collections total **\$255,152**, or **72%** of projected revenue, compared to prior YTD totals of **\$302,943** and **66%**, respectively. This is indicative of increased public compliance which generates fewer violations and less citations.

License, Permits and Fees collection of **\$5,045,107** is at **95%** of the **\$5,301,150** budgeted revenues and is on target to exceed this year's budget. This increase is primarily due to higher than anticipated building permit fees being collected. Through the fiscal year ended July 2019, the City collected **\$1,137,402** in building permit fees, which is currently **\$234,000** over the **\$899,500** adopted budget. Parking meter fee collections are slightly off last year's collection pace with meter collections of **\$1,723,285** as compared to last year's amount of **\$1,810,363**. The decline in parking meter fee collections is attributable to the removal of two meter pay stations from the Western Auto lot and the transitioning of approximately 195 single space parking meters to pay stations in June 2019.

General Fund personnel and operating expenditures are within or under budget.

Capital Project Fund

The Capital Project Fund represents long-term projects to build, improve, maintain, or develop capital assets. These project activities involve a significant and consistent flow of investment. The City's capital projects and capital outlays generally represent projects from six functional categories. These categories are Transportation, Solid Waste, Sewer, Storm Water Collections, Water, and the Water Treatment Plant. Due to the long-term view used in budgeting for the various capital outlay spending, no performance status is provided unless capital spending exceeds the capital outlay budgeted.

Utility Fund

Utility Fund construction and connection fee collections of **\$2,429,120** are in excess of the **\$1,788,400** current year budget by over **\$615,000** primarily due to new construction. Utility fund capital outlay spending of **\$2,725,290** represents **34%** of the **\$8,118,432** budgeted spending.

Storm Water revenue pace remains on budget for this fiscal year at **85%**.

The Solid Waste budget remains constant this fiscal year and on budget.

The Marina Fund continues to exceed budgetary expectations with operating revenues at **95%** of budget. The Marina has received grant funding for damage incurred from prior year hurricanes that has exceeded the budget by over **\$630,000**.

The total VIC current year operating revenues is on pace to exceed budgeted revenues. Total personnel and operating expenses are on pace to be within or under the annual budget.

General Fund

Current Year and Prior Year to Date for Period Ending July 31, 2019

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
Ad Valorem Taxes	11,710,713	11,700,932	100%	10,677,031	10,410,972	103%
Local Option Gas Tax	369,597	520,067	71%	377,747	496,433	76%
Insurance Premiums	3	336,239	0%	-	336,239	0%
Utility Taxes	1,762,055	2,467,933	71%	1,836,512	2,435,004	75%
Grants	-	158,390	0%	26,112	31,192	84%
Intergovernmental	1,862,245	2,342,929	79%	1,772,138	2,303,514	77%
Franchise Fees	1,337,821	1,750,774	76%	1,330,264	1,662,000	80%
Licenses, Permits & Other Fees	5,045,107	5,301,150	95%	4,465,122	4,502,416	99%
Fines and Forfeitures	255,152	354,395	72%	302,943	461,845	66%
Administrative Overhead	3,111,073	3,733,288	83%	2,954,829	3,545,795	83%
Investment Income	260,639	350,450	74%	153,209	120,540	127%
Miscellaneous	1,369,152	1,316,302	104%	1,150,265	1,379,960	83%
Total Operating Revenue	27,083,557	30,332,849	89%	25,046,172	27,685,910	90%
<u>Operating Expenses</u>						
General Government	5,932,204	7,602,503	78%	5,481,650	7,188,176	76%
Public Safety	8,732,175	11,371,393	77%	8,096,739	10,415,145	78%
Physical Environment	2,352,381	3,210,996	73%	2,229,398	2,936,305	76%
Transportation	2,945,549	4,205,255	70%	3,001,806	3,976,509	75%
Culture and Recreation	1,188,086	1,617,869	73%	1,192,904	1,614,944	74%
Capital Outlays						
Buildings	15,269	90,970	17%	89,095	168,659	53%
Infrastructure Improvements	661,520	1,963,405	34%	497,473	1,426,760	35%
Machinery & Equipment	772,544	1,262,586	61%	663,328	1,090,919	61%
Total Operating Expenses	22,599,728	31,324,977	72%	21,252,393	28,817,417	74%
<u>Non-Operating Revenue/ (Expenses)</u>						
Proceeds from sales	134,186	42,092	100%	120,476	86,348	140%
Non-Operating Revenue/(Expenses)	134,186	42,092	319%	120,476	86,348	140%
<u>Transfers In/ (Out)</u>						
Transfers In	2,968,090	4,799,292	62%	2,830,097	5,133,611	55%
Transfers Out	(1,335,528)	(3,849,255)	35%	(1,172,767)	(4,088,452)	29%
Total Transfers In/ (Out)	1,632,562	950,037	172%	1,657,330	1,045,159	159%
	\$ 6,250,577	\$ -		\$ 5,571,585	\$ -	

Capital Projects Fund

Current Year and Prior Year to Date for Period Ending

July 31, 2019

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
Miscellaneous	-	100,000	0%	1,000	300,000	0%
Total Operating Revenue	-	100,000	0%	1,000	300,000	0%
<u>Operating Expenses</u>						
General Government	161,293	300,507	54%	721,719	301,981	239%
Public Safety	-	-	0%	-	-	0%
Physical Environment	-	-	0%	-	-	0%
Transportation	-	-	0%	-	-	0%
Culture and Recreation	-	-	0%	-	-	0%
Capital Outlays						
Land	233,817	234,500	100%	-	-	0%
Buildings	-	400,000	0%	278,810	312,879	89%
Infrastructure Improvements	41,811	877,152	5%	20,494	1,129,794	2%
Machinery & Equipment	57,083	294,899	19%	291,200	830,240	35%
Total Operating Expenses	494,004	2,107,058	23%	1,312,223	2,574,894	51%
<u>Non-Operating Revenue/ (Expenses)</u>						
Grants	80,236	538,186	15%	309,136	500,000	62%
Proceeds from sales	-	-	0%	70,972	-	100%
Non-Operating Revenue/(Expenses)	80,236	538,186	15%	380,108	500,000	76%
<u>Transfers In/ (Out)</u>						
Transfers In	-	1,468,872	0%	-	1,774,894	0%
Transfers Out	-	-	0%	-	-	0%
Total Transfers In/ (Out)	-	1,468,872	0%	-	1,774,894	0%
	<u>\$ (413,768)</u>	<u>\$ -</u>		<u>\$ (931,115)</u>	<u>\$ -</u>	

CRA(s) Fund

Current Year and Prior Year to Date for Period Ending
July 31, 2019

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
City Ad Valorem	-	-	0%	-	-	0%
County Ad Valorem	590,922	653,220	90%	473,426	530,928	89%
Total Operating Revenue	590,922	653,220	90%	473,426	530,928	89%
<u>Operating Expenses</u>						
Operating Expenses	296,884	1,262,855	24%	100,601	533,028	19%
Total Operating Expenses	296,884	1,262,855	24%	100,601	533,028	19%
 Transfers In	 794,099	 1,564,931	 51%	 644,643	 1,149,611	 56%
Transfers Out	(796,080)	(955,296)	83%	(1,006,259)	(1,147,511)	88%
Total Transfers In/ (Out)	(1,981)	609,635	0%	(361,616)	2,100	-17220%
	\$ 292,057	\$ -		\$ 11,209	\$ -	

Utility Fund

Current Year and Prior Year to Date for Period Ending July 31, 2019

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
Water User Fees	7,164,485	8,269,650	87%	6,531,507	7,865,238	83%
Sewer User Fees	6,748,697	8,029,052	84%	6,374,981	7,374,038	86%
Construction & Connection Fees	2,429,120	1,788,400	136%	2,530,212	1,321,494	191%
Other	401,771	604,600	66%	578,320	489,280	118%
Total Operating Revenue	16,744,073	18,691,702	90%	16,015,020	17,050,050	94%
<u>Operating Expenses</u>						
Personal Services	3,737,554	4,656,385	80%	3,591,552	4,507,934	80%
Operating Expenses	2,615,453	3,926,335	67%	2,337,249	3,586,077	65%
Administrative Overhead	2,025,683	2,430,819	83%	1,897,103	2,276,078	83%
Capital Outlays						
Infrastructure Improvements	2,467,318	7,704,845	32%	4,490,121	10,921,502	41%
Buildings	-	-	0%	-	-	0%
Machinery & Equipment	257,972	413,588	62%	330,522	543,041	61%
Total Operating Expenses	11,103,980	19,131,972	58%	12,646,547	21,834,632	58%
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	236,202	234,400	101%	129,542	121,900	106%
Fiscal Charges	(480,699)	(3,322,156)	14%	(233,521)	(2,779,666)	8%
Grants	515,126	792,653	65%	67,909	792,653	9%
Disposition of Assets	27,786	-	100%	73,390	10,000	734%
Non-Operating Revenue/(Expenses)	298,415	(2,295,103)	-13%	37,320	(1,855,113)	-2%
<u>Transfers In/ (Out)</u>						
Transfers In	4,314,556	8,030,269	54%	6,118,766	12,725,007	48%
Transfers Out	(5,113,721)	(5,294,896)	97%	(6,937,722)	(6,085,312)	114%
Total Transfers In/ (Out)	(799,165)	2,735,373	-29%	(818,956)	6,639,695	-12%
	\$ 5,139,343	\$ -		\$ 2,586,837	\$ -	

Stormwater Fund

Current Year and Prior Year to Date for Period Ending July 31, 2019

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
User Fees	812,427	953,103	85%	793,425	944,350	84%
Total Operating Revenue	812,427	953,103	85%	793,425	944,350	84%
<u>Operating Expenses</u>						
Personal Services	276,361	337,005	82%	239,527	319,172	75%
Operating Expenses	60,271	137,568	44%	52,085	118,011	44%
Administrative Overhead	278,757	334,508	83%	250,620	300,641	83%
Capital Outlays						
Land	232,143	234,500	99%	-	-	0%
Machinery & Equipment	35,014	34,894	100%	10,599	45,600	23%
Infrastructure Improvements	707,107	3,544,746	20%	889,766	3,041,716	29%
Total Operating Expenses	1,589,653	4,623,221	34%	1,442,597	3,825,140	38%
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	27,704	25,000	111%	24,785	6,000	413%
Grants	32,154	1,231,389	3%	158,335	1,283,919	12%
Non-Operating Revenue/(Expenses)	59,858	1,256,389	5%	183,120	1,289,919	14%
<u>Transfers In/ (Out)</u>						
Transfers In	177,766	2,682,245	7%	485,186	1,929,285	25%
Transfers Out	(219,307)	(268,516)	82%	(219,012)	(338,414)	65%
Total Transfers In/ (Out)	(41,541)	2,413,729	-2%	266,174	1,590,871	17%
	\$ (758,909)	\$ -		\$ (199,878)	\$ -	

Solid Waste Fund

Current Year and Prior Year to Date for Period Ending
July 31, 2019

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
User Fees	3,217,249	3,845,106	84%	3,165,677	3,909,201	81%
Franchise Fees	37,950	38,992	97%	20,754	55,000	38%
Other	15,754	14,000	113%	6,002	3,000	200%
Total Operating Revenue	3,270,953	3,898,098	84%	3,192,433	3,967,201	80%
<u>Operating Expenses</u>						
Personal Services	1,050,041	1,263,849	83%	1,042,450	1,239,538	84%
Operating Expenses	1,563,799	2,101,285	74%	2,064,207	1,920,373	107%
Administrative Overhead	414,248	497,098	83%	432,209	518,651	83%
Total Operating Expenses	3,028,088	3,862,232	78%	3,538,866	3,678,562	96%
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	3,201	7,500	43%	140	5,000	3%
Disposition of Assets	4,633	2,140	216%	56,490	16,342	346%
Non-Operating Revenue/(Expenses)	7,834	9,640	81%	56,630	21,342	265%
<u>Transfers In/ (Out)</u>						
Transfers In	12,500	246,049	5%	12,500	17,393	72%
Transfers Out	(238,507)	(291,555)	82%	(213,230)	(327,374)	65%
Total Transfers In/ (Out)	(226,007)	(45,506)	497%	(200,730)	(309,981)	65%
	\$ 24,692	\$ -		\$ (490,533)	\$ -	

Municipal Marina Fund

Current Year and Prior Year to Date for Period Ending July 31, 2019

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
User Fees	3,053,515	3,209,038	95%	1,826,046	2,081,000	88%
Rental Income	11,492	15,911	72%	13,458	15,449	87%
Other	47,273	56,223	84%	44,307	49,316	90%
Total Operating Revenue	3,112,280	3,281,172	95%	1,883,811	2,145,765	88%
<u>Operating Expenses</u>						
Personal Services	585,621	727,744	80%	511,237	624,591	82%
Operating Expenses	1,550,515	1,758,438	88%	1,076,018	885,608	122%
Administrative Overhead	200,066	240,079	83%	194,675	233,610	83%
Capital Outlays						
Infrastructure Improvements	1,237,368	1,332,555	93%	856,259	194,796	440%
Machinery & Equipment	50,761	132,250	38%	-	-	0%
Total Operating Expenses	3,624,331	4,191,066	86%	2,638,189	1,938,605	136%
<u>Non-Operating Revenue/ (Expenses)</u>						
Fiscal Charges	(71,307)	(100,000)	71%	(37,111)	(100,000)	37%
Grant Income	640,061	7,000	9144%	150,000	5,000	3000%
Non-Operating Revenue/(Expenses)	568,754	(93,000)	-612%	112,889	(95,000)	-119%
<u>Transfers In/ (Out)</u>						
Transfers In	22,526	1,357,780	2%	22,526	27,032	83%
Transfers Out	(140,298)	(354,886)	40%	(134,465)	(463,944)	29%
Total Transfers In/ (Out)	(117,772)	1,002,894	-12%	(111,939)	(436,912)	26%
	\$ (61,069)	\$ -		\$ (753,428)	\$ -	

Visitor Information Center Fund
Current Year and Prior Year to Date for Period Ending
July 31, 2019

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
Parking Revenue	3,526,218	3,670,000	96%	3,333,688	4,083,000	82%
Gift Shop Revenue	666,635	720,860	92%	641,285	618,637	104%
Other	64,803	76,000	85%	52,390	65,500	80%
Total Operating Revenue	4,257,656	4,466,860	95%	4,027,363	4,767,137	84%
<u>Operating Expenses</u>						
Personal Services	840,084	1,049,596	80%	779,071	1,023,468	76%
Operating Expenses	821,168	1,033,722	79%	630,210	1,128,250	56%
Administrative Overhead	192,320	230,784	83%	180,222	216,266	83%
Capital Outlays						
Buildings	-	-	0%	274	278	99%
Machinery & Equipment	-	-	0%	-	-	0%
Total Operating Expenses	1,853,572	2,314,102	80%	1,589,777	2,368,262	67%
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	57,481	49,277	117%	33,086	18,000	184%
Other Income	187,488	184,502	102%	97,568	171,268	57%
Fiscal Charges	(435,550)	(1,776,630)	25%	(467,192)	(1,704,117)	27%
Non-Operating Revenue/(Expenses)	(190,581)	(1,542,851)	12%	(336,538)	(1,514,849)	22%
<u>Transfers In/ (Out)</u>						
Transfers In	796,080	1,186,796	67%	706,259	875,557	81%
Transfers Out	(1,288,919)	(1,796,703)	72%	(1,183,265)	(1,759,583)	67%
Total Transfers In/ (Out)	(492,839)	(609,907)	81%	(477,006)	(884,026)	54%
	\$ 1,720,664	\$ -		\$ 1,624,042	\$ -	

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: August 1, 2019

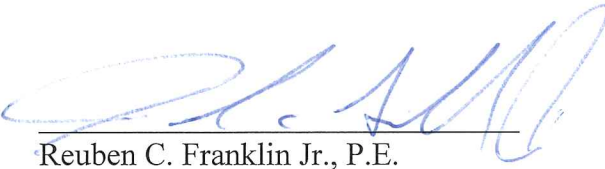
RE: Consent Agenda Item for August 12, 2019 City Commission Meeting;
Staff Report: Mobility Program Status

The following is a mobility program update including the active initiatives, tentative schedule and project information. Please find the attached PowerPoint to be added to the agenda.

In general, mobility initiatives are moving forward on a timely manner. Progress is being made on the long range mobility plan and element that will be incorporated into the City's 2040 Comprehensive Plan and in conjunction with the North Florida Transportation Planning Organizations long range transportation plan.

The bikeshare program received HARB approval in July and a target launch date has been set for this upcoming September.

Staff will continue to provide quarterly program updates to the Commission and will seek advice and direction as needed.

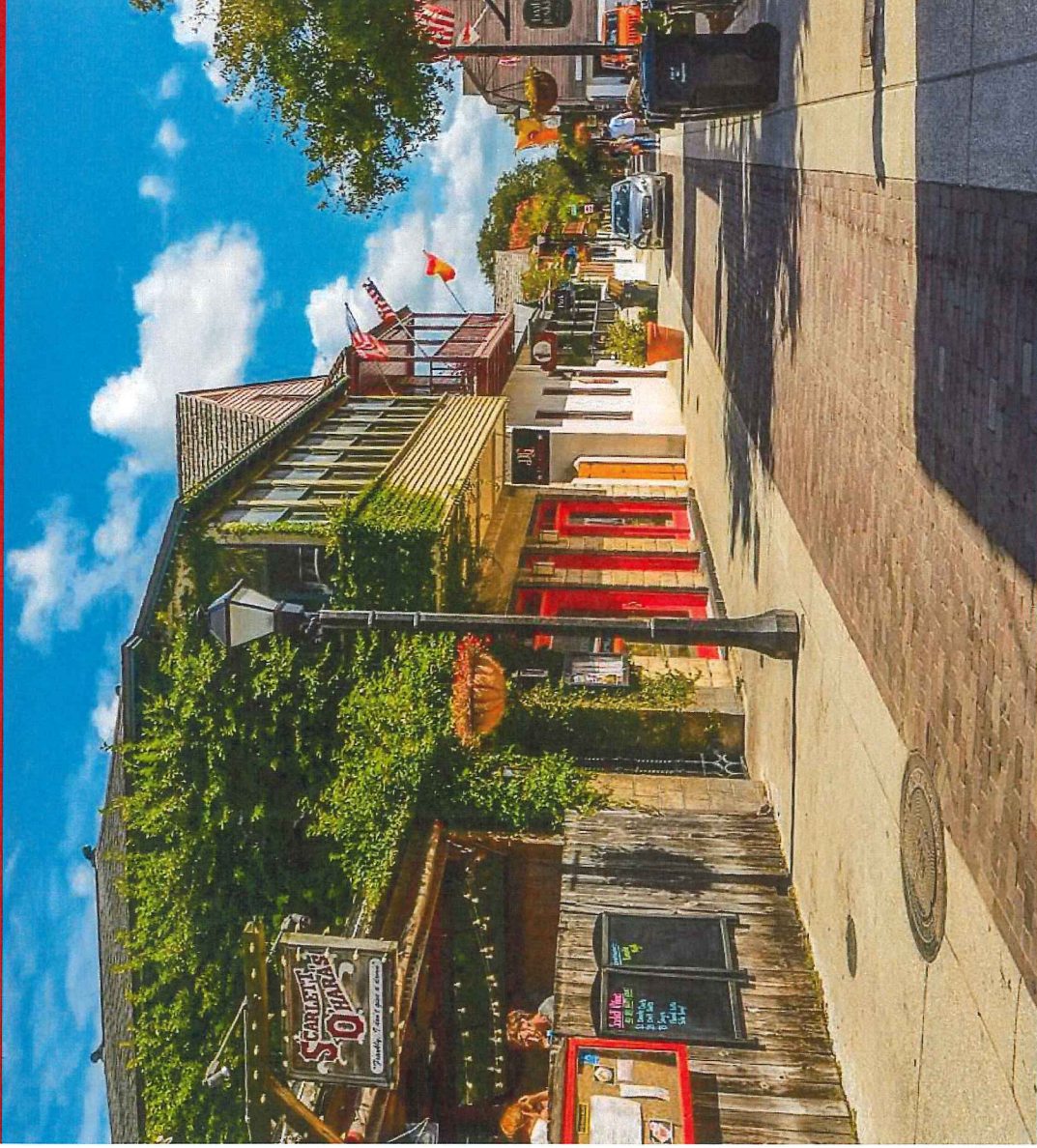


Reuben C. Franklin Jr., P.E.
Mobility Program Manager

cc: City Attorney & Department Heads

Attachment: Mobility Program Update PowerPoint

Mobility Program



City of St. Augustine

Mobility Program
Quarterly Update

City Commission Meeting
Monday, August 12, 2019

“Moving People Through History”



Program Update: Activity Management

Progress to Date				
Level/Initiative	Deliverable/Activity	% Complete	Est. Finish	Notes
Neighborhood				
Plantation Island Sidewalk	Bid & Construct 8-ft Sidewalk along Plantation Island Dr	60%	12/6/2019	Construction estimated to be complete early.
Ravenswood Framework	Develop conceptual plan for walking, biking and signage	50%	12/21/2018	Neighborhood provided feedback and City is working on plan
Lemon St Res-Permit-Parking	Create a residential permit parking zone	100%	-	
Speed Study - Anderson	Collect speed data and vehicular counts	100%	-	Working on developing a speed control solution
Speed Study - Bayview	Collect speed data and vehicular counts	100%	-	No speeding issues
City				
King St Complete St MP	Complete Street Master Plan for King St Corridor	60%	1/31/2020	4th workshop scheduled on August 29th
Mobility Plan	Develop statutorily compliant mobility plan for Comprehensive Plan	60%	10/31/2019	
Smart Parking System	Phase 2 Integrate Parking Garage with On/Off Street Parking	10%	2/28/2020	
Commercial Delivery (CD)	Implement parking & truck delivery management system	30%	TBD	Received HARB Opinion of Appropriateness
Bike Share Program	Develop a sponsored bike share program for the City	70%	1/31/2020	Received HARB Approval
BoL Tallship Policy Analysis	Analyze bridge openings based on adopted schedule for tenants	40%	1/31/2020	Jan and Feb 2019 saw a decrease in bridge openings
4th of July Park n Ride	Provide park & ride shuttle during 4th of July	100%	-	
US 1 Landscape Imp	Develop landscape concept plans to submit to FDOT for funding	80%	10/31/2019	Under staff review
Local (SIC, CoSAB, TPO, etc.)				
SJR2C Loop Planning Study	Plan route for shared-use non-motorized trail	60%	12/2/2019	FDOT funded / SIC managed
EV Charging Stations	Install EV charging stations at the garage, city hall parking, etc..	50%	TBD	Parking Garage and Davenport Park to be installed

Legend

on target	at risk	corrective action required
-----------	---------	----------------------------

Program Update: Activity Management continued

Progress to Date				
Level/Initiative	Deliverable/Activity	% Complete	Est. Finish	Notes
State (FDOT, SJRWMD, DEP)				
San Marco Ave & May Street	Intersection and drainage improvements	70%	Late Fall 2019	Began October 30, 2017, Intersection pushed to Summer 2019
San Marco Resurfacing	Resurface and improve ped crossings along San Marco Ave	95%	5/31/2019	Installed tideflex valves along Bayfront
US 1 SW (Fairbanks-Big Oak)	Design/construct sidewalk along US 1	60%	12/4/2019	Design Phase, Construction expected to begin 6/10/2020
US 1 Rehab Design	Traffic and pavement improvements from SR207 to North City Gates	60%	5/18/2020	Design Phase, Completed 60% design and field review
Red Cox Rd/Anastasia Blvd	Intersection improvements	20%	-	Data Collection Complete, FDOT working on concept
Zorayda/A1A Ped Crossing	Design	90%	TBD	Easement required; delayed
Federal				
Major Accomplishments (since April 22, 2019)				
✓ 4th of July Shuttle				✓ Historic Downtown Parking Facility Access Management Evaluation
✓ Lemon St Residential Permit Parking Zone				✓ Pedestrian Crossing Comparison along Anastasia Blvd
				✓ King Street Complete Street Master Plan Commission Workshop
				✓ Draft Mobility Plan
				✓ On Demand Transit RFP
Challenges, Risks & Issues				
❖ Land Acquisition for Park and Ride Program				
❖				
Key Decisions				
Decisions Required:				
■				

Legend

on target	at risk	corrective action required
-----------	---------	----------------------------

Program Update: Tentative Schedule

Level/Initiative	Status	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20
Neighborhood														
Lemon St Res Permit Parking	Complete													
Plantation Island Dr. Sidewalk														
Bid & Construction	Active													
North Davis Shores Study	Complete													
Oyster Creek Study	Complete													
Ravenswood Framework	Active													
South Street Sidewalk														
Bid & Construction	Complete													
City														
King St Complete St MP	Active													
Mobility Plan	Active													
Smart Parking System														
Implement Parking System	Complete													
HDPF Access Management RFP	Active													
CD - Tolomato Lot Redesign														
Design & Permitting	Active													
Bike Share Program														
Retain Sponsors and Launch	Active													
NoL/Spring Park n Ride	Inactive													
Bol. Tall Ship Policy Analysis	Active													
US 1 Landscape Improvements	Active													
Local (SIC, COSAB, TPO, etc.)														
SIR2C Loop Planning Study	Active													
EV Charging Stations	Active													
State (FDOT)														
San Marco / May														
Construction	Active													
King Street Drainage Design	Active													
Zorayda / A1A Ped Crossing	Active													
San Marco Ave Resurface														
Construction	Active													
US 1 Rehab														
Design	Active													
US1 Sidewalk (Fairbanks-Big Oak)	Active													



CITY OF
ST. AUGUSTINE
— EST. 1565 —

Program Update: Complete King Street Master Plan and Mobility Plan

King Street Workshop Schedule

- No. 1 – February 13, 2019; 5:30pm-7:00pm
- No. 2 – March 6, 2019; 5:30pm-7:00pm
- No. 3 – April 11, 2019; 5:30pm-7:00pm
- No. 4 – August 29, 2019; 5:30pm-7:00pm
- No. 5 – October 2, 2019; 5:30pm-7:00pm
(Preferred Alignment)

Mobility Plan Workshop Schedule

- No. 1 – May 21, 2019 (PZB); 9:00am
- No. 2 – June 18, 2019 (PZB); 1:00pm
- No. 3 – July 23, 2019 (PZB); 9:00am
- Sept-Nov (formal recommendations /transmittal hearings)

CATEGORIES

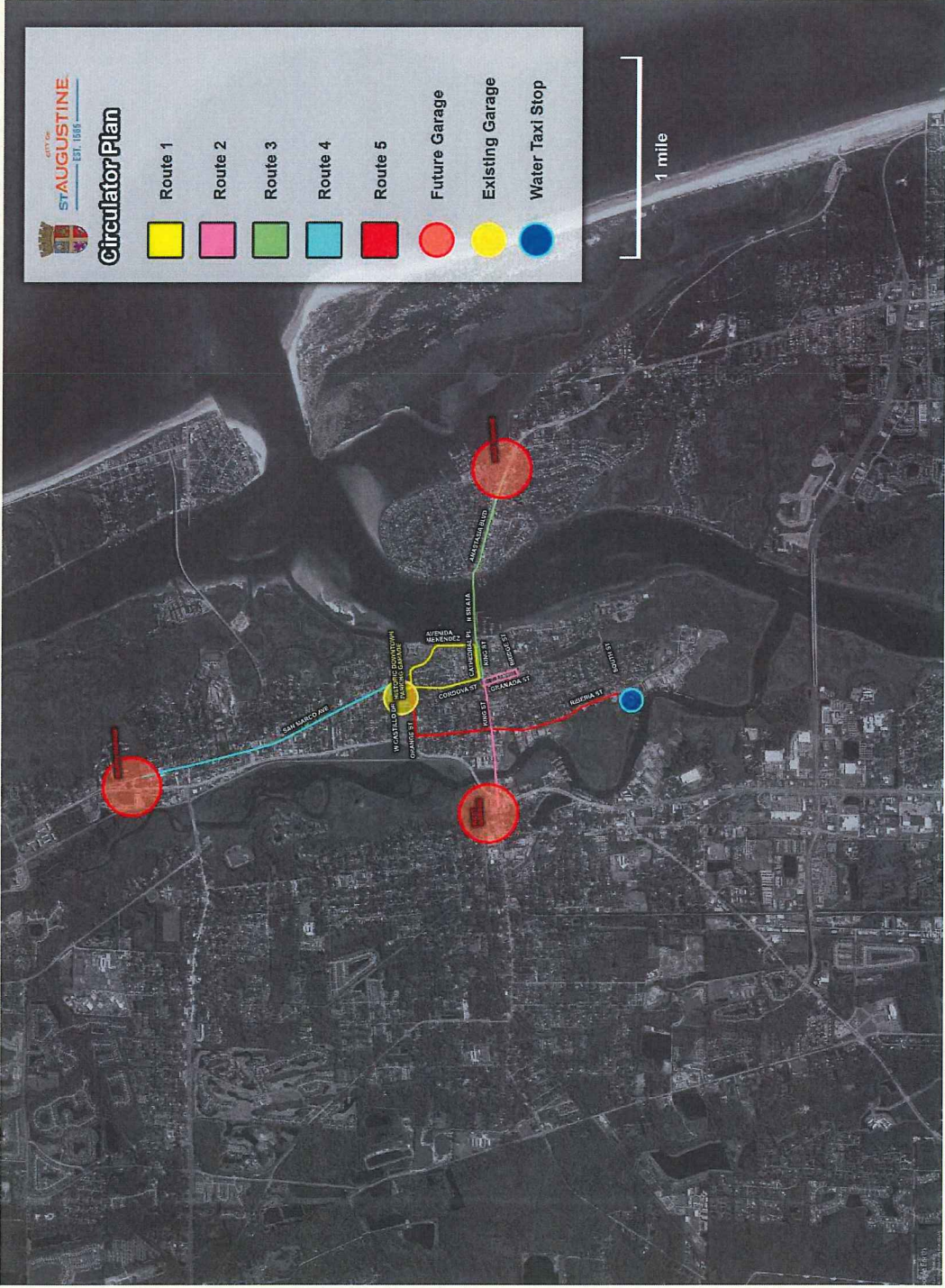
- Walking
- Cycling
- Driving

72 tagged about walking
75 tagged about driving
37 tagged about cycling
1 tagged general



CITY OF
ST. AUGUSTINE
EST. 1585

Program Update: Draft Mobility Plan 2040 - Circulators



Program Update: Bike Share Program

8

ST. AUGUSTINE SYSTEM AREA

10.7

SQ MILES

100

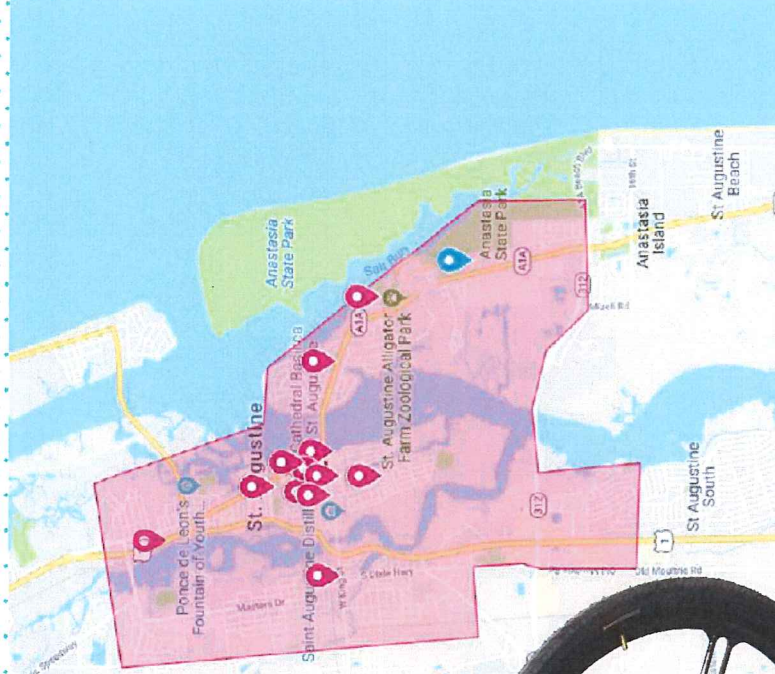
BICYCLES

12

SUGGESTED HUB LOCATIONS

150

RACKS



CITY OF
ST. AUGUSTINE
— EST. 1665 —

Program Update: SJR2C Loop



PROJECT BACKGROUND

The longest multi-use loop trail in the American Southeast is forming in Northeastern Florida and passing through St. Johns County. The St. Johns River-to-Sea Loop (the Loop) is approximately 260-miles long with nearly 40 miles passing through Southern St. Johns County, the City of St. Augustine, and the City of St. Augustine Beach. With over one hundred miles of trail constructed (approximately 14 miles currently in St. Johns County), the Loop is a significant part of Florida's Regional Trail System. The Loop connects several major trail networks within the State including the 3,000-mile East Coast Greenway which connects the entire eastern seaboard of the United States and the 250-mile Coast to Coast Trail linking Titusville to St. Petersburg.

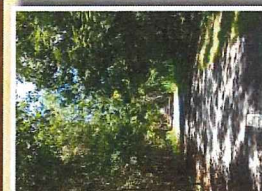
The Loop traverses five counties (St. Johns, Flagler, Volusia, Brevard and Putnam Counties) and two Florida Department of Transportation Districts (Districts 2 and 3). The Loop is one of two regional trail systems identified on the Shared-Use Nonmotorized (SUN) Trail Program network making it eligible for targeted trail construction funding specifically created by the legislature for the construction of regional trail systems that will enhance mobility, property values and support significant tourism within the state.



St. Johns County is conducting a planning study for an approximately 27-mile gap within the Loop. The project limits for this study begin at the end of the existing Palatka to St. Augustine Rail Trail west of Interstate 95 near Concourse Drive and the Smyrna Ready Mix Concrete Plant, through the City of St. Augustine, across the Matanzas River to State Road A1A and proceeding south to end at the Flagler County line near Marineland. The Planning Study will: 1. Identify potential alignments for the trail within St. Johns County, 2. Determine the feasibility of each alternative, 3. Estimate long-term maintenance costs, and 4. Recommend a preferred option for adoption by resolution for the respective jurisdictional agencies, which include St. Johns County, City of St. Augustine and City of St. Augustine Beach.



PROJECT OBJECTIVE



The main objective of this Planning Study is to collect information necessary for St. Johns County, The City of St. Augustine, and the City of St. Augustine Beach to reach a decision regarding the specific location and type of trail improvements required to connect the study area to the St. Johns River to Sea Loop. The second objective is to prepare the proposed trail to better compete for Shared-Use Nonmotorized (SUN) Trail Program funding. Public Involvement is an important and essential component of this study. Therefore, the planning process will follow a comprehensive Public Involvement Plan.



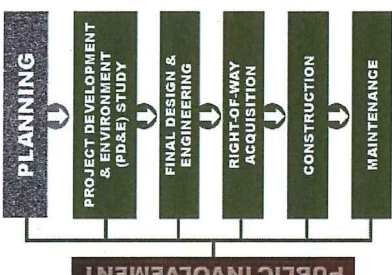
PARTNERS WITH PUBLIC

A continuous community outreach process is integrated into every step of the project to ensure that the corridor residents, businesses, the traveling public and other interested parties have meaningful participation in the process. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

Examples of public participation include:

- Palatka to St. Augustine Rail Trail Ribbon Cutting info booth April
- Full Circle Festival Info booth April
- Public Stakeholder Meeting June
- Alternatives Public Meeting August (tentative)

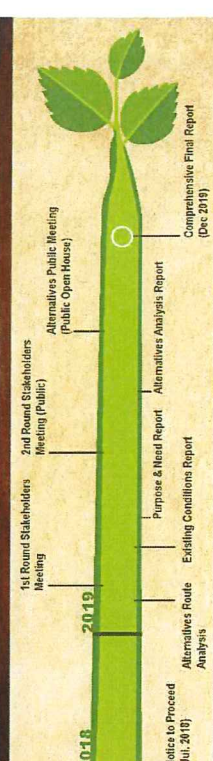
PROJECT PHASES



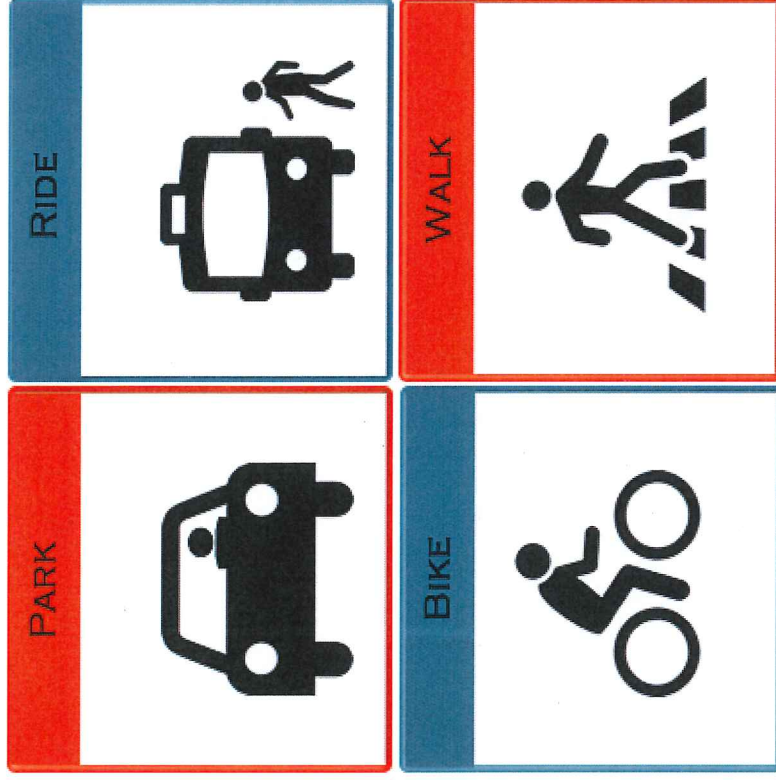
CONTACT INFORMATION

Rodney Cooper, P.E., County Traffic Engineer
St. Johns County Public Works
Traffic & Transportation Department
2750 Industry Center Road
St. Augustine, FL 32084
904.209.0111
rcooper@sjcfl.us

SUMMARY SCHEDULE



MOBILITY IN MOTION



A mobility improvement project
by the City of St. Augustine
www.CityStAugMobility.com

Discussion / Questions

Reuben C. Franklin Jr., P.E.
Program Manager
Mobility Office
City of St. Augustine
rfranklin@citystaug.com

“Moving People Through History”



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: August 1, 2019

RE: Consent Agenda Item for August 12, 2019 City Commission Meeting;
Public Works Update

I would like to provide the Public Works Update to the City Commission; and request that the presentation be placed on the Consent Agenda for the August 12, 2019 meeting.

Attached, is a copy of the Public Works Presentation; and if you should have any questions, please contact me. Thank you.

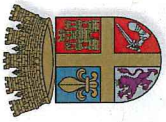
Sincerely,



Michael G. Cullum, P.E.
Public Works Director

Attachment: PW PowerPoint Presentation

cc: COSA Directors



CITY OF
ST. AUGUSTINE
— EST. 1565 —

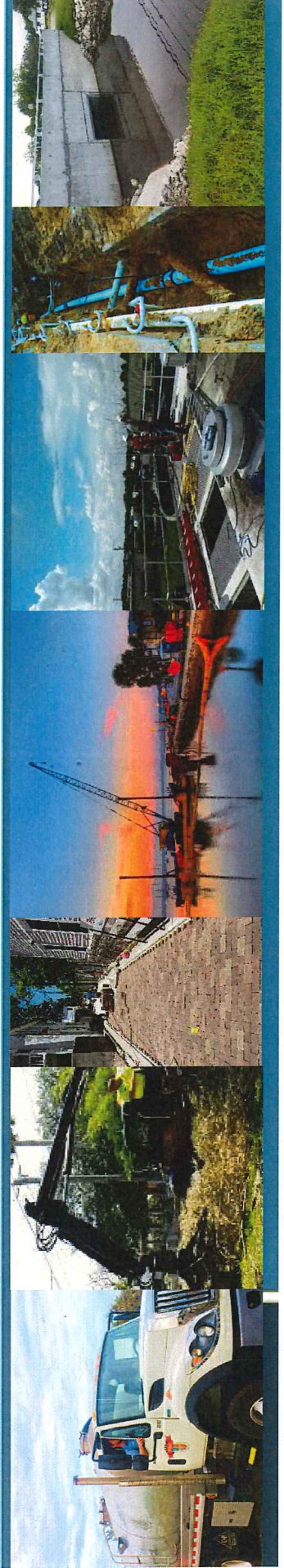
COSA City Commission

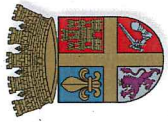
“Public Works Update”

August 12, 2019

Michael G. Cullum, P.E.

Director, Public Works





CITY OF
ST. AUGUSTINE
— EST. 1565 —

Public Works Update Agenda

Key Projects Update

- Paving Program
- Wastewater Spill Report
- Lake Maria Sanchez Flood Mitigation
- S. Whitney & W. King Flood Mitigation
- Macaris Outfalls Resiliency Retrofit
- Water Treatment Plant RO Membrane Replacement

Project Overview

- CIP Overall Status Summary

Paving Program

Completed to date, FY 2019 *

Road Name	From	To	Length (linear feet)	Cost
Bravo St.	Sanford	Weeden	332	\$23,906.39
CedarSt	Riberia	Granada St.	731	\$31,943.46
CenterSt	US1	San Marco Ave.	618	\$31,363.73
Charlotte St.	Bridge St.	South St.	2,507	\$48,997.61
DeHavenSt	MLK	Washington St.	651	\$13,088.90
DeHavenSt	Riberia St.	MLK	744	\$16,298.82
DouglasAve	Hildreth Dr.	Macaris St.	1,516	\$30,511.26
Duero St.	MLK Ave.	Twine St.	264	\$29,094.00
Dumas St.	Bridge St.	St. Francis St.	579	\$13,806.14
EParkAV	Park Ave.	Dead End South	1,442	\$44,672.66
Grant St.	Picolata Road	Peipall St.	1,887	\$39,965.98
Keith St.	ML King Ave	Oneida St.	501	\$20,858.17
KingsFerry	Riberia St.	Washington St.	1,233	\$29,603.88
LincolnSt	Riberia St.	Washington St.	1,235	\$31,187.27
Lovett St.	Riberia St.	Washington St.	1,275	\$32,389.74
PacificSt	US1	San Marco Ave.	658	\$15,064.72
PomarSt	Riberia St.	ML King Ave	681	\$13,352.55
RaineyAve	E. Park Ave.	Macaris St.	658	\$14,513.16
SanMarcoAv	Picolata Ave.	US1	2,792	132,507.37
StBenedict	St. Francis St.	DeHaven St.	331	\$17,630.98
WeedenSt	Bravo St.	Bridge St.	319	\$15,841.05
WeedenSt	Bridge St.	DeHaven St.	868	\$15,841.05
Miles Paved to Date, FY 2019:			4.13	\$529,931.52

* Includes paving combined in utility improvement projects.

Planned Remaining, FY 2019 **

Road Name	From	To	Length (linear feet)	Cost
Blanco St	Cerro St.	South St.	1,072	\$33,875.20
Cerro St.	Riberia St.	Oneida St.	996	\$28,319.92
DeSoto Pl.	Granada St	ML King Ave	721	\$22,783.60
Duero St.	MLK Ave.	Riberia St.	447	\$12,712.68
Duero St.	Oneida St.	MLK Ave	503	\$14,305.32
MacarisSt	San Marco Ave	Rainey Ave	1,725	\$57,232.34
MLKingAve	DeHaven St.	Cerro St.	2,513	\$91,322.42
Moore St.	Riberia St.	ML King Ave	703	\$19,979.10
SanfordSt	Bridge St.	Cedar St.	511	\$15,347.73
SchoolSt.	Pomar St.	Kings Ferry Way	162	\$5,120.78
SouthSt	Riberia St.	ML King Ave.	452	\$16,425.68
StFrancisS	Weeden St.	Park	1,228	\$27,478.59
Twine St.	Lovett St.	Cerro St.	1,559	\$49,270.72
Miles Remaining, Planned by end of FY 2019:			2.38	\$394,174.08

** Utility work to be completed prior to paving.

Summary

Previously Paved 2014 – 2017: 12.8 miles

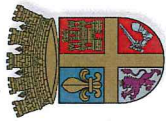
* Paved FY 2018: 6.4 miles (actual)

* Completed to date, FY 2019: 4.13 miles (actual)

Total Miles Paved to Date: 23.33 miles (actual)

** Planned Remaining, FY 2019: 2.38 miles (estimate)

Total Miles Including Forecast Through End of Fiscal Year: 25.71 miles



Wastewater Spill Report

CITY OF
ST. AUGUSTINE
EST. 1565

Location: Coquina Avenue - Lift Station 52

- ❖ Event Date: June 20, 2019
- ❖ Cause: Vehicle struck City's lift station

❖ Spill Volume:
10,154 Gallons
(8,400 gallons
recovered;
1,754 gallons
released)

- ❖ Status: Lift station
has been repaired.
League of Cities
Insurance is
covering claim.

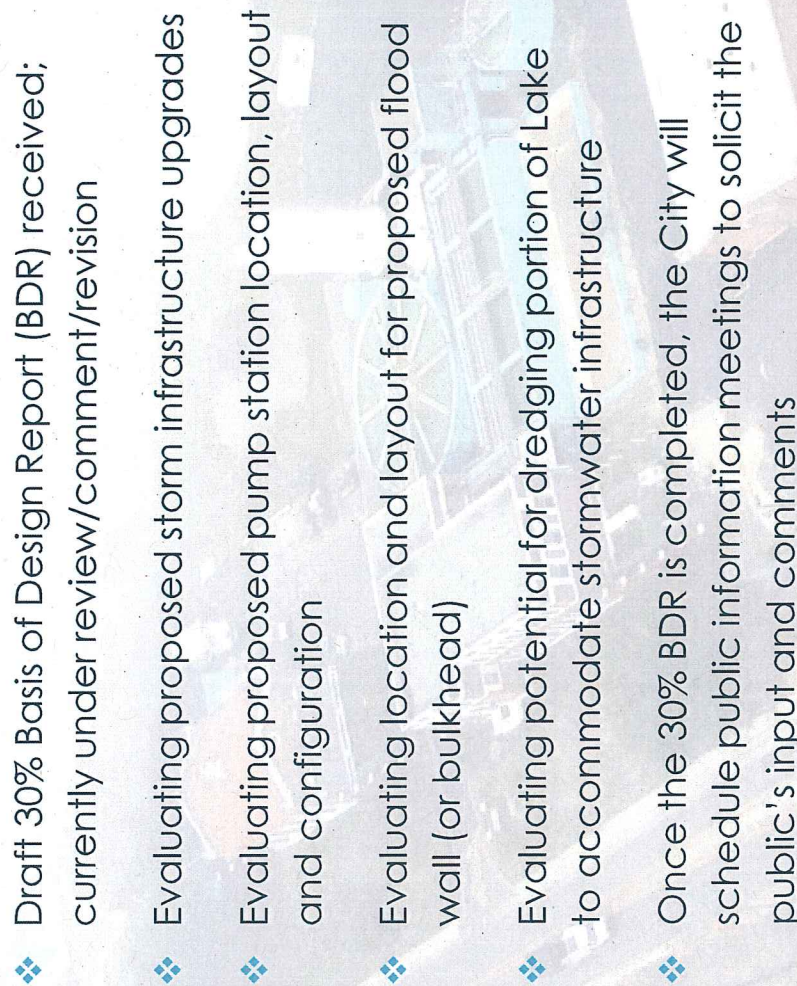


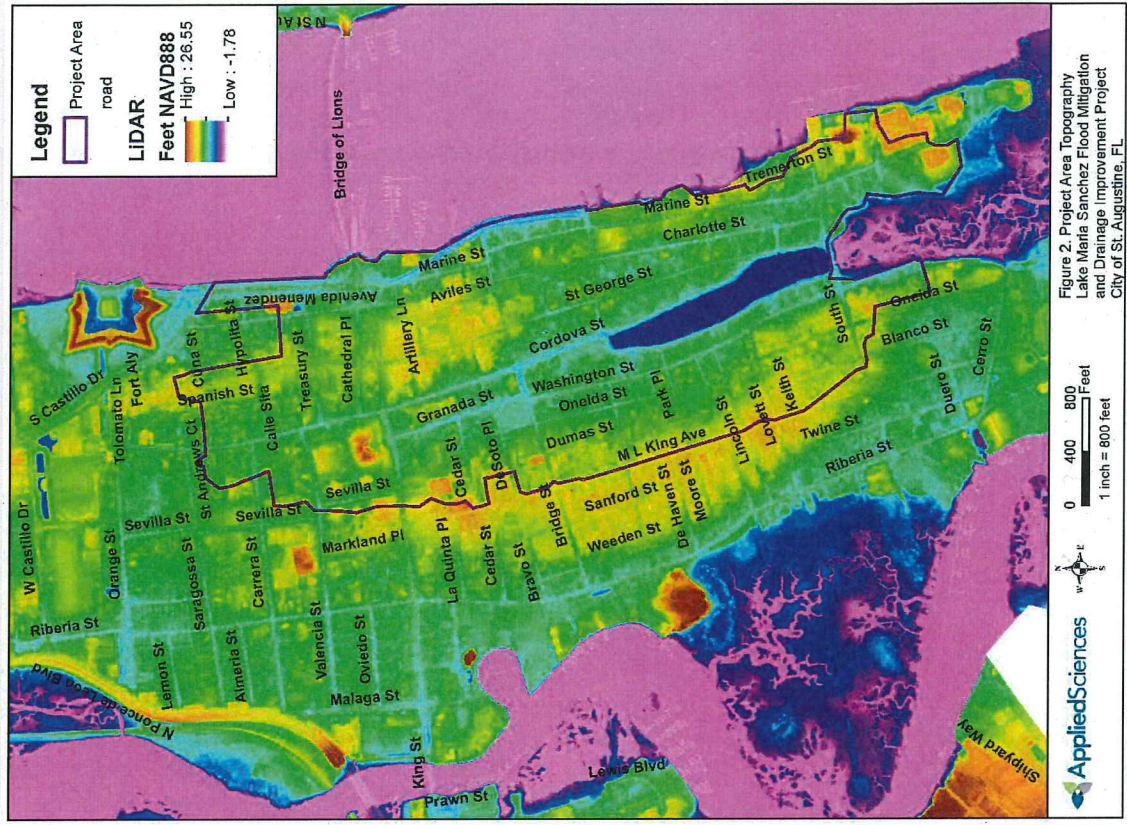
Location: Solano Avenue

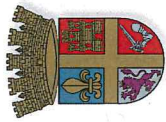
- ❖ Event Date: March 2, 2019
- ❖ Cause: Utility pole installation
damaged gravity sewer main
- ❖ Spill Volume: 13,700 gallons
(500 gallons recovered;
13,200 gallons released)
- ❖ Status: Sewer main has been
repaired. Currently
negotiating with the franchise
utility subcontractor.



Project Status:

- 
- ❖ Draft 30% Basis of Design Report (BDR) received; currently under review/comment/revision
 - ❖ Evaluating proposed storm infrastructure upgrades
 - ❖ Evaluating proposed pump station location, layout and configuration
 - ❖ Evaluating location and layout for proposed flood wall (or bulkhead)
 - ❖ Evaluating potential for dredging portion of Lake to accommodate stormwater infrastructure
 - ❖ Once the 30% BDR is completed, the City will schedule public information meetings to solicit the public's input and comments



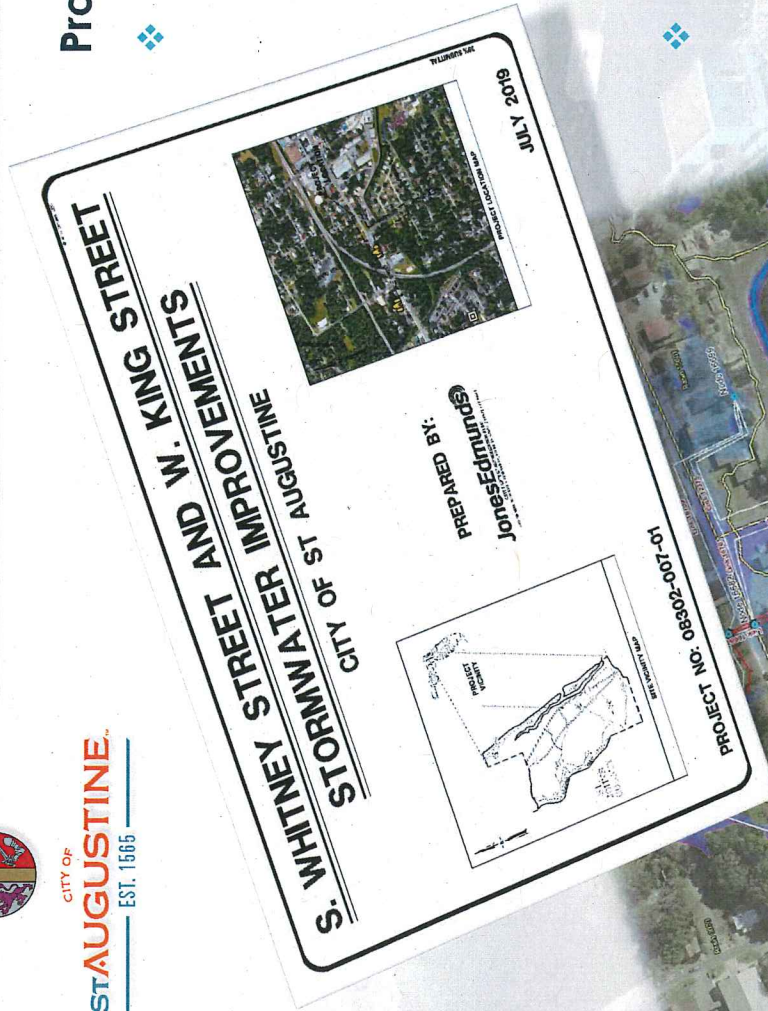


CITY OF
ST. AUGUSTINE
— EST. 1565 —

S. Whitney & W. King Flood Mitigation

Project Status:

- ❖ Jones Edmonds & Associates under contract for design work:
 - ❖ Field survey and subsurface geotechnical investigations
 - ❖ Stormwater computer modeling
 - ❖ Design of drainage improvements
 - ❖ Obtaining Environmental, road right-of-way permits and developing maintenance of traffic during construction of the improvements
- ❖ Survey, preliminary design and modeling are complete
- ❖ Design for the project is at 30%
- ❖ FEMA is cost sharing 75% of the project costs
- ❖ The City is cost sharing the remaining 25%

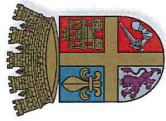


Macaris Outfalls Resiliency Retrofit

Project Complete! – Project Summary:

Task	Schedule	Comment
Design	Dec. 2017 – Nov. 2018	Included cost share application support
SJRWMD Cost Share Application	- Submitted Application – February 2018 - Application review and award – Feb. – Apr. 2018 - Contract – October 2018 – September 2019	33% Reimbursable Construction Costs up to \$60,747
30-inch Valve Install	Valve – 3 weeks Installation <u>Complete</u> – < 1 day	Self-performed install \$11,130* (*includes valve, labor, materials)
66-inch Valve Install	Valve – custom order – 3 months (12 weeks) Installation <u>Complete</u> – 1 week	Contractor install \$104,440* (*includes valve, labor, materials)



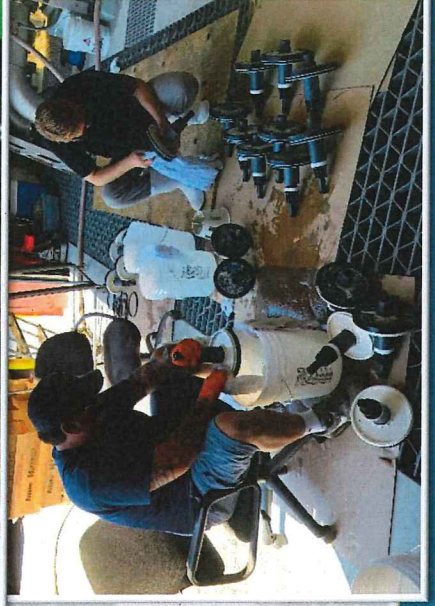


CITY OF
ST. AUGUSTINE
— EST. 1565 —

Water Treatment Plant RO Membrane Replacement

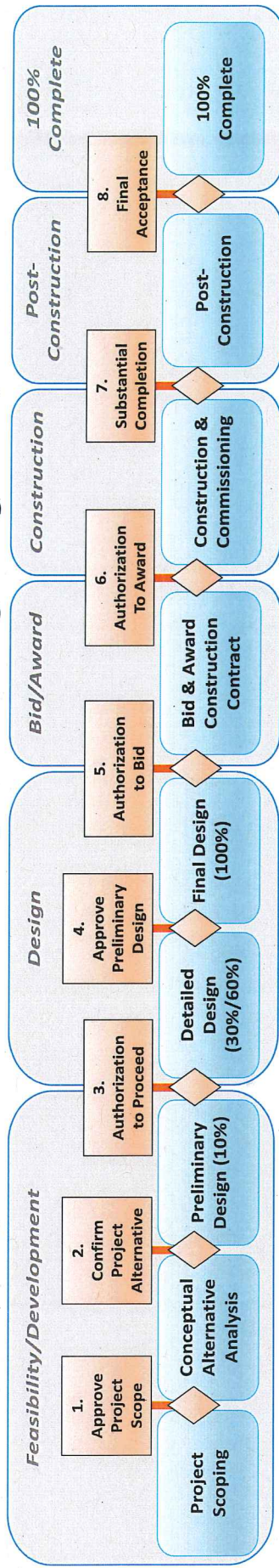
Project Complete! – Project Summary:

- ❖ Reduced Power Consumption!
 - ❖ Went from operating at 140 psi to 100 psi for each skid.
- ❖ Slightly more recovery – The old membranes were producing about 81%-85% recovery. The new membranes are recovering around 85%-86%.
- ❖ Better Flux rate - This is the rate at which water permeates the membrane.



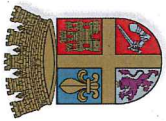
CIP Overall Status Summary

Design-Bid-Build Active Projects – through August 12, 2019



Project	Feasibility/Development	Design	Bid/Award	Construction	Post-Construction	100% Complete
Fish Island Management Plan	Lift Station 14 Replacement	Sevilla Street Brick Roadway & Utility Improvements	West 5th Street Gravity Sewer and Septic to Sewer	Clean & Inspect Collection Basins 10 & 22	Macaris Outfalls Resiliency Retrofit	WWTP Headworks Assessment (moving into 30%-60% design phase)
Hurricane Irma FEMA LS-2 and LS-51 Rehabilitation	St. Francis Street Utility Improvements	Lincolnville Utility & Drainage – Project 3 (1) [Cerro St & Duero St (portion)]	Coquina Park and Stormwater Improvements	Lincolnville Drainage – Project 1 (1) [South St & DeHaven St]	Wells D-8, D-9, and D-10 Investigation and Repairs	WTP LPRO Membrane Replacement
Smoke Testing and Manhole Inflow Dishes for Collection Basins 21, 22, 44, 45, 49, 54, 58, 60, 64 & 70	Althea/Fern/ Seminole/Antic Neighborhood Drainage	WWTP Headworks Rehabilitation	WWTP Headworks Rehabilitation	Project 1 (1) [South St & DeHaven St]	Pump Station 3 Replacement	WWTP Clarifier/RAS
Sanitary Sewer Manhole Rehabilitation	Court Theophelia Neighborhood Drainage	Hurricane Matthew FEMA Lift Station Rehabilitation (13 stations) and CIMAR Pre-Construction Services	North City Water Main Improvements			Smoke Testing and Manhole Inflow Dishes for Collection Basins 5, 7, 12 & 51
Sanitary Sewer Cleaning & CIPP Lining	WWTP Resiliency Analysis (1) (**)	Force Main Replacement LS-51 to LS-52	Cleaning & Inspection of Sanitary Collection Basin 23			Cleaning & Inspections of Sanitary Collection Basins 45 and Part of 20
Sanitary Sewer Cleaning & Inspection of Basins 4 & 11		S. Whitney & W. King Flood Mitigation (1)	West Augustine Septic to Sewer			
Flood Mitigation at Avenida Menendez Seawall; Bayfront Connectivity (1)		Lake Maria Sanchez Flood Mitigation	Davis Shores Backflow			
		City-wide TIDE Valve Master Planning	Charlotte St. Roadway & Utility Improvements			
			Water Meter Replacements			
			2019 Paving Projects			
			Prawn & Heron Streets Reconstruction (2)			

Key:
 (1) Grant Dependent
 (2) Developer Dependent
 (*) Postponed
 (**) Phase Complete



CITY OF
ST. AUGUSTINE
— EST. 1565 —

Additional Questions and Commission Discussion

ITEM CA.10.
HARB Notification

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: August 12, 2019

RE: Notification of residency status of HARB Member Catherine Duncan

Ms. Duncan is the current chair of the HARB and she provided notice that she will no longer be a resident of the City of St. Augustine. Her residence flooded during both hurricanes and she decided to design and build a new home on property in Jacksonville. Now that her current residence has sold, this move will be happening sooner than she anticipated. Ms. Duncan will continue to practice architecture in the city and as such she intends to visit on a regular basis. Furthermore, she is still interested in serving on the HARB and she provides a great contribution as a preservation architect. The city code 28-83 for HARB residence states the following:

While preference shall be given to current city residents, the city commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified.

Ms. Duncan was appointed on November 9, 2015 to fill a vacancy and was appointed for a full term on March 26, 2018. Her current term will expire on March 28, 2021.

Please place this item on the August 12, 2019 Consent Agenda for the City Commission and let me know if you have any questions.



Darlene Galambos
City Clerk

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: July 31, 2019

RE: Sunshine Bus Company
County Request for Subsidy

Attached, please find a letter addressed from you to the County Administrator in relation to the St. Johns County's request for additional subsidy for the operation of the Sunshine Bus Company. Staff has reviewed the request and consulted with you on consideration of their request. Staff consensus is providing additional subsidy to the operations would constitute a double taxation of City residents for this service.

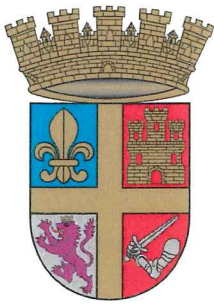
By way of this memorandum, it is requested to place this item on the consent agenda for the August 12, 2019 City Commission agenda for their consideration. Along with the proposed response letter a copy of the County's original request letter has been attached.

If you have any questions or wish to discuss this matter further, please contact me.



Timothy A. Burchfield
Assistant City Manager

cc: Meredith Breidenstein, Director, Budget & Performance Management
Reuben Franklin, Mobility Program Manager



1565 – 2015
450 years

City of St. Augustine



St. Augustine, Florida
Nation's Oldest City

City Manager

August 13, 2019

Michael D. Wanchick, County Administrator
500 San Sebastian View
St. Augustine, FL 32084

RE: Sunshine Bus Company
Subsidy Request

Dear Mr. Wanchick:

On behalf of the Mayor and City Commissioners of the City of St. Augustine, I am writing you in response to your April 9, 2019 letter requesting support for public transportation in St. Johns County. While agreeing the Sunshine Bus Company provides a vital lifeline to those throughout the county who rely on public transportation and paratransit services, it is a user based service which is customarily provided for by a fee and outside of State and Federal Funding the users of the service should carry the majority of the burden of the service. While a service such as this normally requires a subsidy, that burden has already been borne by all county residents, including those within the municipalities, by way of payment of their county taxes.

St. Johns County, along with State and Federal funding and user fees, subsidizes the Sunshine Bus Company operations by way of revenues from the general operating fund. Therefore, the City residents already contribute to the funding by way of the general assessment paid on their annual tax bill. For the City to contribute, as requested, would in essence subject its residents to double taxation for this service.

You mention in your letter the average ridership within the City of St. Augustine was 8,700 rides per month, peaking at over 10,000 rides in August of 2018. The question arises as to how many of these riders originated or terminated outside the limits of the City of St. Augustine. The City will acknowledge there is a large employment center within the City however, it contends the largest majority of the workers come from outside our municipality and City residents should not be doubly burdened with this subsidy.

As previously discussed, the City is still interested into possible funding of a dedicated circulator throughout the downtown district as well as a possible dedicated connector to the City of St. Augustine Beach. Hopefully, in the near future, these discussions can be had with St. Johns County, the City of St. Augustine Beach and the

Sunshine Bus Company. Should you have any questions or wish to discuss this matter further, please call me.

Sincerely,

John P. Regan, P.E.
City Manager

cc: Timothy Burchfield, Assistant City Manager
Meredith Breidenstein, Director, Budget and Performance Management
Reuben Franklin, Mobility Program Manager



St. Johns County Board of County Commissioners

Office of the County Administrator
Michael D. Wanchick, County Administrator

April 9, 2019

John Regan, City Manager
City of St Augustine
P.O. Box 210
St. Augustine, FL 32085



Dear Mr. Regan,

On behalf of the St Johns County Board of County Commissioners, this letter serves as a request to the City of St. Augustine, for support of public transportation in St Johns County. The Sunshine Bus Company provides a vital lifeline to those in our communities who rely on public transportation and paratransit services, including the elderly, disabled and disadvantaged. A growing number of residents and visitors enjoy a better quality of life as transit alleviates traffic congestion and parking concerns.

The Sunshine Bus provides well over 300,000 rides throughout the County each year, with almost half of those rides originating or ending in the City of St. Augustine and the City of St. Augustine Beach. In 2017, average ridership within the City of St Augustine was 8,700 rides per month, peaking in at over 10,000 rides in August. Service to St. Augustine Beach averages 3,400 rides per month.

As you know, the County has provided leadership in supporting our growing transit needs for more than 13 years as the recipient of federal and state grants, contributing over \$276,000 annually, and providing staffing support and oversight through our budget, finance and administrative offices. Unfortunately, due to a combination of factors, the system is facing a recurring annual budget shortfall of \$550,000. Some of these factors include losses in federal funding, a change in the sovereign immunity status of Councils on Aging, and increased operating costs.

The state and federal funding sources that previously supported the system are no longer sustainable. The County and COA are pursuing various funding options to fill the gap through increases in fare box rates, increased federal funding, enhanced on-bus advertisements and increased County contributions. There will continue to be a shortfall if current levels of service are to be maintained. Due to the significant percentage of ridership that originates or ends within the City, the Board of County Commissioners is requesting annual financial support from the City of St. Augustine. An annual contribution of \$126,000 would represent the City's proportionate ridership share of the unidentified funding shortfall of \$350,000. This request is made in anticipation of it being incorporated into your 2020 annual budget process.

The Sunshine Bus provides critical services to our community, helping those who have no other means of transportation, especially for our service industry employees who rely on transit to travel to and from their place of employment. With the combined cooperation of the County and its two municipalities and

increased funding, we can retain this vital service. Thank you for your consideration of this matter, please do not hesitate to contact me directly if you would like to discuss it in more detail.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael D. Wanchick', with a long horizontal stroke extending to the right.

Michael D. Wanchick
County Administrator

Cc: Rebecca Yanni, Executive Director Council on Aging

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: July 2, 2019

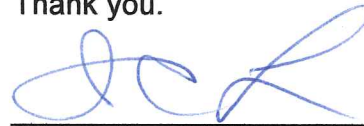
RE: **\$70.51 REQUEST FOR RELIEF – 7 BRIDGE STREET: INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find an invoice dated June 26, 2019, from Bledsoe, Jacobson, Schmidt, Wright & Sussman for Special Magistrate services rendered in the request for relief matter filed by Michael and Sandy Wieber concerning the property located at 7 Bridge Street.

Per F.S. §70.51(28), the costs in this matter are divided equally between the City and the applicants.

Therefore, we have reviewed the billing and submit the same to you for placement on the consent agenda for the August 12, 2019 City Commission meeting. The amount due is **\$1,451.25**.

Thank you.



Isabelle C. Lopez
City Attorney

/s/
Attachment

xc: Tim Burchfield, Assistant City Manager
John M. Cary, Assistant City Attorney
Darlene Galambos, City Clerk
Mark Litzinger, Financial Services
Meredith Breidenstein, Budget & Performance

**BLEDSON, JACOBSON, SCHMIDT,
WRIGHT & SUSSMAN**

ATTORNEYS AT LAW

BLEDSON & SCHMIDT, P.A.

JAMES A. BLEDSON, JR.
TERRANCE E. SCHMIDT

501 RIVERSIDE AVENUE
SUITE 903
JACKSONVILLE, FLORIDA 32202

TELEPHONE (904) 398-1818
FACSIMILE (904) 398-7073

JACOBSON, WRIGHT & SUSSMAN, P.A.

SAMUEL S. JACOBSON
STEPHANIE A. SUSSMAN
KENNETH B. WRIGHT*

*BOARD CERTIFIED CIVIL TRIAL LAWYER

June 26, 2019

Sidney F. Ansbacher, Esq.
Upchurch, Bailey and Upchurch, P.A.
780 Ponce de Leon Boulevard
St. Augustine, Florida 32084

Isabelle C. Lopez
City Attorney
City of St. Augustine
75 King Street
St. Augustine, Florida 32084

**Re: S. 70.51 Hearing between Michael and Sandy Wieber and
The City Commission of the City of St. Augustine**

STATEMENT

FEE:

Special Magistrate services rendered by Terrance E. Schmidt on June 25, 2019,
including administrative/preparation/review of statements (1.0) and attendance at
hearing (4.7):

Total Fee:	5.7 Hrs. @ \$450.00/Hr.	\$2,565.00
Travel Expense:	1.5 Hrs. @ \$225.00/Hr.	337.50
TOTAL FEE AND EXPENSES:		\$2,902.50

Special Magistrate's fee to be divided equally between the parties. Each party's
respective share is as follows:

MICHAEL WIEBER and SANDY WIEBER	\$1,451.25
CITY COMMISSION OF THE CITY OF ST. AUGUSTINE	\$1,451.25

PLEASE MAKE CHECK PAYABLE TO
BLEDSON & SCHMIDT, P.A.
FEI # 59-2143056)

**PLEASE REFERENCE THE NAME OF THE CASE/CLIENT ON YOUR CHECK OR RETURN A COPY
OF THIS INVOICE WITH YOUR PAYMENT.**


TERRANCE E. SCHMIDT

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: July 24, 2019

RE: **SEAVIN, INC. V. CITY OF ST. AUGUSTINE – INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find Invoice No. 43638 dated July 24, 2019, from St. Augustine Court Reporters for transcription services rendered at the July 8, 2019 Shade Meeting regarding the Seavin, Inc. v. City of St. Augustine matter.

The amount due is **\$331.00**. We have reviewed the billing and submit same to you for placement on the consent agenda for the August 12, 2019 City Commission meeting.

{ WITH THIS INVOICE THE TOTAL EXPENDED TO DATE ON THIS MATTER EQUALS: **\$35,662.45**. }

Thank you.



Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Tim Burchfield, Assistant City Manager
John M. Cary, Assistant City Attorney
Darlene Galambos, City Clerk
Mark Litzinger, Financial Services
Meredith Breidenstein, Budget & Performance



Isabelle Lopez, Esquire
City of St. Augustine
75 King Street
St. Augustine, FL 32084

INVOICE

Invoice No.	Invoice Date	Job No.
43638	7/24/2019	14097
Job Date	Case No.	
7/8/2019		
Case Name		
Shade Meeting		
Payment Terms		
Due upon receipt		

ORIGINAL TRANSCRIPT OF:

City of St. Augustine Shade Meeting

Appearance Fee 1st Hour

42.00	Pages	@	5.50	231.00
1.00	Hours	@	100.00	100.00

TOTAL DUE >>>

\$331.00

Thank you for your business! Sherrie Burns

Tax ID: 59-3139381

Please detach bottom portion and return with payment.

Isabelle Lopez, Esquire
City of St. Augustine
75 King Street
St. Augustine, FL 32084

Job No.	: 14097	BU ID	: 1-MAIN
Case No.	:		
Case Name	: Shade Meeting		
Invoice No.	: 43638	Invoice Date	: 7/24/2019
Total Due	: \$331.00		

Remit To: **St. Augustine Court Reporters**
1510 North Ponce de Leon Boulevard, Suite A
Saint Augustine, FL 32084

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____
Email: _____

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: August 1, 2019

RE: **SEAVIN, INC. V. CITY OF ST. AUGUSTINE – INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find Invoice No. 13-2019-7-1711 dated July 31, 2019, from Cavendish Partners, P.A. for legal services rendered in May 2019, regarding the Seavin, Inc. v. City of St. Augustine matter.

The amount currently due is **\$7,168.00**. We have reviewed the billing and submit same to you for placement on the consent agenda for the August 12, 2019 City Commission meeting.

*WITH THIS INVOICE THE TOTAL EXPENDED TO DATE FOR ATTORNEY'S
FEES AND COSTS ON THIS MATTER EQUALS \$42,201.45.*

Thank you.



Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Tim Burchfield, Assistant City Manager
John M. Cary, Assistant City Attorney
Darlene Galambos, City Clerk
Mark Litzinger, Financial Services
Meredith Breidenstein, Budget & Performance

CAVENDISH PARTNERS

P.A.

200 West Forsyth Street, Suite 1610
Jacksonville, FL 32202

INVOICE

Date: 07/31/2019
Invoice #: 13-2019-7-1711
Matter: Seavin, Inc.
File #: 1711

INVOICE TOTAL AND BALANCE DUE **\$7,168.00**

Bill To:

Isabelle Lopez, City Attorney
75 King Street
P.O. Box 210
St Augustine, FL 32085
Due Date: 08/30/2019
Please Remit Payment To:
Cavendish Partners, P.A.
200 West Forsyth Street,
Suite 1610
Jacksonville, FL 32202

**PAYMENTS RECEIVED AFTER 07/31/2019 ARE
NOT REFLECTED IN THIS BALANCE DUE INVOICE**