

**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, JANUARY 28, 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

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

(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. Items of Great Public Importance

7.A.1. Presentation regarding the progress of the Continuum of Care and challenges relating to homelessness and challenges in our City. (*N. Shaver, Mayor*).

B. General Public Presentations

7.B.1. Presentation to introduce Operation New Hope to the community. (*N. Sikes Kline, Commissioner*).

7.B.2. Presentation by Florida Power and Light regarding underground utilities in the City. (*M. Cullum, Director, Public Works*).

C. Other Items Requiring Public Hearing

There will be one presentation for Items 7.C.1., 7.C.2., 7.C.3. and 7.C.4. with Public Hearing after each item.

7.C.1. Ordinance 2018-18: Annexes the property known as St. Augustine Shipyards from St. Johns County into the City of St. Augustine. (*D. Birchim, Director, Planning and Building*).

7.C.2. Ordinance 2018-19: Amends the future land use map designation for the St. Augustine Shipyards from St. Johns County Mixed Use to City of St. Augustine Residential Medium Density/Mixed Use. (*D. Birchim, Director, Planning and Building*).

7.C.3. Ordinance 2018-20: Amends the zoning designation for the property known as St. Augustine Shipyards from county designation to Residential General Office (RGO) and Open Land. (*D. Birchim, Director, Planning and Building*).

7.C.4. Development Agreement providing the City's responsibilities for the construction of water, sanitary sewer, stormwater and associated roadway infrastructure upon the annexation of a 20-acre property on Arapahoe Avenue and Diesel Road. (*D. Birchim, Director, Planning and Building*).

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

A. Ordinances – Second Reading

8.A.1. Ordinance 2019-01: Amends, updates or repeals multiple sections of the City's Animal Code, Chapter 5. (*J. Cary, Assistant City Attorney*).

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

9.A.1. Ordinance 2019-03: Proposed update to the City tree code. (*D. Birchim, Director, Planning and Building*).

A. Resolutions

10. STAFF REPORTS AND PRESENTATIONS

10.A. First quarter Public Works update. (*M. Cullum, Director, Public Works*).

10.B. First quarter Mobility update. (*R. Franklin, Mobility Program Manager*).

10.C. Cuna Street Beautification partnership opportunity. (*R. Franklin, Mobility Manager*).

10.D. Discussion regarding the Commission's first quarter 2019 Action Items, amounts spent and/or encumbered through December 31, 2018. (*M. Breidenstein, Director, Budget and Performance Management*).

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.

11B. Quarterly status report. No Presentation. (*I. Lopez, City Attorney*).

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

12.A. Review of Commission assignments to intergovernmental boards. *(D. Galambos, City Clerk).*

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

A. 13. Updated task tracking list. *(J. Regan, City Manager).*

14. ITEMS BY MAYOR AND COMMISSIONERS

15. ADJOURN

NOTICES: In accordance with Florida Statute 286.0105: "if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." ***In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. ***The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk's office, to be placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission.

CONSENT AGENDA – JANUARY 28, 2019

CA.1. Preview of upcoming Commission meetings.

a) The following ordinances are tentatively scheduled for 2nd reading on February 11, 2019:

- Ordinance 2019-03

b) **Reminder of upcoming meetings:**

- February 11, 2019 - 5:00 p.m. – Regular Meeting
- February 25, 2019 - 5:00 p.m. – Regular Meeting

CA.2. Approval of Minutes from prior commission meetings:

- December 10, 2018 – Regular Meeting

CA.3. Releases of Lien for Unit Connection Fee Mortgage(s):

- Philip E. Fair - 2999 North First Street
- Vanessa Ajayi – 862 Avery Street

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:

- Proclamation 2019-01: Proclaiming January 18, 2018 as Arbor Day
- Certificate 2019-02CR: St. Augustine Art Association's 95th Anniversary

CA.6. Invoice in the amount of \$3,312.50 dated January 8, 2019 from Lampe, Roy & Associates for appraisal services regarding the Wendler v. City of St. Augustine matter. (*I. Lopez, City Attorney*).

End of Consent Agenda

ITEM 7.A.1.

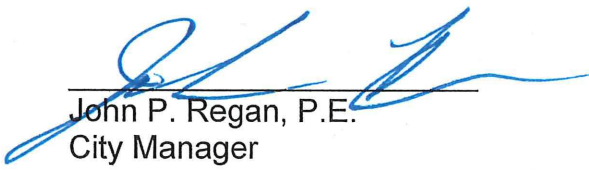
**Presentation: Continuum
of Care**

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners
DATE: January 8, 2019
RE: Continuum of Care Presentation

The purpose of this agenda item is a presentation by Mayor Shaver on the progress of the Continuum of Care and the challenges to homelessness in our City.



John P. Regan, P.E.
City Manager

Enclosure
JPR/lf



HOMELESSNESS IN SAINT AUGUSTINE: PROGRESS AND CHALLENGES

Mayor Nancy Shaver
City Commission
Meeting 1/14/2019

Characteristics of People who are Homeless or At Risk of Homelessness

- ~~1. — Mental illness~~
- ~~2. — Substance abuse~~
- ~~3. — Domestic violence~~
- ~~4. — Criminal behavior~~
- ~~5. — Unemployed~~
- ~~6. — Disabled~~
7. Poor
8. Lack affordable housing

Housing First: What it means

The only known cure for homelessness is affordable permanent *housing*.

- ▶ Don't extend homelessness by trying to provide services prior to housing - it doesn't work and is more expensive
- ▶ Housing First can save the community up to \$30,000 per person in emergency services costs

But what about?

- ▶ Campsites, emergency shelters, and homeless service centers?
 - ▶ Should be used ONLY as a point for intake, assessment, and as a very temporary "bridge" to finding rental units accessible to jobs, transportation, and other services
- ▶ Transitional housing?
 - ▶ More expensive than Rapid Re-Housing for those with low/moderate needs
 - ▶ Ineffective for those with highest needs

St. Johns County Continuum of Care

ENDING HOMELESSNESS TOGETHER

Areas of focus

Veteran Homelessness

Chronic Homelessness

Youth and Family
Homelessness

Chair: Jerry Cameron

- ▶ Goal 1: Operate as a Housing First Community
- ▶ Assist in aligning local public policy with the goals of the COC, State of Florida and HUD
 - ▶ Ad-Hoc Affordable Housing Committee
- ▶ Create a public relations education messaging campaign.
 - ▶ Outreach Committee

COC Lead Agency:

Flagler Hospital

COC Funded Agencies:

Alpha-Omega Miracle Home

Betty Griffin Center

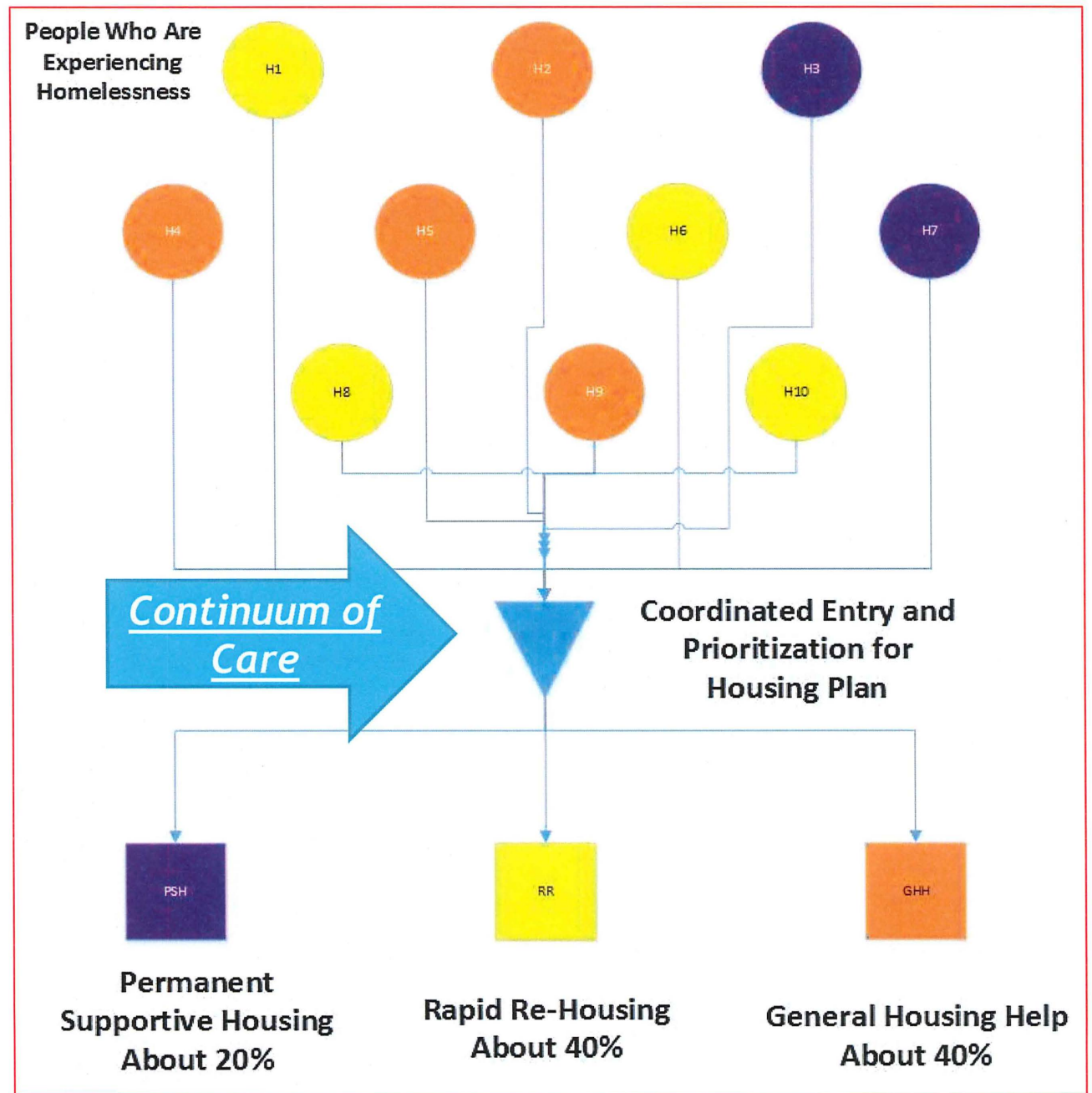
Catholic Charities

Emergency Services and Homeless Coalition

The Salvation Army

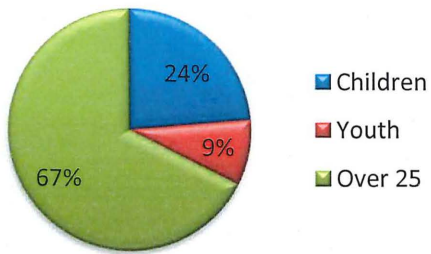
Saint Johns Health and Human Services

St Francis House

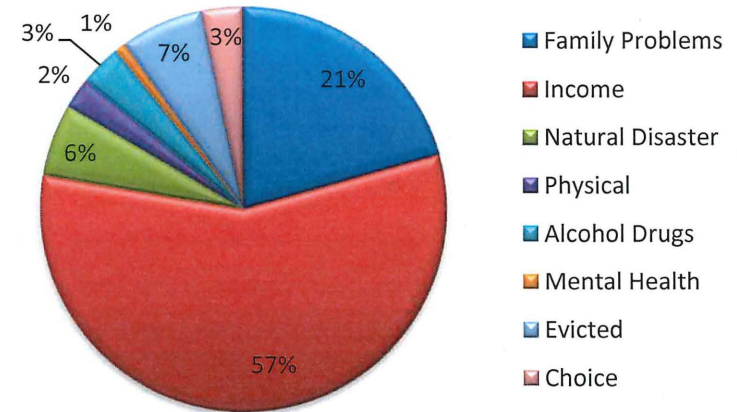
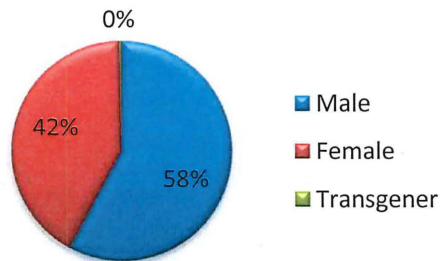


Our homeless- point-in-time snapshot

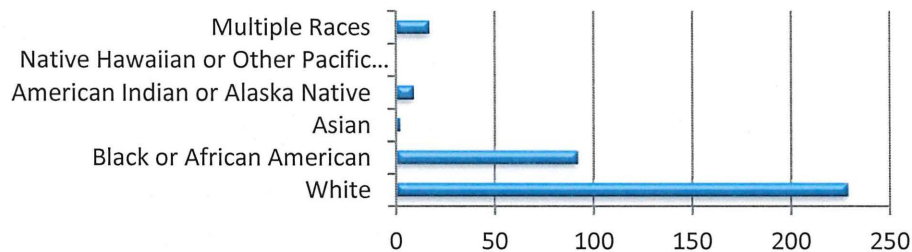
Age Range



Gender



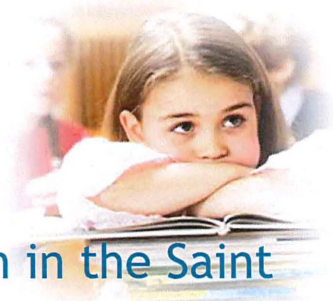
Race



Race



Our homeless-by the numbers



600 children in the Saint John's County Schools



1191 single person households

1345 homeless families



446 adults and children sheltered due to domestic violence

Sources: St. Johns County Schools, Care Connect, Domestic Violence Shelters 2017 (Total served 4199)

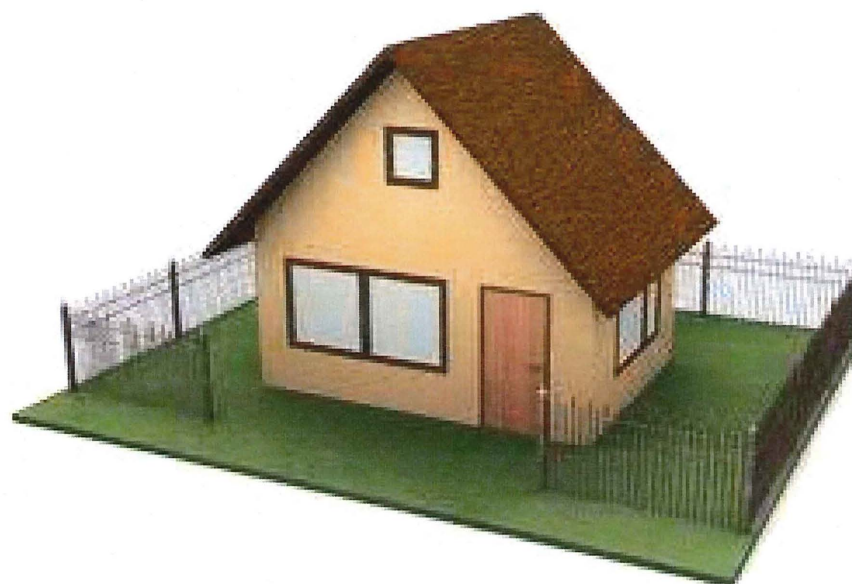
Progress, Challenges and Next Steps

▶ Accomplishments

- ▶ Better data for better decisions
 - ▶ Homeless Management Information System (HMIS) is capturing more complete and accurate information
- ▶ Affordable Housing commitment for 600 unit pilot from both County and City Commissions
- ▶ 80 units of permanent supportive housing planning in the works at Salvation Army 207 site.

▶ Next steps

- ▶ Practical recommendations to County and City to engage private sector in affordable housing, including revised ordinances, fee subsidies, resource contributions.
 - ▶ Currently over 15% of St Johns households spend over 50% of their income on housing, and there is a shortfall of over 8000 affordable housing units.
- ▶ Outreach and education to the community to engage more members in the COC and solutions and to change the face of homelessness.
 - ▶ St. Johns County receives the least federal and state dollars per capita of any COC in the country



The solution to homelessness is housing

Continuum of Care Members

stjohnscountycoc.org

City of St. Augustine
Council on Aging
EPIC Behavioral
Healthcare
Florida Power & Light
Habitat for Humanity
Home Again St. Johns

Lutheran Services Florida
St. Johns County Legal Aid
St. Johns County School Board
St. Johns County Sheriff's Office
St. Johns County Veterans Services
United Way of St. Johns County

The
Saint Frances
MEGA Shelter
Plan
By John C. Prosser

The following deals with the proposed funding for the enhancement of the Saint Frances Shelter on Washington St. in Saint Augustine FL.

It has come to my attention that the city of Saint Augustine is considering a \$99,000 budget to create more housing for the homeless in the area. It is my concern that the existing structure is not adequate in proportion to provide the necessary services capable of handling the homeless crises in the city's historic district. There for I have come up with the following plan. This plan is broad in its scope because it turns the Saint Frances House into more then just a soup kitchen and a place to sleep. It not only provides a remedy to the problem of homelessness in the Historic district by funneling the subject into other areas of the community and provides ample housing fore a wide range of programs for rehabilitating the subjects by relocating the shelter to a warehouse in another area of the city.

The most attractive option is a large building that once held a health spa located behind the Dollar Tree off US 1 one block south of highway 312. This location has been standing vacant for several years. The empty building is an estimated 10,000 square feet in size. It has two large restrooms with multiple shower stalls in each. One for men and one for women. In the very front of the building is a kitchen area and office space. It wouldn't take much to partition off sleeping quarters for men and woman and space for rehabilitation services such as computer training and employment services.

At the front entrance of the building is nearly a half acker lot covered with concrete. This would be idea for the placement of a large circus type tent to that could be used for a multitude of other services for emergency situations. The foremost benefit in this location is that Flagler Hospital is within walking distance of the sight. Also, there is a multiple amount of restaurants always in need of help which could provide employment for the homeless subjects. Farther more the Sunshine bus and Ride Solutions picks up passengers only a few blocks away. The huge concrete could provide an option for a bus station area. This factor would provide transportation to a multitude of options in north east Florida.

I hope you will consider this approach to relieve the tensions surrounding the issue of homelessness. I do appreciate the Saint Frances house as it stands but I think investing in it as it stands is a waist of tax payers money. I think it's for a change of vinue.

ITEM 7.B.1.

Presentation: Operation New Hope

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

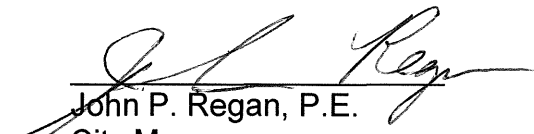
DATE: January 22, 2019

RE: Operation New Hope

The purpose of this agenda item is to introduce Operation New Hope to the City.

Operation New Hope (ONH) is nationally acclaimed for its anti-recidivism and Ready4Work programs for felons.

There is an ongoing collaborative effort on the part of Compassionate St. Augustine, St. Paul AME Church, Memorial Presbyterian Church, St. Johns Youth Academy, and other organizations and businesses in an effort to bring an Operation New Hope satellite office to St. Augustine and St. Johns County.


John P. Regan, P.E.
City Manager

Enclosure
JPR/lf

St Augustine City Commission

Introduction to Ready4Work®

NEW OPERATION
HOPE



Kevin T. Gay
Founder & CEO

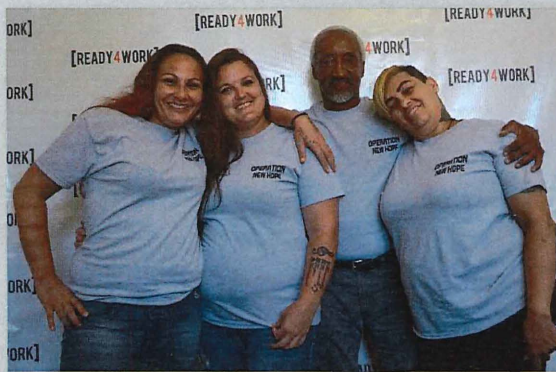
Linda Joseph
COO



January 28, 2019

operationnewhope.org

NEW OPERATION
HOPE



The community challenge

- Men and women returning home from detention, prison or jail face many challenges re-integrating into society
- Recidivism is a state and local problem
- Recidivism has many causalities; the best remedy is stabilization through employment
- Employers in St John's County continue to struggle with low employment and finding qualified and vetted job candidates

Operation New Hope – making Second Chances Matter®

- Operation New Hope is a 501 (c)(3), founded in Jacksonville, FL in 1999
- Received “Community National Faith-based Model” status in 2003
- Bipartisan approach to Re-entry recognized and celebrated by each White House Administration since 2003
- Considered "The best re-entry program in the country" by HUD Secretary Ben Carson in 2018
- Celebrating 20 years in 2019, have served over 6,500 in Jax
- Tampa & Tallahassee have replicated and helped fund their Ready4Work programs

Ready4Work® – A proven model

- Ready4Work is Operation New Hope's nationally acclaimed, market-proven approach to prisoner re-entry in Florida
- ONH matches private support with government funding to deliver re-entry services in a 4-week classroom setting, followed by up to a year of personal case management
- Holistic client care customized through comprehensive risk assessment process
- Four-pronged approach to strategic partnerships with community partners, employers, faith-based organizations, and the judicial system
- The main goal is to place our clients in jobs that offer a sustainable living wage and reduce recidivism

The potential for Operation New Hope in St Augustine

- We have completed a 2-year suitability process for opening our first satellite office in St. Augustine
- Would create 4 new ONH staff positions and hire locally
- Monthly, 4-8 carefully vetted formerly incarcerated residents will be prepared for local employment
- Reduces recidivism, improves public safety
- Promotes workforce and workplace diversity
- Better use of tax expenditures vs incarceration
- We will serve St Johns County men & women released from State & Federal Dept of Corrections, St John's Youth Academy and St John's County Jail, and those serving probation

Growing number of stakeholders



City of St Augustine
St Johns County Sheriff's Department
St Johns County Chamber of Commerce
St Augustine Police Department
Sequel Youth & Family Services

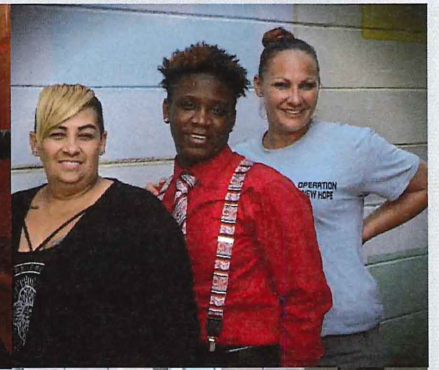


Compassionate St. Augustine
St Paul's AME Church
Memorial Presbyterian Church
St Cyprian's Episcopal
Flagler Hospital
St Johns Connect Care



Next steps

- Secure location (Some site visits have been completed)
- Assertively seeking funding for first year budget of pilot
- Continue to build network of stakeholders





HELP MAKE THEIR
**SECOND
CHANCES
MATTERSM**

BECOME A [READY4WORK] BUSINESS PARTNER >

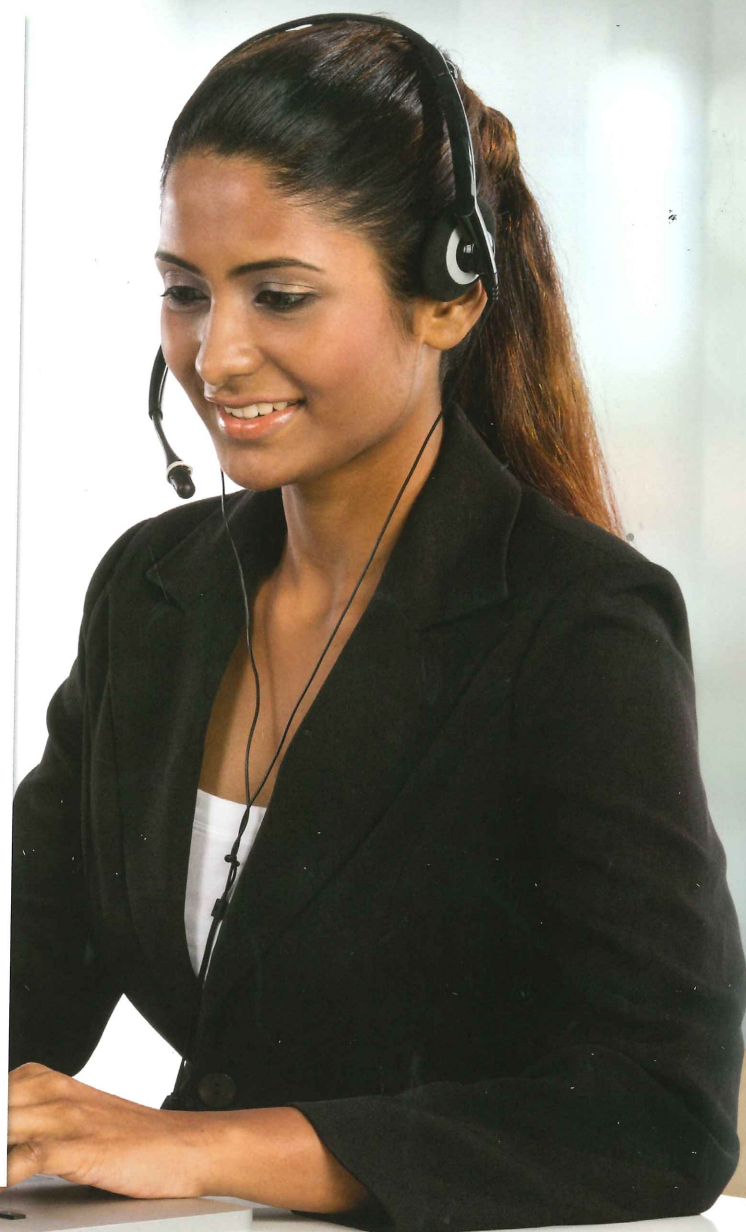
OPERATION
NEW | **HOPE**

[READY4WORK]

Hiring a formally incarcerated worker, for many employers, is often seen as a risk and we at Operation New Hope understand an employer's reluctance and perspective. We have created a program that addresses the problems, concerns, and expectations surrounding employing the formally incarcerated.

Participants in the [READY4WORK] program are vetted and drug free. They engage in a 4-6 week Career Development Course, preparing them for interviews and providing them with a workforce skill set. Additionally, [READY4WORK] follows each participant for one year, providing them with a case manager, job coaching, mental health, and often a life coach for their continued support.

The success of the program is measured not only by the number of individuals placed with employers, but with their retention and the feedback we receive. Employers often report experiences with participants as positive, citing their high motivation and excellent training.



82

Employers
in and around
Jacksonville
hired through
Ready4Work®
in 2017

531

Graduates
placed in
employment
in the
last 2 years

1 YEAR

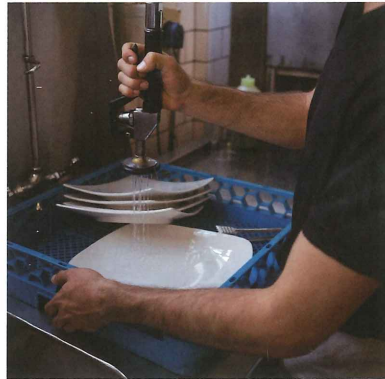
or more of
continued support
from a case manager
and job coach
is provided after
each participant
gains employment

ROI

By breaking
the cycle of
incarceration with
gainful employment,
the Ready4Work®
program saves
tax payers millions of
dollars each year

Second Chances MatterSM

Reduce your employee acquisitions costs, while providing life changing opportunities.



✓ Bottom Line Benefits

- Increase profit through quality of work
- WOTC Tax Credit
- Reduce your cost to hire
- Federal Bonding

✓ Quality, Vetted Candidates

- All participants must remain drug free
- Assessment begins at Intake and includes a plan of care to stabilize participants as they re-enter the community
- Before graduation, participants are assigned a Job Coach to create an individualized career path plan
- Upon graduation, participants will have a resume, job search skills, interviewing skills, and professional development
- Many participants go on to achieve certifications in the following industries: Warehouse & Logistics, Customer Service, Call Center, Microsoft Office, and Construction apprenticeships
- Job coaches continue mentoring participants after they gain employment, and conduct on-site visits for the first year

✓ Accolades

- President Bill Clinton applauded our Ready4Work® program in his book *Giving*, stating, "Just one in 20 of its participants is arrested within a year of release, compared with one in five of all those who are released from Florida's prisons."
- In 2003, President George W. Bush selected Operation New Hope as the pilot site for the Ready4Work® for reentry programs across the nation.
- Praised by President Barack Obama, and former U.S. Secretary of Labor Elaine Chao, Ready4Work® is recognized as one of the nation's best re-entry programs

**Our Business Partners
in Jacksonville provided
second chances to**

312 
INDIVIDUALS
— in 2017 —

Business Partner Testimonial:



We have worked with Operation New Hope for a number of years, starting people off in entry-level positions and watching them rise through the ranks. I'm proud to say that we have one young man who has worked his way up to Manager of Facilities Maintenance, with a staff of five servicing a fleet of forklifts in five buildings and over 980,000 square feet of warehouse space, and another who is warehouse lead in a 560,000 square foot operation. We have new staff that just moved into entry level positions in a 40 person Packaging operation, and while many of the other people in there are attendance problems, our Operation New Hope recruits show commitment and dedication to the job. They appreciate the opportunity, and it shows."

— Neil Porter, President of The Grimes Companies

Second Chances MatterSM

OPERATION
NEW HOPE

*Rebuilding Lives.
Restoring Communities.
Renewing Hope.*

904.354.4673 | OperationNewHope.org

How Businesses Contribute To The Second Sentence Of The Formerly Incarcerated



Kevin Gay
Forbes Nonprofit Council
Social Entrepreneur and CEO of Operation New Hope

Part of the challenge of prison reform in our country is defining the nature of the problem and what remedies are available for a cure. More than any other time in recent history, Americans recognize the failure of our correctional systems to rehabilitate. We are witnessing an epidemic of mass incarceration, with almost [2.2 million citizens](#) residing in our jails and prisons. For the most part, we know there is a problem, but what can we do about it?



There is important, transformational work taking place in states like [Texas](#) and [Pennsylvania](#), where we are starting to see prisons and jails close rather than proliferate. This is a step in the right direction. I like to think of these as first sentence remedies. This is where law enforcement, prosecutors, public defenders and policymakers come together and enact [smart on crime](#) law that takes a comprehensive approach to criminal justice reform, like we are doing in [Duval County](#). We hope to see more of this.

The Second Sentence

There is a more subversive, insidious cause that we are exposed to every day in our work, and it will take more than smart law to disrupt this cause. The second sentence of the formerly incarcerated is a stigma that each of us contributes to. It begins the moment a returning citizen is released. Sometimes the second sentence is easy to recognize, like the “have you ever been convicted of a crime” question on an employment application. Other times, it is harder to identify, like when we cross the street to avoid a homeless person asking for spare change.

There is a viscous churning of the dispossessed in our country. Close to [11 million people](#) will cycle through jails this year. We [jail the poor](#) incessantly for lack of better options. Individuals stack up at the bottom of our social hierarchy without sufficient inspiration or motivation to change. What does sufficient inspiration to change really look like, and is it possible to illuminate this inspiration in a person who has been stuck at the bottom for months, years or perhaps even decades?

Here are some things we know. More than 8 out of 10 times, a client of our program who has been placed in a job will not return to jail or prison. Compared to the five-year [national recidivism rate](#), which states three out of every four released prisoners will be rearrested, we can correlate securing a job with avoiding arrest. Getting a job is a good strategy, but it is not enough to overturn the wheels of institutional and generational incarceration in the short-run.

Where You Come In

Each person has their own calculation for deriving meaning and purpose in life. It could be spiritually based, it could be to provide economic benefit to dependents or it could be the pursuit of love, beauty and truth. Rarely is it ever a solitary adventure. The folks who come through our program appreciate the compassion they receive the moment they come in the door. For many of them, it is the first time they have had a support network of people. It's relationship to people -- not jobs, technology or handouts -- that ignites the internal part of our character that we tap into to transform into our higher self.

If I truly take stock of my actions, I can see where I have sentenced the formerly incarcerated to the invisible life sentence of lesser than. Upon what authority have I levied this sentence? The fact that I haven't served time? That authority falls apart quickly if I'm not deceiving myself. Who among us can lay claim to a perfect legal trail of action and decision making? More often than not, our "perfect" path can best be described as not getting caught. It is at this moment that many of us recognize our own brokenness. When we reconcile our brokenness with the dispossessed, a small but important miracle happens. We are able to connect as humans, and a new space is created for possibility and personal transformation for all.

What if each of us made the commitment to treat the person returning home as if they were a close family member or friend? Could it be the antidote to the second sentence we desperately need in our communities today?

The nonprofit community has a great opportunity to lead the way by offering second chances and employing the formerly incarcerated. I suggest that organizations consider "[banning the box](#)" on employment applications and use an open hiring process when it makes sense. Initiatives like the one we have in Jacksonville, Florida called "Project Open Door," which encourages employers to delay criminal background inquiries until the interview, are helping employers navigate the process of launching an open hiring philosophy.

Will you consider being the next organization to provide a fair and just opportunity for someone who has made a mistake and help end the second sentence? We sincerely hope you will.

[READY4WORK]

REENTRY. RETRAIN. REINTEGRATE.

OPERATION
NEW HOPE

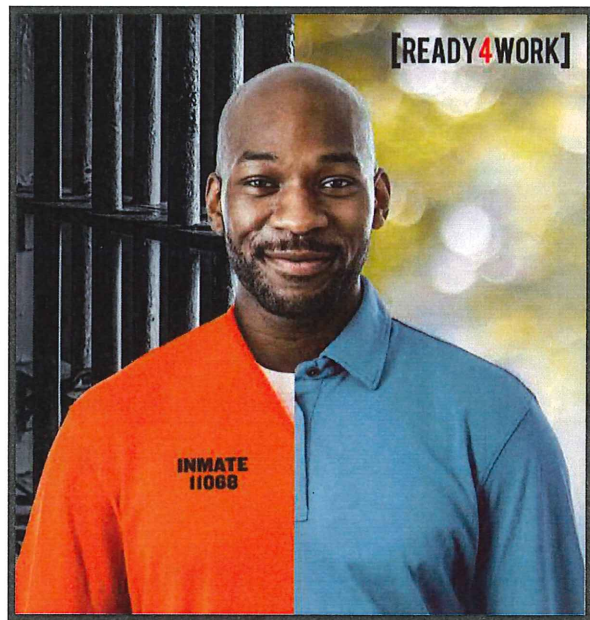
Men, women & youth face many challenges integrating back into community after incarceration. Our Ready4Work® program is successful in helping the formerly incarcerated get a job, reunite with loved ones and make their Second Chance Matter®.

Operation New Hope launched Ready4Work® in 2003 with the purpose of providing support, life and job skills training to the formerly incarcerated and placing them in employment that offers a sustainable quality of life. Operating with a four-pronged approach (case management, life-coaching, job training and job placement assistance) Ready4Work® ensures each client receives holistic care. Additionally, strategic partnerships with faith-based organizations, local businesses, community partners and the judicial system motivate and move individuals to become productive, responsible citizens within the community.

In 2003, President George W. Bush selected Operation New Hope as the pilot site for the Ready4Work® program and we've been recognized as one of the most experienced reentry service providers ever since. We are the only program in North Florida focused on rebuilding the families of returning citizens. We've been praised for our work by the last four White House Administrations. Other supporters include current and former City of Jacksonville leaders Mayor Lenny Curry, John Peyton, & Sheriff Mike Williams. On a recent visit, HUD Secretary Ben Carson, said about Ready4Work®, "I don't think there is any better (program) than this".

Upon acceptance into the program and completing our risk assessment process, participants are required to attend a comprehensive 4-week career development training course. Each participant is partnered with a case manager and job coach to provide guidance and support, leading to a job placement with one of our employer partners. Additionally, participants have access to one of our licensed mental health clinicians for counseling support. It is irrefutable - once a client gets a job that offers a sustainable quality of life, recidivism is dramatically reduced.

Our program saves taxpayers millions of dollars a year that can be used to help address causes of incarceration, like poverty, mental illness and substance abuse. Our success is evident in the transformation stories of our clients, enhanced hiring practices for our employment partners and better public safety through reduced recidivism. We invite you to learn more about our story, including ways you can help us rewrite the narrative on criminal justice reform, by visiting operationnewhope.org.



We Believe Second Chances Matter®

Operation New Hope | 1830 N Main St | Jacksonville, Florida 32206 | 904-354-HOPE (4673)

ITEM 7.B.2.

Presentation: FPL Underground
Utilities

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, P.E., City Manager

DATE: January 22, 2019

RE: Presentation by Florida Power and Light (FPL) to the City Commission, January 28, 2019

Agenda Item for January 28, 2019 City Commission Meeting; Presentation by FPL concerning undergrounding FPL utilities in the City of St. Augustine. FPL has been requested to present the current status of undergrounding their utility lines in City rights of way. FPL has agreed to present.

Thank you.

Sincerely,



Michael G. Cullum, P.E., Director, Public Works

cc: COSA Directors

ITEM 7.C.1.
Ord. 2018-18

City of St. Augustine

Memorandum

TO: John Regan, P.E.
City Manager

DATE: January 28, 2019

RE: **Ordinance 2018-18 – Annexing the property known as the “St. Augustine Shipyards” from St. Johns County into the City of St. Augustine.– Second Reading**

The property known as the St. Augustine Shipyards is partially inside the city limits and partially in St. Johns County. The portion of the property in St. Johns County was historically used as marine industrial property and is composed of several parcels, (PID # 134340 0000, 134390 0000, 134390 0010, 13460 0000, 134630 0000, 134770 0000, 134650 0000 and 134410 0000). The owners have filed a petition for voluntary annexation to incorporate this 20.38 acre portion of property into the City of St. Augustine. This property is mostly uplands but does contain ± 1 acre of wetlands.

On March 26, 2018, the City Commission reviewed and approve a Petition for Voluntary Annexation and Pre-Annexation Agreement for this property. In conjunction with the annexation and in compliance with the pre-annexation agreement, the property must be assigned a city Future Land Use Map (FLUM) designation and a city zoning designation.

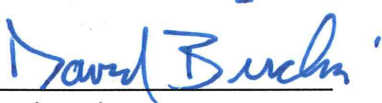
On May 1, 2018, the Planning and Zoning Board (PZB) held a public hearing and made a formal recommendation to the City Commission amend the FLUM designation and zoning designation for these parcels in conjunction with the annexation.

On November 13, 2018, the City Commission passed Ordinance 2018-18 at first reading.

This property is bordered on the south by a residence and auto body repair shop, on the east by the San Sebastian River, on the north by the St. Augustine Shipyards Marina and commercial warehouses and on the west by a Target retail store, a residence and a youth crisis center.

Please place Ordinance 2018-18 on the January 28, 2019 City Commission agenda for second reading and a public hearing.

If you have any questions, please let me know.

A handwritten signature in blue ink that reads "David Birchm". The signature is written in a cursive style with a horizontal line underneath the name.

David Birchim, AICP
Director, Planning and Building

ORDINANCE NO. 2018 - 18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ANNEXING APPROXIMATELY 20.36 ACRES OF PROPERTY IN ST. JOHNS COUNTY, FLORIDA LYING EAST OF ARAPAHO AVENUE SOUTH OF DIESEL ROAD, AS DESCRIBED HEREIN; REDEFINING THE BOUNDARY LINES OF THE CITY OF ST. AUGUSTINE TO INCLUDE SAID PROPERTY; AMENDING SECTION 1.08 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR FILING OF A COPY HEREOF WITH THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ST. JOHNS COUNTY, FLORIDA, AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there has been presented to the City Commission of the City of St. Augustine, Florida, a Petition for Voluntary Annexation of property by the owner thereof (Petitioner).

WHEREAS, located adjacent to said property is other property located within the city limits of the City of St. Augustine.

WHEREAS, said parcel of real property is located in an unincorporated area of St. Johns County and is contiguous to the City of St. Augustine, Florida, and is reasonably compact; and

WHEREAS, it has been determined by the City Commission of the City of St. Augustine, Florida, that the Petition has been properly executed by the owner thereof; and

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

Section 1. That the following described property be, and the same is hereby, annexed to the City of St. Augustine, Florida:

PARCEL ID # 1343400000, 134390 0000, 134390 0010, 13460 0000, 134630 0000, 134770 0000, 134650 0000 and 134410 0000 (attached exhibit "A")

Section 2. That Section 1.08 of the Charter Laws of the City of St. Augustine, Florida be, and the same is hereby, amended by the addition of a new subsection "(tttt)", to read as described above;

Section 3. That upon passage of this ordinance, a certified copy hereof shall be filed by the City Clerk with the Clerk of the Circuit Court of St. Johns County, Florida, and a certified copy hereof shall be filed by the City Clerk with the Department of State and the Chief Administrative Officer of St. Johns County, Florida, all within seven (7) days after adoption of the ordinance.

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

Section 5. Effective Date. This ordinance shall be effective thirty-one (31) days after adoption, or, if legally challenged within thirty (30) days after adoption, upon issuance of a final order by a court of competent jurisdiction.

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

ATTEST:

Nancy Shaver, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

EXHIBIT "A"

COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ARAPAHO AVENUE (A VARIABLE WIDTH RIGHT-OF-WAY AS NOW ESTABLISHED) WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 1 (A 150 RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF ARAPAHO AVENUE, SOUTH 68°21'25" EAST, 251.47 FEET; THENCE SOUTH 53°15'10" WEST, 8.50 FEET, THENCE SOUTH 68°29'21" EAST, 403.09 FEET; THENCE SOUTH 26°52'42" EAST, 6.25 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 53°23'15" EAST, DEPARTING SAID RIGHT-OF-WAY LINE, 1046.64 FEET, TO THE FACE OF A CONCRETE BULKHEAD; THENCE ALONG SAID BULKHEAD THE FOLLOWING COURSES; 1) THENCE SOUTH 68°57'56" EAST, 120.54 FEET; 2) THENCE SOUTH 06°23'08" EAST, 1.79 FEET; 3) THENCE SOUTH 59°47'29" WEST, 72.11 FEET; 4) THENCE SOUTH 39°36'26" EAST, 67.83 FEET; 5) THENCE NORTH 54°53'59" EAST, 70.90 FEET; 6) THENCE SOUTH 35°37'46" EAST, 71.43 FEET; 7) THENCE SOUTH 12°20'53" EAST, 24.82 FEET; 8) THENCE SOUTH 10°25'04" EAST, 21.99 FEET; 9) THENCE SOUTH 10°25'04" EAST, 2.88 FEET; 10) THENCE SOUTH 29°37'36" EAST, 16.43 FEET, TO THE END OF SAID CONCRETE BULKHEAD; THENCE DEPARTING SAID BULKHEAD, ALONG THE WETLAND JURISDICTION LINE THE FOLLOWING COURSES; 1) THENCE SOUTH 56°49'12" EAST, 104.91 FEET; 2) THENCE SOUTH 33°28'01" EAST, 39.60 FEET; 3) THENCE SOUTH 01°50'14" WEST, 37.53 FEET; 4) THENCE SOUTH 30°17'13" EAST, 36.46 FEET; 5) THENCE SOUTH 00°43'45" EAST, 57.76 FEET; 6) THENCE SOUTH 66°10'49" EAST, 29.97 FEET; 7) THENCE SOUTH 02°29'07" WEST, 49.85 FEET; 8) THENCE SOUTH 54°16'22" EAST, 46.15 FEET; 9) THENCE SOUTH 00°22'36" WEST, 62.56 FEET; 10) THENCE SOUTH 58°57'42" WEST, 69.87 FEET; 11) THENCE SOUTH 75°41'14" WEST, 92.78 FEET; 12) THENCE SOUTH 16°59'28" EAST, 60.16 FEET; 13) THENCE SOUTH 20°25'47" EAST, 142.59 FEET; 14) THENCE SOUTH 72°34'05" EAST, 35.72 FEET; 15) THENCE SOUTH 20°19'10" EAST, 108.00 FEET; 16) THENCE SOUTH 09°40'47" EAST, 82.28 FEET; 17) THENCE SOUTH 43°39'36" WEST, 134.75 FEET; 18) THENCE SOUTH 39°16'46" EAST, 34.72 FEET; TO A POINT THAT LIES 2.00 FEET, NORTHERLY, WHEN MEASURED AT A RIGHT ANGLE, TO THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3757, PAGE 1474; THENCE SOUTH 53°25'25" WEST, ALONG A LINE THAT IS 2.00 FEET NORTHERLY OF AND PARALLEL TO THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3757, PAGE 1474, 317.76 FEET; THENCE NORTH 39°35'38" WEST, ALONG THE SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3757, PAGE 1474, 246.32 FEET; THENCE SOUTH 52°47'10" WEST, 153.71 FEET; THENCE NORTH 26°51'17" WEST, DEPARTING SAID SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3757, PAGE 1474, AND ALONG THE EASTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4143, PAGE 863, 638.42 FEET; THENCE SOUTH 63°08'43" WEST, DEPARTING THE LAST SAID LINE, AND ALONG THE NORTHERLY LINE OF THOSE LANDS

DESCRIBED IN OFFICIAL RECORDS BOOK 4143, PAGE 863, 291.11 FEET,
TO ITS INTERSECTION WITH THE AFOREMENTIONED NORTHEASTERLY RIGHT
OF WAY LINE OF ARAPAHO AVENUE; THENCE NORTH $26^{\circ}52'42''$ WEST,
ALONG LAST SAID RIGHT OF WAY LINE, 198.90 FEET TO THE POINT OF
BEGINNING.



City of St. Augustine

PLANNING AND BUILDING DEPARTMENT

P.O. Box 210, St. Augustine, FL 32085 Phone: (904) 825-1065

AERIAL

SHEET

1 of 1

City of St. Augustine

Memorandum

TO: John Regan, P.E.
City Manager

DATE: January 28, 2019

RE: **Ordinance 2018-19 – Amending the Future Land Use Map (FLUM) designation for the property known as the “St. Augustine Shipyards” from St. Johns County Mixed Use to City of St. Augustine Residential Medium Density/Mixed Use and Open Land in Conjunction with the Annexation of the Property into the City Limits.– Second Reading**

The property known as the St. Augustine Shipyards is partially inside the city limits and partially in St. Johns County. The portion of the property in St. Johns County was historically used as marine industrial property and is composed of several parcels, (PID # 134340 0000, 134390 0000, 134390 0010, 13460 0000, 134630 0000, 134770 0000, 134650 0000 and 134410 0000). The owners have filed a petition for voluntary annexation to incorporate this 20.38 acre portion of property into the City of St. Augustine. This property is mostly uplands but does contain ± 1 acre of wetlands.

In conjunction with the annexation and in compliance with the pre-annexation agreement, the property must be assigned a city Future Land Use Map (FLUM) designation and a city zoning designation. The owner has applied to have the Residential Medium Density Mixed Use FLUM designation assigned to this property in conjunction with the rezoning of this property to Residential General Office (RGO).

On May 1, 2018, the Planning and Zoning Board (PZB) held a public hearing and made a formal recommendation to the City Commission to assign the Residential Medium Density/Mixed Use FLUM designation to the uplands part of the property and the Open Land FLUM designation to the wetlands on the property. The property owner agreed to allow the wetlands portion to be assigned the Open Land FLUM designation based on the PZB recommendation.

This property is bordered on the south by a residence and auto body repair shop, on the east by the San Sebastian River, on the north by the St. Augustine Shipyards Marina and on the west by a Target retail store, a residence and a youth crisis center. The Residential Medium Density Mixed Use land use is consistent with the existing patterns of development surrounding this property.

“Residential Medium Density Mixed Use

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

Residential Uses

See Residential Medium Density

Other Uses

A maximum of fifty percent (50%) of the Residential Medium Density Mixed Use land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity industrial (light manufacturing, processing, packaging and fabricating), low intensity commercial, institutional (including schools), recreational and open land. The City shall incorporate guidelines within its land development regulations to permit certain nonresidential uses as a zoning exception to ensure compatibility with existing residential areas and land use patterns. Low intensity industrial uses shall not be permitted near schools.

Maximum lot coverage of 50%; maximum height restriction of 50 feet.”

“Open Land (Very Low Density Residential)

This district is intended to apply to areas which are sparsely developed and including uses as normally found in environmentally sensitive areas away from urban activity. It is intended that substantial residential, commercial or industrial development shall not be permitted in the district.

Single Family dwelling including mobile home Two dwelling units per acre;
maximum lot coverage of 10%; maximum height restriction of 35 feet.

Other Uses Appropriate activities and land uses within environmentally sensitive areas, include but are not limited to, water related activities and uses, and passive recreation activities and uses.

Maximum lot coverage of 20%; maximum height restriction of 35 feet.”

On November 13, 2018, the City Commission passed Ordinance 2018-19 at first reading and the city transmitted this FLUM amendment to the required government agencies.

Please place Ordinance 2018-19 on the January 28, 2019 City Commission agenda for second reading and adoption.

If you have any questions, please let me know.

A handwritten signature in blue ink that reads "David Birchim". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

David Birchim, AICP
Director, Planning and Building

ORDINANCE NO. 2018-19

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 LAND USE CLASSIFICATIONS FOR APPROXIMATELY 20.36 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF ARAPAHOE AVENUE, SOUTH OF DIESEL ROAD, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF ST. JOHNS COUNTY MIXED USE TO THE CITY OF ST. AUGUSTINE CLASSIFICATIONS OF RESIDENTIAL MEDIUM DENSITY/MIXED USE AND OPEN LAND; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that parcels of property containing approximately 20.36 acres located on the east side of Arapahoe Avenue south of Diesel Road in the City of St. Augustine, being more fully described herein, should amend the Future Land Use Map (FLUM) to reflect City of St. Augustine land use classifications;

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

Section 1. The following described property, containing approximately 20.36 acres located on the east side of Arapahoe Avenue south of Diesel Road in the City of St. Augustine, is hereby amended from the FLUM classification of St. Johns County Mixed Use to the City of St. Augustine FLUM classification of Residential Medium Density/Mixed Use, also known as Parcel # 134340 0000, 134390 0000, 134390 0010,

13460 0000, 134630 0000, 134770 0000, 134650 0000 and 134410 0000 and as more fully described in the attached legal description. Further, that portion of Parcel # 134650 0000 and 134770 0000 that are classified as wetlands, based of the most restrictive jurisdictional wetlands line, are hereby amended from the FLUM classification of St. Johns County Mixed Use to City of St. Augustine FLUM classification Open Land.

Section 2. The City Planning and Building Director is hereby authorized and directed to amend the Future Land Use Map (FLUM) of the Comprehensive Plan for the City of St. Augustine, Florida to reflect the land use classifications assigned to the above-described lands.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. This ordinance shall be effective upon the effective date of Ordinance 2018-18, and thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete, or, if this ordinance is legally challenged within thirty (30) days after adoption, upon issuance of a final order by the Department of Economic Opportunity or the Administration Commission, whichever is later.

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

ATTEST:

Nancy Shaver, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)



City of St. Augustine



St. Augustine, Florida
Nation's Oldest City

Planning/Building

May 1, 2018

Greenwood Property, LLC
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Re: Rezoning/Land Use Plan Amendment – Parcel Nos. 1343400000, 1343900000, 1343900010, 1346000000, 1346300000, 1347700000, 1346500000 and 1344100000 – Case # 2018-0055

To Whom It May Concern:

On Tuesday, May 1, 2018, the Planning and Zoning Board (PZB) met and discussed your application to recommend a comprehensive plan amendment from County Mixed Use to City Residential Medium Density / Mixed Use & rezoning from County Industrial Warehouse (IW) & Open Rural (OR) to City Residential General Office (RGO) to the City Commission for +/- 20.36 acres of land located at parcels 1343400000, 1343900000, 1343900010, 1346000000, 1346300000, 1347700000, 1346500000 and 1344100000.

Specifically, the PZB recommended **approval** of the rezoning and land use plan amendment to the City Commission as described in the attached copy of the executed Order.

Should you have questions regarding this matter, please contact the Planning and Building Department at 825-1065.

Sincerely,

David Birchim, AICP
Director, Planning & Building

DB:sp
Attachment

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 |
| ☒ Land Use Plan Amendment | |

IN THE MATTER OF:

Case No.: 2018-0055

Applicant: Greenwood Property LLC – Represented by St. Johns Law Group

Owner: Greenwood Property LLC

Parcel Numbers: 1343400000, 1343900000, 1343900010, 1346000000, 1346300000, 1347700000,
1346500000, and 1344100000

RE: Comprehensive Plan Amendment and Rezoning, pursuant to Section 28-30, City of St. Augustine Code, recommendation of a Comprehensive Plan Amendment from County Mixed Use to City Residential Medium Density / Mixed Use & Rezoning from County Industrial Warehouse (IW) & Open Rural (OR) to City Residential General Office (RGO).

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON MAY 1, 2018, 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 May 1, 2018 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 County Mixed Use and a zoning classification of City Residential Medium Density.
4. The above-described Comprehensive Plan Amendment and Rezoning is subject to Section 28-30 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 28-30, City of St. Augustine Code, and APPROVES / DENIES / CONTINUES the Applicant's request recommendation of a Comprehensive Plan Amendment from County Mixed Use to City Residential Medium Density / Mixed Use & Rezoning from County Industrial Warehouse (IW) & Open Rural (OR) to City Residential General Office (RGO).

Subject to the following conditions:

- RECOMMEND: RESIDENTIAL MEDIUM DENSITY / MIXED USE LAND USE → UPLANDS ONLY
- RECOMMEND: CITY RGO ZONING UPLANDS PORTION ONLY
- RECOMMEND PROPERTY WATERWARD OF JURISDICTIONAL LINE:
- LAND USE AMENDMENT - OPEN LAND
- REZONING WETLANDS - OPEN LAND
- CONCERNS: Access, TRAFFIC, MOBILITY AND COUNTY AND STATE ROADS
- WERE EXPRESSED: AND PUBLIC ACCESS TO WATERWAYS

DONE AND ORDERED, at a public hearing on the 1 day of MAY, A.D., 2018, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2018-0055

REQUEST APPROVED / DENIED / CONTINUED

Sign Name

SARAH RYAN

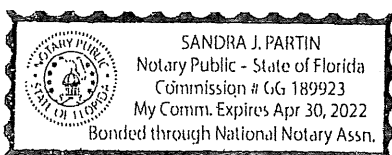
Print Name

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, Sarah Ryan 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 1st day of May, A.D., 2018.



Sandra J. Partin
Notary Public, State of Florida

SYAERIAL.MXD/0419-2018NVC



City of St. Augustine

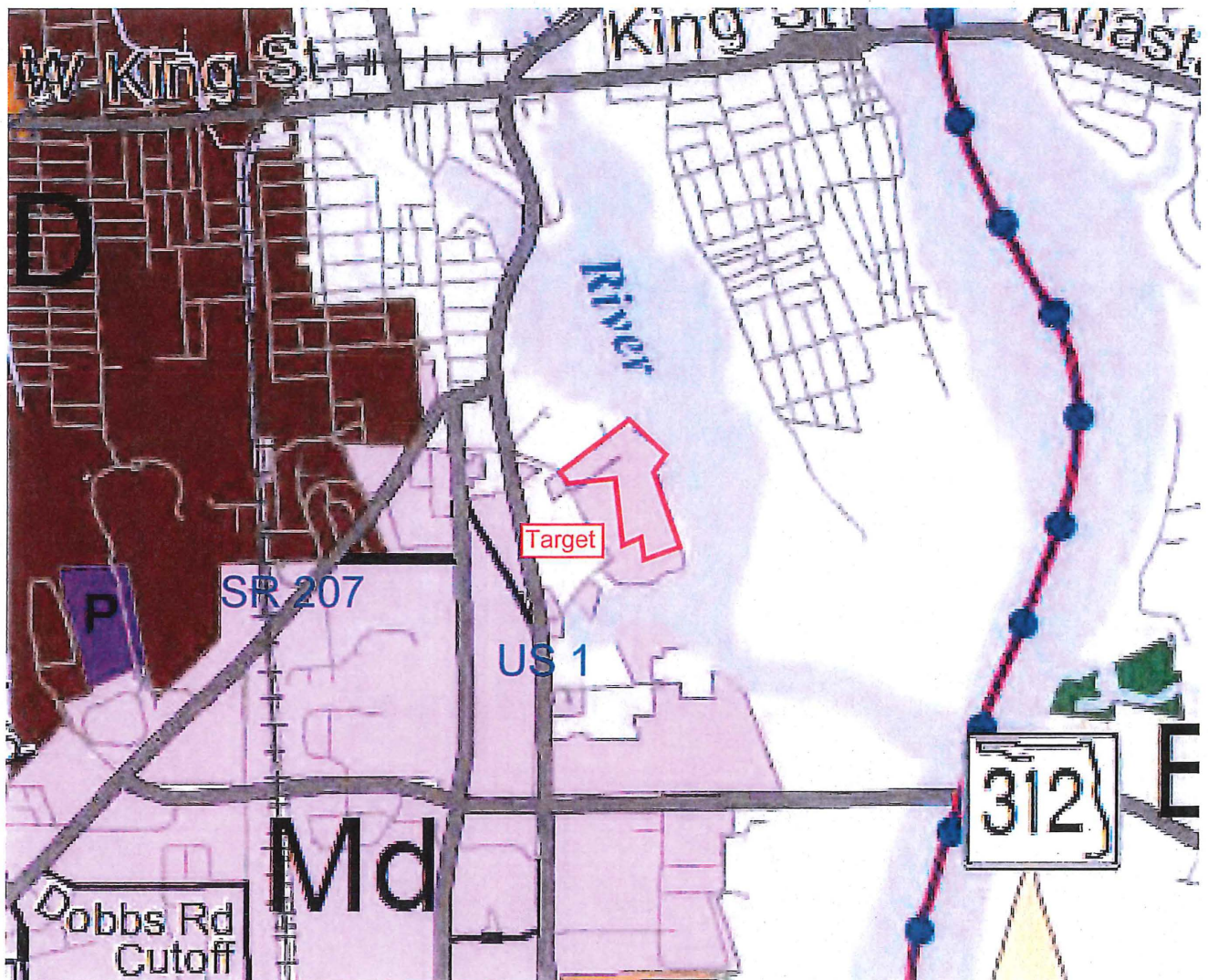
PLANNING AND BUILDING DEPARTMENT

P.O. Box 210, St. Augustine, FL 32085 Phone: (904) 825-1065

AERIAL

SHEET
1 of 1

St. Johns County Land Use Map

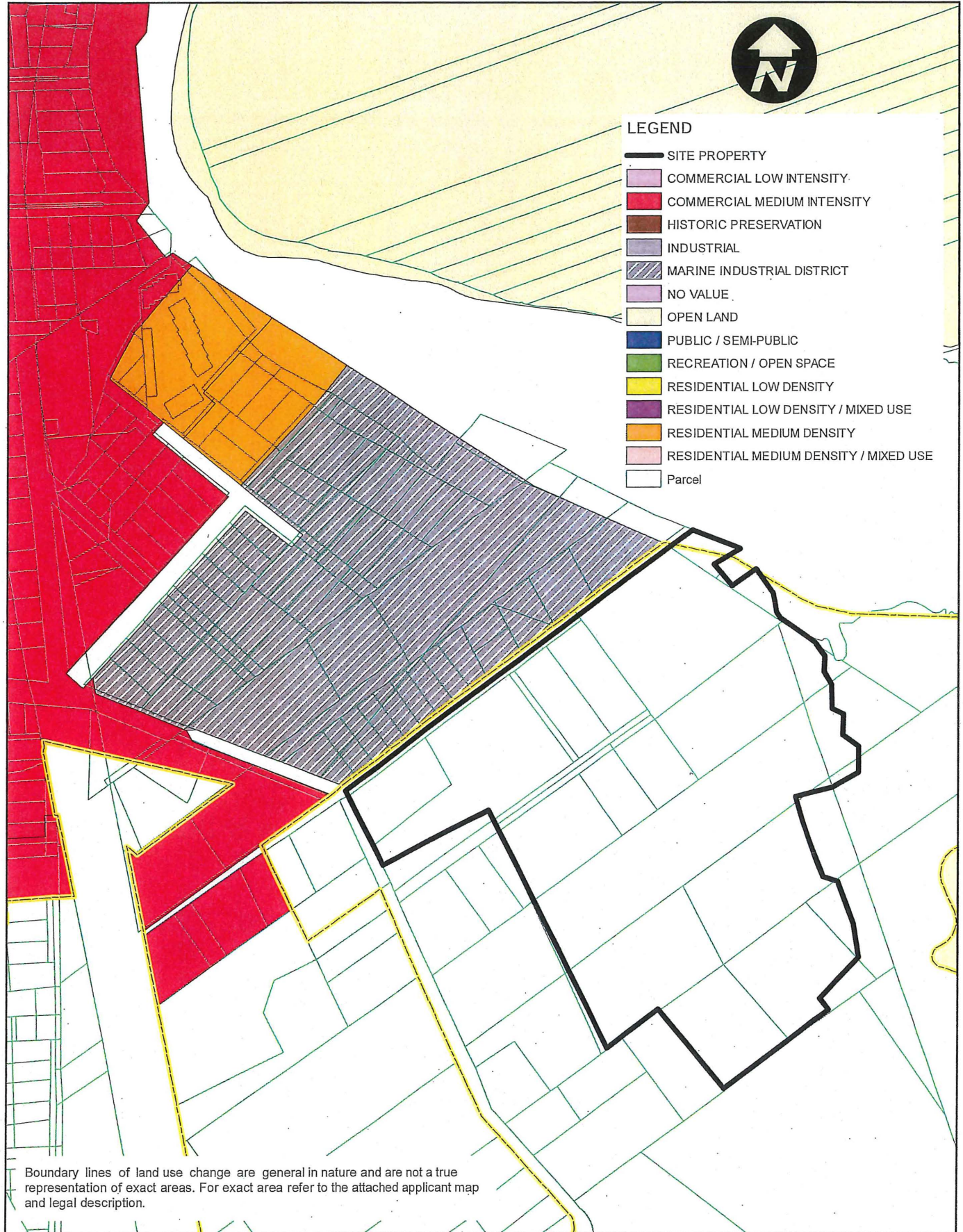


Boundary lines of land use change are general in nature and are not a true representation of exact areas. For exact area refer to the attached applicant map and legal description.



LEGEND

-  SITE PROPERTY
-  COMMERCIAL LOW INTENSITY
-  COMMERCIAL MEDIUM INTENSITY
-  HISTORIC PRESERVATION
-  INDUSTRIAL
-  MARINE INDUSTRIAL DISTRICT
-  NO VALUE
-  OPEN LAND
-  PUBLIC / SEMI-PUBLIC
-  RECREATION / OPEN SPACE
-  RESIDENTIAL LOW DENSITY
-  RESIDENTIAL LOW DENSITY / MIXED USE
-  RESIDENTIAL MEDIUM DENSITY
-  RESIDENTIAL MEDIUM DENSITY / MIXED USE
-  Parcel



Boundary lines of land use change are general in nature and are not a true representation of exact areas. For exact area refer to the attached applicant map and legal description.



City of St. Augustine

PLANNING AND BUILDING DEPARTMENT

P.O. Box 210, St. Augustine, FL 32085 Phone: (904) 825-1065

LAND USE

SHEET

1 of 1

City of St. Augustine

Memorandum

TO: John Regan, P.E.
City Manager

DATE: January 28, 2019

RE: **Ordinance 2018-20 – Amending the Zoning designation for the property known as the “St. Augustine Shipyards” from St. Johns County Industrial Warehouse and Open Rural to City of St. Augustine Residential General Office (RGO) and Open Land in Conjunction with the Annexation of the Property into the City Limits.– Second Reading**

The property known as the St. Augustine Shipyards is partially inside the city limits and partially in St. Johns County. The portion of the property in St. Johns County was historically used as marine industrial property and is composed of several parcels, (PID # 134340 0000, 134390 0000, 134390 0010, 13460 0000, 134630 0000, 134770 0000, 134650 0000 and 134410 0000). The owners have filed a petition for voluntary annexation to incorporate this 20.38 acre portion of property into the City of St. Augustine. This property is mostly uplands but does contain ± 1 acre of wetlands.

In conjunction with the annexation and in compliance with the pre-annexation agreement, the property must be assigned a city zoning designation. The owner has applied to rezone this property to Residential General Office (RGO).

On May 1, 2018, the Planning and Zoning Board (PZB) held a public hearing and made a formal recommendation to the City Commission to assign the Residential General Office (RGO) zoning designation to the uplands and the Open Land (OL) zoning designation to the wetlands. The property owner agreed to allow the wetlands portion to be assigned the Open Land zoning designation based on the PZB recommendation.

The PZB discussed traffic and mobility and access issues related to this property as well as public access to the San Sebastian River. Attached is a copy of the staff report that accompanied this application to the PZB which contains the full description of the current county zoning and proposed city Residential General Office (RGO) zoning.

This property is bordered on the south by a residence and auto body repair shop, on the east by the San Sebastian River, on the north by the St. Augustine Shipyards Marina and on the west by a Target retail store, a residence and a youth crisis center.

On November 13, 2018, the City Commission passed Ordinance 2018-20 at first reading.

Please place Ordinance 2018-20 on the January 28, 2019 City Commission agenda for second reading and a public hearing.

If you have any questions, please let me know.



David Birchim, AICP
Director, Planning and Building

ORDINANCE NO. 2018-20

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 20.36 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF ARAPAHOE AVENUE, SOUTH OF DIESEL ROAD, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF ST. JOHNS COUNTY INDUSTRIAL WAREHOUSE (IW) and OPEN RURAL (OR) TO THE CITY OF ST. AUGUSTINE CLASSIFICATION OF RESIDENTIAL GENERAL OFFICE (RGO) AND OPEN LAND (OL); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that a parcel of property containing approximately 20.36 acres located on the east side of Arapahoe Avenue south of Diesel Road in the City of St. Augustine, being more fully described herein, should be rezoned;

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

Section 1. The following described property, containing approximately 20.36 acres located on the east side of Arapahoe Avenue south of Diesel Road in the City of St. Augustine, is hereby rezoned from the classification of St. Johns County Industrial Warehouse (IW) and Open Rural (OR) to the City of St. Augustine classification of Residential General Office (RGO), also known as Parcel # 134340 0000, 134390 0000, 134390 0010, 13460 0000, 134630 0000, 134770 0000, 134650 0000 and 134410 0000 and as more fully described in the attached legal description. Further, that portion of

Parcel # 134650 0000 and 134770 0000 that are classified as wetlands, based of the most restrictive jurisdictional wetlands line, are hereby rezoned from the classification of St. Johns County Industrial Warehouse (IW) and Open Rural (OR) to City of St. Augustine classification Open Land (OL).

Section 2. The City Planning and Building Director is hereby authorized and directed to change the Zoning Atlas for the City of St. Augustine, Florida to reflect the rezoning of the above-described land.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. This ordinance shall be effective ten (10) days after the effective date of both Ordinance 2018-18 and Ordinance 2018-19.

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

ATTEST:

Nancy Shaver, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)



City of St. Augustine



St. Augustine, Florida
Nation's Oldest City

Planning/Building

May 1, 2018

Greenwood Property, LLC
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Re: Rezoning/Land Use Plan Amendment – Parcel Nos. 1343400000, 1343900000, 1343900010, 1346000000, 1346300000, 1347700000, 1346500000 and 1344100000 – Case # 2018-0055

To Whom It May Concern:

On Tuesday, May 1, 2018, the Planning and Zoning Board (PZB) met and discussed your application to recommend a comprehensive plan amendment from County Mixed Use to City Residential Medium Density / Mixed Use & rezoning from County Industrial Warehouse (IW) & Open Rural (OR) to City Residential General Office (RGO) to the City Commission for +/- 20.36 acres of land located at parcels 1343400000, 1343900000, 1343900010, 1346000000, 1346300000, 1347700000, 1346500000 and 1344100000.

Specifically, the PZB recommended **approval** of the rezoning and land use plan amendment to the City Commission as described in the attached copy of the executed Order.

Should you have questions regarding this matter, please contact the Planning and Building Department at 825-1065.

Sincerely,

David Birchim, AICP
Director, Planning & Building

DB:sp
Attachment

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 |
| ☒ Land Use Plan Amendment | |

IN THE MATTER OF:

Case No.: 2018-0055

Applicant: Greenwood Property LLC – Represented by St. Johns Law Group

Owner: Greenwood Property LLC

Parcel Numbers: 1343400000, 1343900000, 1343900010, 1346000000, 1346300000, 1347700000,
1346500000, and 1344100000

RE: Comprehensive Plan Amendment and Rezoning, pursuant to Section 28-30, City of St. Augustine Code, recommendation of a Comprehensive Plan Amendment from County Mixed Use to City Residential Medium Density / Mixed Use & Rezoning from County Industrial Warehouse (IW) & Open Rural (OR) to City Residential General Office (RGO).

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON MAY 1, 2018, 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 May 1, 2018 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 County Mixed Use and a zoning classification of City Residential Medium Density.
4. The above-described Comprehensive Plan Amendment and Rezoning is subject to Section 28-30 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 28-30, City of St. Augustine Code, and APPROVES / **DENIES** / **CONTINUES** the Applicant's request recommendation of a Comprehensive Plan Amendment from County Mixed Use to City Residential Medium Density / Mixed Use & Rezoning from County Industrial Warehouse (IW) & Open Rural (OR) to City Residential General Office (RGO).

Subject to the following conditions:

- RECOMMEND RESIDENTIAL MEDIUM DENSITY / MIXED USE LAND USE → UPLANDS ONLY
- RECOMMEND: CITY RGO ZONING UPLANDS PORTION ONLY
- RECOMMEND PROPERTY WATERWARD OF JURISDICTIONAL LINE:
- LAND USE AMENDMENT - OPEN LAND
- REZONING WETLANDS - OPEN LAND
- CONCERNS: ACCESS, TRAFFIC, MOBILITY AND COUNTY AND STATE ROADS
- WERE EXPRESSED: AND PUBLIC ACCESS TO WATERWAYS

DONE AND ORDERED, at a public hearing on the 1 day of MAY, A.D., 2018, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2018-0055

REQUEST APPROVED / DENIED / CONTINUED

Sign Name

S. Ryan
SARAH RYAN

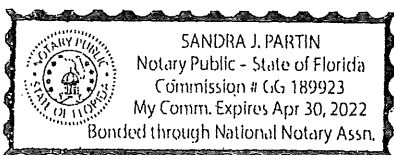
Print Name

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, Sarah Ryan 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 1st day of May, A.D., 2018.



Sandra J. Partin
Notary Public, State of Florida

SYAERIAL.MXD/0419-2018/NC



City of St. Augustine

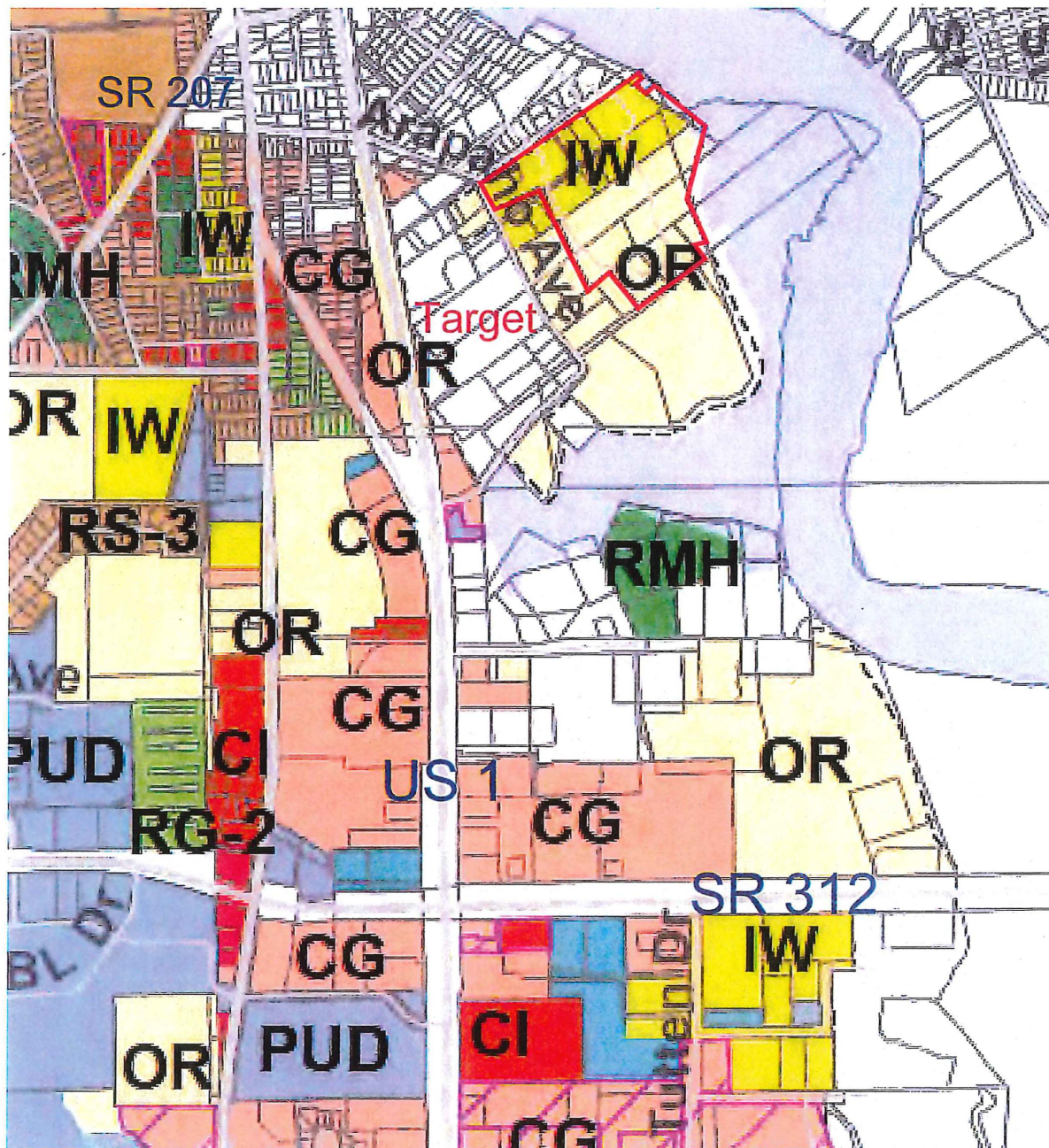
PLANNING AND BUILDING DEPARTMENT

P.O. Box 210, St. Augustine, FL 32085 Phone: (904) 825-1065

AERIAL

SHEET
1 of 1

St. Johns County Zoning Map



Boundary lines of rezoning change are general in nature and are not a true representation of exact areas. For exact area refer to the attached applicant map and legal description.



LEGEND

— SITE PROPERTY

ZONING

- Residential General-One (RG-1)
- Residential General-Two (RG-2)
- Residential General Office (RGO)
- Residential General Office A (RGO-A)
- Open Land
- Government Use
- Planned Unit Development (PUD)
- Commercial Low-One (CL-1)
- Commercial Low-Two (CL-2)
- Commercial Medium-One (CM-1)
- Commercial Medium-Two (CM-2)
- Commercial Tourist Attraction (CTA)
- Industrial and Warehousing (IW)
- Maritime Use (MU)
- No City Zoning Designation
- Parcel

Boundary lines of rezoning change are general in nature and are not a true representation of exact areas. For exact area refer to the attached applicant map and legal description.



City of St. Augustine

PLANNING AND BUILDING DEPARTMENT

P.O. Box 210, St. Augustine, FL 32085 Phone: (904) 825-1065

ZONING

SHEET

1 of 1

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: April 20, 2018

RE: **COMPREHENSIVE PLAN AMENDMENT AND REZONING - #2018-0055**

AGENDA ITEM 6(a)

APPLICANT & OWNER Greenwood Property, LLC

LOCATION Parcel ID Numbers: 1343400000, 1343900000, 1343900010, 1346000000, 1346300000, 1347700000, 1346500000, and 1344100000.

REQUEST Recommendation of a comprehensive plan amendment from County Mixed Use to City Residential Medium Density / Mixed Use & rezoning from County Industrial Warehousing (IW) & Open Rural (OR) to City Residential General Office (RGO) to the City Commission for +/- 20.36 acres of land.

CURRENT LAND USE County Mixed Use

PROPOSED LAND USE City Residential Medium Density

CURRENT ZONING County Industrial Warehousing (IW) & County Open Rural (OR)

PROPOSED ZONING City Residential General Office (RGO)

SURROUNDING PROPERTIES LAND USE & ZONING

	<u>Land Use</u>	<u>Zoning</u>
North	City Marine Industrial	City Planned Unit Development (PUD)
South	County Mixed Use	County OR
East	City Open Land	City Open Land
West	County Mixed Use; Undesignated (Target site)	City PUD, County OR, & County IW

SURROUNDING PROPERTIES EXISTING USES

North	Marina
South	Vacant / Residential
East	Vacant / River
West	Retail (Target, Auto Body Shop) / Residential

STAFF SUMMARY

The Board will be making a recommendation of a large scale rezoning and large scale comprehensive plan map amendment on +/- 20.23 acres. Currently the properties are going through the process of being voluntary annexed into the City. A pre-annexation agreement between the property owner and the City was approved by the City Commission. This agreement specified the applicant may be filing a comprehensive plan amendment with associated rezoning from County to City standards, hence the filing of this application. If the recommendation moves forward, the City Commission will consider the annexation, comprehensive plan map amendment, and rezoning on the same meeting. This has been tentatively scheduled for June or July.

In attachment 4, a copy of the neighboring Shipyards Planned Unit Development has been provided as a reference.

APPLICABLE CODES/ORDINANCES

Sec. 28-30. - Comprehensive plan amendments, rezoning's and amendment of chapter.

- (c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:

(1) The need and justification for the change.

(2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.

(3) Consistency with the comprehensive plan.

- (d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission.

The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.

Current County Land Use:

Policy A.1.9.1 -2025 Comprehensive Plan

All land uses, as provided for in the County Comprehensive Plan and County land development regulations, may be included within Mixed Use Districts as designated on the Future Land Use Map, except as provided in Policy A.1.9.8. The Mixed Use Districts are intended to provide for areas that have a mixture of land uses, including commercial, light industrial, office, and low, medium and high density residential development, and are supported by urban services (e.g. central water and sewer).

Residential densities within Mixed Use Districts shall be consistent with adjacent land uses and may transition from low to high density.

Mixed Use Districts may be permitted up to thirteen (13) units per net acre plus any applicable optional, wetland or affordable housing density bonuses. Densities shall be determined on a site specific basis considering design, compatibility, infrastructure, site characteristics and other similar considerations, which may limit density appropriate to the site.

Intensity of non-residential uses shall be limited to 75% Impervious Surface Ratio (ISR) and 70% Floor Area Ratio (FAR) as further governed by Policy A.1.11.3.

Policy A.1.9.2 -2025 Comprehensive Plan

Mixed Use Districts are not intended to provide for linear strip commercial development, but rather to incorporate commercial, light industrial, office, and residential uses in a manner that promotes a diversity of residential and non- residential activities in a concentrated area. It is intended that the highest land use intensities occur at the center of the Mixed Use Districts with decreasing intensity of uses proceeding outward toward the adjacent land use designations. When not appropriate, development of the Mixed Use District shall ensure compatibility with the adjacent properties. Adequate buffering can be shown to alleviate incompatibilities and protect existing community character.

Policy A.1.9.4 - 2025 Comprehensive Plan

All new development within Mixed Use Districts on parcels equal to or greater than ten (10) acres in size shall be required to apply for development approval under the provisions of the Planned Development land development regulations.

Policy A.1.9.5 - 2025 Comprehensive Plan

Applicants for new development within Mixed Use Districts on parcels equal to or greater than ten (10) acres shall demonstrate through a Master Development Plan how the development will achieve a well-balanced mixture of uses with pedestrian, bicycle and vehicular systems providing interconnectivity and ensuring accessibility within and between uses. The Master Development Plan shall provide for compatibility of uses both within the development and with adjacent land parcels, and shall provide a land use program with the highest intensity uses in the center of the Mixed Use District with decreasing intensity of uses proceeding outward toward the adjacent land use designations, where compatible and applicable.

Policy A.1.9.8 - 2025 Comprehensive Plan

Within Mixed Use Districts, heavy industrial uses shall be discouraged except within established industrial parks zoned to allow heavy industrial, and shall include enhanced buffering and screening to minimize adverse impacts to surrounding land uses.

Proposed City Future Land Use:

Policy 1.3 – 2030 Comprehensive Plan

Residential Medium Density Mixed Use

This district is intended to apply to those neighborhoods designated for multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a diverse medium intensity residential character.

Residential Uses: Maximum of 16 units per acre (minimum of 5,450 square feet of lot area for single-family dwelling units and for multiple-family dwelling units, 7,250 square feet of lot area for the first 2 units and 1,750 square feet of lot area for each additional unit).

Non-residential Uses: A maximum of thirty percent (30%) of the Residential Medium Density land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity commercial, institutional (including schools), recreational and open land. The City shall incorporate guidelines within its land development regulations to permit certain nonresidential uses as a zoning exception to ensure compatibility with existing residential areas and land use patterns. A minimum lot area of 5,450 square feet; maximum height restriction of 35 feet; maximum lot coverage of 35%.

Current County Zoning:

Sec. 2.02.02 Allowable Uses In Zoning Districts

An "A" indicates that the Use is allowable by right or as a Special Use, subject to the standards of this Code. Special Uses are provided in Part 2.03.00 of this Article. A blank space indicates that the Use is prohibited.

Zone District Use Category	O R	I W
Residential	A	A
Agricultural	A	
Cultural / Institutional	A	
Neighborhood Business		
General Business		
Town Center Mixed Use		
High Intensity Commercial		
Highway Commercial		
Rural Commercial		
Light Industrial		A
Heavy Industrial		
Mining & Extraction	A	A

Office & Professional		
Outdoor / Passive	A	
Neighborhood Public Service	A	A
General Public Service		A
Reg. Business & Commercial		
Reg. Cultural & Entertainment		
Solid Waste & Correct. Fac.	A	

Section 2.02.01 Use Classifications and Definitions

A. Residential Uses

Residential Uses are those which provide dwellings or Structures intended for occupancy for housekeeping, and includes units which are Single Family detached, accessory apartments, multi-family in a variety of housing styles, including but not limited to duplex, triplex, quadplex, garden apartments, villas and townhouses, mid-rise and high-rise apartment Buildings, and garage apartments. Also included are Manufactured/Modular Homes, Manufactured/Mobile Homes, condominium ownership, cooperatives, and other ownership arrangements. Residential Uses also include Special Care Housing including group homes, congregate care homes, assisted living facilities, and foster homes; cemeteries and mausoleums; schools with conventional academic curriculum and Community Marinas. Residential Uses also include model homes, with or without sales office and construction trailers. Certain Uses are also allowable in the residential Use category by Special Use, and are specified in Part 2.03.00. Residential units, while allowable, shall not exceed the density limitations shown in the Comprehensive Plan. In addition, not all housing types are allowable in every zoning district. Refer to Section 2.02.03 which describes which housing types are allowable in each residential zoning district.

B. Agricultural Uses

1. Agricultural Uses are those related to the production, keeping, or maintenance, whether for sale or personal use, of plants and Animals for food, forage, fiber, or ornamental purposes. Agricultural Uses are characterized as predominantly outdoor activities, with Structures that may cover portions of the land, such as specific production activities, like poultry houses, greenhouses, and kennels. The Uses within this category may include both domestic and exotic species, except as specifically prohibited by other regulations. Agricultural Uses may also include passive outdoor recreational activities, Bed and Breakfast establishments, Retreats and similar passive rural Uses. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.

2. Typical Uses in this category are silviculture; horticulture; aquaculture; crop production; pasture lands; livestock; horses, ponies and other Animals; bee keeping; orchards; plant nurseries; General Stores and feed stores; cemeteries and mausoleums; Special Care Housing including group homes, congregate care homes, assisted living facilities, and foster homes; veterinary offices and Animal hospitals with outside Kennels; Kennels and other Animal boarding facilities; dog and domestic animal parks; Rural Home Industry; Agricultural Manufacturing; and Structures and facilities necessary to agricultural production activities, including barns, sties, pens, corrals, stables, greenhouses, milking parlors and dairies, feedlots, silos, and other substantially similar facilities and Structures whether for the primary Use or accessory to agricultural activity. Also included is treated Wastewater land application disposal. Agricultural Uses may also include, farm worker housing, and residences for the farm owner, operator, or caretaker, where those Uses are directly associated with the principal Agricultural Use of the land. Bed and Breakfast establishments limited to a maximum of ten (10) rental units, Primitive Campgrounds, Retreats limited to a maximum of ten (10) rental units and not exceeding an overnight occupancy of twenty (20) persons, Private Clubs, dude ranch, riding academy, hunting camps, game preserves, wildlife preserves, outdoor events, outdoor arenas and outdoor firing ranges, and aircraft landing fields shall be permitted.

C. Cultural/Institutional Uses

1. Cultural/Institutional Uses provide a personal service in the form of education, culture, fine arts displays and exhibits, and similar activities. Uses in this category are predominantly day-time activities. However, due to the nature of the Cultural/Institutional Use, traffic, parking, use of land coverage may be increased for special events. Users and employees may vary due to the nature of Cultural/Institutional Uses. Institutional Uses may be public or private. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. Typical Cultural/Institutional Uses in this category are libraries, galleries, and museums; schools with conventional academic curriculum; child care, adult day care, or child nurseries; Community Centers; churches and synagogues; Private Clubs; parks and recreation facilities with or without lighted fields and courts. Specifically not included in this category are theaters and auditoriums or other similar places of assembly; colleges and universities are listed under Regional Culture and Entertainment Facilities.

J. Light Industrial Uses

1. The characteristics of Uses in this category include large Lots, often with a single user or single employer, where light manufacturing, storing, or distribution of goods occurs. Buildings are typically one floor, but may cover

large portions of land. Businesses may operate on a twenty-four (24) hour time frame and include two (2) or three (3) shifts per day. Truck and rail traffic are common. However, noise, dust and air quality impacts are minimal. These Uses may also have substantial and significant outdoor storage and/or outdoor activity. Uses may or may not be open to the general public. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.

2. Typical Uses in this category are light manufacturing, vegetable food processing, production, packaging and assembly plants; warehousing, with or without distribution centers; lumberyards; large-scale printing plants, newspaper printing operations and distribution centers; business and commerce parks; Ports, Marinas; office showrooms; Vehicle Recycling facilities; composting and other yard waste facilities; extermination and pest control services; storage yards for equipment, machinery, dry storage for boats, and supplies for building and trades contractors, landscaping services, garbage haulers, appliance repair shops, machine shops; all types of vehicle repair and storage, including body shops, repair and service centers; Boat and RV storage; personal property mini-warehousing; indoor Kennels and other animal boarding facilities; veterinary office and animal hospitals, groomers; vocational, technical and trades school; commercial recreation; and other substantially similar facilities and Uses.

L. Mining and Extractive Activities

This category includes all Uses where resources are removed from the ground, such as mines, borrow pits, and other similar activities and may include the on-site processing of such resources. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.

N. Outdoor/Passive Uses

1. Outdoor/Passive Uses are characterized by Uses which have large amounts of land with few Structures, normally minimum outdoor lighting. Activities tend to be low impact and are predominately daytime activities. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. Included are walking and hiking trails, bridle paths, greenways, game preserves, natural preserves, parks with picnic areas, primitive camps, and similar low impact Uses. Also allowable are country clubs, golf clubs, golf driving ranges (provided they function accessory to and on the same site as a golf course or country club), and cemeteries (either human or pet). Mausoleums may be permitted provided they function accessory to and on the same site as related cemetery.

O. Neighborhood Public Service and Emergency Service Uses

1. This category represents those neighborhood-scale Uses which may have limited outdoor storage and outdoor activity, and may cause potential nuisance, but are nevertheless necessary as support to surrounding Uses. Any potential nuisance is mitigated by limitations on scale of Development, consistent with neighborhood scale Development. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.
2. The type of Uses included in this category include, but are not limited to neighborhood-scale fire stations, police stations, emergency medical services and facilities; water and Wastewater Treatment Plants and facilities and components of water and Wastewater Treatment Plants and facilities; electric substations; telephone equipment stations, switching stations, and similar communication facilities; communication Antennas and Antenna Towers; neighborhood support services; Social Assistance Centers; and other substantially similar facilities and Uses. Neighborhood Public Service and Emergency Service Uses shall not include the erection of structures, buildings, or office facilities for commercial activities, such as the sale of related merchandise or collection of bills, in those zoning districts where such commercial and office activities are prohibited.

S. Solid Waste & Correctional Facilities

This category is for Uses such as landfills (Class I, II, and III), solid waste transfer facilities, hazardous waste transfer facilities, recycling centers, composting and other yard waste facilities, and other substantially similar facilities and Uses. Also, criminal justice detention facilities and other correctional institutions and facilities are included in this category. In addition, not all Uses are allowable by right in every zoning district. Refer to Section 2.03.00 which describes Uses by zoning district.

Sec. 2.02.03 Housing Types

The Table below indicates the housing types allowed in each zoning district within St. Johns County. The housing types are arranged across the top. An "A" indicates that the Use is allowable by right, subject to the standards of this Code. A blank space indicates that the Use is prohibited.

HOUSING TYPE							
ZONING DISTRICTS	SINGLE-FAMILY	DUPLEX	MULTI-FAMILY	TOWNHOME	MANUFACTURED/ MOBILE HOME	MANUFACTURED/ MODULAR HOME	MANUFACTURED/ MOBILE HOME PARK
OR	A				A	A	
IW	A*	A*			A*	A*	

A means the Use is allowable by right.
* Accessory Use per Section 2.02.04

Sec. 2.03.01 Allowable Special Uses By Zoning Districts

The table below indicates the categories of Special Uses which are allowed in each zoning district within St. Johns County. The categories of Uses are arranged with the zoning district across the top. An "S" indicates the Special Use is allowable subject to the standards of this Part. An "A" indicates the Use is allowable by right.

The Special Uses listed in Section 2.03.01, may be allowed within PUDs and PRDs, subject to the Uses being provided within the PUD or PRD Master Development Plan and approved with the PUD or PRD ordinance, and subject to the limitations of the Comprehensive Plan.

	O R	I W		O R	I W		O R	I W
Alcoholic Beverages	S	S	More than One Main Use Structure on a Residential Lot	S		Social Assistance Centers	S	S
Adult Uses		S	General Store	S		Outside Storage		A
Child & Adult Care	A	S	Commercial Outdoor Firing Range	S		Large Place of Assembly	S	S
Horse & Ponies	A		Vehicle Recycling Facilities		S	Domestic Hens	A	
Other Animals	A		Kennels & Other Animal Boarding Facilities	S	A			
Home Occupation	S		Retreat	S				
Manufactured/Mobile Home	A	A	Fish Camps	S				
Manufactured/Mobile Home Park			Household Animals	A				
Land Excavation/Borrow Area	S	S	Truck Stops					
Solid Waste Facilities	S		Electric Substations	S	S			
Churches	A	S	Private Clubs	A				
Cemeteries/Mausoleums	A		Single Family Residential	A	A			
Crematoriums			Aircraft Landing Field	S				
Off-Site/Unpaved Parking Lots	S	S	Veterinary Offices & Animal Hospitals	S	A			
Personal Property/Mini-Warehouse		A	Recreational Vehicle/Boat Storage		A			
Private Schools	S		Commercial Recreation		S			
Two Family Dwellings		A	Convenience Store with or without gas pumps					
Marinas		A	Restaurants with or without drive through					
Port		A	Financial Institutions with or without drive through					

Community Marina			Bars and other similar facilities		
Correctional Facilities	S		Electronic Game Promotions		
Farm Worker Housing	S		Indoor activities allowed by or on the premises of a licensed pari-mutuel permit holder; Adult Arcade Amusement Centers		
Psychics, Astrologists & Palmists		A	Composting and other Yard Waste Facilities	S	S
Special Care Housing	A		Car Wash Facilities		
Bed & Breakfast Est.	S		Automobile Oil Change Facilities		
Water & Wastewater Treatment Plants and Facilities	S	S	Tire Service Centers		
Antenna Towers	S	A			
Recreational Vehicle Campgrounds		S			

A = Allowed by right; S = Allowed by Special Use

Sec. 6.01.01 Schedule of District Area, Height, Bulk, and Placement Regulations

SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT STANDARDS							
Zoning Districts	Minimum Lot Widths	Minimum Lot Area	Maximum Lot Coverage by All Buildings	Floor Area Ratio ➡	Impervious Surface Ratio ➡	Min. Yard Req. ⊗ Front/ Side/Rear	Maximum Height of Structures ⊕
IW	N/A	N/A	N/A	70%	75%	15/15/15 feet	None * # +
OR - Single Family Dwelling or Mobile Home	100 feet ☼	1 acre ☼	35%	N/A	70%	25/10/10 feet	35 feet
OR - All Other Uses	100 feet	1 acre	20%	N/A	75%	25/10/10 feet	None * # +

☼ See Section 6.01.05 for Minimum Lot Area and Lot Width with use of septic tank and/or private well.

* Maximum height of Structures within Airport Development District is regulated by Federal Aviation Regulations Part 77 and height/distance requirements in Airport Overlay District Part 3.04.00 and Height Regulation Part 6.07.00 of this Code.

◇ The Structure may exceed the prescribed maximum height. Five (5) feet additional setback shall be required for each five (5) feet of Structure height above the prescribed maximum height up to a maximum increase of twenty (20) feet.

- # Maximum height of Structures in the Coastal Area is limited to thirty-five (35) feet.
- + Maximum height of Structures is thirty-five (35) feet unless protected with an automatic sprinkler system designed and installed in accordance with the latest edition adopted by the Florida Fire Prevention Code and NFPA 13.
- ⊗ Yard requirements may be modified by additional setback requirements for Lots adjacent to contiguous Wetlands contained in Section 4.01.06 of this Code.
- ⊕ Maximum height of Structures measured from established grade as provided in Height Regulation Part 6.07.00 of this Code.
- Refer to Section 3.10.10 Incentives for Property Owners Who Restore and Preserve a Qualified Historic Structure

Proposed City Zoning:

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

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

(1) *Permitted uses and structures:*

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

- i. Home office, private.
- j. Hotels, motels, conference centers, convention centers and spas.
- (2) *Permitted accessory uses and structures.* See section 28-348.
- (3) *Permissible uses by exception.*
 - a. See section 28-347(1) and (2), special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.
 - b. Light manufacturing, processing, packaging and fabricating.
 - c. Housing for the cognitively impaired.
 - d. Housing for the elderly.
 - e. Single-family dwellings, with minimum yard requirements as defined for zoning district RS-2 and a maximum height of thirty-five (35) feet.
 - f. Retirement housing, which shall be defined as any building or buildings, section or distinct part of a building, private home, boarding house, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator. Retirement housing: may provide non-invasive services such as assistance with: (i) medication management including: with medication administration (topical, oral, and by injection (although only a licensed nurse may administer any such injection)) and ordering medications from a pharmacy; (ii) arranging for the provision of independent medical services (both off the property and as "home health care" on the property); (iii) diabetes testing; (iv) diet control and administration; and (v) wellness services, which include quarterly health assessments, weight monitoring, blood pressure checks, contracting with medical professionals, and coordinating any special services required by the resident (such as acquisition of medical equipment and supplies). The term "retirement housing" does not include the provision of medical, nursing, dental, or mental health services. The term "retirement housing" also does not include nursing homes.
 - g. Commercial recreational and entertainment facilities including outdoor sports or activities such as tennis, paddle tennis, handball, racquetball, shuffleboard, miniature golf, archery range and horseshoe games but not shooting gallery, skating rinks, pony rides or go-cart tracks.
- (4) *Minimum lot requirements.* As per planning and zoning board site plan review.
- (5) *Maximum lot coverage by all buildings and structures.* Fifty (50) percent.
- (6) *Minimum yard requirements:*
 - a. Front, fifteen (15) feet.
 - b. Side, ten (10) feet.

c. Rear, ten (10) feet.

(7) *Maximum height of structures.* Fifty (50) feet.

Sec. 28-347. - Supplementary regulations for certain uses.

In addition to the permissible uses by exception listed in the schedule of district regulations, (article III), the following uses shall be permissible by exception in the districts indicated; and, unless specific provision is made otherwise in the grant of exception, such uses, whether permitted or permissible by exception, shall conform to all supplementary regulations listed under such use:

- (1) *Home occupations.* The intent of a home occupation is to allow those uses that may be conducted within a residential premise that will not affect the residential character of the structure or the neighborhood. Home occupations are a permissible use by exception in any district subject to all the following conditions:
 - a. No person other than members of the family residing on the premises shall be engaged in such occupation. No home occupation shall be conducted in any accessory building or structure or any open porch or carport which is attached to and a part of the principal structure.
 - b. The use of the premises shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances change the residential character thereof.
 - c. There shall be no change in outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one (1) sign may be permitted, not exceeding one (1) square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance to the residence.
 - d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements of this Code in other than the required front yard.
 - e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 - f. The giving of art, music or other instructions or lessons shall be limited to not more than four (4) persons at the same time.
 - g. Fabrication of articles such as are commonly classified under the terms of arts and handicraft may be deemed a home occupation, subject to other terms and conditions of this definition, and providing no retail sales are made at the dwelling unit.

- h. The member of the family residing on the premises engaged in such occupation shall not employ more than one (1) person for the sole purpose of providing clerical and receptionist services.
 - i. No home occupation shall occupy more than twenty-five (25) percent of the floor area of the dwelling unit, exclusive of the area of any open porch or attached garage or similar space not suited or intended for living quarters.
 - j. Any professional or business office or studio that does not involve in office contact with clients or the public and where all business is conducted by mail, phone or at other premises shall be determined to be a home office, private, and shall be a permitted use in any district subject to conditions stated above.
- (2) *Day nurseries.* Day nurseries, including kindergartens and child care centers, but excluding child care homes, shall be a permissible use by exception in all residential districts, except RS-1, subject to all of the following conditions:
- a. Indoor usable space shall consist of space available for indoor play, classrooms, activity areas or map areas, and shall not be less than twenty (20) square feet per child.
 - b. Outdoor play areas shall be enclosed by a fence or wall of at least four (4) feet in height and such area shall not be less than forty-five (45) square feet per child and shall contain sufficient space for use by fifty (50) percent of the maximum enrollment at one time.
 - c. All facilities, operation and maintenance shall meet all applicable city or state regulations for such use.
 - d. An application for exception, where required, shall state the maximum number of children to be accommodated; and in no case shall the number of children approved in the grant of exception be exceeded.
 - e. A site plan shall be submitted indicating designated indoor and outdoor space, fences or walls, vehicular ingress and egress, off-street parking areas, and loading and unloading areas. The site plan shall be approved with the exception and shall be maintained according to the plan as long as the use exists.
- (8) *Special event venue.* All special event venues whether permitted, permitted as a use by exception or as an accessory or ancillary use to other permitted uses maybe subject to conditions reasonably related to minimize negative impacts and achieve compatibility with the neighborhood and protect historic resources. A special event venue shall be subject to the following conditions:
- a. As a use the venue shall be in scale with the surrounding area as determined by code requirements, such as, parking outlined in applicable local codes. If the special event venue is in addition to a primary or principal use as an accessory or ancillary use the use of the premises for a special event venue shall be clearly incidental and subordinate to the primary or principal use, such as, the use of the premises as a hotel or motel or bed and breakfast, restaurant or convention facility

and shall under no circumstances change the character of the primary or principal use.

- b. If the special event venue is an accessory or ancillary use there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the venue, except during the actual event. For any special event venues temporary tents, fencing, seating, catering arrangements or other requirements depending on the nature of the venue may be used during the event only and must be disassembled within forty-eight (48) hours (business days) after the event concludes (Friday thru Monday for weekend events), and the building or premises must be returned to its normal condition. Some events may require certain screening or buffering during the event.
- c. No traffic shall be generated by the special event venue which obstructs the public right-of-way and any need for parking generated by the conduct of such special event venue shall meet the off-street parking requirements of this Code in other than the required front yard.
- d. No equipment or process shall be used in such special event venue, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Any potential noise generators proposed by the venue shall comply with the requirements of the City of St. Augustine noise ordinance.
- e. Occupancy limitations for indoor and outdoor areas, restroom facility and handicap accessibility requirements may be established by the local official having jurisdiction whether that is the building official and/or the fire marshal.
- f. If a special event venue includes the use of a boat or other nonpermanent or mobile type facility required provision of all applicable local codes, such as, but not limited to parking and restroom facilities shall be provided at the point of gathering or loading of patrons for the event.
- g. If an historic site is used for a special event venue the event cannot negatively impact historic or cultural resources on the site and if the historic site is a public site the event venue cannot impede the ability of others to experience the area or site, such that the special event venue shall be in a defined area indicated by an obvious barrier to maintain separation between it and the historic public area.
- h. In residentially zoned areas, or historic preservation districts special event venues shall operate within normal business hours except until 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday, Saturday and recognized holidays.
- i. Pyrotechnics, including fireworks, sparklers and similar devices shall not be permitted as part of a special event venue.

Sec. 28-348. - Accessory uses and structures.

Accessory uses and structures are permitted in all districts provided such uses and structures are of a nature customarily incidental and clearly subordinate to a permitted or permissible principal use or structure and, unless otherwise provided, are located on the same lot (or contiguous lot in the same ownership) as such principal use. Where a building or portion thereof is attached to a building or structure containing such principal use, such building or portion shall be considered as a part of a principal building and not an accessory building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located and shall be subject to the following:

- (1) Accessory uses and structures shall not be located in required front or side yards, or within three (3) feet of rear property lines, in any residential district except as follows:
 - a. On multiple-frontage lots, through lots and corner lots, accessory uses and structures may be located in any required side yard but not less than three (3) feet from any side lot line.
 - b. Accessory structures for residential purposes such as guesthouses shall not be located in any required yard.
 - c. Detached accessory structures (other than as in subsection (2) above or as otherwise specified elsewhere in this section) which are separated from the main structure by not less than ten (10) feet may be located in a required side or rear yard, but not less than three (3) feet from any lot line.
 - d. Air conditioning compressors serving central systems (other than window units) or other mechanical equipment designed to serve the main structure may be located in any required rear yards, but not in any required front yard, and not less than ten (10) feet from any side lot line, except in the following instances:
 1. When a compressor is proposed within a yard and is enclosed by a masonry wall at least five (5) feet high, it may be located within two (2) feet of any side lot line.
 2. When a compressor is proposed within a yard and is enclosed by a solid board fence at least five (5) feet high, it may be located within five (5) feet of any side lot line.
 - e. Tennis courts may be located in a required side or rear yard but not in any required front yard (see subsection (5)).
- (2) Household pets are a permitted accessory use in all residential districts provided the number of such pets over ten (10) weeks in age shall not exceed four (4).
- (3) Accessory uses and structures in any residential district shall include noncommercial greenhouses and plant nurseries; guest- houses; carports; private garages and boathouses or shelters (provided boathouses or shelters shall not exceed six hundred (600) square feet in area); tool, storage and garden sheds; swimming pools and similar water features; tennis, basketball and similar recreational courts; barbecue pits; facilities for security guards and caretakers; children's playhouses; gazebos; skateboard ramps; compost area; workshops or studios; structures for hot tubs or saunas; satellite dishes and other antennas; aboveground fuel tanks; and similar uses and structures which:

- a. Do not involve the conduct of business of any kind.
 - b. Are of a nature not likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.
 - c. Do not involve operations or structures not in keeping with the character of a residential neighborhood.
- (4) Private swimming pools or related water features, as regulated herein, shall be:
- a. That the pool is intended and is to be used solely for the enjoyment of the occupants or bona fide guests.
 - b. That the pool may be located no nearer than five (5) feet from any property line. It may be located in any front yard if properly screened with a fence, wall or hedge having a minimum height of six (6) feet, but not over eight (8) feet, which creates a visual barrier.
 - c. That the pool shall be enclosed by a retaining wall or fence having a minimum height of four (4) feet, but not over eight (8) feet, and so constructed or installed as to obstruct access thereto by persons other than the owners or occupants of the premises on which such swimming pool is located. All gates installed in such fences shall be self-latching with latches placed at least four (4) feet above the underlying ground. Gates shall be kept securely closed and latched at all times. If the property upon which the pool is located is otherwise adequately fenced and screened with a visual barrier, the requirement of this subsection may be waived.
 - d. Related water features over two (2) feet deep shall be fenced or screened to prevent access by children by enclosure of the entire yard or the portion containing the water feature by a fence at least four (4) feet high.
- (5) A private tennis court, basketball court (but not driveway locations), skateboard ramps and related athletic facilities as regulated herein, shall be allowed in a single-family residential district as an accessory use only if it complies with the following conditions:
- a. That the facility is intended and is to be used solely for the enjoyment of the occupants or bona fide guests.
 - b. That the facility is not located in any required front yard, and that skateboard ramps are not located within ten (10) feet of any side or rear property line.
 - c. That the facility shall not be equipped with lights for nighttime play.
 - d. That the fencing be regulated in accordance with section 28-331, except that tennis courts may be enclosed by a chain link or mesh screen up to twelve (12) feet high when located more than five (5) feet from a property line.
- (6) A satellite dish or similar antenna, as regulated herein, shall be allowed in any district as an accessory use only if it complies with the following conditions:
- a. Ground-mounted antennas shall not be located in any required yard and shall not be placed between the front yard setback and the structure.

- b. Roof-mounted antennas shall be as visually unobtrusive as possible and shall be screened by recessing the antennas back from the roof line or by a screen of matching roofing, wall or parapet material.
- c. Any antennas located within a district with architectural guidelines shall be screened according to such guidelines and shall not cause substantial modification of historic structures.
- d. Antennas shall not interfere with the view of or from any public park, historic building, site or district, or natural scenic vista.

STAFF RECOMMENDATION

Staff does not make recommendations concerning amending the land use of property. The Planning and Zoning Board makes formal recommendations to the City Commission regarding changing the land use.

Staff does not make recommendations concerning the rezoning of land. The Planning and Zoning Board makes formal recommendations to the City Commission regarding the rezoning of land.

The PZB should make a motion regarding a recommendation to designate the land use of the property with PID Numbers: 1343400000, 1343900000, 1343900010, 1346000000, 1346300000, 1347700000, 1346500000, and 1344100000. The applicant requests a land use change to Residential Medium Density.

The PZB should make a motion regarding a recommendation to rezone the property at Lewis Speedway, PID Numbers: 1343400000, 1343900000, 1343900010, 1346000000, 1346300000, 1347700000, 1346500000, and 1344100000; the applicant requests rezoning to RGO.

SUPPLIMENTS

- Attachment 1 – Application & Applicant Information
- Attachment 2 – Staff Generated County Land Use & Zoning Maps
- Attachment 3 – Staff Generated City Land Use & Zoning Maps
- Attachment 4 – Shipyards PUD

David Harrell, AICP
Senior Development Review Planner
Planning and Building Department

City of St. Augustine

Memorandum

TO: John Regan, P.E.
City Manager

DATE: January 28, 2019

RE: **Development Agreement Related to the Annexation and Development of the Shipyards Property on Arapahoe Avenue**

A 20 vacant acre property in St. Johns County, located directly south of the St. Augustine Shipyards property on Arapahoe Avenue and Diesel Road, is the subject of a Petition for Voluntary Annexation and the City Commission has entered into a Pre-Annexation Agreement with the property owner to annex this property into the city limits.

The attached Development Agreement has been submitted in conjunction with the annexation of this property. This Development Agreement addresses certain issues related to the construction of utilities on the property, which will serve the private property owner as well as the public. As such, the Development Agreement clarifies the property owner's and the city's responsibilities for the construction of water, sanitary sewer, stormwater and associated roadway infrastructure.

The City Commission held the first public hearing regarding this Development Agreement on the January 14, 2019.

Please place the attached Development Agreement on the January 28, 2019 City Commission agenda for a second reading and public hearing.

If you have any questions, please let me know.



David Birchim, AICP
Director, Planning and Building

SHIPYARDS DEVELOPMENT AGREEMENT

THIS SHIPYARDS DEVELOPMENT AGREEMENT (the "**Agreement**") is made and entered into on this _____ day of _____, 2019, by and between **GREENWOOD PROPERTY, LLC**, a Florida limited liability company, its successors and assigns ("**Owner**"), and **THE CITY OF ST. AUGUSTINE, FLORIDA**, a Florida municipal corporation (the "**City**").

Owner attests and warrants that it is the sole owner in fee simple title of that certain real property located on the San Sebastian River adjacent to the Shipyards PUD which is within the City of St. Augustine, St. Johns County, Florida described on **Exhibit "A"** attached hereto and incorporated herein by this reference containing approximately 33.38+/- acres (the "**Property**"), and that Mr. Gary Vose is authorized to execute all binding documents on behalf of Owner.

The Property has been annexed into the City pursuant to Ordinance 2018-__, and has been given both an appropriate future land use designation, pursuant to Ordinance 2018-__, and an appropriate zoning designation, pursuant to Ordinance 2018-__.

The uplands portion of the Property has a Future Land Use designation of Residential Medium – Mixed Use and a zoning designation of Residential – General Office (RGO), and the wetlands portion of the Property has a Future Land Use designation of Open Land and a zoning designation of Open Land. The Property will be developed in accordance with these applicable Future Land Use and zoning designations (the "**Development**").

This Agreement is consistent with the City's Charter, the City's Comprehensive Plan and Municipal City Code, as well as, with provisions of Chapter 163, Florida Statutes, Chapter 166, Florida Statutes, Chapter 187, Florida Statutes and Article VIII, Section 2(b), Constitution of the State of Florida, and other applicable law, and serves a public purpose.

The City has determined that the requirements of Section 163.3231, Florida Statutes, have been met in that:

- 1) The City has adopted a local Comprehensive Plan that is in compliance.
- 2) The proposed development of the Property is consistent with the City of St. Augustine Comprehensive Plan, including the Future Land Use Map.
- 3) This Agreement constitutes a binding commitment on the part of the Owner, its successors and assigns, to develop the Property consistent with the Comprehensive Plan and applicable provisions of the City of St. Augustine Municipal Code.

The following is the Public Facility Schedule applicable to the development of the Property through the thirty (30) years of this Development Agreement, to 2048:

Transportation. Transportation capacities will be provided by the City or other agency as set forth in its regulations and Capital Improvement Program, as amended from time to time, and in compliance with the provisions of this Agreement and the respective responsibilities of the parties.

Potable Water and Sanitary Sewer. The City will provide adequate water and wastewater

service to the Property in accordance with local government development orders that have been and will be issued for development of the Property from time to time. The Owner will construct water and sewer line extensions necessary to serve the Property, as well as, other improvements in compliance with the provisions of this Agreement and the respective responsibilities of the parties.

Solid Waste. The City will provide solid waste disposal to the Property.

Drainage. Concurrently with development of the Property or portions thereof, the Owner will provide drainage in accordance with St. Johns River Water Management District rules and in accordance with local government development orders that have been and will be issued for development of the Property from time to time, as well as, other improvements in compliance with the provisions of this Agreement and the respective responsibilities of the parties.

Parks / Open Space. Concurrently with development of the Property or portions thereof, the Owner and the City will provide parks and open space as required in applicable provisions of the City Municipal Code.

The population densities, building intensities, and maximum height possible for the Development under its land use, zoning, and current Municipal Code include all uses in Residential General Office (RGO) zoning, including restaurants, hotels and conference centers, apartments or condominiums up to a maximum of 16 units per developable acreage, with a lot coverage maximum of fifty percent (50%) and a maximum building height of fifty (50) feet.

This Agreement strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation and comprehensive planning and reduces the costs of development.

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. **Findings of Fact.** The Recitals set forth above are true and correct and are incorporated herein by reference as Findings of Fact.

2. **Purpose and Intent.** The Owner and the City desire to enter into this Agreement to address their respective responsibilities for both onsite and offsite improvements related to the Development. The parties intend to utilize this Agreement to identify the methodology to be used for allocating costs for the potable water system, the sanitary sewer system, the stormwater system, and the transportation system. In addition, the Agreement identifies the available credits to the Owner, the potential for future credits, and the City's share of financial responsibility for improvements that may benefit the City's overall utility, stormwater, and transportation systems beyond that needed for this Development. The parties do not intend to vest the Development to current land development regulations, and Owner or its successors and assigns will be required to meet all applicable codes at the time individual development orders or permits are sought.

3. **Payment of Water/Sewer Connection Fees.** The Owner agrees that Owner or the developer of each property, as they are developed, within the Property, shall pay the water/sewer connection/tap costs/fees for lots, units or structures within the project at the time of issuance of a building permit for the particular improvement. The Owner agrees that Owner or the developer of

each property, as they are developed, within the Property, shall abide by all applicable federal, state, and local codes, design, permitting and construction standards, requirements, policies, rules and regulations for civil site plan, utilities, stormwater and buildings. In addition, the parties agree to the following utility and infrastructure improvements:

City Potable Water System.

- (a) Owner shall comply with all codes, laws, and regulations necessary for the development of the Property applicable at the time each development permit is issued, and will pay all usual and customary costs associated with providing potable water onsite to the Property for its intended uses.
- (b) If, at the time Owner applies for a development permit related to the provision of potable water to the Property, the City determines that offsite improvements related to development of the Property are beneficial to the City's potable water system, Owner will pay for fifty percent (50%) of the costs associated with the City's upgrade to offsite improvements, to be paid no later than at the time of the issuance of the first certificate of occupancy on the Property. Full payment of these costs shall be a binding requirement of development for all development orders or permits for the Property.
- (c) Owner agrees to provide to the City any necessary easements on, under, and across the Property, for the construction, operation, and maintenance of the potable water system.

City Sanitary Sewer System.

- (a) Owner shall comply with all codes, laws, and regulations necessary for the development of the Property applicable at the time each development permit is issued, and will pay all usual and customary costs associated with providing sanitary sewer onsite to the Property for its intended uses.
- (b) If, at the time Owner applies for a development permit related to the provision of sanitary sewer to the Property, the City determines that offsite improvements related to development of the Property are beneficial to the City's sanitary sewer system, Owner will pay for fifty percent (50%) of the costs associated with the City's upgrade to offsite improvements, to be paid no later than at the time of the issuance of the first certificate of occupancy on the Property. Full payment of these costs shall be a binding requirement of development for all development orders or permits for the Property. However, any design changes by the City for the long term efficacy of P.S. (pump station) 67 shall be borne solely by the City.
- (c) Owner agrees to provide to the City any necessary easements on, under, and across the Property, for the construction, operation, and maintenance of the sanitary sewer system.

Stormwater System.

- (a) Owner shall comply with all codes, laws, and regulations necessary for the development of the Property applicable at the time each development permit is issued, and will pay all usual and customary costs associated with providing stormwater capture, retention, and treatment onsite to the Property for its intended uses.
- (b) (i) If, at the time Owner applies for a development permit related to the

provision of stormwater capture, retention, or treatment to the Property, the City determines that oversizing onsite improvements for accepting the City's offsite stormwater flow are beneficial to the City's stormwater system, City will pay one hundred percent (100%) of the costs associated with the oversizing costs to onsite improvements, to be paid no later than at the time of the issuance of the first certificate of occupancy on the Property.

- (ii) City will grant Owner one hundred percent (100%) credit for 295,309 square feet (6.78 acres) of historical impervious area.
 - (iii) City will grant Owner thirty percent (30%) credit for onsite treatment of stormwater runoff.
 - (iv) City will grant Owner an additional discount proportionate to the City's use of the oversized onsite improvements per the engineering sizing calculations submitted to the City as part of the permitting.
- (c) Owner agrees to provide to the City any necessary easements on, under, and across the Property, for the construction, operation, and maintenance of the stormwater system. However, such easements shall not relieve Owner of the duty to construct, maintain, and operate the onsite stormwater facilities.

Transportation System.

- (a) Owner shall comply with all codes, laws, and regulations necessary for the development of the Property applicable at the time each development permit is issued, and will pay all usual and customary costs associated with providing mobility, access, transportation, and roadway system improvements to the Property for its intended uses.
- (b) If, at the time Owner applies for a development permit related to mobility, access, transportation, or roadways to the Property, the City or other permitting agency determines that offsite improvements related to development of the Property are beneficial to the transportation system, the City will be responsible for payment not to exceed \$500,000.00 of the costs associated with the upgrade to offsite improvements and Owner will be responsible for all other costs associated with the offsite transportation and roadway system improvements. Full payment of these costs shall be a binding requirement of development for all development orders or permits for the Property.
- (c) Owner may be eligible to apply for credits for transportation or mobility improvements, if the City has a system for such credits available in its codes and regulations at the time of permitting the offsite improvements. Nothing herein implies that a credit system will be in place at the time of permitting, nor that the City is otherwise required to implement such a system. Once the offsite improvements are built, inspected and approved, no credits will be applied retroactively.
- (d) Owner agrees to provide to the City any necessary easements on, under, and across the Property, for the construction, operation, and maintenance of the transportation system. However, such easements shall not relieve Owner of the duty to construct, maintain, and operate the onsite transportation facilities.

4. **Authority and Duration.** This Agreement is made and granted pursuant to Sections 163.3220-163.3243, Florida Statutes, and is effective through the thirtieth (30th) anniversary of the Effective Date of this Agreement, and any extension of this Agreement.

5. **Extension of Agreement.** The duration of this Agreement may be extended by the City pursuant to law and after conducting a public hearing in the manner specified in Section 163.3225, Florida Statutes, as amended from time to time.

6. **Necessity to Obtain Permits.** The Owner acknowledges its obligation to obtain all necessary federal, state and other local development permits (not mentioned herein) for development of the Property. The failure of this Agreement to address any particular permit, condition, term or restriction applicable to development of the Property shall not relieve the Owner or any successors or assigns of the necessity of complying with federal, state, and other local permitting requirements, conditions, terms or restrictions as may be applicable.

7. **Agreement Consistent with Comprehensive Plan and Section 163.3180, Florida Statutes (2017).** The City hereby acknowledges and agrees that (i) the Development is consistent with Florida Statutes and with the City's Comprehensive Plan and Land Development Regulations, and (ii) that the City's Comprehensive Plan is in compliance with the State of Florida Comprehensive Plan.

8. **Remedies.** Each party to this Agreement shall be entitled to seek enforcement of this Agreement against the other party consistent with Section 163.3243, Florida Statutes, as may be amended from time to time. .

9. **Binding Effect.** The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. When Owner is used in this Agreement, it includes Owner and any successors and assigns owning any rights to the Property, jointly and severally assuming all the Owner obligations set out in the Agreement, unless the obligations have been fully discharged. Payments or credits due to Owner by City pursuant to the terms of this Agreement will be disbursed or assigned to GREENWOOD PROPERTY, LLC. City shall have no duty to apportion or assign any payments or credits from this Agreement to successors or assigns, and said successors or assigns shall only look to GREENWOOD PROPERTY, LLC for reimbursement, credit, or apportionment.

10. **Applicable Law; Jurisdiction and Venue.** This Agreement and the rights and obligations of the City and Owner under this Agreement shall be governed by, construed under, and enforced in accordance with the laws of the State of Florida (2018). This Agreement may be enforced as provided in Section 163.3243, Florida Statutes. Venue for any litigation pertaining to the subject matter of this Agreement shall be exclusively in St. Johns County, Florida. If any provision of this Agreement, or the application of this Agreement to any person or circumstances, shall to any extent be held invalid or unenforceable by a court of competent jurisdiction, then the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law. The fact that this Agreement does not detail all laws, rules, regulations, permits, conditions, terms and restrictions that must be satisfied to complete the development contemplated by this Agreement shall not relieve Owner or its successors in interest of the obligation to comply with the law governing such permit requirements, conditions, terms and restrictions.

11. **Joint Preparation.** Preparation of this Agreement has been a joint effort of the parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

12. **Exhibits**. All exhibits attached to this Agreement contain additional terms of this Agreement and are incorporated into this Agreement by reference.

13. **Captions or Paragraph Headings**. Captions and paragraph headings contained in this Development Agreement are for convenience and reference only, and in no way define, describe, extend or limit the scope of intent of this Agreement, nor the intent of any provision of this Agreement.

14. **Counterparts**. This Agreement may be executed in counterparts, each constituting a duplicate original; such counterparts shall constitute one and the same Agreement.

15. **Effective Date and Recordation**. This Agreement shall become effective fifteen (15) days after it has been recorded in the Public Records of St. Johns County (the "**Effective Date**").

16. **Amendment**. This Agreement may be amended, cancelled or revoked consistent with the notice and hearing procedures of Section 163.3225, Florida Statutes and the terms of Section 163.3237, as may be amended from time to time.

17. **Further Assurances**. Each party to this Agreement agrees to do, execute, acknowledge and deliver, or cause to be done, executed, acknowledged and delivered, all such further acts, and assurances in a manner and to the degree allowed by law, as shall be reasonably requested by the other party in order to carry out the intent of and give effect to this Agreement. Without in any manner limiting the specific rights and obligations set forth in this Agreement or illegally limiting or infringing upon the governmental authority of the City, the parties declare their intention to cooperate with each other in effecting the purposes of this Agreement, and to coordinate the performance of their respective obligations under the terms of this Agreement.

18. **Notices**. Any notices or reports required by this Development Agreement shall be sent to the following:

For the City: John P. Regan, P.E.,
City Manager
P.O. Box 210
St. Augustine, FL 32085-0210

For Owner: GREENWOOD PROPERTY, LLC
117 Dockside Drive
St. Augustine, FL 32084

With a copy to counsel: James G. Whitehouse, Esquire
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Isabelle Lopez, City Attorney
City of St. Augustine
75 King St., P.O. Box 210
St. Augustine, FL 32085

Passed and Duly Adopted by the City Commission of the City of St. Augustine, Florida,
this _____ day of _____, 2019.

Attest: _____

Darlene Galambos, City Clerk

(SEAL)

CITY OF ST. AUGUSTINE, FLORIDA, a
municipal corporation

By: _____

John P. Regan, P.E., City Manager

Approved as to form, legal sufficiency and
execution:

By: _____

Isabelle Lopez, City Attorney

IN WITNESS WHEREOF, the parties hereto, through their duly authorized
representatives, have executed this Agreement on the day(s) and year set forth below.

Witnesses:

GREENWOOD PROPERTIES, LLC, a Florida
limited liability company

Name: _____

By: _____

Gary Vose, its authorized signatory

Name: _____

Date: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument is hereby acknowledges before me this ____ day of _____,
2019, by _____ as _____ of Greenwood Properties,
LLC a Florida limited liability company, as authorized agent for Greenwood Properties, a Florida
limited liability company, on behalf of the company. He/she is personally known to me or has
produced _____ as identification and (did/did not) take an oath.

NOTARY PUBLIC

(SEAL)

Name: _____

Date: _____

ITEM 8.A.1.
Ord. 2019-01

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: January 17, 2019

RE: **ORDINANCE 2019-01: ANIMALS**

Please find attached Ordinance 2019-01, which amends, updates, or repeals multiple sections of the City's Animal Code, Chapter 5 of the Code of Ordinances. This is another in a series of ordinance rewrites to modernize the Code of Ordinances, as directed by the City Commission.

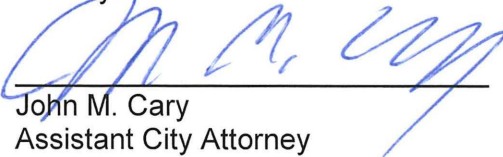
The animal ordinance as it currently stands is an anachronism from prior to the signing of an Interlocal Agreement with St. Johns County in 2005. Since the adoption of the Interlocal Agreement, the County is responsible for administering and enforcing animal control regulations within the City of St. Augustine. The current Code still has provisions relating to the appointment of a dogcatcher, vicious animals, impounding animals, and dog and cat registration, none of which are currently relevant under the Interlocal Agreement, and will be repealed by this ordinance. Notably, since the City is formally adopting the County Animal Code in this ordinance, there will still be dangerous dog, vicious animal, and animal impoundment ordinances that cover the City, however they will not appear in the City Code, since these functions are administered by the County in accordance with the Interlocal Agreement.

The ordinance explicitly adopts the Interlocal Agreement and the County Animal Code as a part of the Code of Ordinances, while repealing many of the provisions that conflict with the County Animal Code. The ordinance leaves in place and updates some of the provisions that are not included in the County Animal Code.

This ordinance also makes three notable substantive changes to the Animal Code. First, the ordinance allows pigs to be kept as household pets, limited to 4 total pets per home in accordance with the zoning code. Second, the ordinance limits grazing animals and roosters to two zoning categories: Open Land (OL) and Government Use (GU). Grazing animals are currently also allowed in CL-1, while roosters are currently not limited by zoning category. Third, the ordinance removes stables as a permitted use in the CL-1 zoning category, since grazing animals will no longer be allowed in that zoning designation. The current code allows stables to the extent that the property had been used as a stable for at least two years as of December 23, 1991. There are currently no stables on CL-1 zoned land, and since the Code does not allow new stables in CL-1, none will be allowed in that zoning category regardless of this ordinance, so while this is a substantive change to the Zoning Code, it is no longer applicable and is therefore appropriate for removal.

Please place Ordinance 2019-01 on the regular City Commission agenda for second reading on January 28, 2019. At the meeting, I will be asking the commissioners if they would like us to place a resolution on the February 11, 2019, agenda, to grandfather roosters that currently reside in the city, prior to the ordinance going into effect. The resolution could allow current owners of a rooster to register the rooster and keep it for the remainder of its natural life.

Thank you.


John M. Cary
Assistant City Attorney

Attachment

xc: Tim Burchfield, Assistant City Manager
Isabelle C. Lopez, City Attorney
Darlene Galambos, City Clerk

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 5, ARTICLES I AND II, OF THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING CHAPTER 5, ARTICLE III OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR FINDINGS AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY AND PENALTIES; PROVIDING PROHIBITIONS ON CERTAIN ANIMALS; PROVIDING REQUIREMENTS FOR KEEPING ANIMALS; ALLOWING PIGS WITHIN THE CITY AS HOUSEHOLD PETS; PROVIDING MINOR AND TECHNICAL CHANGES TO THE ANIMAL CODE; REPEALING PROVISIONS THAT CONFLICT WITH AN INTERLOCAL AGREEMENT; REPEALING THE DOG AND CAT PET REGISTRATION PROGRAMS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING SECTION 5-139 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO REMOVE A PROVISION PROHIBITING FISHING IN MARIA SANCHEZ LAKE; AMENDING SECTION 28-206 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ELIMINATE STABLES AS A PERMITTED USE IN ZONING CATEGORY CL-1; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of St. Augustine historically had animal control functions within the city administration; and

WHEREAS, Section 163.02, Florida Statutes, authorizes local governments to enter into Interlocal Agreements with one another; and

WHEREAS, the City of St. Augustine passed Ordinance 2005-31 to approve an Interlocal Agreement with St. Johns County to authorize St. Johns County to administer and enforce animal control regulations, including vicious and dangerous dogs and other animals; and

WHEREAS, the City of St. Augustine no longer has staff to administer animal control functions, nor privately contracts for these services; and

WHEREAS, having no animal control staff, the City of St. Augustine does not have the ability or resources to catch and impound animals, or otherwise administer traditional “dogcatcher” or other animal control functions; and

WHEREAS, a 2005 Interlocal Agreement with St. Johns County authorizes the County to provide animal control services to the City in a manner that is reasonably equivalent to the animal services provided throughout the unincorporated County; and

WHEREAS, the St. Johns County Division of Animal Control enforces the St. Johns County Animal Code within the corporate limits of the City of St. Augustine; and

WHEREAS, some provisions of the Code of the City of St. Augustine may overlap with or conflict with the St. Johns County Animal Code; and

WHEREAS, the City Commission is conforming the intent of the 2005 Interlocal Agreement by repealing overlapping or conflicting Code provisions; and

WHEREAS, the City Commission specifically incorporates by reference both the 2005 Interlocal Agreement and the St. Johns County Animal Code, as amended from time to time, to the extent described herein; and

WHEREAS, the City of St. Augustine currently requires dogs and cats to be registered with the Department of Financial Services; and

WHEREAS, last year, only 17 dogs and cats were registered with the Department of Financial Services; and

WHEREAS, the City of St. Augustine does not have the staff to enforce a dog and cat registration scheme; and

WHEREAS, the City of St. Augustine finds that a dog and cat registration scheme is unnecessary and unworkable to enforce without animal services personnel on staff, which services have been provided by St. Johns County Animal Control since the 2005 Interlocal Agreement; and

WHEREAS, § 379.2412, Florida Statutes, preempt local regulations that regulate the taking or possession of saltwater fish; and

WHEREAS, a Flagler College survey of fish species in the Maria Sanchez Lake found that the lake contains mostly saltwater species; and

WHEREAS, the City of St. Augustine is committed to following and enforcing any and all mandated federal and state animal laws; and

WHEREAS, the City of St. Augustine recognizes that the Fair Housing Act (FHA) and Americans with Disabilities Act (ADA), and any other relevant federal laws, may have regulations relating to animals; and

WHEREAS, the City of St. Augustine intends for this Ordinance to be interpreted in harmony with, and not conflict with federal, state, or county regulations; and

WHEREAS, the City Commission of the City of St. Augustine has determined that the following regulations promote and protect the general health, safety, and welfare of the residents of the City of St. Augustine; 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 Chapter 5, Article I, Section 5-1. Chapter 5, Article I, Section 5-1 is hereby amended, as follows:

ARTICLE I. - IN GENERAL

Sec. 5-1. - **Applicability; Penalties**

(a) This chapter is intended to be interpreted and enforced by the City of St. Augustine and St. Johns County, jointly, in accordance with an Interlocal Agreement approved by the St. Johns County Board of Commissioners, and signed by the Clerk of the Board of County Commissioners on October 10, 2005, and approved by the City of St. Augustine through Ordinance 2005-31, hereinafter referred to as the "Interlocal Agreement". Any subsequent modifications, revisions, or alterations, to this Interlocal Agreement or any successor Interlocal Agreements that are specifically designated to succeed the Interlocal Agreement referenced herein shall be incorporated by reference. It is the intent of the City of St. Augustine that St. Johns County has jurisdiction within the city limits of the City of St. Augustine to enforce both this Chapter and the St. Johns County Animal Code, as adopted through St. Johns County Ordinance 2017-36, hereinafter referred to as the "County Animal Code," and any subsequent revisions. It is the intent of the City of St. Augustine to read this chapter in harmony with the provisions of the County Animal Code, and where possible to reconcile the provisions of both codes to avoid a conflict of law. In the event that the provisions of this chapter clearly conflict with the County Animal Code, the County Administrator, through the Operations Manager of the St. Johns County Division of Animal Control, or any lawfully appointed enforcement officer, shall elect which provision to enforce, and shall clearly so state which provision is being enforced on the face of the citation or other legal or administrative document. Likewise, nothing herein is intended to override or otherwise regulate any requirements mandated by the state or federal government, including, but not limited to, the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA). Nothing herein shall be interpreted as to prevent law enforcement officers with jurisdiction within the City of St. Augustine from exercising lawful authority to enforce any provisions of this chapter, consistent with the Interlocal Agreement.

(b) Violations of this chapter, unless another penalty is specifically provided within a section, are hereby declared to be civil infractions for which there may be imposed by the county court a maximum penalty not to exceed five hundred dollars (\$500.00). In the event that an individual cited for violation of such sections shall not contest the citation, the penalty shall be twenty dollars (\$20.00) for each offense. However, if the County enforcement officer elects to enforce the County Animal Code rather than this Code, as provided for in subsection (a), the penalty shall be as designated in the County Animal Code. Nothing herein shall prevent the City Manager or his or

her designee from initiating Code Enforcement proceedings for a violation of this chapter, in accordance with Chapter 2, Article VI of the Code of the City of St. Augustine.

Section 2. Repeal of Chapter 5, Article I, Sections 5-2, 5-3, and 5-4. Chapter 5, Article I, Sections 5-2, 5-3, and 5-4 are hereby repealed, as follows:

Section 3. Amendment to Chapter 5, Article I, Sections 5-5, 5-6, and 5-7. Chapter 5, Article I, Sections 5-5, 5-6, and 5-7 are hereby amended, as follows:

Sec. 5-5. - Disposal of dead animals generally.

It shall be the duty of every owner, or agent of any owner, of any animal found dying or dead within the corporate limits of the city, to remove and bury, or otherwise satisfactorily dispose of such animal in a sanitary manner. Where the owner or agent of the owner of such dead animal is not known, then it shall be the duty of the person upon whose property such animal was found dead, to remove and bury such dead animal in a sanitary manner.

Sec. 5-6. - Throwing dead animals over seawall.

It shall be unlawful for any person to throw any dead animal over the seawall or into the basins in the rear of the seawall, or into any other body of water within the City. This provision is not intended to prohibit customary fishing activities, if otherwise done in compliance with all city, state, and federal regulations.

Sec. 5-7. - Riding animals inside city limits.

- (a) It shall be unlawful for any person owning or having the care, custody, or control of any animal to ride such animal within the corporate limits of the city, except as otherwise allowed by state law.
- (b) Subsection (a) shall not apply to permitted animal-drawn vehicles or animals being ridden as part of a permitted parade, though such uses may be limited by other provisions of the Code of the City of St. Augustine or applicable franchise agreements.
- (c) Whoever is convicted of a violation of the provisions of this section shall be punished as provided in section 1-8.

Section 4. Repeal of Chapter 5, Article I, Section 5-8. Chapter 5, Article I, Section 5-8 is hereby repealed, as follows:

Section 5. Amendment to Chapter 5, Article I, Sections 5-9 through 5-15. Chapter 5, Article I, Sections 5-9 through 5-15 are hereby amended, as follows:

Sec. 5-9. - Fowl – Running at large prohibited.

It shall be unlawful for any person, within the corporate limits of the city, to allow or permit any chickens, geese, turkeys, ducks or other live domestic fowls owned by him or her to stray or to roam upon the public streets or upon private property of any person within the corporate limits of the city.

Sec. 5-10. - Same – To be kept in enclosure.

It shall be the duty of each and every person to keep all chickens, geese, turkeys, ducks and other domestic fowls in an enclosure to be built with such suitable materials as to keep such fowls in the enclosure, such enclosure shall only be situated upon private property. The animals listed herein shall be kept in a stable, house, shed, or fenced-in yard, all of which shall be kept constantly clean and free from any accumulation of manure and from offensive and unhealthy odors. It shall be unlawful for any person, within the corporate limits of the city, to keep roosters, except on property located within the OL and GU zoning districts.

Sec. 5-11. - Keeping livestock.

- (a) No person shall keep any horse, mule, donkey, cow, goat or other grazing animal within the corporate limits of the city except on property located within the OL and GU zoning districts. Within such districts, the animals listed herein shall be kept in a stable, house, shed, or fenced-in yard, all of which shall be kept constantly clean and free from any accumulation of manure and from offensive and unhealthy odors, as provided in subsection (b) below.

(...)

Sec. 5-12. - Keeping hogs prohibited.

It shall be unlawful for any person to keep or possess any hog or pig within the corporate limits of the city. Notwithstanding the foregoing, pigs may be

kept as household pets to the extent allowed in section 28-348 of the Code of the City of St. Augustine, provided that they are kept in a stable, house, shed, or fenced-in yard, all of which shall be kept constantly clean and free from any accumulation of manure and from offensive and unhealthy odors. For the purpose of this section, a hog shall be defined as a swine weighing more than 120 pounds. A pig shall be defined as a swine weighing 120 pounds or less.

Sec. 5-13. - Driving animals through streets.

No person shall drive or conduct through or upon any street or highway of the city any equine, cattle, swine, or any other similar livestock, except as otherwise allowed by the Florida Uniform Traffic Control Law.

Sec. 5-14. - Protection of squirrels.

It shall be unlawful for any person to shoot, maim, or kill, any squirrels within the corporate limits of the city.

Sec. 5-15. - Birds.

It shall be unlawful for any person to shoot , maim or destroy any wild bird, or the nest or eggs of such bird, upon any private or public property within the corporate limits of the city.

Section 6. Repeal of Chapter 5, Article I, Sections 5-16 through 5-20. Chapter 5, Article I, Sections 5-16 through 5-20 are hereby repealed, as follows:

Section 7. Amendment to Chapter 5, Article II, Sections 5-46 through 5-50. Chapter 5, Article II, Sections 5-46 through 5-50 are hereby amended, as follows:

ARTICLE II. – DOGS

Sec. 5-46. - Definition.

For the purposes of this article, the term "run at large" means being at-on public property or trespassing on private property and not having under the direct control of any person either by leash, cord, chain, or other like restraint maintained by an individual not attached to an object.

Sec. 5-47. - Running at large prohibited.

It shall be unlawful for any person who owns or is in control of, or is otherwise in charge of, any dog to allow such dog to run at large within the corporate limits of the city.

Sec. 5-48. - Interfering with or hindering officers in enforcement of article.

No person shall in any manner interfere with, prevent, or hinder any law enforcement officer with jurisdiction within the City of St. Augustine or County enforcement officer in the performance of any duty relating to this article.

Sec. 5-49. - Barking, biting and howling dogs.

No person shall own or keep in the corporate limits of the city any dog which becomes a nuisance by barking, biting, howling, or in any other manner disturbing the quiet of any neighborhood. For the purpose of this section, a dog disturbs the quiet of the neighborhood if it behaves as defined by the "barking dog" definition provided in section 11-89(e) of the Code of the City of St. Augustine.

Sec. 5-50. - Defecation by dog.

- (a) An owner or handler shall promptly remove and sanitarily dispose of feces left on public property by a dog being handled by the person. Failure to do so is a violation.
- (b) No dog shall be permitted or allowed to defecate upon any private property without permission of the property owner. It is a violation of ~~this chapter~~ for the owner of a dog, or someone who is in control of, or otherwise in charge of a dog, to permit or allow the dog to defecate upon any private property without permission of the property owner.
- (c) The penalty for each violation shall be consistent with section 5-1, Code of the City of St. Augustine.

Section 8. Repeal of Chapter 5, Article II, Sections 5-61 through 5-67. Chapter 5, Article II, Sections 5-61 through 5-67 are hereby repealed, as follows:

Section 9. Repeal of Chapter 5, Article II, Sections 5-61 through 5-67. Chapter 5, Article II, Sections 5-76 through 5-83 are hereby repealed, as follows:

Section 10. Repeal of Chapter 5, Article III, Section 5-106. Chapter 5, Article III, Section 5-106 is hereby repealed, as follows:

Section 11. Repeal of Chapter 5, Article III, Sections 5-116 through 5-120. Chapter 5, Article III, Sections 5-116 through 5-120 are hereby repealed, as follows:

Section 12. Repeal of Chapter 5, Article III, Sections 5-131 through 5-139. Chapter 5, Article III, Sections 5-131 through 5-139 are hereby repealed, as follows:

Section 13. Repeal of Chapter 7, Article II, Section 7-26. Chapter 7, Article II, Section 7-26 is hereby repealed, as follows:

~~Sec. 7-26.-- Fishing, trapping prohibited.~~

~~It shall be unlawful for any person to catch, trap, take or obtain fish, shrimp or other sea life from the waters of Maria Sanchez Lake by any means or methods.~~

Section 14. Amendment to Chapter 28, Article III, Division 4, Section 28-206. Chapter 28, Article III, Division 4, Section 28-206 is hereby amended, as follows:

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

(...)

(1) *Permitted uses and structures:*

(...)

m. The above uses are subject to the following limitations:

1. Sale, display, preparation and storage to be conducted within a completely enclosed building, and no more than twenty (20) percent of floor space to be devoted to storage.
2. Products to be sold only at retail.
3. No sale, display or storage of secondhand merchandise except as incidental to sale of new merchandise.

(...)

Section 15. Inclusion in Code. The City Commission intends that the provisions of this Ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this Ordinance may be 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 16. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 17. Severance of Invalid Provisions. In the event that any section, subsection, sentence, clause, phrase, word, term or provision of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly invalid, unconstitutional or unenforceable or involved for any reason whatsoever, any such invalidity, unconstitutionality, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, unconstitutional, illegal, or

unenforceable section, subsection, sentence, clause, phrase, word, term or provision did not exist.

Section 18. Effective Date. This Ordinance shall become effective _____ 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.

Nancy E. Shaver, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 5, ARTICLES I AND II, OF THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING CHAPTER 5, ARTICLE III OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR FINDINGS AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY AND PENALTIES; PROVIDING PROHIBITIONS ON CERTAIN ANIMALS; PROVIDING REQUIREMENTS FOR KEEPING ANIMALS; ALLOWING PIGS WITHIN THE CITY AS HOUSEHOLD PETS; PROVIDING MINOR AND TECHNICAL CHANGES TO THE ANIMAL CODE; REPEALING PROVISIONS THAT CONFLICT WITH AN INTERLOCAL AGREEMENT; REPEALING THE DOG AND CAT PET REGISTRATION PROGRAMS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING SECTION 5-139 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO REMOVE A PROVISION PROHIBITING FISHING IN MARIA SANCHEZ LAKE; AMENDING SECTION 28-206 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ELIMINATE STABLES AS A PERMITTED USE IN ZONING CATEGORY CL-1; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of St. Augustine historically had animal control functions within the city administration; and

WHEREAS, Section 163.02, Florida Statutes, authorizes local governments to enter into Interlocal Agreements with one another; and

WHEREAS, the City of St. Augustine passed Ordinance 2005-31 to approve an Interlocal Agreement with St. Johns County to authorize St. Johns County to administer and enforce animal control regulations, including vicious and dangerous dogs and other animals; and

WHEREAS, the City of St. Augustine no longer has staff to administer animal control functions, nor privately contracts for these services; and

WHEREAS, having no animal control staff, the City of St. Augustine does not have the ability or resources to catch and impound animals, or otherwise administer traditional “dogcatcher” or other animal control functions; and

WHEREAS, a 2005 Interlocal Agreement with St. Johns County authorizes the County to provide animal control services to the City in a manner that is reasonably equivalent to the animal services provided throughout the unincorporated County; and

WHEREAS, the St. Johns County Division of Animal Control enforces the St. Johns County Animal Code within the corporate limits of the City of St. Augustine; and

WHEREAS, some provisions of the Code of the City of St. Augustine may overlap with or conflict with the St. Johns County Animal Code; and

WHEREAS, the City Commission is conforming the intent of the 2005 Interlocal Agreement by repealing overlapping or conflicting Code provisions; and

WHEREAS, the City Commission specifically incorporates by reference both the 2005 Interlocal Agreement and the St. Johns County Animal Code, as amended from time to time, to the extent described herein; and

WHEREAS, the City of St. Augustine currently requires dogs and cats to be registered with the Department of Financial Services; and

WHEREAS, last year, only 17 dogs and cats were registered with the Department of Financial Services; and

WHEREAS, the City of St. Augustine does not have the staff to enforce a dog and cat registration scheme; and

WHEREAS, the City of St. Augustine finds that a dog and cat registration scheme is unnecessary and unworkable to enforce without animal services personnel on staff, which services have been provided by St. Johns County Animal Control since the 2005 Interlocal Agreement; and

WHEREAS, § 379.2412, Florida Statutes, preempt local regulations that regulate the taking or possession of saltwater fish; and

WHEREAS, a Flagler College survey of fish species in the Maria Sanchez Lake found that the lake contains mostly saltwater species; and

WHEREAS, the City of St. Augustine is committed to following and enforcing any and all mandated federal and state animal laws; and

WHEREAS, the City of St. Augustine recognizes that the Fair Housing Act (FHA) and Americans with Disabilities Act (ADA), and any other relevant federal laws, may have regulations relating to animals; and

WHEREAS, the City of St. Augustine intends for this Ordinance to be interpreted in harmony with, and not conflict with federal, state, or county regulations; and

WHEREAS, the City Commission of the City of St. Augustine has determined that the following regulations promote and protect the general health, safety, and welfare of the residents of the City of St. Augustine; 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 Chapter 5, Article I, Section 5-1. Chapter 5, Article I, Section 5-1 is hereby amended, as follows:

ARTICLE I. - IN GENERAL

Sec. 5-1. - ~~Applicability; Penalties~~ ~~Penalty for violation of certain provisions.~~

- (a) ~~This chapter is intended to be interpreted and enforced by the City of St. Augustine and St. Johns County, jointly, in accordance with an Interlocal Agreement approved by the St. Johns County Board of Commissioners, and signed by the Clerk of the Board of County Commissioners on October 10, 2005, and approved by the City of St. Augustine through Ordinance 2005-31, hereinafter referred to as the "Interlocal Agreement". Any subsequent modifications, revisions, or alterations, to this Interlocal Agreement or any successor Interlocal Agreements that are specifically designated to succeed the Interlocal Agreement referenced herein shall be incorporated by reference. It is the intent of the City of St. Augustine that St. Johns County has jurisdiction within the city limits of the City of St. Augustine to enforce both this Chapter and the St. Johns County Animal Code, as adopted through St. Johns County Ordinance 2017-36, hereinafter referred to as the "County Animal Code," and any subsequent revisions. It is the intent of the City of St. Augustine to read this chapter in harmony with the provisions of the County Animal Code, and where possible to reconcile the provisions of both codes to avoid a conflict of law. In the event that the provisions of this chapter clearly conflict with the County Animal Code, the County Administrator, through the Operations Manager of the St. Johns County Division of Animal Control, or any lawfully appointed enforcement officer, shall elect which provision to enforce, and shall clearly so state which provision is being enforced on the face of the citation or other legal or administrative document. Likewise, nothing herein is intended to override or otherwise regulate any requirements mandated by the state or federal government, including, but not limited to, the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA). Nothing herein shall be interpreted as to prevent law enforcement officers with jurisdiction within the City of St. Augustine from exercising lawful authority to enforce any provisions of this chapter, consistent with the Interlocal Agreement.~~
- (b) ~~Violations of sections 5-15 and 5-16 and violations of articles II and III of this chapter, unless another penalty is specifically provided within a section, are hereby declared to be civil infractions for which there may be imposed by the county court a maximum penalty not to exceed five hundred dollars (\$500.00). In the event that an individual cited for violation of such sections shall not contest the citation, the penalty shall be twenty dollars (\$20.00) for each offense. However, if the County enforcement officer elects to enforce the County Animal~~

Code rather than this Code, as provided for in subsection (a), the penalty shall be as designated in the County Animal Code. Nothing herein shall prevent the City Manager or his or her designee from initiating Code Enforcement proceedings for a violation of this chapter, in accordance with Chapter 2, Article VI of the Code of the City of St. Augustine.

Section 2. Repeal of Chapter 5, Article I, Sections 5-2, 5-3, and 5-4. Chapter 5, Article I, Sections 5-2, 5-3, and 5-4 are hereby repealed, as follows:

Sec. 5-2. — Animal control officer; appointment; authority.

The city manager shall, from time to time, appoint an animal control officer who shall have authority to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this chapter. The animal control officer is not authorized to bear arms or make arrests.

Sec. 5-3. — Appointment of dogcatchers; duties and compensation.

The St. Augustine Humane Society, Inc., a nonprofit corporation, is hereby designated as the official agency of the city to perform and enforce the provisions of this chapter pertaining to dogs and cats, with the assistance of the city police department.

Sec. 5-4. — Citations.

(a) The animal control officer appointed by the city manager shall have authority to issue a citation indicating that the officer has probable cause to believe that a person has committed a civil infraction as defined in this chapter and that the county court may hear the charge.

(b) The citation shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting probable cause.
- (5) The ordinance violated.
- (6) The name and authority of the officer.
- (7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.

- ~~(8) The applicable civil penalty if the person elects to contest the citation.~~
- ~~(9) The applicable civil penalty if the person elects not to contest the citation.~~
- ~~(10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.~~

Section 3. Amendment to Chapter 5, Article I, Sections 5-5, 5-6, and 5-7. Chapter 5, Article I, Sections 5-5, 5-6, and 5-7 are hereby amended, as follows:

Sec. 5-5. - Disposal of dead animals generally.

It shall be the duty of every owner, or agent of any owner, of any ~~cattle, horses, dogs, cats, hogs, goats or any other animals which are animal~~ found dying or dead within the corporate limits of the city, to ~~forthwith~~ remove and bury, or otherwise satisfactorily dispose of such animal in a sanitary manner, ~~at some place approved by the county health department.~~ Where the owner or agent of the owner of such dead animal is not known, then it shall be the duty of the person upon whose property such animal was found dead, to remove and bury such dead animal ~~as above provided for in a sanitary manner.~~

Sec. 5-6. - Throwing dead animals over seawall.

It shall be unlawful for any person to throw any dead animal over the seawall or into the basins in the rear of the seawall, ~~or into any other body of water within the City. This provision is not intended to prohibit customary fishing activities, if otherwise done in compliance with all city, state, and federal regulations.~~

Sec. 5-7. - Riding animals inside city limits.

- (a) It shall be unlawful for any person owning or having the care, custody, or control of any animal to ride such animal within the corporate limits of the city, except as ~~otherwise allowed by state law.~~ follows:

- ~~(1) Animals may be ridden on or upon the portions of any public streets, roads or alleys improved and maintained by the city.~~
- ~~(2) Riders shall keep their mounts under control and at a walk when moving along or on public streets, roads or alleys in the city as~~

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herein permitted. It shall be unlawful to run or gallop an animal on or along the public streets, roads or alleys except when necessary to avoid danger.

- (3) Any group of riders consisting of two (2) or more when riding together shall keep their mounts in single file on the same side of any street, road or alley along which they may be riding as herein permitted.
- (4) Any person riding an animal during hours of darkness or under any circumstances when visibility is restricted shall wear sufficient items of light-colored clothing or reflective arm bands, belts or other devices so as to be distinguishable to motorists. In addition, any person riding an animal during hours of darkness shall carry a light for the purpose of warning approaching traffic.
- (5) It shall be unlawful for any person under eighteen (18) years of age to ride an animal more than one (1) hour prior to sunrise or more than one (1) hour after sunset, except when accompanied by an adult or when going to or returning from a chaperoned ride and after notice to the police department of the city.
- (6) Riders shall select and follow the least congested routes when riding in the city.
- (7) Animals may be ridden on private property with the permission* of the owner or occupant of the property.

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(b) Motorists, when approaching and passing mounted riders shall reduce the speed of their vehicles to a safe speed commensurate with prevailing traffic conditions and shall proceed with caution as in the case of other special hazards. Motorists entering intersections in close proximity to mounted riders in addition to observing applicable traffic regulations, shall proceed slowly and with caution.

(c) It shall be unlawful for any person to create any unnecessary loud or disturbing noise or noises including the sounding of automobile horns in close proximity to any mounted riders or to throw any material or debris or to strike or otherwise cause any unnecessary disturbance or to do any act intended or reasonably calculated to frighten any animal being ridden on or along any street, road or alley in the city.

(d) (b) Subsection (a) Subsections (a) through (c) above shall not pertain apply to riders of animals engaged or participating in pageants, processions, festivals or parades for which a permit has been issued by the city; permitted animal-drawn vehicles or animals being ridden as part of a permitted parade, though such uses may be limited by

other provisions of the Code of the City of St. Augustine or applicable franchise agreements.

- ~~(e)-(c)~~ Whoever is convicted of a violation of the provisions of this section shall be punished as provided in section 1-8.

Section 4. Repeal of Chapter 5, Article I, Section 5-8. Chapter 5, Article I, Section 5-8 is hereby repealed, as follows:

~~Sec. 5-8. --Vicious animals.~~

- ~~(a) Except as authorized in this section it shall be unlawful for any person to possess or have in his possession and care any vicious animal, within the corporate limits of the city; provided, however, that any vicious or dangerous animal may be possessed and cared for by any individual of the city if the owner, in possessing and caring for same, shall confine such vicious or dangerous animal within a cage or enclosure, so that it cannot escape from the same and injure or damage human life, animal life or property in the public streets and places in the city or upon the private property of citizens of the city.~~
- ~~(b) It shall be unlawful for any person to permit any vicious or dangerous animal to run at large upon the public streets, places or highways, upon the private property of citizens within the corporate limits of the city, unless such animal is accompanied by its owner and has around its neck a strong and secure collar, and unless such collar has connected with it a strong and substantial chain, a part of which chain shall be held firmly and securely in the hand of the owner or the person having such vicious or dangerous animal in charge.~~
- ~~(c) It shall be unlawful for any person, within the corporate limits of the city, to have in his possession or care any animal which is either vicious or dangerous, unless such person complies with the provisions of subsections (a) and (b) above. In the event that any such vicious or dangerous animal shall bite or injure the person or property of another within the corporate limits of the city, the owner of such animal, or the person within whose enclosure such animal is kept, shall upon conviction be punished as provided in section 1-8 of this Code.~~

Section 5. Amendment to Chapter 5, Article I, Sections 5-9 through 5-15. Chapter 5, Article I, Sections 5-9 through 5-15 are hereby amended, as follows:

Sec. 5-9. - Fowl – Running at large prohibited.

It shall be unlawful for any person, within the corporate limits of the city, to allow or permit any chickens, geese, turkeys, ducks or other live domestic fowls owned by ~~him or her~~ him to stray or to roam upon the public streets or upon private property of any person within the corporate limits of the city.

Sec. 5-10. - Same – To be kept in enclosure.

It shall be the duty of each and every person to keep all chickens, geese, turkeys, ducks and other domestic fowls in an enclosure to be built with such suitable materials as to keep such fowls in the enclosure, such enclosure shall only be situated upon private property. The animals listed herein shall be kept in a stable, house, shed, or fenced-in yard, all of which shall be kept constantly clean and free from any accumulation of manure and from offensive and unhealthy odors. It shall be unlawful for any person, within the corporate limits of the city, to keep roosters, except on property located within the OL and GU zoning districts. Any rooster that, as of the date of the passage of this ordinance, is being kept within a zoning code where it is unlawful to keep roosters may be kept during the natural life of that rooster, provided that the rooster is registered with the city within 45 days of the passage of this ordinance. In no case shall a rooster be allowed within the corporate limits of the city, other than within the OL or GU zoning districts, after December 31, 2029. The City Manager or his or her designee shall be responsible for keeping such registry.

Sec. 5-11. - Keeping livestock.

- (a) No person shall keep any horse, mule, donkey, cow, goat or other grazing animal within the corporate limits of the city except on property located within the ~~CL-1~~, OL and GU zoning districts. Within such districts, the animals listed herein shall be kept in a stable, house, shed, or fenced-in yard, all of which shall be kept constantly clean and free from any accumulation of manure and from offensive and unhealthy odors, as provided in subsection (b) below. ~~Nothing herein shall be interpreted to prevent the use of the animals described herein for transportation on the streets and rights-of-way of the city, in conformance with any applicable state or local law or regulation.~~

(...)

Sec. 5-12. - Keeping hogs prohibited.

It shall be unlawful for any person to keep or possess any hog or pig within the corporate limits of the city. ~~Notwithstanding the foregoing, pigs may be kept as household pets to the extent allowed in section 28-348 of the Code of the City of St. Augustine, provided that they are kept in a stable, house, shed, or fenced-in yard, all of which shall be kept constantly clean and free from any accumulation of manure and from offensive and unhealthy odors. For the purpose of this section, a hog shall be defined as a swine weighing more than 120 pounds a pig may be kept in the corporate limits of the city during the natural life of that pig, if the pig is currently being kept in the city as of the date of the passage of this ordinance, provided that the pig is registered with the city within 45 days of the passage of this ordinance. The City Manager or his or her designee shall be responsible for keeping such registry. In no case shall a rooster be allowed within the corporate limits of the city, other than within the OL or GU zoning districts, after December 31, 2039. A pig shall be defined as a swine weighing 120 pounds or less.~~

Sec. 5-13. - Driving animals through streets.

No person shall drive or conduct through or upon any street or highway of the city any ~~horse, mule, hog, cow, bull or ox, equine, cattle, swine, or any other similar livestock, except as otherwise allowed by the Florida Uniform Traffic Control Law, except such as are secured and kept under the control of the person in charge thereof by means of a halter, rope or otherwise, or unless special permission in writing shall have been given by the city manager. Such permission in writing must be given by the city manager to any person applying therefor who shall, upon application, produce satisfactory proof that such animals are in the charge of a number of men sufficient to prevent any of them doing any mischief during such passage through and along the streets; in such written permission the city manager shall also provide certain hours during which such animals may be driven or conducted along the streets as in his opinion shall be least likely to result in harm to persons and property upon such streets.~~

Sec. 5-14. - Protection of squirrels.

It shall be unlawful for any person to shoot, ~~maim, or trap,~~ kill, ~~or molest~~ any squirrels within the corporate limits of the city.

Sec. 5-15. - Birds.

It shall be unlawful for any person to ~~shoot injure, maim molest,~~ or destroy any wild bird, or the nest or eggs of such bird, upon any private or public property within the corporate limits of the city.

Section 6. Repeal of Chapter 5, Article I, Sections 5-16 through 5-20. Chapter 5, Article I, Sections 5-16 through 5-20 are hereby repealed, as follows:

~~Sec. 5-16. -- Impounding animals running at large.~~

~~If any person owning or having charge of any horse, mule, ass, goat, bull, steer, cow or other cattle shall allow the same to go at large at any time within the corporate limits of the city, the same shall be taken up and impounded by the city dogcatchers, the chief of police, or any police or patrolman of the city, or the same may be taken up and impounded by any person.~~

~~Sec. 5-17. -- Notice to owner or agent of impounding.~~

~~After any animal is impounded, under the provisions of the preceding section, the chief of police of the city shall, without unnecessary delay, notify the owner of such animal, if known, or the agent of such owner if the owner is absent from the city. In the event of the absence of the owner or agent, the chief of police shall notify the person in possession of such animal or having charge of such animal. This notice must be personal, and in the event that the owner or agent of any such animal impounded is unknown, the chief of police shall post not less than three (3) notices, one (1) of which shall be in front of city hall, one (1) at the particular city pound at which the animal is confined, and another notice placed in front of or near the post office or on a bulletin board in the post office of the city, all of which three (3) notices shall describe the animal impounded, and shall require the owner thereof to appear within the next three (3) days to redeem the same.~~

~~Sec. 5-18. -- Redemption of animal impounded; fees.~~

~~Whenever the owner of any animal impounded under the provisions of section 5-17 shall apply to the dogcatchers or the chief of police for the release of same, and shall give satisfactory evidence of ownership to either of such officers, the same shall be released upon payment of the following fees:~~

~~(1) For the impoundment of:~~

- ~~a. Any bull, each.....\$10.00~~
- ~~b. Any cow or steer, yearling or calf, each.....7.50~~
- ~~c. Any goat, sheep, horse, ass, mule, each.....3.00~~
- ~~d. Any shoat, pig, each.....1.00~~

- (2) For the feeding of any such animal, per head, per feeding..... 1.00
(3) For the sale of each animal..... 1.00
(4) For the advertising of each animal, the actual cost thereof.

~~Sec. 5-19. -- Authority of chief of police to purchase for city and sell at private sale.~~

~~If no bids for impounded animals are offered at the sale, provided for in the preceding section, it shall be the duty of the chief of police of the city to bid on such animal for the city. This authority is given to protect the city for its costs in impounding, feeding, advertising and selling each animal so impounded. It shall be the duty of the chief of police of the city, after having bid in or purchased such animal not bid for by anyone else, to sell it at private sale to the private person making the highest and best bid for such animal. The chief of police, however, must tender for sale such animal to at least three (3) responsible persons of the city. No city official or employee shall be permitted to purchase or buy such animal either publicly or privately under this section.~~

~~Sec. 5-20. -- Disposition of proceeds; refund to owner.~~

~~If the owner of any animal sold under the provisions of section 5-19 shall give satisfactory proof of ownership of such animal within twelve (12) months after the private or public sale as set forth in section 5-19, the net proceeds of such sale, after paying all fees and expenses, shall be paid to the owner. Otherwise, it shall become the property of the city.~~

Section 7. Amendment to Chapter 5, Article II, Sections 5-46 through 5-50.

Chapter 5, Article II, Sections 5-46 through 5-50 are hereby amended, as follows:

ARTICLE II. -- DOGS

~~DIVISION 1. -- GENERALLY~~

Sec. 5-46. - Definition.

For the purposes of this article, the term "run at large" means being at ~~large~~ on public property or trespassing on private property and not having ~~a collar or license tag, and not in under~~ the direct control of any person either by leash, cord, chain, or other like restraint maintained by an individual not attached to an object.

Sec. 5-47. - Running at large prohibited.

It shall be unlawful for any person who ~~shall own or be owns or is~~ in control of, or ~~be is otherwise~~ in charge of, any dog to ~~permit-allow~~ such dog to run at large within the corporate limits of the city.

Sec. 5-48. - Interfering with or hindering officers in enforcement of article.

No person shall in any manner interfere with, prevent, or hinder any law enforcement officer with jurisdiction within the City of St. Augustine or County enforcement officer-person herein mentioned in the performance of any duty ~~relating to required by this article relating to dogs~~.

Sec. 5-49. - Barking, biting and howling dogs.

No person shall own or keep in the corporate limits of the city any dog which becomes a nuisance by barking, biting, howling, or in any other manner disturbing the quiet of any neighborhood. For the purpose of this section, a dog disturbs the quiet of the neighborhood if it behaves as defined by the "barking dog" definition provided in section 11-89(e) of the Code of the City of St. Augustine.

Sec. 5-50. - Defecation by dog.

- (a) An owner or handler shall promptly remove and sanitarly dispose of feces left on public property by a dog being handled by the person. Failure to do so is a violation.
- (b) No dog shall be permitted or allowed to defecate upon any private property without permission of the property owner. It is a violation of ~~this chapter~~ for the owner of a dog, or someone who is in control of, or otherwise in charge of a dog, to permit or allow the dog to defecate upon any private property without permission of the property owner.
- (c) The penalty for each violation shall be consistent with section 5-1, Code of the City of St. Augustine.

Section 8. Repeal of Chapter 5, Article II, Sections 5-61 through 5-67. Chapter 5, Article II, Sections 5-61 through 5-67 are hereby repealed, as follows:

DIVISION 2.—IMPOUNDMENT

Sec. 5-61.—Dogs running at large.

~~It shall be the duty of the St. Augustine Humane Society, Inc., and other persons authorized or appointed to catch dogs, to catch, take and impound~~

in a shelter provided by the St. Augustine Humane Society, Inc., any dog found running at large within the city.

~~Sec. 5-62. -- Biting dogs and bitten animals; duty of owner.~~

~~If any dog shall bite any person or animal in the city, it shall be the duty of the person owning, possessing, keeping or harboring such dog or the animal bitten to forthwith surrender such dog, or the animal bitten, to the St. Augustine Humane Society, Inc., or a licensed veterinarian and such dog or other animal so bitten shall be impounded for a period of time designated by the county public health department, at the sole expense of the owner of the animal.~~

~~Sec. 5-63. -- Authority to destroy certain dogs running at large.~~

~~If any dog running at large cannot safely be taken up or impounded, it may be destroyed by the chief of police or other member of the police department authorized to do so by the chief of police.~~

~~Sec. 5-64. -- Shelter to be provided by humane society; requirements as to construction and maintenance.~~

~~The place wherein dogs are to be impounded shall be provided for by the St. Augustine Humane Society, Inc., and it shall be under its supervision and control. Such shelter shall be constructed so as to afford plenty of fresh air to impounded dogs in the summer and constructed so as to make such pound warm in winter. It shall be provided with fresh running water for the dogs. It shall be kept at all times in a clean condition, and dogs shall be properly fed and given care and protection at all times while impounded.~~

~~Sec. 5-65. -- Redemption; impounding fee.~~

~~In order to redeem any dog which may have been impounded, the owner shall pay to the St. Augustine Humane Society, Inc., an impounding fee of five dollars (\$5.00) for the first impounding, an impounding fee of seven dollars and fifty cents (\$7.50) for the second impounding, and an impounding fee of fifteen dollars (\$15.00) for the third impounding within one (1) year for each licensed dog picked up running at large, and twenty-five dollars (\$25.00) for each unlicensed dog as an impounding fee and further the sum of five dollars (\$5.00) per day for each day such dog shall have been kept impounded. The owner of such dog shall secure a collar and a leash, cord, chain or other like restraint, as herein provided, and a~~

~~current city license tag, before such dog shall be surrendered or the St. Augustine Humane Society shall require a deposit to ensure owner receives a city license at which time he will have three (3) business days to obtain such license and return with proof of such license to the society for the return of his deposit. In the event the owner does not return with the license within three (3) business days, the owner shall have forfeited the deposit, which shall become the sole property of the St. Augustine Humane Society, Inc. Any dog not redeemed within three (3) business days after the same shall have been impounded shall be destroyed.~~

~~Sec. 5-66. -- Unredeemed dogs to be destroyed by injection or placed for adoption.~~

~~Any dog taken up and impounded and not redeemed within three (3) business days after the same shall have been impounded shall be destroyed by injection or placed for adoption, at the sole discretion of the St. Augustine Humane Society, Inc., with no compensation to the owner.~~

~~Sec. 5-67. -- Records of impounded dogs to be kept; disposal of impounding fees.~~

~~It shall be the duty of the St. Augustine Humane Society, Inc., to keep a correct registry of all dogs impounded, the name of the owner or keeper, when and how the owner or keeper was notified of the impounding of the dog, and the disposal made of such dog.~~

Section 9. Repeal of Chapter 5, Article II, Sections 5-61 through 5-67. Chapter 5, Article II, Sections 5-76 through 5-83 are hereby repealed, as follows:

~~DIVISION 3. -- REGISTRATION, LICENSING, ETC.~~

~~Sec. 5-76. -- Registration—Required.~~

~~Every person owning, possessing, keeping or harboring any dog within the corporate limits of the city shall register such dog with the director of financial services during the month of September in each year.~~

~~Sec. 5-77. -- Same—Information to be shown.~~

~~The registration required by this division shall show the name and address of every person owning, possessing, keeping or harboring any dog within the corporate limits of the city and shall indicate the description characteristic of such dog, including its name, breed, color and sex.~~

~~Sec. 5-78. -- Payment of license fee.~~

Upon registration, as required by this division, such person shall pay to the director of financial services the sum of three dollars (\$3.00) as license fee for each male or spayed female dog so owned, possessed, kept or harbored, and the sum of five dollars (\$5.00) as a license fee for each unspayed female dog so owned, possessed, kept or harbored.

Sec. 5-79. — Issuance of license tag and register number; duration of license.

Upon receipt of the license fee prescribed by this division, the director of financial services shall furnish to such person a license tag and register number for each dog for which the fee has been paid, which license shall extend from October first to September thirtieth, of the fiscal year for which payment is made.

Sec. 5-80. — Requirements as to tag.

The director of financial services shall provide each and every year such number of metal tags as may be necessary, the shape of which shall be changed each year, and have stamped thereon the year for which the license is paid, the letters "STA" and also the numbers of the tag. It shall be the duty of the director to deliver one (1) of such tags, the number thereof to correspond with the number of the registry of the dog, to the person having paid the tax upon any such dog.

Sec. 5-81. — Inoculation against rabies prerequisite to license.

No registration of a dog shall be made by the director of financial services, nor shall any license fee be accepted, until the person owning, possessing, keeping or harboring such dog shall have produced evidence showing that such dog has been inoculated against rabies within a period of one (1) year prior to the time application is made to register and obtain a license for such dog. The written certificate of a veterinarian licensed to practice veterinary medicine and surgery by the board of veterinary examiners of the state shall be accepted as conclusive evidence as to the fact and time of such inoculation.

Sec. 5-82. — Records of licensed dogs to be kept.

The director of financial services shall keep a complete registry in a book to be kept for the purpose of all licensed dogs, describing the same by name, breed, color and sex, and shall also enter the name and address of the owner or keeper as given, and the number of the city license tag.

Sec. 5-83. — Collar required; tag to be attached; removal of collar or tag.

~~Each dog kept within the corporate limits of the city shall be provided by its owner or keeper with a collar, made of leather or metal or other durable material to which the license tag provided for in this division shall be securely fastened. No dog shall be permitted to be kept or remain within the city unless the owner or keeper thereof shall have caused such dog to be registered, licensed and provided with and required to wear a collar and tag as herein provided. No person not being the owner or keeper of such dog shall remove or take off or cause to be removed or taken off the collar or the tag upon the dog within the city.~~

Section 10. Repeal of Chapter 5, Article III, Section 5-106. Chapter 5, Article III, Section 5-106 is hereby repealed, as follows:

~~DIVISION 1.—GENERALLY~~

~~Sec. 5-106.—Definitions.~~

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

~~At large means off the premises of the owner or other persons harboring, keeping or maintaining a cat.~~

~~Cat means both male and female of all members of the feline family.~~

~~Owner means any person owning, harboring, keeping, or maintaining a cat.~~

Section 11. Repeal of Chapter 5, Article III, Sections 5-116 through 5-120. Chapter 5, Article III, Sections 5-116 through 5-120 are hereby repealed, as follows:

~~DIVISION 2.—IMPOUNDMENT~~

~~Sec. 5-116.—Biting cats and bitten animals; duty of owner.~~

~~If any cat shall bite any person or animal in the city, it shall be the duty of the person owning, harboring, or keeping such cat and/or the animal bitten to immediately surrender such cat and/or the animal bitten to the St. Augustine Humane Society, Inc. or a licensed veterinarian. These animals shall be impounded for a period of time designated by the county public health department, at the sole expense of the owner of the animal.~~

~~Sec. 5-117.—Running at large without license and collar.~~

~~It shall be the duty of the St. Augustine Humane Society, Inc. or other persons authorized or appointed to catch cats, to catch, take and impound any cat found running at large within the city not having a collar around its neck and a license tag for the current year attached thereto. The place wherein such cats are to be impounded shall be provided by the St. Augustine Humane Society, Inc. and shall be under the St. Augustine Humane Society's supervision and control.~~

~~Sec. 5-118. Authority of police to kill certain cats running at large.~~

~~If any cat running at large cannot be safely taken up or impounded, it may be destroyed by the chief of police or other members of the police department authorized to do so by the chief of police.~~

~~Sec. 5-119. Redemption; impounding fee.~~

~~In order to redeem any unlicensed cat which may have been impounded, the owner shall pay an impoundment fee of twenty-five dollars (\$25.00) and further the sum of five dollars (\$5.00) per day for each day such cat shall have been kept impounded. The owner of the cat shall secure a collar and a city tag, before such cat shall be surrendered, or the St. Augustine Humane Society shall require a deposit to ensure the owner receives the city license at which time he will have three (3) business days to obtain such license and return with proof of obtaining such license to the society. In the event that the owner does not return with the license within three (3) business days, the owner will have forfeited the deposit, which shall become the sole property of the St. Augustine Humane Society, Inc. Any cat not redeemed within three (3) business days after the same shall have been impounded shall be destroyed or placed for adoption, at the sole discretion of the St. Augustine Humane Society, Inc., with no compensation to the owner.~~

~~Sec. 5-120. Records to be kept.~~

~~It shall be the duty of the St. Augustine Humane Society, Inc. to keep correct registry of all cats impounded, the name of the owner or keeper, if it can be reasonably determined, when or how the owner or keeper (if it can be reasonably determined) was notified of the impounding of the cat and the disposal made of such cat.~~

Section 12. Repeal of Chapter 5, Article III, Sections 5-131 through 5-139.

Chapter 5, Article III, Sections 5-131 through 5-139 are hereby repealed, as follows:

~~DIVISION 3. REGISTRATION, LICENSING, ETC.~~

~~Sec. 5-131. -- Registration -- Required.~~

~~Every owner of any cat within the corporate limits of the city shall register such cat with the director of financial services during the month of September in each year.~~

~~Sec. 5-132. -- Same -- Information to be shown.~~

~~The registration required by this division shall show the name and address of the owner of any cat within the corporate limits of the city and shall indicate the description characteristic of such cat, including its name, breed, color and sex.~~

~~Sec. 5-133. -- Payment of license fee.~~

~~Upon registration, as required by this division, such owner shall pay to the director of financial services the sum of three dollars (\$3.00) as a license fee for each male or spayed female cat so owned, possessed, kept or harbored, and the sum of five dollars (\$5.00) as a license fee for each unspayed female cat so owned, possessed, kept or harbored.~~

~~Sec. 5-134. -- Issuance of license tag and register number; duration of license.~~

~~Upon receipt of the license fee prescribed by this division, the director of financial services shall furnish to such owner a license tag and register number for each cat for which the fee has been paid, which license shall extend from October first to September thirtieth, of the fiscal year for which payment is made.~~

~~Sec. 5-135. -- Requirements as to tag.~~

~~The director of financial services shall provide such number of tags as may be necessary, the shape of which shall be changed each license period, and have stamped thereon the year for which the license is paid, the letters "STA" and also the numbers of the tag. It shall be the duty of the director to deliver one (1) of such tags, the number thereof to correspond with the number of the registry of the cat, to each person having paid the tax upon any such cat.~~

~~Sec. 5-136. -- Inoculation against rabies prerequisite to license.~~

~~No registration of a cat shall be made by the director of financial services nor shall any license fee be accepted until the owner of such cat shall have produced evidence showing that such cat has been inoculated against~~

~~rabies within a period of one (1) year prior to the time application is made to register and obtain a license for such cat. The written certificate of a veterinarian licensed to practice veterinary medicine and surgery by the board of veterinary examiners of the state shall be accepted as conclusive evidence as to the fact and time of such inoculation.~~

~~Sec. 5-137. -- Records of licensed cats to be kept.~~

~~The city shall keep a complete registry in a book to be kept for the purpose of all licensed cats, describing the same by name, breed, color and sex, and shall also enter the name and address of the owner as given and address of the owner as given and the number of the city license tag.~~

~~Sec. 5-138. -- Collar required; tag to be attached.~~

~~Each cat kept within the corporate limits of the city shall be provided by its owner with a collar, made of leather or metal, or other durable material to which the license tag provided for in this division shall be securely fastened. No cat shall be permitted to be kept or remain within the city unless the owner thereof shall have caused such cat to be registered, licensed and provided with and required to wear a collar and tag as herein provided.~~

~~Sec. 5-139. -- Removal of collar or tag.~~

~~No person not being the owner of such cat shall remove or take off or cause to be removed or taken off the collar or the tag upon the cat within the city.~~

Section 13. Repeal of Chapter 7, Article II, Section 7-26. Chapter 7, Article II, Section 7-26 is hereby repealed, as follows:

Sec. 7-26. -- Fishing, trapping prohibited.

It shall be unlawful for any person to catch, trap, take or obtain fish, shrimp or other sea life from the waters of Maria Sanchez Lake by any means or methods.

Section 14. Amendment to Chapter 28, Article III, Division 4, Section 28-206. Chapter 28, Article III, Division 4, Section 28-206 is hereby amended, as follows:

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

(...)

(1) *Permitted uses and structures:*

(...)

~~m. Stables, provided, however, that property shall have been utilized as of the date of the adoption of this subsection [December 23, 1991,] as a stable for more than two (2) years preceding such adoption, and no other.~~

~~n-m.~~ The above uses are subject to the following limitations:

1. Sale, display, preparation and storage to be conducted within a completely enclosed building, and no more than twenty (20) percent of floor space to be devoted to storage.
2. Products to be sold only at retail.
3. No sale, display or storage of secondhand merchandise except as incidental to sale of new merchandise.

(...)

Section 15. Inclusion in Code. The City Commission intends that the provisions of this Ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this Ordinance may be 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 16. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 17. Severance of Invalid Provisions. In the event that any section, subsection, sentence, clause, phrase, word, term or provision of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly invalid, unconstitutional or unenforceable or involved for any reason whatsoever, any such invalidity, unconstitutionality, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this

Ordinance shall be read and/or applied as if the invalid, unconstitutional, illegal, or unenforceable section, subsection, sentence, clause, phrase, word, term or provision did not exist.

Section 18. Effective Date. This Ordinance shall become effective _____ 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.

Nancy E. Shaver, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

City of St. Augustine

Memorandum

TO: John Regan, P.E.
City Manager

DATE: January 28, 2019

RE: **Ordinance 2019-03 - Proposed Updates to the City Tree Code – First Reading**

Ordinance 2019-03 updates the city tree code.

The city tree code is contained in several parts of Chapter 11, **Environmental Protection** and Chapter 25, **Trees and Landscaping** of the Municipal Code. The Planning and Building Department has drafted several proposed updates to sections of the city tree code. These updates have been discussed and reviewed by the Code Enforcement Adjustments and Appeals Board, the Street Tree Advisory Committee and the Planning and Zoning Board.

The proposed updates include the following;

1. Changing the tile of “Preserved” tree to “Significant” tree. The code identifies trees (by their species and size) that are subject to a higher level of regulation when a property owner wants to remove the tree. Currently, the code classifies these trees as “preserved” trees, but this nomenclature has caused confusion and a source of debate because the regulations clearly address the process to remove these particular trees. The changes to Sections 25-52, 25-58, 11-27, 11-28 and 11-29 simply change the word “preserved” with the word “significant”. Other changes include the elimination of the words “protected” and “historically significant” to describe trees, because the code does not specifically define “protected” nor does the code define “historically significant” trees.
2. Making the Planning and Zoning Board the reviewing authority for the removal of all “significant” trees. Currently, the city code requires the Code Enforcement Adjustment and Appeals Board to review the removal of “preserved” (aka “significant”) trees, while the Planning and Zoning Board is the reviewing authority for “preserved” (aka “significant”) trees if the tree removal is in conjunction with site plan review. Consolidating tree removal under the Planning and Zoning Board is proposed in this code update.

The Planning and Zoning Board also reviewed and approved a list of appropriate replacement trees as well as a standardized arborist’s report template that will be used when applications for tree removal are submitted to the board. The board also approved a flow chart

which explains the tree removal process, which will be made available to the public. These materials are administrative in nature and are not contained in this proposed ordinance.

On January 8, 2019, the Planning and Zoning Board reviewed Ordinance 2019-03 and recommended to the City Commission that this ordinance be approved.

Please place Ordinance 2019-03 on the January 28, 2019 City Commission agenda for first reading.

If you have any questions, please let me know.



David Birchim, AICP

Director, Planning and Building Department

ORDINANCE NO. 2019-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA; AMENDING CHAPTER 11 ENVIRONMENTAL PROTECTION, SEC. 11-27 DEFINITIONS “PRESERVED tree”, SEC. 11-28(c) AND 11-28(d) ISSUANCE OF BUILDING PERMITS, SEC 11-29 STANDARDS FOR REVIEW, INCLUDING SEC. 11-29(d), SEC. 11-29(d)(1)(e), SEC. 11-29(e) and SEC. 11-29(e)(4). SEC. 25-52 DEFINITIONS “PRESERVED tree”, and SEC. 25-58 VARIANCES AND CONSERVATION OVERLAY ZONE DEVELOPMENT REVIEW, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING 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 of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that Section 11-27, Section 11-28(c), Section 11-28(d), Section 11-29, Section 11-29(d), Section 11-29(d)(1)(e), Section 11-29(e), Section 11-29(e)(4), Section 25-52 and Section 25-58, should be amended to reflect updates the city’s tree regulations; and

WHEREAS, the City Commission of the City of St. Augustine has determined that the following regulations promote and protect the general health, safety, and welfare of the residents of the City of St. Augustine; 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 Chapter 11, Article II, Sections 11-27, 11-28 and 11-29.

Chapter 11, Article II, Sections 11-27, 11-28 and 11-29 are hereby amended, as follows:

Sec. 11-27. - Definitions.

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

(...)

~~Preserved Significant~~ tree means a tree described in the following list:

(...)

Sec. 11-28. - Issuance of building permits.

(...)

- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy ~~preserved-significant~~ trees are retained on the site.
- (d) Removal of a ~~preserved-significant~~ tree shall be approved ~~by the board of adjustments and appeals or, if such removal requires a site plan review,~~ by the planning and zoning board. All ~~preserved-significant~~ trees removed shall be replaced in accordance with the requirements of chapter 25.

(...)

Sec. 11-29. - Standards for review.

(...)

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of ~~protected or preserved-significant~~ trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
 - (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
- e. Whether the tree has been designated a ~~historic specimen,~~
preserved or protected significant tree.

(...)

- (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as preserved significant trees under section 11-27 unless, upon consideration of the criteria set forth above, it finds any of the following will result:
 - (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are ~~protected or preserved significant~~ trees and removal must be reviewed by the ~~board of adjustments and appeals~~
planning and zoning board.

Section 2. Amendment to Chapter 25, Article III, Section 25-52. Chapter 25, Article III, Section 25-52 is hereby amended, as follows:

Sec. 25-52. - Definitions.

As used in this article, unless otherwise stated, the following words shall have a meaning as indicated herein:

(...)

~~Preserved Significant~~ tree means a tree defined as a ~~preserved-significant~~ tree in chapter 11.

(...)

Section 3. Amendment to Chapter 25, Article III, Section 25-58. Chapter 25, Article III, Section 25-58 is hereby amended, as follows:

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of ~~protected-or-preserved-significant~~ trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain ~~protected-and-preserved-significant~~ trees when possible and practical. The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining ~~protected-and-preserved-significant~~ trees. Procedures for variances and conservation overlay zone development review shall be in accordance with chapter 28. Standards and criteria for conservation overlay zone development review shall be in accordance with chapter 11.

Section 4. The City Planning and Building Director is hereby authorized and directed to change the City of St. Augustine Municipal Code of Ordinances, Section 11-27, Section 11-28(c), Section 11-28(d), Section 11-29, Section 11-29(d), Section 11-29(d)(1)(e), Section 11-29(e), Section 11-29(e)(4), Section 25-52 and Section 25-58, for the City of St. Augustine, Florida.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 7. This ordinance shall be effective ten (10) days after adoption.

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

ATTEST:

Nancy Shaver, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: January 17, 2019

RE: Agenda Item for January 28, 2019 City Commission Meeting;
Public Works Update

I would like to present the Public Works Update to the City Commission; and request time be allotted for my presentation at the January 28, 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



CoSA City Commission

“Public Works Update”

January 28, 2019

Michael G. Cullum, P.E.

Director, Public Works





Public Works Update Agenda

Key Projects Update

- WWTP Options for Resiliency
- West Augustine Septic to Sewer
- Paving Data

Other Items & Look-Ahead

- CIP Overall Status Summary

Wastewater Treatment Plant Options for Resiliency

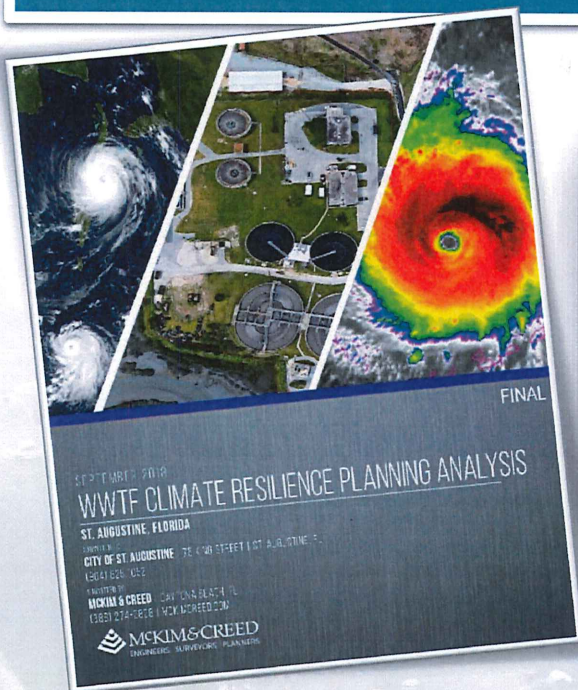


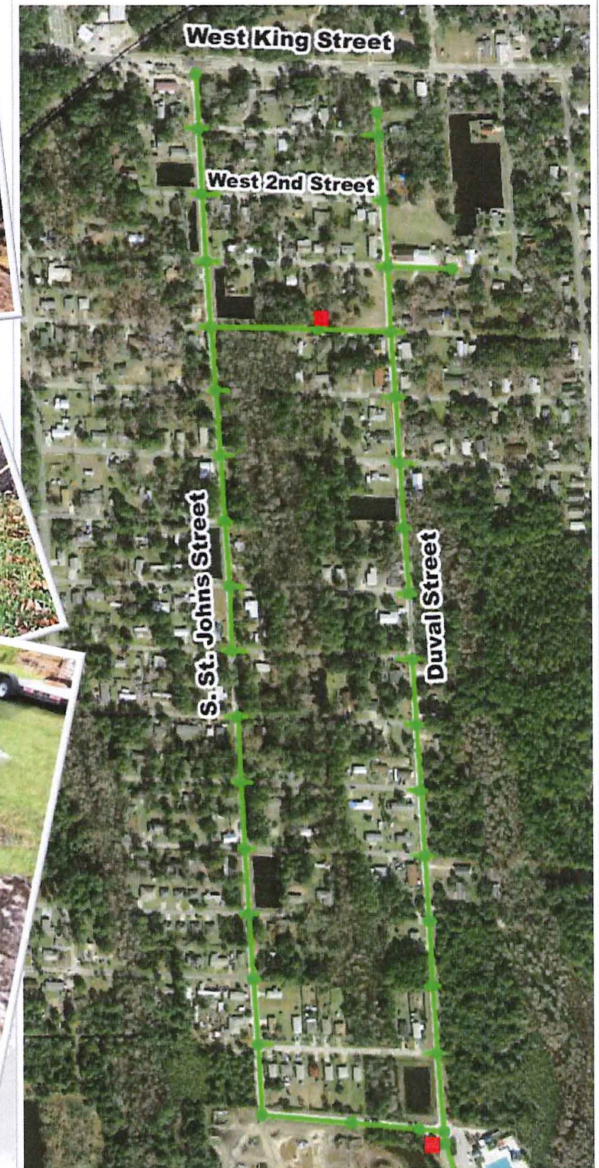
Figure 10: Perimeter Flood Wall and Pump Station

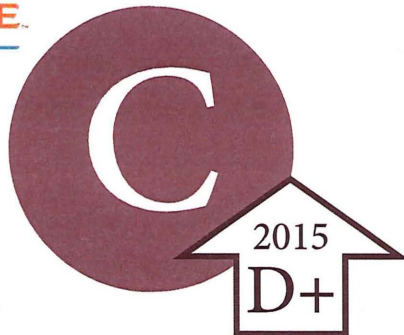
Perimeter Wall and Pump Station Estimated Costs at Multiple Heights for Year 2030 (2018 dollars)

Type of Wall	Top Elevation (feet NAVD)	Average Height of Wall (feet)	Protection Cost	Category of Hurricane Protection Level (2030)	Preventable Damage Cost	Benefit/Cost Ratio
Sheet Pile	18	11	\$ 3,700,000	3	\$16,000,000	4.3
	20	13	\$ 4,200,000	4	\$21,000,000	5.0
	25	18	\$ 5,300,000	5	\$21,000,000	4.0

West Augustine – Septic to Sewer

- ❖ S. St. Johns Street and Duval Street
 - 87% of 63 existing homes signed up for program (working toward 100%)
 - First phase – 15 homes connected; Working on next phase – 20 homes
- ❖ Exploring options to expand successful program to other West Augustine areas with existing sewer mains
- ❖ West 2nd Street gravity sewer extension project starting procurement
- ❖ Applying for CDBG Disaster Recovery through St. Johns County to extend existing sewer mains and connect homes during construction
- ❖ State Legislature Request for FY2020





Paving Data Update

2018 Baseline Assessment

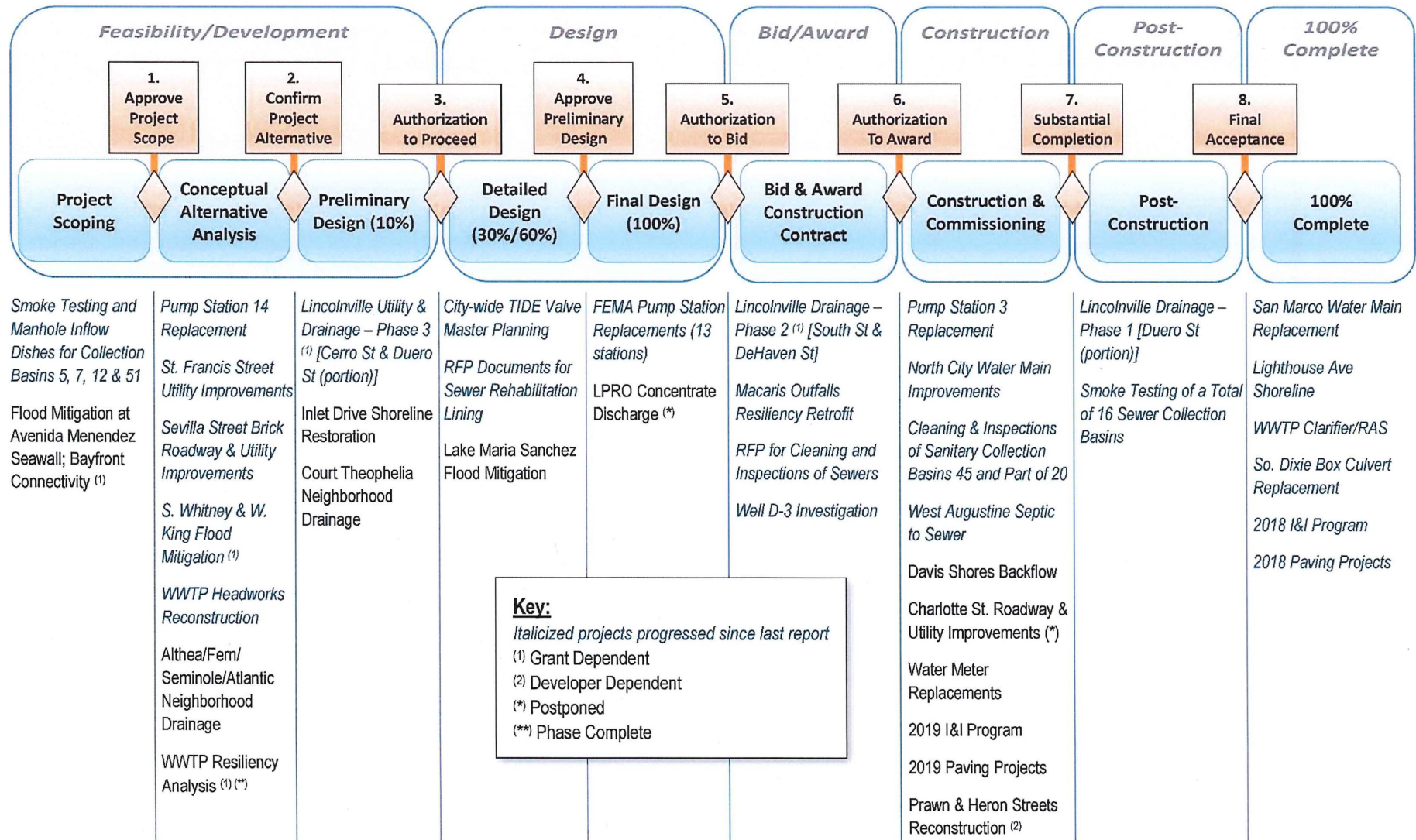
Surface Material	Road Miles	% of Total	Average PCI
Asphalt	68.4	91.0%	74
Brick	2.0	3.0%	69
Concrete	0.4	0.5%	95
Unpaved	4.1	5.5%	97
Total	75.0		

Miles Paved	Fiscal Year
6.63	FY 2015
5.2	FY 2016
2.99	FY 2017
6.57	FY 2018
6.0 *	FY 2019
27.4	Miles in 5 Years
5.5	Average per Year

* Projected

CIP Overall Status Summary

Design-Bid-Build Active Projects – through January 28, 2019





Additional Questions and Commission Discussion

CITY OF ST. AUGUSTINE

MEMORANDUM

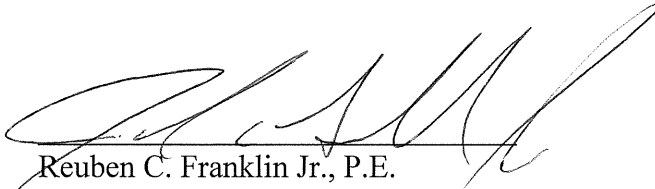
TO: John Regan, P.E.
City Manager

DATE: January 17, 2019

RE: Agenda Item for January 28, 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.

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 Update

City Commission Meeting
Monday, January 28, 2019

“Moving People Through History”



CITY OF
ST AUGUSTINE
EST. 1565

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	25%	6/5/2019	Out to bid, bid opening is
South Street Sidewalk	Construct sidewalk between Maria Sanchez and ML King	75%	1/31/2019	Time extension required for contractor
Ravenswood Framework	Develop conceptual plan for walking, biking and signage	20%	12/21/2018	Neighborhood provided feedback and City is working on plan
Oyster Creek Study/Plan	Review traffic complaints with data & analysis, develop plan	100%		
North Davis Shores Study	Review traffic/parking complaints with data & analysis, create plan	90%	1/31/2019	Need to survey neighborhood for additional feedback
Speed Study - Dolphin Dr	Collect speed data and vehicular counts	0%	4/12/2019	Installed a 20 mph sign near the base of the BoL
Speed Study - Coquina Ave	Collect speed data and vehicular counts	100%		
City				
King St Complete St MP	Complete Street Master Plan for King St Corridor	5%	1/31/2020	First Workshop is February 13, 2019; 5:30pm-7pm
Mobility Plan	Develop statutorily compliant mobility plan for Comprehensive Plan	5%	10/31/2019	Held kickoff meeting on January 11, 2019
Smart Parking System	Implement smart parking system	95%	1/31/2019	Testing system; go live mid-February; waiting on signage
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	7%	1/31/2020	Contract is executed, scheduling kickoff meeting
NoL Park n Ride	Provide park & ride shuttle during NoL	100%		
Spring Park n Ride	Provide park & ride shuttle during Spring Festivals and Holidays	0%	5/1/2019	
Local (SJC, CoSAB, TPO, etc.)				
Vehicle for Hire Workshop	City Commission workshop to review the VFH Study	100%		
SJR2C Loop Planning Study	Plan route for shared-use non-motorized trail	35%	12/2/2019	FDOT funded / SJC managed
Water Taxi RFP	Develop RFP for water taxi service to use public docks in SJC/CoSA	0%	TBD	Need to follow up with SJC
EV Charging Stations	Install EV charging stations at the garage, city hall parking, etc..	25%	TBD	Working on power source with contractor

Legend

on target	at risk	corrective action required



CITY OF
ST. AUGUSTINE
EST. 1565

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	60%	Late Fall 2019	Began October 30, 2017, Intersection pushed to Spring 2019
San Marco Resurfacing	Resurface and improve ped crossings along San Marco Ave	80%	Spring 2019	Pedestrian crossings installed and active
BoL ITS	Install signage that indicates when the BoL is open	100%		
US 1 Rehab Design	Traffic and pavement improvements from SR207 to North City Gates	60%	3/31/2020	Completed 60% design and field review
Red Cox Rd/Anastasia Blvd	Intersection safety improvements requested			Short term and long term objectives being developed
Zorayda/A1A Ped Crossing	Design	90%	TBD	Easement required; delayed
Federal				
Major Accomplishments (since October 22, 2018)		Upcoming Activities		
✓ BoL ITS	✓ FDOT Red Cox Rd Meeting	✓ Historic Downtown Parking Facility Access Management RFP		
✓ Oyster Creek Study/Plan		✓ Spring Park n Ride		
✓ NoL Park n Ride		✓ Launch of the new parking system		
✓ Vehicle for Hire Workshop		✓ King Street Complete Street Master Plan		
✓ HARB Meeting for Tolomato Lot - December 20th		✓ Draft Mobility Plan		
Challenges, Risks & Issues				
❖ Sponsors for Bike Share Program				
❖ Land Acquisition for Park & Ride Program				
Key Decisions				
Decisions Required:				

Legend			
	on target	at risk	corrective
			action
			required



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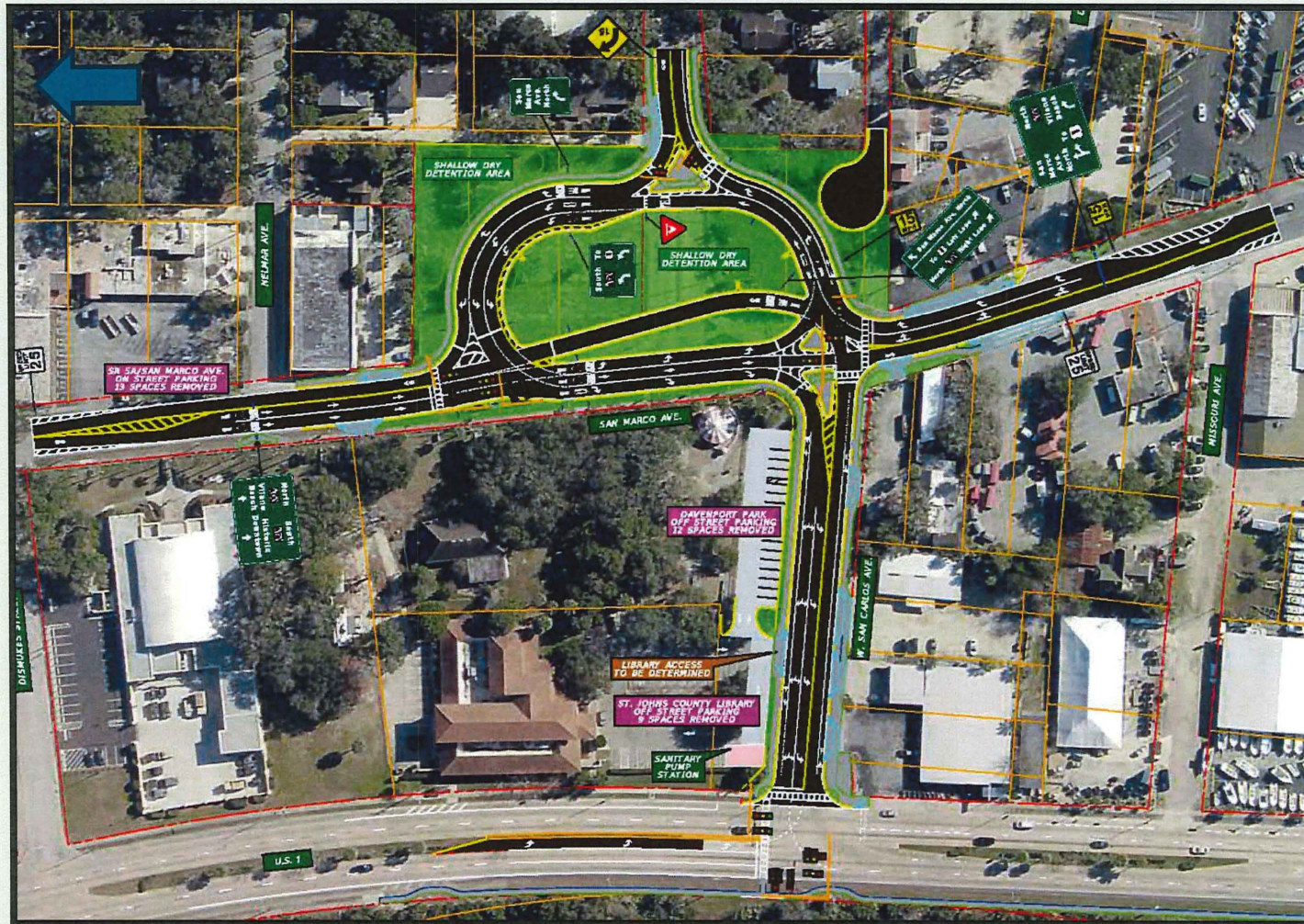
Program Update: *Tentative Schedule*

Level/Initiative	Status	Oct-18	Nov-18	Dec-18	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																	
Plantation Island Dr. Sidewalk																	
Bid & Construction	Active																
North Davis Shores Study	Active																
Oyster Creek Study	Complete																
Ravenswood Framework	Active																
South Street Sidewalk																	
Bid & Construction	Active																
Pedestrian Lane Trial	Complete																
City																	
King St Complete St MP	Active					WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS
Mobility Plan	Active																
Vehicle for Hire Study	Complete																
Smart Parking System																	
Implement Parking System	Active																
HDPF Access Management RFP	Inactive																
CD - Tolomato Lot Redesign																	
Design & Permitting	Active																
Bid & Construction	Inactive																
Bike Share Program																	
Retain Sponsors and Launch	Active																
NoL/Spring Park n Ride	Complete																
BoL Opening Analysis	Complete																
BoL Tall Ship Policy Analysis	Active																
Local (SJC, COSAB, TPO, etc.)																	
Vehicle for Hire Workshop	Complete																
SJR2C Loop Planning Study	Active																
Water Taxi RFP	Active																
EV Charging Stations	Active																
State (FDOT)																	
San Marco / May																	
Construction	Active																
King Street Drainage Design	Active																
Zorayda / A1A Ped Crossing	Active																
BoL ITS	Complete																
San Marco Ave Resurface																	
Construction	Active																
US 1 Rehab																	
Design	Active																
Sidewalk (Grumman-City) Design	Active																



CITY OF
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EST. 1565

Program Update: *May Street & San Marco Avenue Intersection Improvements*



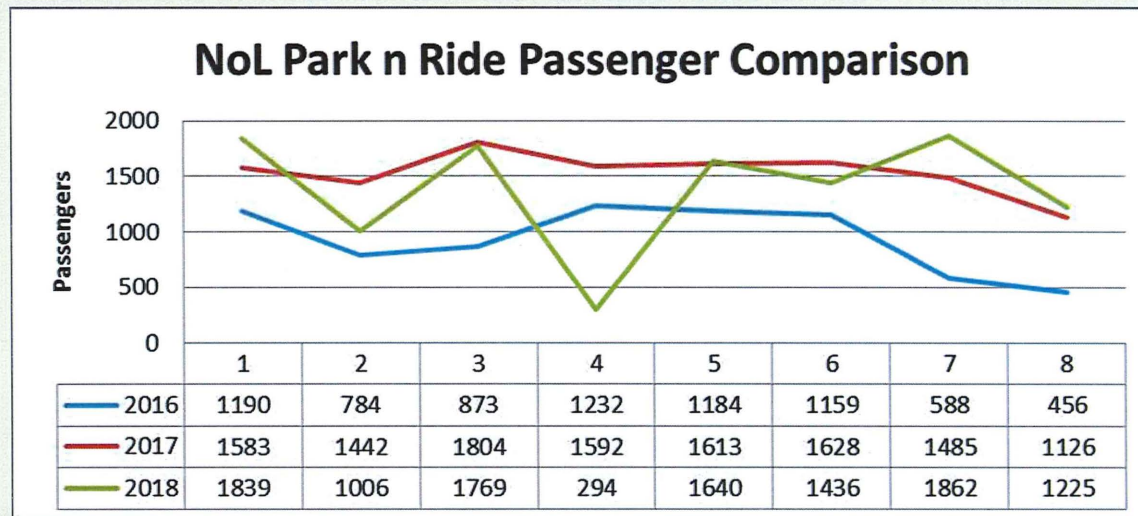
- ✓ Intersection expected to be completed Spring 2019



CITY OF
ST AUGUSTINE
EST. 1565

Program Update: 2018 Nights of Lights Passenger Counts

Lot	Nov 17	Nov 23	Nov 24	Dec 1	Dec 8	Dec 15	Dec 22	Dec 29	Totals
San Marco	791	758	1,064	208	1049	824	945	922	6,561
County	1048	248	705	86	591	612	917	303	4,510
Church	664	-	-	-	-	-	-	-	664
Amphitheatre	216	-	-	-	-	-	-	-	216
R.B. Hunt	176	-	-	-	-	-	-	-	176
Total Passengers	2,895	1,006	1,769	294	1,640	1,436	1,862	1,225	12,127
Total Vehicles	965	335	590	98	547	479	621	408	4,043
Percent Difference From 2017	+23%	-30%	-2%	-82%	+2%	-12%	+25%	+9%	-1%



1. Total vehicles is based on 3 passengers/vehicle
2. Nov. 17 North Loop Total = 1,839 (613), Island Loop Total = 1,056 (352)
3. Nov. 23, Dec. 1 - Rain



CITY OF
ST AUGUSTINE
EST. 1565

Program Update: *Complete King Street Master Plan and Mobility Plan*

COMPLETE KING STREET COMMUNITY OUTREACH

The City of St. Augustine is proud to announce the start of the "Complete King Street" Master Planning effort. This plan will advance the first two phases of the St. Augustine Mobility Study and explore expanding transportation options within the City.

This effort aligns with FDOT's plans to implement drainage improvements and resurface King Street in 2023. The study area spans King Street from Palmer Street to Avenida Menendez (A1A), including Cathedral Place.

The kickoff workshop on February 13 at City Hall will begin to identify a vision for the corridor and the gateway to America's oldest city. To best address the diverse needs along the corridor, this Master Planning effort will be divided into three segments:

- Segment 1: Palmer Street to Malaga Street
- Segment 2: Malaga Street to Cordova Street
- Segment 3: Cordova Street to Avenida Menendez

There will be separate community meetings for each segment.

At this kickoff workshop, we will offer a refresher of Phases 1 and 2 of the Mobility Study, as well as an overview of the Phase 3 process, including its schedule and desired outcomes. The final Master Plan document will present the existing conditions of the corridor and facilitate a discussion of the opportunities and constraints that will impact the design and development of a Complete Street Master Plan for the King Street corridor.

This effort is the start of an important community discussion on the future of St. Augustine. We hope to see you at all the community meetings!

COMMUNITY MEETING INFO

WHEN

February 13, 2019
5:30PM - 7:00PM

WHERE

St. Augustine City Hall
Alcazar Room
75 King St
St. Augustine, FL 32084



Public Outreach

Created flyer to be distributed via email, NeXT Door, Facebook, website and handed out door to door

King Street Workshop Schedule

No. 1 – February 13, 2019

No. 2 – March 6 or 7, 2019

No. 3 – April 10 or 11, 2019

No. 4 – May 20, 2019 (City Commission)

No. 5 – June 18, 2019 (Preferred Alignment)

Mobility Plan Workshop Schedule

No. 1 – May 21, 2019 (PZB)

No. 2 – June 18, 2019 (PZB)

No. 3 – July 23, 2019 (PZB)

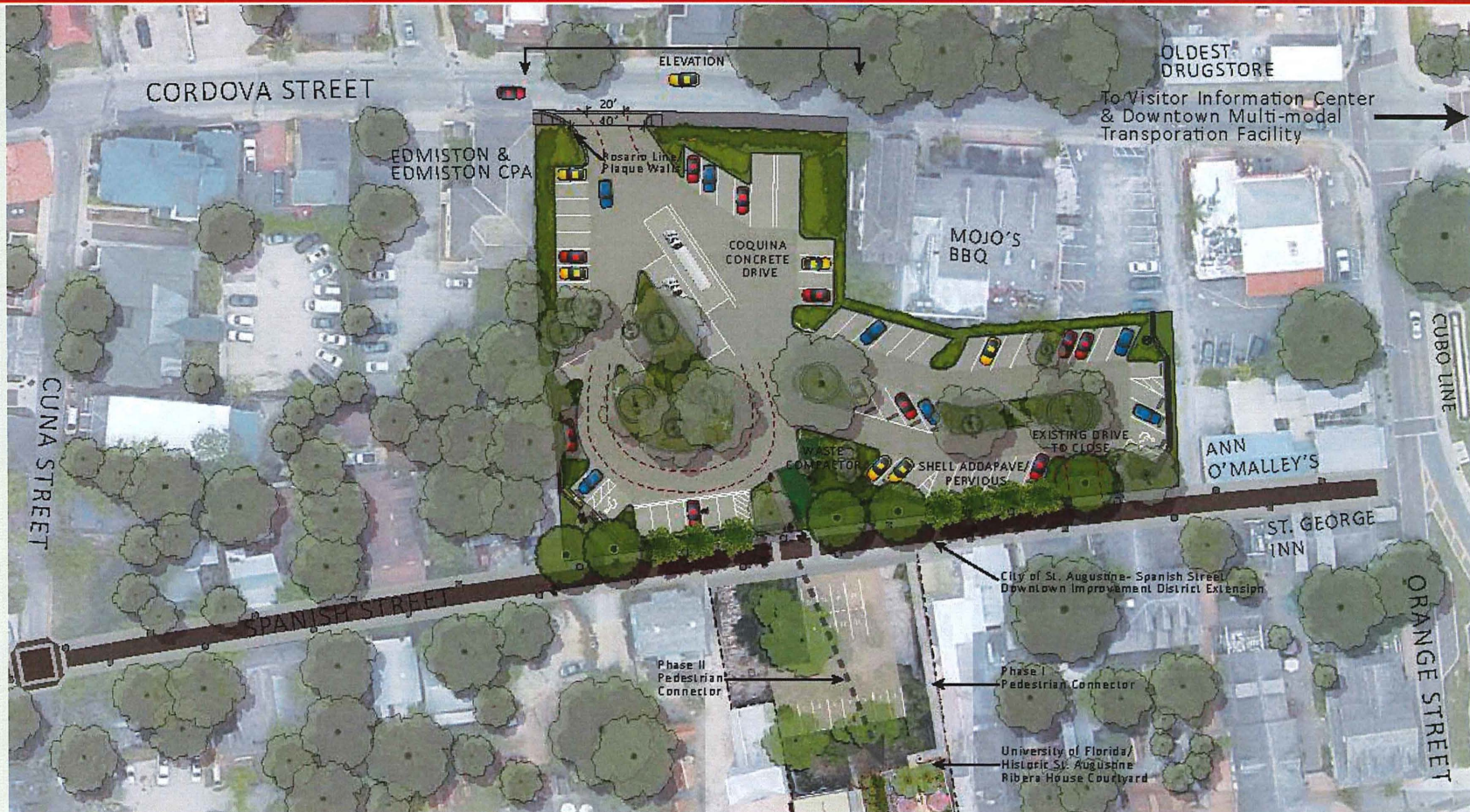
No. 4 – August 20, 2019 (PZB)

Sept-Nov (formal recommendations /transmittal hearings)



CITY OF
ST. AUGUSTINE
EST. 1565

Program Update: Tolomato Lot Design including future DID improvements



Illustrative Master Plan

COSA Tolomato Lot | Saint Augustine, Florida
ML+H Project No. 18.38.0 | 12.07.18

0 25' 50' 100'



ETM
England-Thompson & Miller, Inc.



Marquis Latimer + Halback
LANDSCAPE ARCHITECTURE - PLANNING



CITY OF
ST AUGUSTINE
EST. 1565

Program Update: *Tolomato Lot Design including future DID improvements*



Spanish Street - Before



CITY OF
ST AUGUSTINE
EST. 1565

Program Update: *Tolomato Lot Design including future DID improvements*

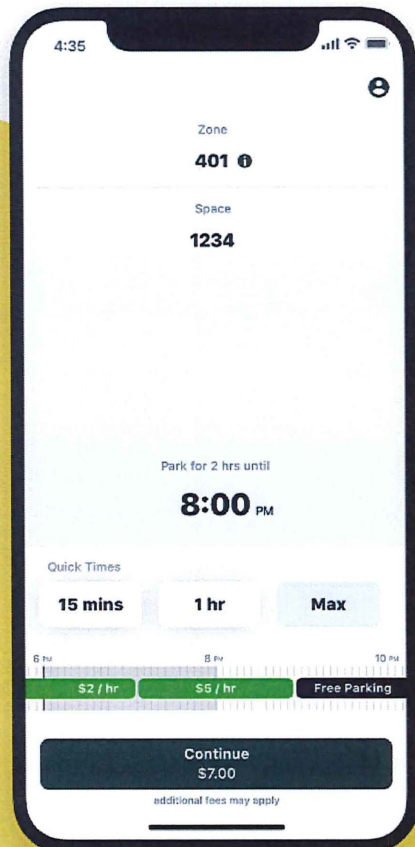


Spanish Street - After



CITY OF
ST AUGUSTINE
EST. 1565

Program Update: *Parking System - ParkStAug*

[How It Works](#)[Resolve a Citation](#)[Support](#)[iOS](#)[Android](#)[Pay Online](#)

Park. Pay. Explore.

No more digging for coins. This is how parking should be.

[iOS](#)[Android](#)[Pay Online](#)

**PAY WITH THE APP
PARK ST AUG**

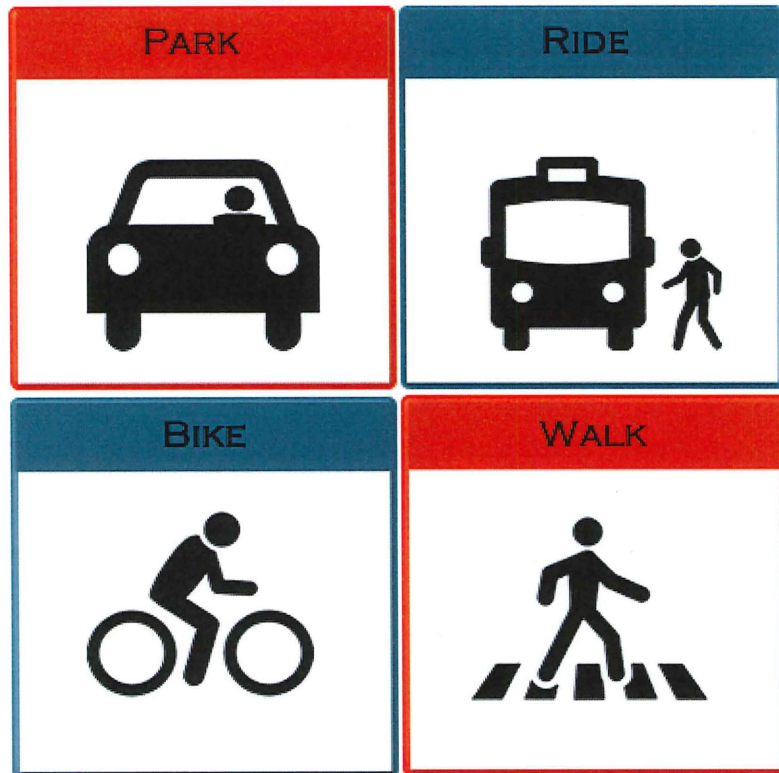
**ZONE
00000**

Sign up at
ParkStAug.com



CITY OF
ST AUGUSTINE
EST. 1565

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
EST. 1565

ITEM 10.C.
Cuna Beautification
Partnership

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

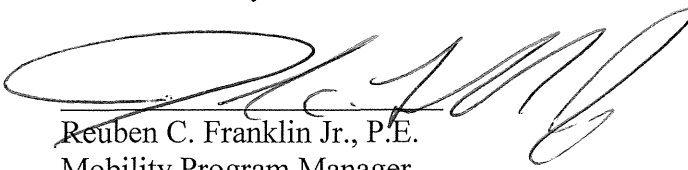
DATE: January 17, 2019

RE: Agenda Item for January 28, 2019 City Commission Meeting;
General Public Presentations: Cuna Street Beautification Partnership Opportunity

Attached is a project narrative and presentation developed by Mr. Arbizzani regarding a cost share and license agreement proposal to improve the section of Cuna Street between Charlotte Street and Avenida Menendez in conjunction with significant improvements planned for his building located at 12 Avenida Menendez. This section of Cuna Street spans the entire length of the building located at 12 Avenida Menendez. Staff have been in discussion with Mr. Arbizzani's design team on the project elements that are being presented and are comfortable with the cost estimates and design approach. The street design follows the Historic Downtown Streetscape Guidelines adopted by the City and is within the boundary the guidelines are to be applied.

From staff's perspective, Cuna Street and North Spanish Street (from Cuna St to Orange St) are planned in the City's Capital Improvements Plan (CIP) to begin design this upcoming fiscal year (2020) with construction beginning the following fiscal year (2021). Mr. Arbizzani's proposal accelerates this portion of Cuna Street in the CIP and allows it to be constructed in unison with the planned building improvements at 12 Avenida Menendez.

The proposal also includes a request for an on-street dining license agreement from 10am to 2am. The idea is that this section of Cuna Street will be a flexible street design where it will be used as a commercial loading zone from 2am to 10am then hydraulic bollards will close the street to motor vehicles and create a pedestrian only area with on street dining. If the City Commission approves the proposal to move forward please be aware that ordinance changes will be necessary for on-street dining and the closure of the street for pedestrians only during certain times of the day.



Reuben C. Franklin Jr., P.E.
Mobility Program Manager

cc: City Attorney & Department Heads

Attachment: Project Narrative
Cuna Street Beautification Partnership Opportunity Presentation

Cuna Street Beautification Project

A New Vision for a Prominent Focal Point in the Heart of St. Augustine

St. Augustine's profile continues to grow as a destination for local, national, and international travelers, prompting our group to take an innovative look toward the future of the historic downtown and bayfront area. Locals and visitors alike admire St. Augustine for its pedestrian-friendly streets and European charm. The Cuna Street Beautification Project seeks to further develop these unique strengths, and provide an alluring new experience in an underutilized section of the city.

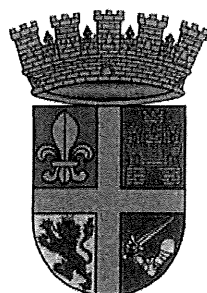
Since its founding by Spanish settlers in 1565, St. Augustine has earned its reputation as a slice of Europe hidden in the heart of Florida. The city's architecture, quaint streets, and local culinary experiences have a distinct character among the communities in our region. Accordingly, we look to the charming boulevards of some of Europe's most popular travel destinations for inspiration in the proposed design for Cuna Street, between Charlotte Street and San Marco Avenue. Our aim is to create public spaces which encourage a European attitude and lifestyle; that of a slower, more relaxed pace, an emphasis on convivial social engagement, and a deeper appreciation of the natural environment.

The location where Cuna Street and Avenida Menendez meet is a gateway of sorts. It is the first glimpse that many visitors have of the historic district while visiting the Castillo de San Marcos National Monument. The current state of this highly visible corner delivers an underwhelming first impression: an unsightly parking lot and the uninspiring side of a building. Imagine instead that this corner offered an inviting indoor/outdoor dining experience reminiscent of the celebrated street cafes of Paris, Barcelona, and Rome. Instead of a view of the Eiffel Tower, Sagrada Familia, or Colosseum, patrons would have a picturesque view of the Castillo de San Marcos and the Matanzas River while enjoying the best food and drinks that St. Augustine has to offer.

As you will see in the enclosed proposal, the exciting new changes that we envision will transform Cuna Street into an enticing new restaurant destination. We are willing to bring our peerless collective industry experience, devout love of our city, initial investment capital and necessary additional resources to make the location both beautiful and functional. In order to accomplish the transformation we propose, we request the following:

- Collaboration on the refurbishment of Cuna Street, in accordance with the city guidelines, within a timeline that makes sense with the building renovation project; and
- Permission to allow outdoor café seating with food and beverage service on Cuna Street during restaurant hours. Through the use of hydraulic traffic bollards, the street could be easily opened for delivery traffic during specified hours.

We look forward to working alongside the City of St. Augustine to revitalize this important section of the historic district, and create a charming street corner to beckon visitors at the Castillo de San Marcos to enter downtown. We are confident in our commitment to plan and execute this major building renovation and would like to implement the Cuna Street restoration plan in the most efficient and speedy way possible. In order to successfully move forward with this plan, we respectfully request a positive endorsement from the City Commission on all considerations listed above. Thank you for the opportunity to beautify and enhance the City of St. Augustine.



1565 – 2015
450 years

City of St. Augustine



St. Augustine, Florida
Nation's Oldest City

Planning/Building

March 31, 2015

John Arbizzani
12 Avenida Menendez, LLC
44 Avenida Menendez
St. Augustine, FL 32084

Re: Certificate of Appropriateness – 12 Avenida Menendez – F2015-0015

To Whom It May Concern:

On Thursday, March 19, 2015, the Historic Architectural Review Board (HARB) met and discussed your application to conduct alterations to the north and east elevations, new construction at the west end for a new courtyard, loggia, and service building at 12 Avenida Menendez.

Specifically, the HARB **approved** your application as per the attached executed order.

Please contact the Planning and Building Department at 825-1065 for the proper permits, fees and requirements before proceeding with your project in accordance with HARB's decision.

Sincerely,

David Birchim, AICP
Director, Planning & Building

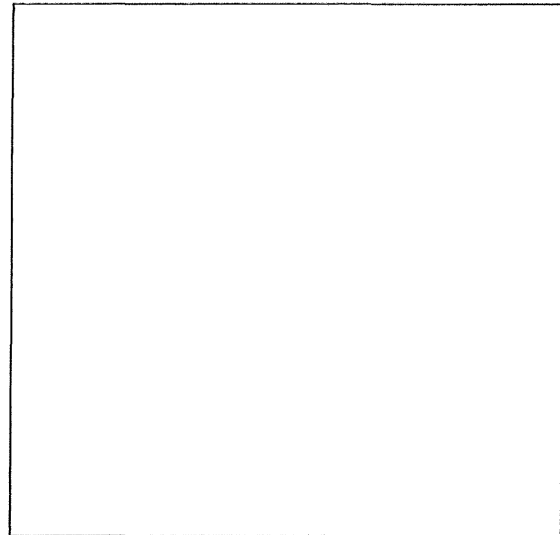
DB:sp
Attachment

cc: John P. Regan, City Manager
Isabelle Lopez, City Attorney
Alison Ratkovic, City Clerk
BDAC File

This instrument prepared by:
City of St. Augustine
75 King Street
Post Office Drawer 210
St. Augustine, FL 32085

BEFORE THE
HISTORIC ARCHITECTURAL
REVIEW BOARD
FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

ORDER TO APPROVE
CERTIFICATE OF APPROPRIATENESS
CASE NO.: F2015-0015



IN THE MATTER OF:

APPLICANT: John Arbizzani
44 Avenida Menendez
St. Augustine, FL 32084

OWNER: 12 Avenida Menendez, LLC.

RE: Certificate of Appropriateness pursuant to Section 28-89, City of St. Augustine Code, to conduct alterations to the north and east elevations, new construction at the west end for a new courtyard, loggia, and service building.

SITE DESCRIPTION FOR CERTIFICATE OF APPROPRIATENESS:

12 Avenida Menendez

LEGAL DESCRIPTION: CITY OF ST AUG LOTS 1 2 2A & 9 (EX S'WLY TRI PT OF LOT 9 IN OR1534/1506) & N'ELY TRI PT OF LOT 8 BLK 2 OR3881/246.

PARCEL NUMBER: 196230-0000

THE HISTORIC ARCHITECTURAL REVIEW BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON MARCH 19, 2015, AND BASED ON THE TESTIMONY AND EVIDENCE, THE HISTORIC ARCHITECTURAL REVIEW 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 or representative was present at the March 19, 2015 Historic Architectural Review Board meeting and testified under oath.

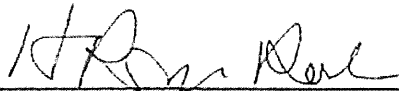
2. A public hearing was held, with notice given as required by law, and no members of the public spoke on this issue.
3. The subject property has a zoning classification of Historic Preservation Two (HP-2).

ORDER

1. That based upon the evidence, testimony and exhibits presented at the hearing, the Applicant has presented the proper grounds for granting a Certificate of Appropriateness and, therefore, the Certificate is granted in accordance with the application.
2. That the following conditions are applied to the granting of the Certificate of Appropriateness:
 - Landscape plan be submitted to staff and HARB.
 - Approval is based upon revisions as presented.

DONE AND ORDERED, at a public hearing on the 19th day of March, A.D., 2015, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

CERTIFICATE OF APPROPRIATENESS REQUEST APPROVED.



H. RANDAL ROARK, CHAIRMAN
HISTORIC ARCHITECTURAL REVIEW BOARD
CITY OF ST. AUGUSTINE, FLORIDA

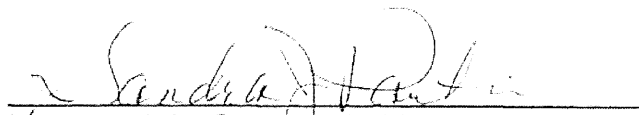
STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, H. Randal Roark 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 8th day of April, A.D., 2015.



SANDRA J. PARTIN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF118112
Expires 4/30/2018



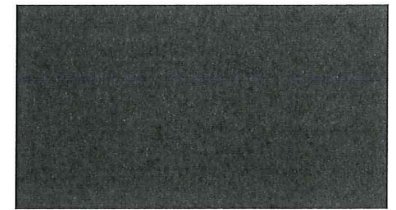
Notary Public, State of Florida

Disclaimer and Condition Pursuant to Chapter 166.033, Florida Statutes

Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the application fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state and federal permits shall be obtained before commencement of the development.

Outdoor Cafes/ Widened Sidewalks

Kayla Lowber



Paris- Champs Elysees and Arc

www.worldworrywarts.com

Widening sidewalks is an effective way of bringing new life to a street. Many cities are beginning to see the benefits of widened sidewalks and are opting to decrease the width of streets and use the space to widen the existing sidewalks, which are typically too narrow to handle large numbers of pedestrians.

The benefits of widening sidewalks are numerous. They not only encourage more pedestrian use, but also improve safety, calm traffic, and have the potential to revitalize the economy of the street.

Widened sidewalks can be applied anywhere there is a street. They are great for schools, suburban areas, and especially main streets. Pedestrians are attracted to areas that are appealing and inviting. If there is ample space for pedestrians they are more likely to use the space.

Main streets across America are suffering from the large competitor retailers such as Walmart and the small stores do not have enough customers to keep their small business open, but recently there has been great revitalization efforts being made by cities nation wide. They have realized the value in strong downtown core and see what the large commercial stores lack-character. Widening the sidewalks is one of the common steps taken by cities to improve their main streets, this is because the sidewalks provide a various range of opportunities, which include, shopping, strolling, and a great place for sidewalk cafes. This also works to enhance the overall appearance of the street. They have the potential of becoming colorful, friendly and vibrant spaces, which people will appreciate and frequent.

“An inviting, bustling street life is the most compelling feature of a great downtown. People walking to destinations or strolling for pleasure, storefronts luring shoppers, services conveniently located and restaurants providing atmosphere with scents and sounds all combine to create memorable experiences and increase the desire to return. These widened sidewalks with street trees, landscaping, directional signage, fountains, public art and improved street lighting have set the stage for a true revival of Downtown’s day and night street scenes” (www.houstondowntown.com).

"Pedestrian activity makes residential areas more neighborly and commercial areas more vibrant." - www.walkboston.org

Outdoor Cafes/ Widened Sidewalks



Modesto, CA
www.visitmodesto.com



Lisbon, Portugal
www.vagabondboots.com

Delray Beach Before and After:
www.planning.dot.gov

Essential Elements

There are numerous elements which contribute to a successful widened sidewalk and streetscape. Some of these elements include the paving itself. There are endless possibilities when it comes to paving pattern, texture, and color. These all can contribute to the space. Many cities use a contrasting paving from the street to signify a different zone, making drivers more cautious and adding interest to the sidewalk. A sidewalk is also a great opportunity for the display of public art. Bronze casting and mosaics are just a few of the possibilities.

Ideally, sidewalks should be permeable. There are a wide variety of permeable paving available on the market today and now that they have become more popular the cost for permeable paving is also reasonable.

Benches and street trees, and other landscaping should be added if possible to create a more pleasant atmosphere. Simply widening the sidewalk will not attract pedestrians, there are other elements that should be implemented as well to make the space more appealing and inviting. As mentioned before, sidewalk cafes are great enhancements to a streetscape. They add visual interest with chairs, colorful umbrellas and great people watching opportunities.

Case Study: Delray Beach:

Delray Beach is one of the cities that discovered how beneficial it is to make improvements to their current sidewalks. Their biggest goal was to get people out of their cars and get them to shop, eat, and walk the downtown strip. They were able to achieve this goal by improving the existing sidewalks. The improvements that were made were increasing the width of the sidewalks to encourage more pedestrian flow and the typical grey cement was replaced with a colorful and aesthetic new pavement treatment. They also decreased the width of the existing streets to slow traffic down. Cities nationwide can learn from Delray Beach as a example of what they can do to make their downtowns more pedestrian friendly and vibrant.

Before:



After:



Outdoor Cafes



Cafe on Old Town Square, Prague

www.pbase.com

The exact definition of an outdoor/sidewalk café is an open-air seating area on a public sidewalk provided by a restaurant located on the adjoining property, where restaurant patrons can eat or drink.

The development of the outdoor café began with places that served coffee because it was a simple beverage to serve and consume outside, today's use is not limited to coffee, but has widened its reach to encompass a variety of other services.

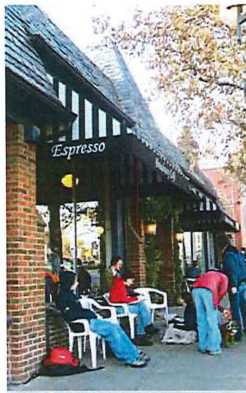
Seattle sidewalks have only been legally available for use by restaurants and vendors since the late seventies. The first establishment to take advantage of the new ordinance allowing food service on the sidewalk was Das Gasthaus in Pioneer Square. Even though Das Gasthaus' outdoor section was apparently quite popular, few restaurants followed their lead. It wasn't until the invention of the espresso cart (another Seattle invention) in the early eighties that using the sidewalk as space to serve food and drink caught on (Eitner, 29).

"Outdoor cafes make a significant contribution to the quality of public places and urban life. They provide an active street frontage that is alive and keeps changing. They offer the opportunity to withdraw from participating in the movement of the street and become an observer" (City of Sydney Outdoor Cafe Policy).

Essential Elements:

There are many design elements that go into a sidewalk café which usually determine if a sidewalk café is successful or not. These elements include types of space occupied/location, orientation and exposure, methods of separation, size and density, and furnishings.

"Streets and their sidewalks, the public places of a city, are its most vital organs." -Jane Jacobs



Cafe overhang, Broadway Cafe
www.broadwaycafeandroastery.com



Cafe separation device.
www.emediawire.com



The infamous white resin chairs.
www.bestrentalservice.com

Spaces Occupied/ Location:

There are a wide variety of spaces in which an outdoor café can occupy, and this plays a large factor in determining whether it is a successful café or not. Cafes thrive in the busiest intersections and not on quiet side streets. This is because one of the great attractions of outdoor cafes is that one can people watch. People want to observe exciting and diverse scenes, not an empty street. Because of this, cafes tend to clump together. Thus, is it ideal if cafes are located in popular area where people like to frequent. Outdoor cafes also tend to be located near other amenities such as, bus stops and news stands. They also tend to position themselves near the entry of the building. Most outdoor cafes are located on sidewalks, but there are many other possible locations such as in building recessions, parking lots, alleys, street side plazas, and raised areas.

Orientation and Exposure:

It seems as though the most successful cafes would be ones that had great views and sun exposure, but this is not true. As mentioned previously, the biggest attraction to outdoor cafes is people watching. A great view and exposure to sun is a bonus, but not a requirement. Research has shown that many people will choose to sit outside even in the worst of conditions if there is some shelter.

Methods of Separation:

There are many different methods of separation for outdoor cafes and these vary from city to city and country to country. Seattle for example only requires a barrier if alcohol is served, but most cafes in Seattle tend to have some separation device because people feel more comfortable if they feel some type of separation. This can come in many forms such as planting boxes, fences, overhangs, raised areas, or even a change in paving can signify a different zone.

Size and Density:

The size and density of outdoor cafes can range from one table to fifty or more. Many American sidewalk cafes are typically one row of tables, even if the sidewalk is large enough to carry more. European cafes tend to have many tables. Cafes such as Cafe in Old Town Square in Prague have many tables. European cafes also tend to densify much more than American cafes. American cafes typically are spaced out to give customers privacy and make them feel more comfortable. We also have much larger tables than are necessary. Smaller tables would allow for more density and create more intimate spaces. The size and density of a cafe really depends on the amount of space, and even if there are only a couple of informal chairs, people will take advantage of them.

Furnishings:

During the mid-nineteenth century, there was an enormous increase in the number of coffee houses and cafes in Europe. This also was the time in which affordable and durable furniture was introduced. As a result, furnishing outdoor cafes became much easier. Today, the most popular furnishings are resin furnishings that are available in a numerous amount of colors, with the most common being white. Resin furniture is inexpensive and weather proof, and can be purchased at most home supply stores. Movable and fixed furniture is also an important thing to consider.

Fixed seating is quite unpopular compared to movable seating. This is simply because people can be unpredictable and prefer to have options. It is almost guaranteed that when someone chooses a spot to sit they will adjust the position of a moveable chair, even if it is slightest degree. People like to feel in control of their environment and giving them the option of where they want to sit provides some control.

There are many different regulations governing outdoor cafes depending on the city and country. Sydney, Australia, Penticton, B.C., and Seattle, Washington all have fairly different regulations.

Case Study: Sydney, Australia.

In Sydney, outdoor cafes are encouraged and may be approved in all of Sydney's open spaces, whether public or private ownership, where local conditions are favorable for their operation, including streets, lanes, squares, parks and waterfront. Outdoor cafes may not be appropriate in civic or ceremonial spaces. The most important factor in considering the location of an outdoor cafe is pedestrian and vehicular circulation, convenience and safety of patrons and the general public.

Regulations:

*In all locations, a clear distance of at least two meters must be maintained adjacent to the seating area for pedestrian circulation.

*The cafes should enrich the pedestrian experience and public life. It is important for cafes to present an open, inviting image and that they are easily accessible to the public.

*The use of all barriers including fences, framed fabric, and planter boxes are all excluded because they become a physical and psychological obstruction within the public domain and may have a detrimental impact on the use, enjoyment and safety of pedestrians and patrons.

*Outdoor furniture and umbrellas should make a positive contribution to the street environment. Furniture should be practical and elegant and integrate well with the surrounding cityscape.

Case Study: Penticton, B.C.

Regulations:

*An outdoor sidewalk cafe/pub is limited to the inside portion of municipal sidewalk and cannot cover more than one-half of the sidewalk or four feet, and in no case leave less than four feet of sidewalk clear for pedestrian use unless the operator provides a temporary sidewalk.

*Businesses must be adequately insured with a 2,000,000 dollar minimum in case of any injuries or damages resulting from the use of the sidewalk.

*Cafes must have a minimum of a 42 inch fence around the perimeter of the cafe.

*Furniture and decor must enhance the building and existing streetscape.

*Cafes must consist of a maximum of two chairs and two tables for each twenty-five

Outdoor Cafes/ Widened Sidewalks



Sidewalk Cafe in Sydney
www.access.nsw.edu.au



Bohemia Cafe, Sydney, Australia.
<http://www.accommodationsydney.com>

"Sidewalk Cafes are an enjoyable addition to Seattle's vibrant collection of restaurants." -Seattle.gov



Seattle Cafe
www.seattle.gov

Seattle, WA.

Regulations:

- *only established and operating restaurants can put up a sidewalk cafe.
- *A master use permit and street use permit are both required to put up a sidewalk cafe.
- *The dining area must leave five feet or more of clear sidewalk space between the edge and the curb to provide adequate pedestrian circulation.
- *The dining area must be directly in front of the restaurant.
- *Barriers are not required unless liquor is being served outside.

Outdoor cafes are excellent ways to improve and enliven a street. They not only bring flare to a city, but also enhance the economy. The implementation of cafes should be encouraged by cities, especially Seattle. Most cities provide free advice and information to help businesses through the application process. It is important to remember that although there are many benefits for outdoor cafes, there are also challenges including sidewalks appearing cluttered, and reduced pedestrian flow. Sidewalk cafes can also become unattractive if the outdoor furniture is not chosen well and is not properly maintained, because of this, it is essential for cities to carefully consider the regulations that business owners must follow.

Seattle Outdoor Cafe
www.urbanplanet.org



Resources:

- Dru, Line and C Aslan. Cafes. New York: Princeton Architectural Press, 1988.
- Eitner, Kathy. Sidewalk Cafes in Seattle. Seattle: University of Washington, 1991.
- Hurst, Michael. Dining Design. New York: Pbc International, Inc., 1991.
- Steuteville, Robert, and P. Langdon. New Urbanism: Comprehensive Report and Best Practices Guide. New York: New Urban News, 2003.

www.centercityphila.org

www.cityofsydney.nsw.gov.au/Development/Documents/PlansAndPolicies/policies/OutdoorCafePolicy.Pdf

www.penticton.ca/city/development_services/Building_Licence/Permits/SidewalkCafe-PolicyAndApp.Pdf

http://www.ci.seattle.wa.us/economicdevelopment/biz_district_guide/biz_dist_pages/sidewalk_cafes.htm



CUNA STREET BEAUTIFICATION PARTNERSHIP OPPORTUNITY

City Commission Presentation
January 28, 2019
version 3.2

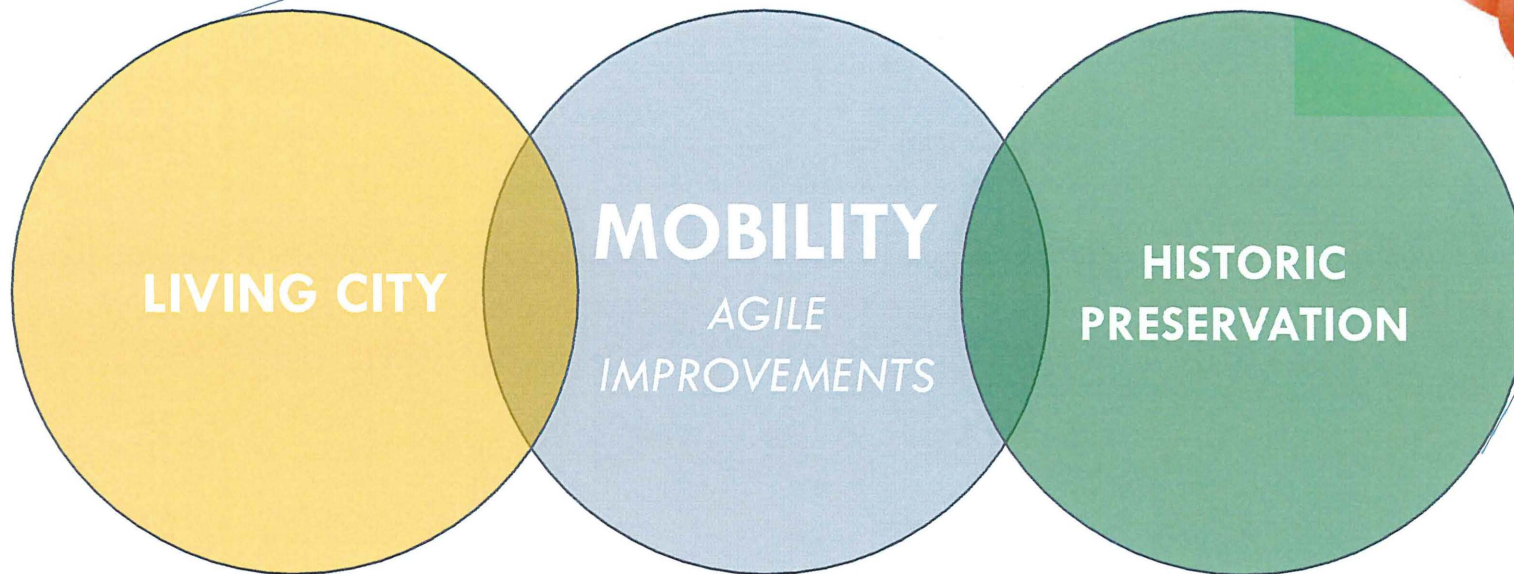
OUR COMMUNITY

CUNA STREET IS **CURRENTLY IN CIP**

DESIGN 2020

CONSTRUCTION STARTS 2021

IMAGE FROM VISION 2014 AND BEYOND



USES OF THE STREET

TODAY:

AFTER IMPROVEMENTS:

NON-DESIGNATED LOADING ZONE

COMMERCIAL LOADING ZONE
TO REMAIN (UNTIL 10AM)

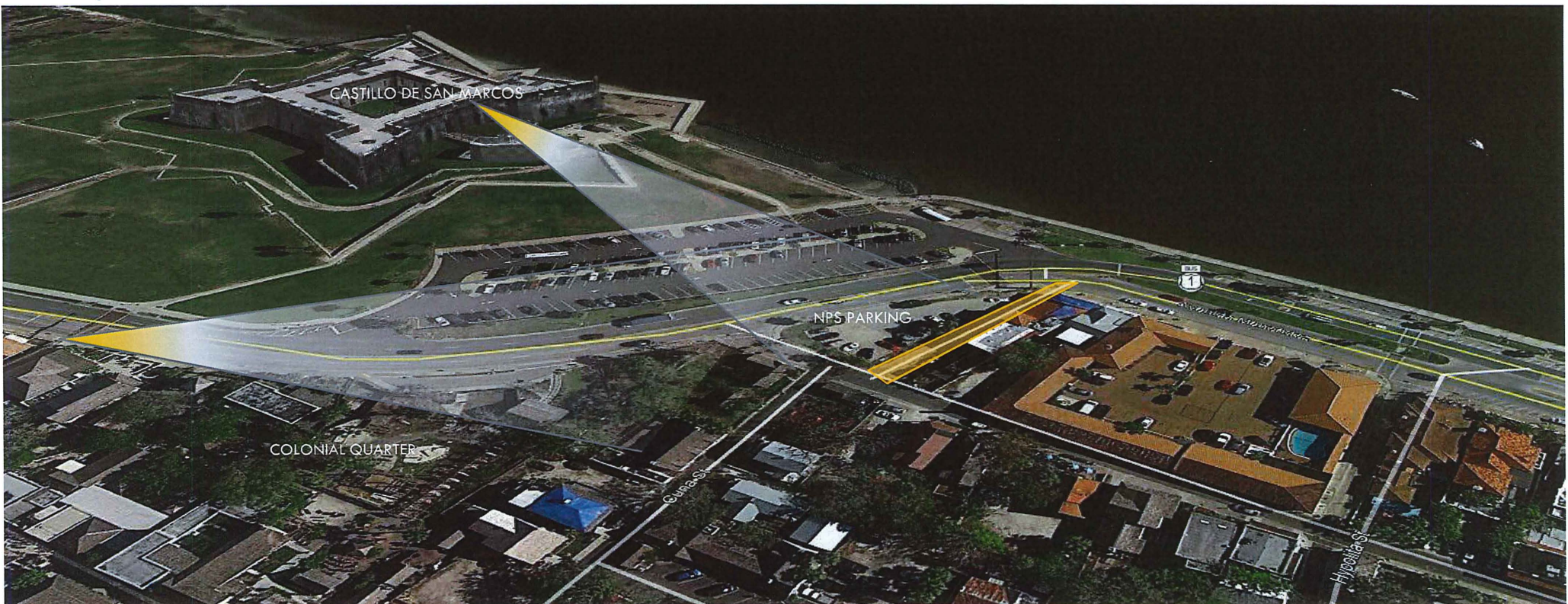
TODAY:

AFTER IMPROVEMENTS:

PEDESTRIAN CUT THRU

IMPROVED PEDESTRIAN CONNECTOR

LOCATION + VIEWS



CURRENT CONDITIONS



CURRENT CONDITIONS



CURRENT CONDITIONS

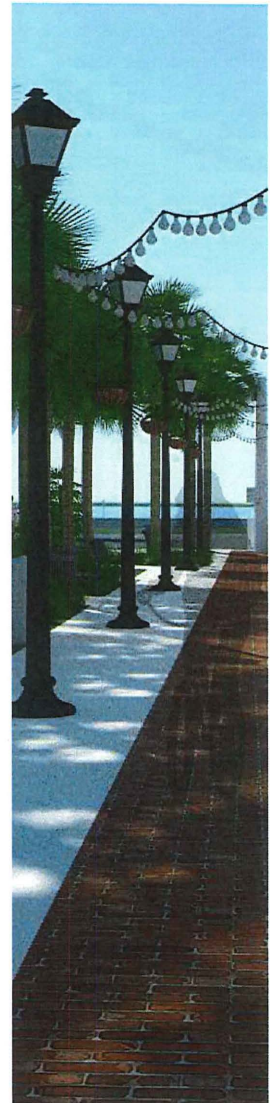


CURRENT CONDITIONS

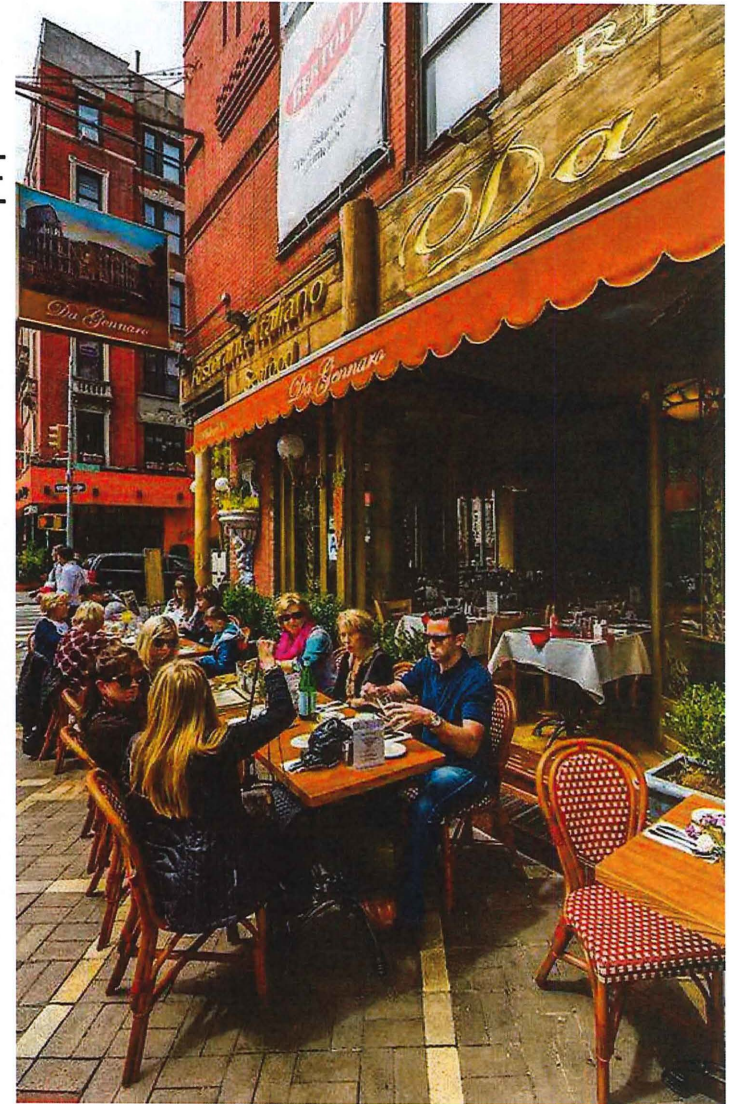
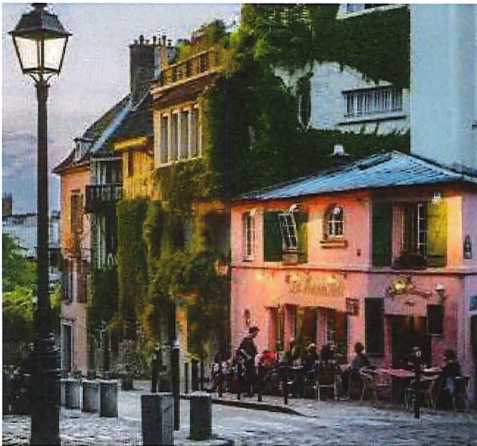


5 POINT VISION

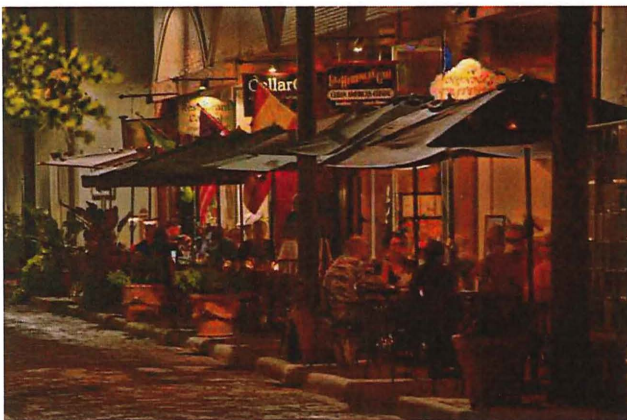
1. **Implement** St. Augustine Downtown Streetscape Guidelines
2. **Fast Track** (east portion) of 2020 Capital Improvement Project
3. **Improve view** of historic district from...
 - Castillo de San Marcos
 - Avenida Menendez
 - Cuna Street
 - To Historic District...invites pedestrians *into* the historic downtown
4. Create **engaging atmosphere**
 - Pedestrian friendly
5. **Additional Safe** pedestrian connector
 - Retractable bollard opportunity



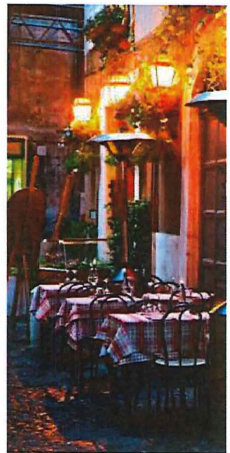
URBAN LIFE + UNIQUE EXPERIENCE IN CAFÉ DINING



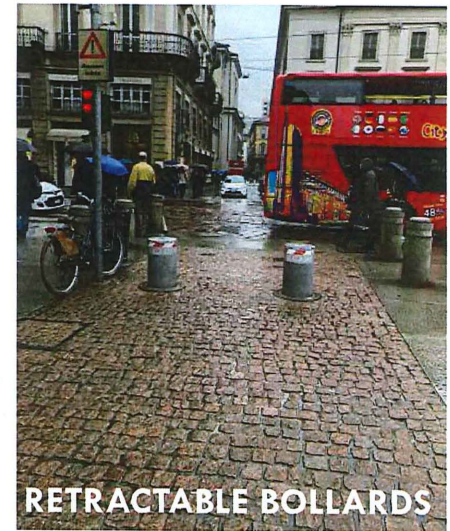
URBAN LIFE + UNIQUE EXPERIENCE IN CAFÉ DINING



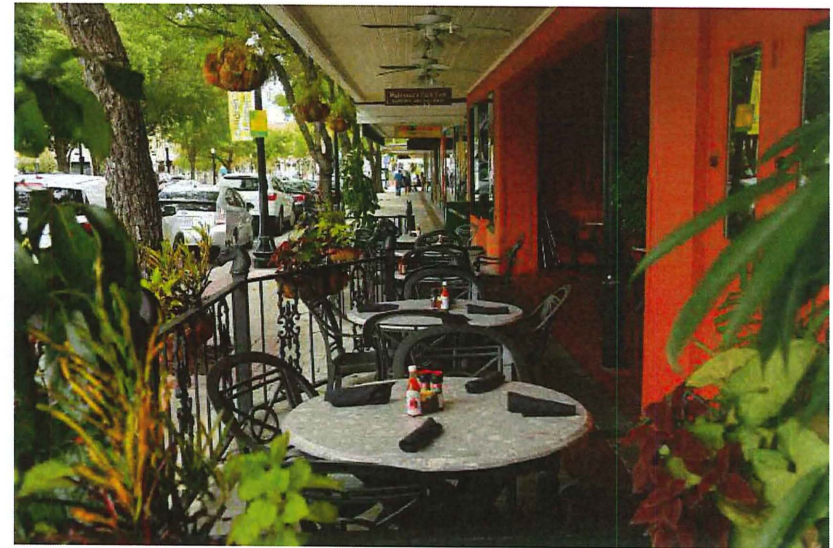
URBAN LIFE + UNIQUE EXPERIENCE IN CAFÉ DINING



URBAN LIFE + UNIQUE EXPERIENCE IN CAFÉ DINING



EXPERIENCED RESTAURANTEUR

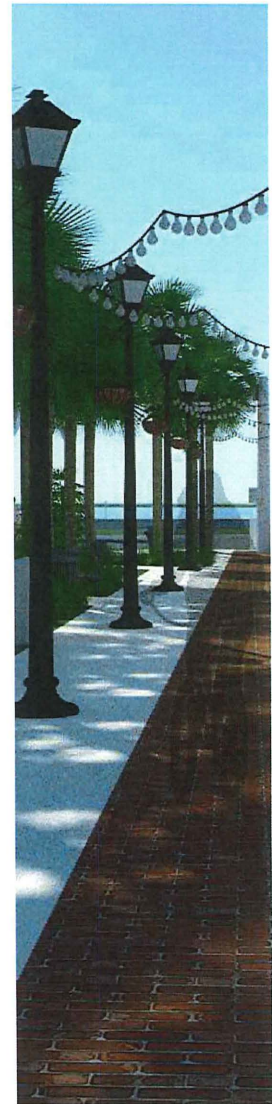


SCOPE OF THE PROJECT

\$1.2 million (2018)...
anticipated at
\$3 million (+\$1.8M)
approx. taxable value
...2 years earlier

- **Renovation** of 12 Avenida Menendez (Private Only) ~\$3 million renovation
- **Cuna Street streetscape** improvement (Public/Private) ~\$321,000
 - Brick multi-use pathway
 - Expanded sidewalks
 - Lighting
 - Palms
 - Hydraulic / retractable bollards (balance access / other uses)

PRIVATE SIDE WILL BEAR INITIAL COST (NO INITIAL CITY INVESTMENT ON CITY'S ROW)





BEFORE



Improved Views





Commercial Delivery Zone for Downtown
(2am – 10am)



European Style Dining
Improved Entry / Connector to Castillo de San Marcos



BEFORE



Commercial Delivery Zone for Downtown (2am – 10am)





An architectural rendering of a modern, single-story building with large glass windows and a flat roof. The building is light-colored, possibly white or light blue. The large windows reflect the surrounding environment, including palm trees and a clear sky. In the foreground, a paved area shows the shadow of the building. A small blue scooter is parked near the entrance. To the left, a row of palm trees stands in a landscaped area. In the background, a green field and a distant building are visible under a clear blue sky. The text "Improved Views" is overlaid in the bottom left corner.

Improved Views





European Style Dining
Pedestrian/Bike Connector

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

	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

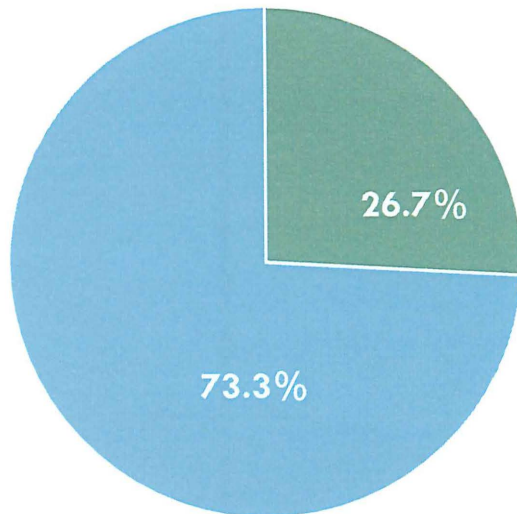
ESTIMATED CONSTRUCTION COST
\$290,547 *1.08 (8% INFLATION)=
\$313,791

FUNDING

CUNA STREET IS CURRENTLY IN CIP
DESIGN ~~2020~~ **2019**
CONSTRUCTION STARTS ~~2021~~ **2019-2020**

\$1.2 million (2018)... anticipated at
\$3 million (+\$1.8M) approx. taxable
value ...**2 years earlier**

Downtown Improvements District



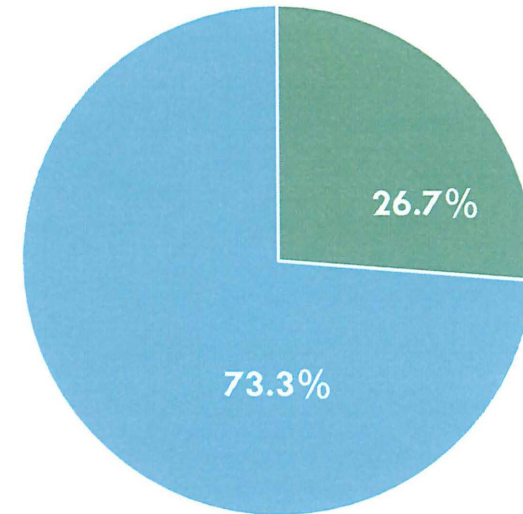
■ PRIVATE ■ CITY

INITIAL FUNDING: **CITY**

ENGINEERING PAID BY: **CITY**

10-YEAR PAYBACK FOR PRIVATE SIDE

Proposed Cuna Streetscape



■ PRIVATE ■ CITY

INITIAL FUNDING: **PRIVATE**

ENGINEERING PAID BY: **PRIVATE**

REIMBURSEMENT FOLLOWING COMPLETION

COMPARISON

	Downtown Improvements District	Cuna Street Public-Private Partnership
Objective	<i>Placemaking + 450TH Legacy Project</i>	<i>Placemaking + CIP Fast Track</i>
Private Funding Percentage	26.7% construction	26.7% construction (+ Eng/SDC)
Engineering Responsibility	CITY	PRIVATE
Engineering Cost	CITY	PRIVATE (~\$62,750)
SDC (Svcs. During Const.) Responsibility	CITY	PRIVATE (with Public oversight)
SDC (Svcs. During Const.) Cost	CITY	PRIVATE (~\$32,000)
Initial Funding Entity	CITY	PRIVATE
Construction Finance Interest	n/a	PRIVATE (~\$30,000)
Construction Cost Increases (2 yr.)	Rising +2% / qtr (~\$50,000 for 2yr)	Savings of ~\$50,000
Terms	10 year PRIVATE payback	CITY reimbursement to PRIVATE at completion

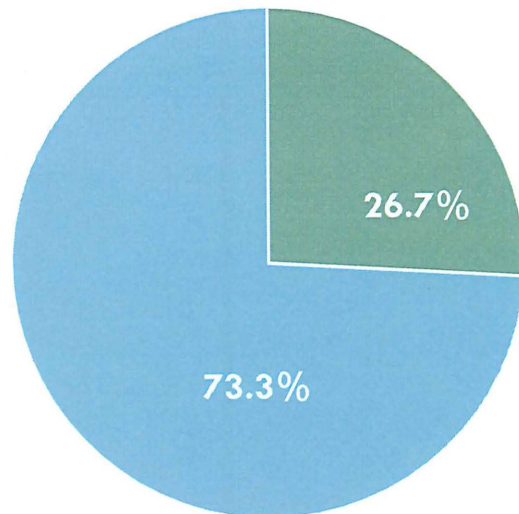
FUNDING

CUNA STREET IS CURRENTLY IN CIP

DESIGN ~~2020~~ 2019

CONSTRUCTION STARTS ~~2021~~ 2019-2020

Downtown Improvements District



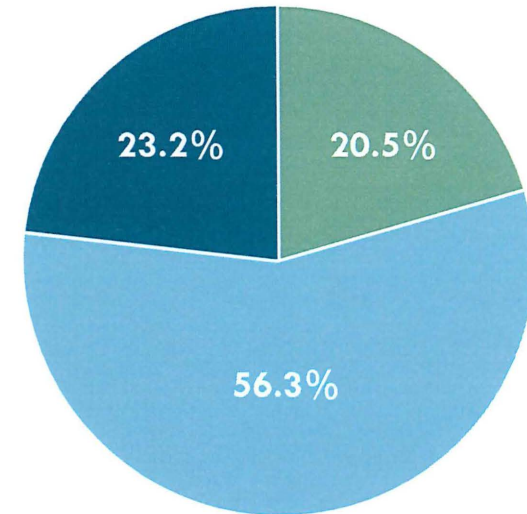
■ PRIVATE ■ CITY

INITIAL FUNDING: CITY

ENGINEERING PAID BY: CITY

10-YEAR PAYBACK FOR PRIVATE SIDE

Proposed Cuna Streetscape with ENGINEERING/SDC



■ PRIVATE ■ CITY ■ PRIVATE - ENGINEERING + SDC

INITIAL FUNDING: PRIVATE

ENGINEERING PAID BY: PRIVATE

REIMBURSEMENT FOLLOWING COMPLETION

Questions + Discussion



NEXT STEPS

TODAY

- Conceptual Design
- Cost-Share and License Agreement Proposal

SCHEDULE / NEXT MEETING(S)

- ORDINANCE MODIFICATIONS: March 2019
 - Amendment of On Street Dining ordinance to add Cuna Street (east of Charlotte)
 - Amendment / New Ordinance for Flexible Streets
- LICENSE AGREEMENT: March 2019 (Cost Share and Rental Period)
- HARB Review for Certificate of Appropriateness: Spring 2019
- CONSTRUCTION START: Late 2019 (needs expedited permitting)
- COMPLETION: 2020/2021 (FY2021 for City reimbursement purposes)



CITY OF ST. AUGUSTINE

M E M O R A N D U M

TO: John Regan
City Manager

DATE: January 16, 2019

RE: January 28, 2019 Staff Presentation on 2019 Action Items

The City Commission's Action Items through the 1st quarter of 2019 are attached. These action items include the original budget, revised budget, the amount spent and/or encumbered through December 31, 2018, key project dates and a brief summary of the status of each project. A detailed listing of both the Utility Action Items and Storm Water Action Items are also included.

Please let me know if you have any questions or would like additional detail on any of these action items.

Thank you,

A handwritten signature in black ink, reading "Meredith Breidenstein". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Meredith Breidenstein
Director of Budget & Performance Management

Attachments

Utility Fund Projects

[illegible]

Stormwater Fund Projects

Project	Budget		Spent and/or Encumbered	Budget Remaining	Start Date		Completion Date		Status
	Original	Revised			Planned	Actual	Planned	Actual	
Lake Maria Sanchez Phase I (design & permitting)	1,047,650	1,047,650	1,045,393	2,257	2/1/2018	4/1/2018	9/30/2019	Not Yet Complete	Data collection is nearing completion. 
South Whitney/West King	154,232	154,232	5,180	149,052	10/1/2018	1/0/1900	9/30/2020	Not Yet Complete	Solicitations out for Professional Design Services. 
Sevilla St. Brick Street Refurbishment	75,600	75,600	-	75,600	3/1/2018	Not Yet Started	9/30/2020	Not Yet Complete	Delayed after storm. Design will begin in FY2019. 
Lincolnvile Drainage Project 1 South St, DeHaven	591,758	591,758	7,382	584,376	1/5/2018	1/0/1900	3/30/2019	Not Yet Complete	Prepared to go out for bid for construction. 
Lincolnvile Drainage Project 2 Duero	290,219	290,219	215,773	74,446	5/1/2018	5/31/2018	9/30/2018	Substantially Complete.	Substantially complete. 
Lincolnvile Drainage Project 3 Duero and Cerro	602,716	602,716	47,617	555,099	5/1/2018	1/0/1900	9/30/2019	Not Yet Complete	Contract is in place and design has been initiated. Design is 10% complete. 
Davis Shores Backflow and Other City Areas	100,000	721,907	455,130	266,777	10/1/2016	Not Yet Started	9/30/2020	Not Yet Complete	Davis Shores portion is 75% complete. Macaris is in final design. Master Plan is 30% complete. 
Hermosa Outfall	50,000	206,700	38,251	168,449	10/1/2016	4/6/2017	9/30/2017	Not Yet Complete	Continue to negotiate scope of work with property owner. 
Court Theophilia, Court Edna Improvements	41,000	41,000	3,470	37,530	2/1/2018	3/31/2018	9/30/2019	Not Yet Complete	Survey to be initiated. 
Total	2,953,175	3,731,782	1,818,195	1,913,587					

-  Project is on schedule and within budget
-  Project is behind schedule or over budget
-  Project is on hold or needs serious attention
- ✓ Project complete.

44 COUNTS: FBI indicts Scott Maddox and associate Paige Carter-Smith on corruption charges

Jeff Burlew and Jeffrey Schweers, **Tallahassee Democrat**

Published 8:42 p.m. ET Dec. 12, 2018 | Updated 9:12 a.m. ET Dec. 13, 2018

Scott Maddox and Paige Carter-Smith, once power players in Tallahassee's political scene, shuffled into a federal courtroom on Wednesday, their legs in shackles, to answer charges they shook down city vendors for bribes and pocketed hundreds of thousands of dollars.

A federal grand jury on Tuesday indicted Maddox, a longtime city commissioner and former "boy mayor," and Carter-Smith, his longtime friend and business partner, in a pay-to-play scheme that included bank fraud, extortion, bribery, making false statements and filing false tax returns. The indictment was unsealed Wednesday after the FBI arrested them both.

The 44-count indictment led to immediate fallout at City Hall. Gov. Rick Scott suspended Maddox from office, saying in an executive order that doing so was "in the best interests of the residents of the city of Tallahassee and the citizens of the state of Florida." The city has 20 days to fill the vacancy or let the governor make the appointment.

Carter-Smith signaled she would resign her post as executive director of the Downtown Improvement Authority.

The indictments are the first to culminate from the FBI's public corruption probe in Tallahassee, which began more than three years ago with the arrival of undercover agents posing as out-of-town developers and medical marijuana entrepreneurs. The investigation has been chronicled extensively by the Tallahassee Democrat for the last two years.

It is the same investigation that plagued former Mayor Andrew Gillum's recent campaign for governor. Last-minute revelations about his interactions with undercover FBI agents may have contributed to his defeat at the hands of Republican Ron DeSantis.

Both Maddox and Carter-Smith pleaded not guilty during a 20-minute appearance before Magistrate Judge Charles Stampelos at the U.S. District Courthouse in Tallahassee. Stampelos set trial for Jan. 14, although the date is expected to be pushed back. Both were released from federal custody with a number of conditions, including that they not travel outside the Northern District of Florida.

Stampelos read the charges against them both, along with the maximum sentences and fines they could face. The most serious charges carry maximum terms of 30 years in prison. Maddox and Carter-Smith also could face hundreds of thousands of dollars in fines and criminal forfeiture of their personal possessions and property.

Maddox and Carter-Smith were largely silent during their first appearance and arraignment. Both of them said they had not read the indictment, though the charges had been explained to them by their lawyers. They did not respond to questions from the press as they walked out of the federal courthouse. Their lawyers, however, vowed to contest the charges.

"It's one of the most over-reaching indictments that I've ever seen in my life," said Maddox's attorney, Stephen Dobson III. "We're going to fight this indictment tooth and nail. I sure don't anticipate any kind of plea deal at all in this case."

Carter-Smith's lawyer, Stephen Webster, criticized the government for "leaks" and the improper release of documents, a reference to the inadvertent release of sealed search warrant documents

earlier this year that laid out the case against Maddox and Carter-Smith. Webster said both Maddox and Carter-Smith were holding up despite the charges.

"They're strong people," Webster said. "And they're going to fight, and they're going to clear their names."

Maddox, an attorney who earned bachelor's and law degrees from Florida State University, first was elected to the City Commission in 1993, when he was still in law school. He served until 2003, including a stint as mayor. He ran for statewide office several times and served as chairman of the Florida Democratic Party before returning to the commission in 2012. He filed to run for the state Senate in 2020.

Mayor John Dailey, who's been on the job less than a month, called the indictments "unsettling news," though he said he trusted the legal system "will set matters straight." He and other city officials held a news conference Wednesday evening to announce the appointment process to fill the commission vacancy.

"We are committed to operating with full transparency and holding ourselves to the highest ethical standards," Dailey said in an email. "I hope this matter is resolved quickly for everyone involved. In the meantime, we at the city of Tallahassee will work to move our community forward with a focus on providing high-quality services to our residents."

Consulting firm at heart of probe

Federal prosecutors said Maddox, 50, conspired with Carter-Smith, 53, to run two companies, Governance Inc., and Governance Services LLC, as one entity called Governance.

"Governance was part of a racketeering enterprise that extorted money and accepted bribes from clients under the color of Maddox's office and through fear of the economic harm that Maddox could inflict in his position as an influential city commissioner," according to the indictment.

The duo treated Governance and Governance Services finances as their own by making payments from the companies' bank accounts directly to their personal bank accounts and moving money around to pay for "personal, campaign-related and business expenses."

Maddox and Carter-Smith controlled the enterprise, the indictment said, "and directed other members and associates of the Enterprise in carrying out the unlawful activities and other activities in furtherance of the enterprise's affairs."

They also lied, repeatedly and under oath, about the nature of Maddox's relationship with Governance and whether the company was paying him, the indictment said. Maddox asked for advice from City Attorney Lew Shelley in 2012 about "former clients" who were actually still clients doing business with the city.

Under oath, he told a state ethics investigator in 2014 that he hadn't been paid by Governance since his re-election to the City Commission in November 2012 when in fact he was still being compensated, the indictment said. And during a residency trial in 2016, he told a Leon circuit judge he didn't know whether his law firm represented Governance when in fact it was on a retainer.

By concealing and protecting their activities from city staff, law enforcement and the public, they enriched themselves and expanded Governance's client base and revenues, "through bribery extortion, bank fraud, wire fraud, and mail fraud."

The indictment also said Maddox used his position on the City Commission to vote on matters and coerce city employees to take actions that benefited his and Carter-Smith's clients.

Six companies are listed — but not named — in the indictment. They include an architectural engineering firm, a ride-sharing company believed to be Uber that hired Governance to work on a

city ordinance, a waste service provider believed to be Waste Pro, a local construction company up for a sidewalk contract, a residential developer facing an issue with the Utilities Department, and the company that served as a front for FBI agents seeking to expand Community Redevelopment Agency boundaries.

Maddox: 'Show me some love'

The indictment characterizes several exchanges between Maddox and his clients over payments. For example, Company A, the architectural engineering firm, would miss its monthly payments to Gov. Services, prompting a call from Maddox saying "show me some love," meaning Company A needed to catch up on its payments. The company paid \$61,500 to Governance over a five-year period.

When Company C, believed to be Waste Pro, was fined \$64,000 for failing to deliver trash cans to city customers, the regional vice president asked Maddox to intercede. He talked to City Manager Anita Favors, and the fine was knocked down to \$7,000.

Another time, after Maddox voted to extend a city contract with Company D, the company's owner sent a text message to Maddox, "you do good work," to which Maddox replied, "I love it when a plan comes together!"

It was a phrase Maddox must have liked. After helping get the city to change its position on a fence around one of his properties, a residential developer (Company E) thanked Maddox. Again, Maddox said, "I love it when a plan comes together."

And when the same residential developer had an issue with work the city utilities department was doing at one of his apartment complexes, Maddox replied via text message: "All good. I can handle city guy no prob. Already had a word at the top. Should be straightened out now."

Company D paid Governance \$146,000 between November 2012 and October 2017, the indictment said. Company E paid the firm \$138,000 between November 2012 and March 2017.

Bank statements falsified

The indictment also said Maddox and Carter-Smith defrauded a bank out of more than \$250,000 through two fraudulent short sales, lied to federal agents about Governance and violated federal tax laws by filing false returns with the IRS.

Maddox bought a two-story office building at 208 W. Carolina St. with an \$855,000 loan from BB&T and defaulted on the loan five years later. In February 2011, he proposed a short sale of the property to Governance Services for \$375,000, nearly \$500,000 less than what he paid for it.

He told a Governance client he needed money to fund the short sale, and the client gave him a check for \$120,00, the indictment said. He also got two checks from family members totaling \$95,000, all of which he deposited in the Governance bank account for Carter-Smith to use to buy 208 W. Carolina.

"Without these checks and the \$120,000 deposit, Gov. Services would not have had sufficient funds to purchase 208 W. Carolina," the indictment said.

Similarly, Maddox bought 510 N. Adams for \$550,000 in March 2007, using a loan of \$495,000 from BB&T. Governance and Maddox personally guaranteed the loan, and he declared he was president of Governance. Maddox said he would notify BB&T if anyone else bought Maddox Acquisitions, which he failed to do when he sold Governance and Maddox Acquisitions to Carter-Smith in 2010.

Around March 2012, Maddox told BB&T he wanted to do a short sale on 510 North Adams. He had an offer from Governance Services for \$225,000 — more than \$250,000 less than what Maddox had

paid originally. In both cases, Maddox filed a false arms-length affidavit, claiming he had no relationship with the buyer.

During these short sales, Maddox submitted a financial affidavit that stated he had no significant assets beyond the 510 N. Adams Street property. The affidavit failed to mention \$34,000 in his personal bank account, real property in Madison County, the balance and interest due to him from a condo loan, and about eight vehicles.

Maddox's former colleagues react

City Commissioner Curtis Richardson, who has known Maddox since he was mayor, said he was never lobbied by Carter-Smith and witnessed no evidence of Maddox trying to buy votes.

"Uber was a 5-0 vote, based on merits presented to us," Richardson said. "I don't see how Scott could have guaranteed delivery of any votes. That's where I'm befuddled."

Gil Ziffer, who stepped down from the commission after serving alongside Maddox since 2010, had a harsher view of the indictments.

"I have not read the indictment," Ziffer said, "but having seen the overall implications I'm pissed that one of my colleagues would be conducting the people's sacred trust in such a manner."

Investigation 'ongoing'

During the federal court proceeding, Stampelos ordered Maddox and Carter-Smith to surrender their passports and refrain from any contact with current or former employees of Governance or witnesses and victims in the case. Stampelos also told them not to discuss the case with anyone except their lawyers.

"The purpose of this is to not put you or others in the unfortunate circumstance of obstruction of justice," Stampelos said. "Don't talk to anybody about this case. You're going to do yourself harm if you do so."

Dobson asked the government to disclose individuals who were listed but not named in the indictment so Maddox and Carter-Smith can avoid any contact with them. Stephen Kunz, the assistant U.S. attorney, initially objected.

"The investigation is ongoing with respect to these matters," Kunz said, adding that releasing the names could impair the investigation.

"If they haven't finished it, they can at least tell us who they can't talk to," Dobson said.

Kunz agreed to release the names. It wasn't clear whether the names would be released publicly or just to the defense team.

The U.S. Attorney's Office noted that the indictment constitutes mere allegations and is not evidence of guilt.

"All defendants are presumed innocent and entitled to a fair trial, during which it will be the government's burden to prove guilt beyond a reasonable doubt," the office said.

Contact Jeff Burlew at jburlew@tallahassee.com or follow @JeffBurlew on Twitter.

The charges

1 count of Racketeering Conspiracy
2 counts of Bank Fraud
4 counts of False Statements to a Financial Institution
7 counts of Extortion
8 counts of Wire Fraud
4 counts of Mail Fraud
9 counts of Bribery
2 counts of Making False Statements
1 count of Conspiracy to Defraud the U.S.
6 counts of Filing False Tax Returns

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: January 10, 2019

RE: QUARTERLY REPORT: 1ST QUARTER FY 2018-2019 – ITEMS BY CITY ATTORNEY 11B.

Please find enclosed the following documents reflecting the fiscal year 2018-2019 1st quarter in review for the City Attorney's office:

- ❖ **WORK LOG DRAFTING & REVIEW CHART**
 - ❖ **PUBLIC MEETINGS ATTENDANCE CHART**
 - ❖ **CITY ORDINANCE VIOLATION DISPOSITION CHART**
 - ❖ **STAFF & NEW BOARD MEMBER TRAINING CHART**
 - ❖ **ORDINANCE & RESOLUTION CHART**
-

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) Donna and Scott Wendler v. City (*Bert Harris lawsuit; final stages*)
- 4) Seavin, Inc. v. City (*Real estate transactional dispute involving City*)

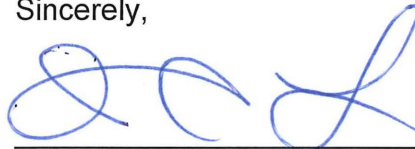
Pending charter and code review updates our office is continuing to work on are:

- 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*).

- 3) Traffic, Parking, and Mobility: It is anticipated that moving forward on mobility initiatives, including dockless bicycles and scooters, will result in a re-write of most of this chapter. (*Ch. 24: Traffic*).
- 4) 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*).
- 5) Vehicles for Hire: Related to mobility initiatives, this chapter may also receive a thorough re-write. (*Ch. 27: Vehicles for Hire*).
- 6) 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. (*Multiple Chapters*).
- 7) Sea Planes – Updating code regulations to conform with State statute regarding landing zones for sea planes. (*Article III: Powers and Duties*).
- 8) Charter Review – Legal review of entire charter and possible amendments to be prepared for March workshop.

I have asked the City Manager to place this quarterly report under “Items by City Attorney - 11B” on the agenda for the January 28, 2019 City Commission meeting. The attached charts are included for the commission’s information and time permitting, I will provide the commission with a presentation.

Sincerely,



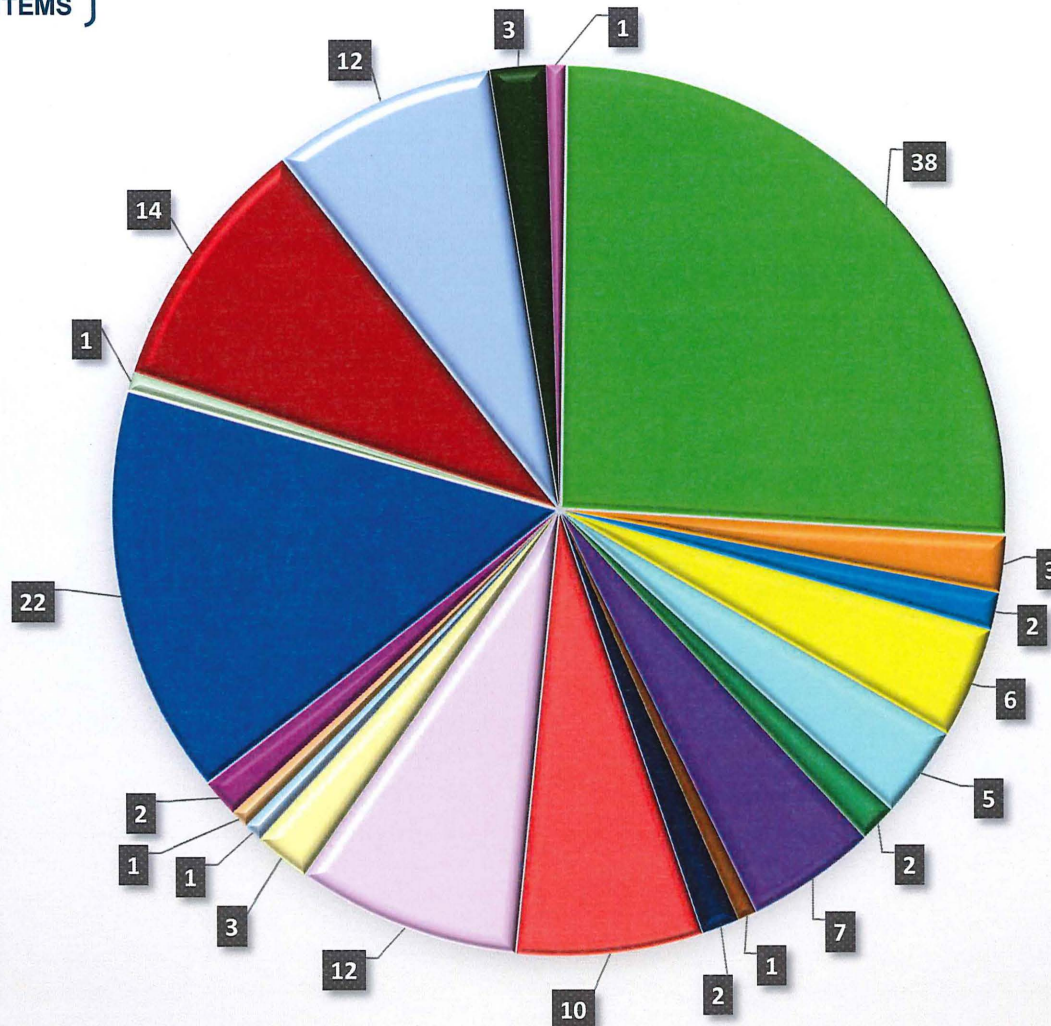
Isabelle C. Lopez
City Attorney

Attachments

WORK LOG DRAFTING & REVIEW: 1ST QUARTER FY 2018-2019

(BY NUMBER OF ITEMS)

(TOTAL: 144 ITEMS)



■ Agreement - 38

■ Contract - 6

■ Lease Agreement - 7

■ Order - 10

■ Petition - 1

■ Pleading - 22

■ Resolution - 12

■ Application - 3

■ Easement - 5

■ License - 1

■ Ordinance - 12

■ Plan - 1

■ Release of Utility Mortgage - 1

■ Submerged Lands Lease - 3

■ Bill of Sale - 2

■ Form - 2

■ Maintenance Bond - 2

■ Performance Bond - 3

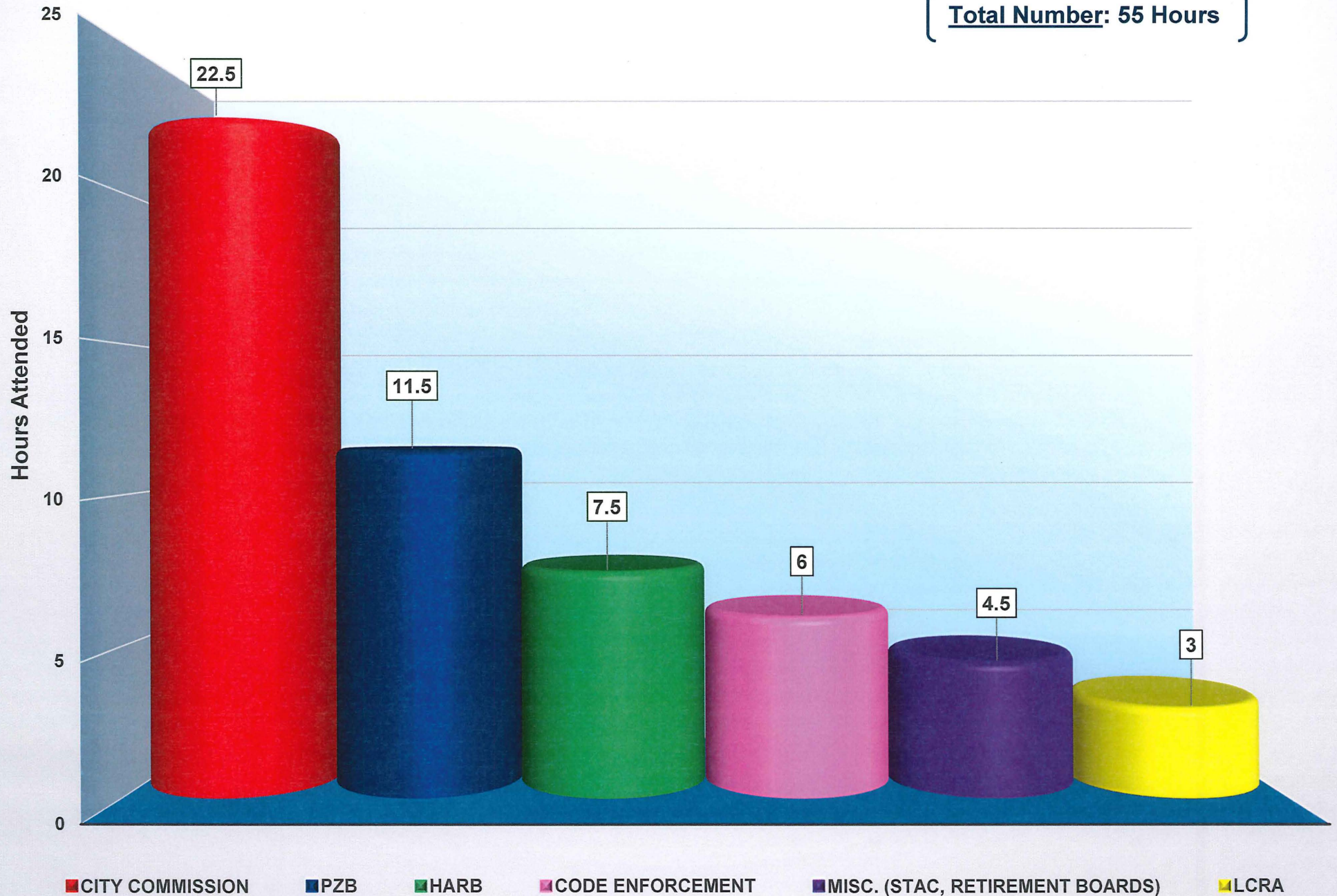
■ Plat - 2

■ Research - 14

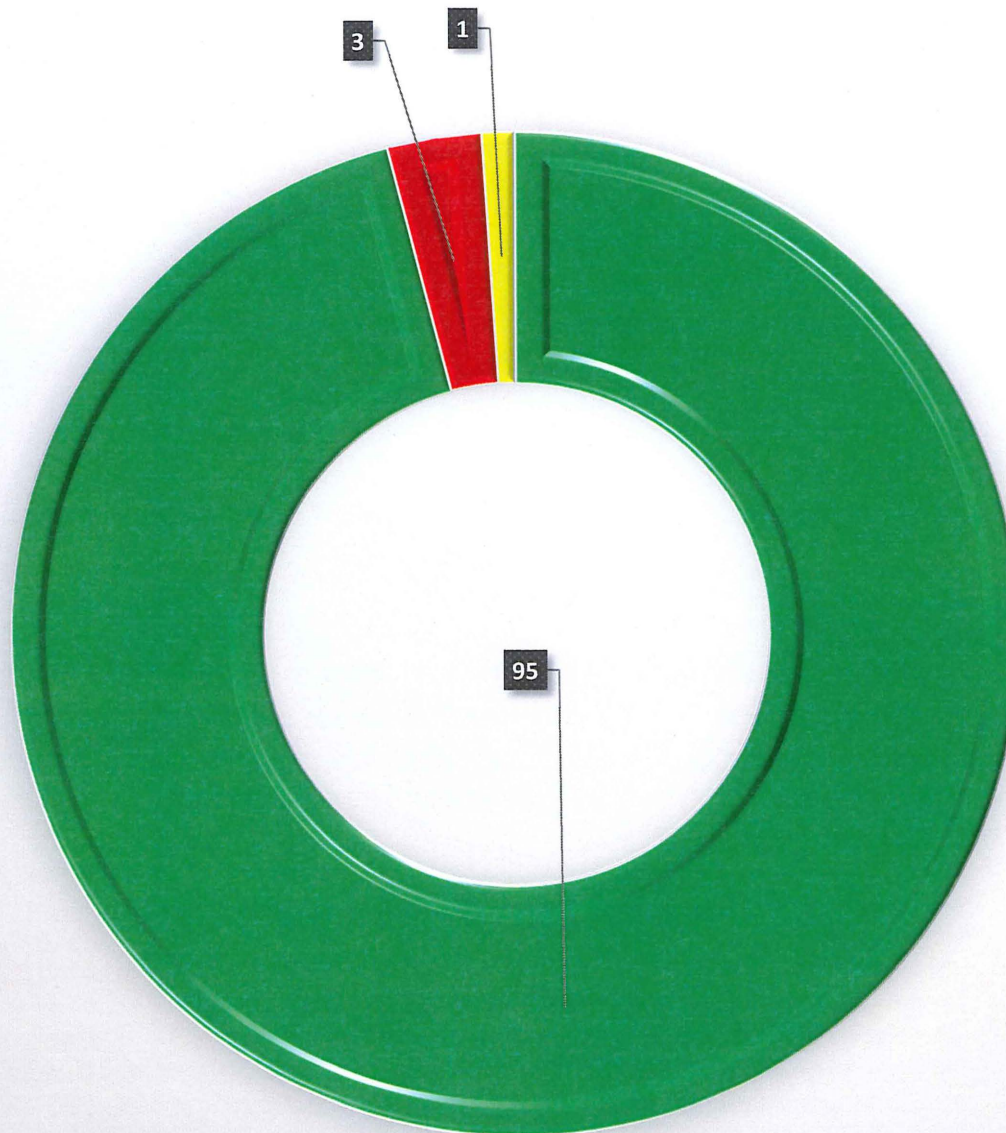
■ Waiver & Release - 1

PUBLIC MEETING ATTENDANCE: 1ST QUARTER FY 2018-2019

(Total Number: 55 Hours)



CITY ORDINANCE VIOLATIONS: 1ST QUARTER FY 2018-2019



(BY NUMBER OF CASES)

(TOTAL: 99 CASES)

■ Adjudicated Guilty - 95

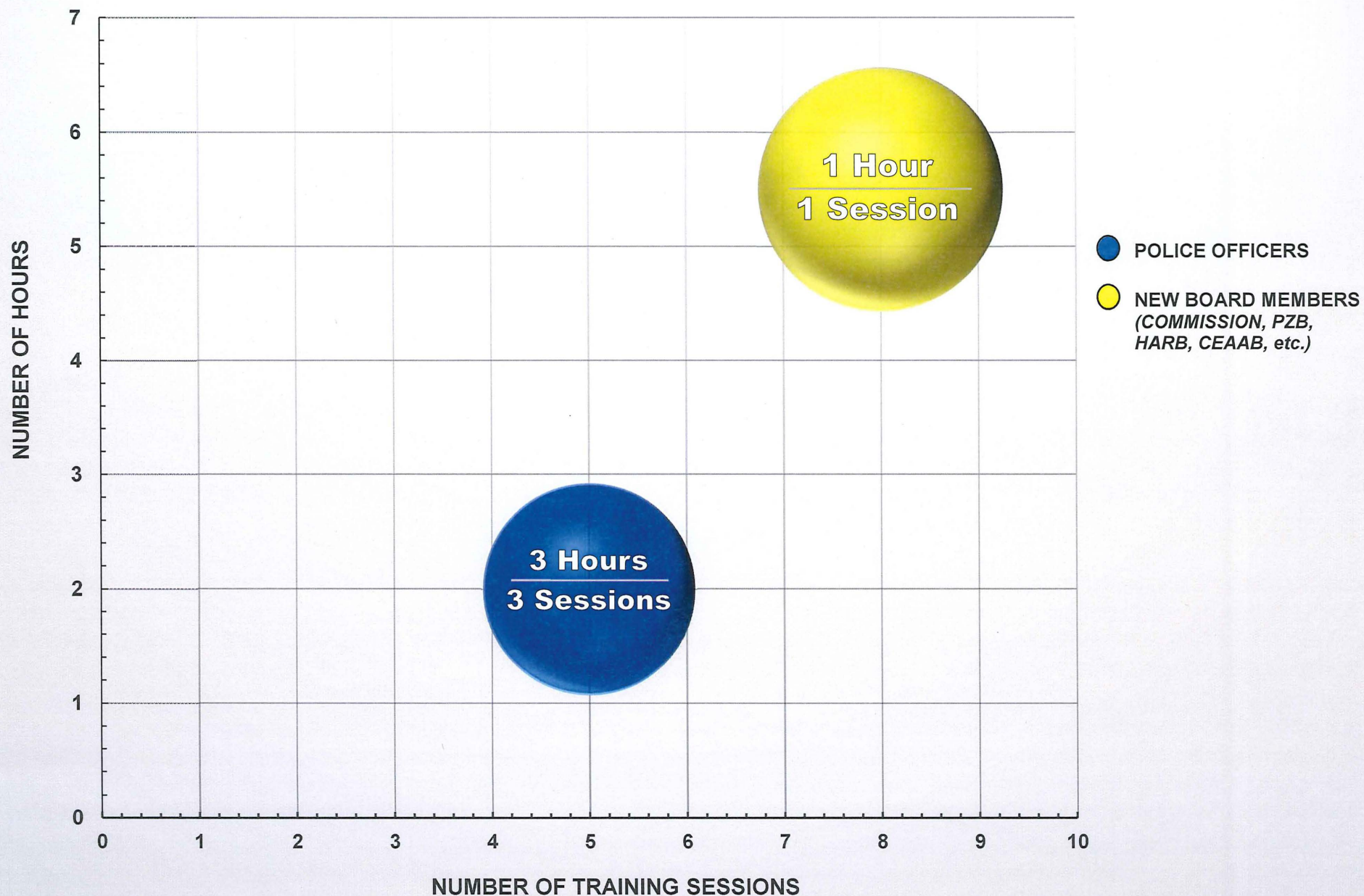
■ Adjudication Withheld - 3

■ Fine Paid - 1

OUR OFFICE RECOMMENDED ONE (1) DEFENDANT THIS QUARTER TO THE VETERANS JUSTICE OUTREACH PROGRAM THAT PROVIDES ASSISTANCE AND HEALTH ADMINISTRATION TO VETERANS, BUT THE DEFENDANT DECLINED.

STAFF & NEW BOARD MEMBER TRAINING: 1ST QUARTER FY 2018-2019

[TOTALS: 4 HOURS | 4 SESSIONS]



ORDINANCES & RESOLUTIONS – 1ST QUARTER FY 2018-2019

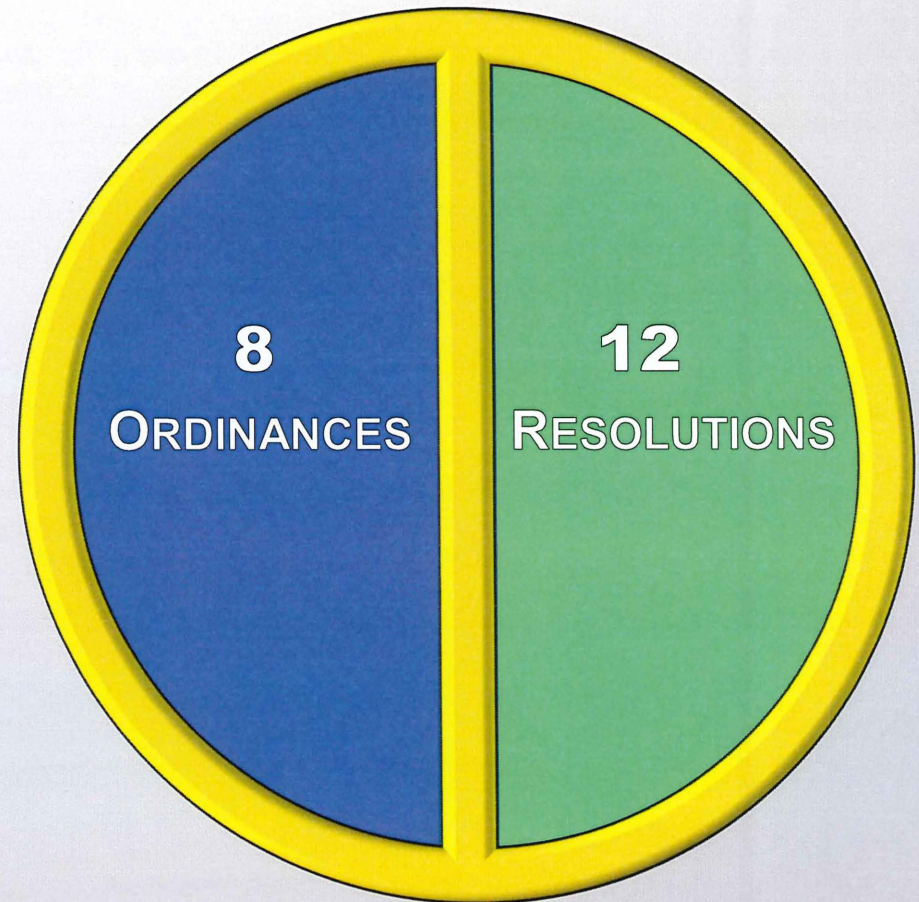
ORDINANCES

- 2018-13:** Charter Update Regarding Gifts
- 2018-14:** Scheduling Commission Meetings
- 2018-15:** Update to Building Code
- 2018-16:** Protests in the Plaza
- 2018-17:** Riberia Street Rezoning of 1.83 Acres
- 2018-18:** Shipyards: Annexation of 20.36 Acres
- 2018-19:** Shipyards: Land Use Map & Plan Amendment
- 2018-20:** Shipyards: Rezoning of 20.36 Acres

RESOLUTIONS

- 2018-42:** Extending Nights of Lights End Date
- 2018-43:** Historic Preservation Master Plan
- 2018-44:** Schedule & Order of Meetings
- 2018-45:** Salary Supplement for Officers & Employees
- 2018-46:** Tree Mitigation Fund
- 2018-47:** Update to Anti-Displacement & Relocation Policy
- 2018-48:** Protection of Individuals in Civil Demonstrations
- 2018-49:** Employment of Small, Women, & Minority Business
- 2018-50:** Updating the CDBG Program Participation Plan
- 2018-51:** Compliance with Sec. 504 of Rehab Act of 1973
- 2018-52:** Setting Dockage Rates & Related Marina Fees
- 2018-53:** Apply for Grant Assistance for Dredging Salt Run

(TOTAL: 20 ITEMS)



ITEM 12.A.
Commission Assignments

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: January 28, 2019

RE: Commission Assignments to Intergovernmental Boards

The City Commission participates in a number of Intergovernmental Boards. After each election, discussion is held and Commissioners expresses interest in serving on a particular board. Attached are the current board assignments for your review and consideration.



Darlene Galambos
City Clerk

COMMISSION ASSIGNMENTS
(Established 12/12/2016)

1. Mayor/Commissioner Nancy Shaver - Tourist Development Council (TDC): (904) 209-4420. The meetings are held on the **third Monday of every month** in the County Auditorium at 500 San Sebastian View at 1:30 p.m.
2. Commissioner Nancy Sikes-Kline - North Florida Transportation Planning Organization (904) 306-7500, **Meets monthly, 2nd Thursday, Time: 10 AM**, TPO Board Room - 1022 Prudential Drive, Jacksonville.
3. Commissioner Leanna Freeman - Sister Cities Association (904/825-1004) Public Affairs.
4. Commissioner Roxanne Horvath - Northeast Florida Regional Planning Council (904.279.0880, info@nefrc.org) - Monthly - 1st Thursday at 10:00 a.m. - location: NEFRC, 6850 Belfort Oaks Place, Jacksonville, FL 32216
5. VACANT - Intergovernmental Committee (904.209.0300), www.co.st-johns.fl.us)
- **Bimonthly** - January, March, May, July, September & November - **1st Wednesday at 3:00 p.m.** - location: **St. Augustine Airport**, 4730 Casa Cola Way, **Multi Use Facility** - 2nd floor conference room.
6. Commissioner Nancy Sikes-Kline - Visitor & Convention Bureau (VCB) (904.829.1711 www.visitoldcity.com) - **Monthly - 1st Wednesday at 1:30 p.m.** - location, varies, (December meetings are subject to change due to the holidays).
*******appointment for one year*******
7. **Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR)** - Don Crichlow, citizen representative.

ITEM 13.A.

Update: Task Tracking

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: January 22, 2019

RE: Updated Tracking List

The purpose of this agenda item is to review the task tracking list and highlight upcoming topics for Commission consideration. Also, it provides me an opportunity to discuss any changes and rationale that I may make based on staff resource leveling, timing and agenda management.



John P. Regan, P.E.
City Manager

Enclosure
JPR/lf

CITY OF ST. AUGUSTINE
COMMISSION MEETING TASK TRACKING LIST
AS OF 1/28/2019

Date	Requestor	Request/Comment	Assigned	Comments	Anticipated Completion Date
4/9/2018	Commission	Free parking for residents	Reuben Franklin	Establishment and promotion of free parking in downtown to be coordinated with new parking technology	4/1/2019
8/13/2018	Comm. Sikes-Kline	Thank you to the Contextualization Committee	Darlene Galambos	Staff to determine a proper thank you to the committee	3/1/2019
9/24/2018	Comm. Sikes-Kline	Electric Scooter/Dockless Bike Systems	Isabelle Lopez	Staff to work on ordinance to address the issue	1/28/2019
9/24/2018	Mayor Shaver	Restaurant seating audit	David Birchim	Inspection of seating capacities for revenue recovery	2/11/2019
9/24/2018	Mayor Shaver	Underground electrical utilities update	Mike Cullum	Presentation by FPL on current policies	1/28/2019
9/24/2018	Mayor Shaver	Recycling strategy - Reduce and Reuse programming	Mike Cullum	Initiative to reduce recycled material tonnage	2/11/2019
9/24/2018	Mayor Shaver	Continuum of Care presentation	Mayor Shaver	Presentation by Mayor Shaver	1/28/2019
10/22/2018	Commission	CONTINUING Strategy discussion on Air B&B	Birchim/Lopez	Monthly updates will be provided	
10/22/2018	Commission	Charter amendment review	Darlene Galambos	Workshop	3/1/2019
12/10/2018		HARB/PZB education of sealevel rise	David Birchim	Ongoing process through various programs and workshops	6/1/2019
12/10/2018	Commission	UF/COSA partnership for Colonial Quarter review	John Regan	Review of original partnership agreement - moved to Feb. 11 to manage size of Jan. 28 agenda.	2/11/2019
1/14/2019	Comm. Sikes-Kline	St. Francis House update	John Regan		1/28/2019
1/14/2019	Comm. Sikes-Kline	Vehicle for Hire	Isabelle Lopez		
1/15/2019	Mayor Shaver	Greenspace inventory	David Birchim	Review of greenspace and parks located within the City	1/24/2019
1/14/2019	Comm. Sikes-Kline	Schedule Workshop on Adaptation Plan	Mike Cullum	Presentation	2/11/2019

**CONSENT
AGENDA**

CONSENT AGENDA – JANUARY 28, 2019

CA.1. Preview of upcoming Commission meetings.

a) The following ordinances are tentatively scheduled for 2nd reading on February 11, 2019:

- Ordinance 2019-03

b) **Reminder of upcoming meetings:**

- February 11, 2019 - 5:00 p.m. – Regular Meeting
- February 25, 2019 - 5:00 p.m. – Regular Meeting

CA.2. Approval of Minutes from prior commission meetings:

- December 10, 2018 – Regular Meeting

CA.3. Releases of Lien for Unit Connection Fee Mortgage(s):

- Philip E. Fair - 2999 North First Street
- Vanessa Ajayi – 862 Avery Street

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:

- Proclamation 2019-01: Proclaiming January 18, 2018 as Arbor Day
- Certificate 2019-02CR: St. Augustine Art Association's 95th Anniversary

CA.6. Invoice in the amount of \$3,312.50 dated January 8, 2019 from Lampe, Roy & Associates for appraisal services regarding the Wendler 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, December 10, 2018

The City Commission met in formal session Monday, December 10, 2018 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Nancy Shaver, and the following were present:

1. Roll Call: Nancy Shaver, Mayor/City Commissioner
Leanna 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

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 of Agenda

(None)

MOTION

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

3. Special Presentations, Proclamations, Recognitions:

(None)

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

Chris Fulmer
Ed Slavin
BJ Kalaidi¹
Michael Ghelerter
Casey Welch

5. Consent Agenda

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

Commissioner Sikes-Kline requested to pull Item CA.9 for discussion.

5.B. Approval of Consent Agenda.

MOTION

Commissioner Freeman MOVED to approve the Consent Agenda as amended. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

Mr. Regan read the Consent Agenda.

CA.1. Preview of upcoming Commission meetings.

a) The following ordinances are tentatively scheduled for 2nd reading on January 14, 2019:

- Ordinance 2018-18.
- Ordinance 2018-19.
- Ordinance 2018-20.

b) Reminder of upcoming meetings:

- January 14, 2019, 5:00 p.m., Regular Meeting.
- January 28, 2019, 5:00 p.m., Regular Meeting.

CA.2. Approval of Minutes from prior commission meetings:

- November 13, 2018, Regular Meeting.

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. Permission to spend \$7,500 from the state Confiscation Fund in order to host an advanced training course in the use of the noise meter. (B. Fox, Chief, St. Augustine Police Department).

CA.7. Consideration of the nomination of Charles A. Tingley for the 2019 deAviles award. (N. Sikes-Kline, Commissioner).

CA.8. Updated task tracking list. (J. Regan, City Manager).

CA.10. Approval of the 2019 Commission calendar and City Holiday Schedule. (D. Galambos, City Clerk).

CA.9. Approval to transfer \$126,366.00 from the General Fund Reserve account to fund the St. Francis House bed program for FY2018/19. (J. Regan, City Manager).

Mr. Regan explained that each night the City reserved twelve beds at the St. Francis House, which enabled police to enforce the City's No Camping Ordinance. He noted that the rental rate for the beds had not changed since 2007, and St. Francis House notified the City that the rate needed to be increased. He said after negotiations, a cost of \$37.07 per bed per night was reached, for an increased amount of \$126,366 for FY2018/2019.

Mayor Shaver noted that the model for homeless solutions was not overnight shelter; it was moving people into self-

¹ Written comments attached to original minutes.

sufficiency, and that St. Francis House was the City's partner in that endeavor.

Commissioner Sikes-Kline was concerned about the unbudgeted \$126,000, not the services that were provided, and asked that the item be included in future budget models.

MAYOR

Commissioner Sikes-Kline MOVED to approve item CA.9. The motion was SECONDED by Mayor Shaver and APPROVED BY UNANIMOUS VOICE VOTE.

6. Appeals.

6.A. Finding of Legal Sufficiency in order to appeal an approval by the Planning and Zoning Board at 61 Lighthouse Avenue.

David Birchim, Planning and Building Director, gave a brief history of the application the Planning and Zoning Board had approved, which included the removal of a 21 inch diameter Southern Red Cedar tree in the public right of way. He said the Cedar tree was in the middle of driveway for the proposed home.

Mr. Birchim continued that the neighbor directly across the street from 61 Lighthouse Avenue, at number 62, appealed the removal of the tree in the public right of way. He noted that the neighbor did not appeal any tree removal from the private property.

Mr. Birchim said the Commission had to determine whether the appellant had legal standing and if there was legal sufficiency to appeal the approval by the Planning and Zoning Board.

Isabelle Lopez, City Attorney, clarified that the Commission was not reviewing the substance of the dispute, only whether the person who filed the appeal had legal standing to file the appeal.

Public hearing was opened and Commissioners heard from the following:

Marcia Byles
Ed Slavin

Public hearing was closed.

Commissioners provided ex parte communication.

MOTION

Commission Sikes-Kline MOVED that the applicant had legal standing and sufficiency standards by way of having property adjacent to the right of way. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

7. General Public Presentations and Items of Great Public Importance. (10 minutes per presentation)

7.A. General Public Presentations

7.A.1. Notice of Keeping History Above Water pre-conference public engagement workshop on the topics of resilience, community values and cultural resources to be held at the Galimore Center on January 31, 2018. Presented by Leslee Keys, Ph.D., Flagler College.

Mr. Regan introduced Leslee Keys, who gave a brief overview of the "Keeping History Above Water" conference in May. She noted a workshop to be held on January 31, 2019 and invited members of the community to take part in the strategy session.

7.B. Items of Great Public Importance

7.B.1. Short-term/vacation rental legislation and regulatory policy discussion.

Mr. Regan explained that in 2011 the State of Florida passed a statute that prohibited

a City's ability to regulate the duration or frequency of vacation rentals unless there was zoning in place prior to the statute, which was grandfathered in. He noted that the City had some control in RS1, RS2 and HP1.

Mr. Regan continued that the 2011 statute was considered an attack of Home Rule. He said the City needed to protect itself without making the situation worse in Tallahassee.

Mr. Birchim referenced the memo included in the agenda packet, which identified discussion points and some regulations that other cities in Florida had imposed on short term vacation rentals.

Mayor Shaver shared information that she learned from Dennis Hollingsworth, the St. Johns County Tax Collector. She said the County had engaged Host Compliance, which matched the database of short-term rentals with the database of homes within the County. She noted that it kept track of the bed tax to ensure compliance with the homestead exemption.

Mayor Shaver continued that Mr. Hollingsworth identified fifty-four different agencies that provide short-term rentals in the County. She said an increase in short-term rentals equals a shortage of long term rentals and affected affordable housing.

Commissioner Freeman felt the City was in the phase of information gathering, and wanted to see some example summarizations so that the Commission could continue to keep abreast with what was happening in similar cities.

Commissioner Sikes-Kline agreed that the City needed to continue in a fashion that was regular and predictable and engaged the community. She requested Dennis Hollingsworth speak during a future meeting.

Commissioners asked Mr. Birchim to continue to provide regular updates.

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2018-15: Amends multiple sections of the City's Building Code to update regulations and address inconsistencies.

David Birchim presented Ordinance 2018-15, which would update the City's Building Code to be in compliance with the State of Florida's building code.

Commissioner Sikes-Kline questioned the 2018 International Property Maintenance Code, and whether the City could over-ride that Code and adopt a higher regulatory standard.

Mr. Birchim said that the City could; however, some changes would require approval by the State Building Commission.

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

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2018-15 on second reading. The motion was SECONDED by Commissioner Valdes.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2018-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 8-1 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO UPDATE BUILDING CODE EXEMPTIONS TO COMPLY WITH STATUTE; AMENDING CHAPTER 8, ARTICLE II OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ADOPT THE LATEST STATE BUILDING CODES, REPEAL THE FIRE PREVENTION CODE FROM ARTICLE II AS ARTICLE VI CONTAINS THE FIRE

PREVENTION CODE, AND ADOPT THE LATEST NATIONAL ELECTRIC CODE; AMENDING CHAPTER 8, ARTICLE IV OF THE CODE OF THE CITY OF ST. AUGUSTINE TO REPLACE THE UNSAFE BUILDING ABATEMENT CODE WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AMENDING CHAPTER 8, ARTICLE VI OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ADOPT THE LATEST STATE FIRE PREVENTION CODE; AMENDING CHAPTER 8, ARTICLE VII OF THE CODE OF THE CITY OF ST. AUGUSTINE TO MAKE NOTICE OF COMMENCEMENT AND NOTICE OF TERMINATION PROVISIONS CONSISTENT WITH STATUTE AND TO UPDATE PERMIT APPLICATION AND DOCUMENTATION REQUIREMENTS; AMENDING CHAPTER 8, ARTICLE VIII OF THE CODE OF THE CITY OF ST. AUGUSTINE TO AMEND AND REPEAL CERTAIN PROVISIONS RELATING TO CONSTRUCTION CONTRACTORS TO BE CONSISTENT WITH THE STATE CONTRACTOR REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Horvath, Freeman, Shaver

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.2. Ordinance 2018-17: Rezoning of 134 Riberia Street from Marine Use District (MUD) to Marine Use District A (MUD-A).

David Birchim presented Ordinance 2018-17. He said that being zoned MUD-A would support efforts to preserve working waterfronts while giving the property owner some flexibility to develop up to 40% of the property as non-water dependent uses.

Public hearing was opened and Commissioners heard from the following:

BJ Kalaidi¹

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2018 on second reading. The motion was SECONDED by Commissioner Valdes.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2018-17

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 1.83 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF RIBERIA STREET BETWEEN CEDAR STREET, BRAVO LANE AND BRIDGE STREET IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF CITY OF ST. AUGUSTINE MARINE USE DISTRICT (MUD) TO THE CITY OF ST. AUGUSTINE CLASSIFICATION OF MARINE USE DISTRICT-A (MUD-A); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Horvath, Freeman, Shaver

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.3. Development Agreement: A Development Agreement providing that the two existing buildings on the property located at 134 Riberia Street may be used until they are demolished consistent with Rezoning Ordinance 2018-17, MUD-A uses.

David Birchim presented the Development Agreement, noting that it was a companion to the rezoning set by Ordinance 2018-17.

Public hearing was opened and Commissioners heard from the following:

BJ Kalaidi¹

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to adopt the Development Agreement as presented. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

8.B. Ordinances - First Reading

(None)

8.C. Resolutions

(None)

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

(None)

9.B. Resolutions

9.B.1. Resolution 2018-45: Declares an appropriation of a salary supplement to officers and employees.

Mark Litzinger, Financial Services Director, presented Resolution 2018-45. He said the supplement was based upon years of service and part of the annual budget process.

MOTION

Commissioner Horvath MOVED to pass Resolution 2018-45. The motion was SECONDED by Commissioner Freeman and APPROVED BY UNANIMOUS VOICE VOTE.

9.B.2. Resolution 2018-46: Creates a Tree Mitigation Fund.

David Birchim presented Resolution 2018-46, which would create a dedicated account where tree fines and donations would be deposited rather than into the General Fund.

Commissioner Sikes-Kline said she was in favor of the Resolution; however, she would like paragraph seven to read "Whereas the City shall place the monies..." rather than wishes to place the monies.

A brief discussion ensued where Commissioners agreed the language change would clarify intent.

MOTION

Commissioner Sikes-Kline MOVED to approve Resolution 2018-16 with one language change. The motion was SECONDED by Mayor Shaver and APPROVED BY UNANIMOUS VOICE VOTE.

9.B.3. Resolution 2018-47: Updates the City's anti-displacement and relocation policy for tenant assistance, relocation and real property acquisition plan.

Tim Fleming, General Services Deputy Director, gave a brief summary of Resolution 2018-47 through Resolution 2018-51, noting that all were housekeeping issues to keep the City in compliance with Federal Law and State Regulations as part of the Emergency Set-Aside Small Cities Community Development Block Grant (CDBG) the City had received.

Mayor Shaver questioned CDBG funding St. Johns County received that the City opted out of.

Mr. Fleming said the City opted out because it was more beneficial to the City to apply to the State through Small Cities CDBG than to apply to the County and

included in their budget process to the State. He noted that the City had 3 years to opt back in, one of which had passed, and could be discussed during a future meeting.

MOTION

Commissioner Horvath **MOVED** to pass Resolution 2018-47. The motion was **SECONDED** by Commissioner Freeman and **APPROVED BY UNANIMOUS VOICE VOTE**.

9.B.4. Resolution 2018-48: Adopts a policy for the protection of individuals engaging in non-violent civil rights demonstrations.

MOTION

Commissioner Horvath **MOVED** to pass Resolution 2018-48. The motion was **SECONDED** by Commissioner Freeman and **APPROVED BY UNANIMOUS VOICE VOTE**.

9.B.5. Resolution 2018-49: Adopts an affirmative action policy relating to the employment of small, women-owned and minority businesses in regards to Community Development Block Grants (CDBGs).

MOTION

Commissioner Horvath **MOVED** to pass Resolution 2018-49. The motion was **SECONDED** by Commissioner Freeman and **APPROVED BY UNANIMOUS VOICE VOTE**.

9.B.6. Resolution 2018-50: Updates the City's CDBG program citizen participation plan.

MOTION

Commissioner Horvath **MOVED** to pass Resolution 2018-50. The motion was **SECONDED** by Commissioner Valdes

and **APPROVED BY UNANIMOUS VOICE VOTE**.

9.B.7. Resolution 2018-51: Updates compliance with Section 504 of the Rehabilitation Act of 1973 and updates the Section 504 grievance procedure.
MOTION

Commissioner Horvath **MOVED** to pass Resolution 2018-51. The motion was **SECONDED** by Commissioner Sikes-Kline and **APPROVED BY UNANIMOUS VOICE VOTE**.

9.B.8. Resolution 2018-52: Sets dockage rates and related fees for the City Marina.

Jim Piggott, General Services Director, presented Resolution 2018-52, which allowed the Harbormaster to eliminate multiple monthly dockage rates and adjust dockage rates throughout the year as necessary.

MOTION

Commissioner Freeman **MOVED** to pass Resolution 2018-52. The motion was **SECONDED** by Commissioner Sikes-Kline and **APPROVED BY UNANIMOUS VOICE VOTE**.

9.B.9. Resolution 2018-53: Authorizes the City to apply for a FIND grant and enter into an interlocal agreement with the St. Augustine Port, Waterway & Beach District for the dredging of the entire channel in Salt Run.

Jim Piggott presented Resolution 2018-53, noting it was a yearly occurrence. He said the item would require two motions, one to pass Resolution 2018-53, and one to approve the interlocal agreement.

MOTION

Commissioner Horvath **MOVED** to pass Resolution 2018-53. The motion was **SECONDED** by Commissioner Sikes-

Kline and APPROVED BY UNANIMOUS VOICE VOTE.

MOTION

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

10. Staff Reports and Presentations

10.A. Presentation regarding a proposed property swap at 4 Lighthouse Avenue to Roland Anderson.

Timothy Burchfield, Assistant City Manager, addressed a property swap on Lighthouse Avenue that would benefit the City as well as the property owner with a hurricane damaged bulkhead that was partially on City owned land. He requested the Commission approve the swap and allow the City Manager to execute any necessary documents.

MOTION

Commissioner Sikes-Kline MOVED to authorize the City Manager to begin negotiations.

Mr. Burchfield interjected that it would be for the City Manager to execute the documents, which were almost completed.

Commissioner Sikes-Kline felt uncomfortable authorizing the swap without reviewing the documents and withdrew her motion.

Ms. Lopez said that the executed documents could be placed on a future Consent Agenda.

Commissioner's noted timeliness, with the next Commission meeting not until January.

MOTION

Mayor Shaver MOVED to proceed with the property swap and provide a draft copy of the documents to the Commission. The motion was SECONDED by Commissioner Valdes. The motion carried 4/1, Commissioner Sikes-Kline opposed.

Commissioner Sikes-Kline said she would feel more comfortable if there had been community input.

10.B. Preliminary discussion regarding the creation of a "Registration and Inspection" program for residential rental properties.

David Birchim referenced the memo included with the agenda packet regarding residential rental registrations and inspections. He included comments from Assistant City Attorney John Cary, which provided some troubleshooting insights.

Mr. Birchim continued that the process was simple: requiring all rental properties to register with the City that would include permission from the owner to perform annual inspections. He said the 2012 International Property Maintenance Code would be the guiding regulatory instrument for inspections. He noted the program could have significant challenges in identifying and obtaining access to property and code violations that could lead to evictions.

Discussion ensued regarding how other municipalities were handling short term rentals, arduous and difficult inspections and fire and safety violations.

There was Commission consensus to continue the short term rental education process.

10.C. Financial update for period ending November 30, 2018.

Mark Litzinger presented the financial update.

10.D. Internet café update.

Barry Fox, Police Chief, recapped the process his department had been following:

- At the beginning of 2017, investigations began on internet cafes, working in conjunction with the State Attorney's office.
- In May charging affidavits were issued and letters of intent were sent to business owners.
- In August a court case was resolved in Appellant Court regarding algorithm machines and notifications were served to ten businesses in nine locations and the businesses were closed.
- Two businesses had since re-opened after a hired attorney advised the machines the businesses used did not fit the criteria that were argued in the Appellant case.
- Continued assessment of the legality of the machines in use was in process.

Commissioners thanked Chief Fox and his department for their continued efforts.

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.

12. ITEMS BY CITY CLERK

12A. Request for appointments to fill two of three vacancies on the Code Enforcement Adjustments and Appeals Board.

Darlene Galambos said she received two applications and requested appointment for William Masson and Stephen Simmons. She noted a third application from Thomas Day was received after the closing deadline.

MOTION

Commissioner Freeman MOVED to reappoint Stephen Simmons and appoint Mr. Masson. The motion was SECONDED by Mayor Shaver and APPROVED BY UNANIMOUS VOICE VOTE.

Ms. Galambos would re-advertise the position and bring Mr. Day's application, along with any others received, to the January 14, 2019 meeting for consideration.

12.B. Review of processes involved in preparing a charter review.

Ms. Galambos said the state guidelines outlining what the City can and cannot do were included with the agenda packet, along with a brief history of Charter amendments done in the past. She said what the state did not define was how the City decided what should or should not be amended.

Ms. Galambos noted the 2016 Florida League of Cities Analysis that found 69% of cities that were surveyed did not perform a full charter review, and only amended as needed.

Ms. Lopez noted that she had been reviewing the City Charter for approximately three years and updated and corrected sections as needed. She said she would do a full review of what still required updating, what could be amended by Ordinance, and what necessitated a ballot referendum.

Commissioner Sikes-Kline felt that if changes were to be made that required a referendum, now was the time to start for a spring 2020 deadline.

It was the consensus of the Commission to hold a Charter Review workshop in the spring of 2019.

13. ITEMS BY CITY MANAGER

13.A. Status update on Commissioner evaluations of City Manager FY 2017/18.

Mr. Regan said he had the chance to meet individually with Commissioners. He noted that the normal fiscal year evaluation made during August or September of the current fiscal year had been upset by recent hurricanes, and he would like to return to that schedule.

Mr. Regan continued that he would like to schedule a strategic plan meeting for early 2019.

Mr. Regan said he enjoyed being City Manager, thanked the Commission and said it was a privilege and an honor to work with them and was looking forward to the future.

14. Items by Mayor and Commissioners

Commissioner Sikes-Kline expressed concern regarding a big screen television in the colonial quarter broadcasting a football game. She would like a review of the City's agreement with the University of Florida.

Commissioner Freeman and Mayor Shaver also questioned whether the University was overstepping.

Commissioner Freeman asked about the citizen survey, shortening the length of time the survey took to complete, and when it would be sent out to residents.

Meredith Breidenstein said the questions were being finalized, and that the survey could include time disclosures. She noted the results would be available in April.

Commissioner Valdes would like to have workshops scheduled regarding sea level rise and construction practices.

Commissioner Horvath was concerned regarding the lack of affordable housing in the City. She noted a 526 apartment complex under construction that had no affordable housing set aside. She would like the Commission to consider requiring new developments include a percentage of affordable housing.

15. Adjournment

There being no further business, the meeting was adjourned at 8:10 P.M.²

Nancy Shaver, MAYOR

Darlene Galambos, CITY CLERK

² Transcribed by Robin DiAngelis

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: January 15, 2019

RE: **SATISFACTION AND RELEASE OF MORTGAGE – 2999 N. FIRST STREET**

Enclosed is a Satisfaction and Release of Mortgage for 2999 N. First Street regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine and Philip E. Fair. The mortgage was recorded in the Public Records of St. Johns County on April 9, 2015. 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 January 28, 2019 City Commission meeting.

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

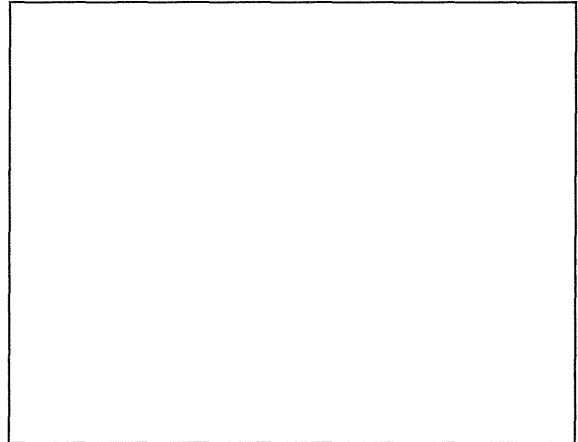


Isabelle C. Lopez
City Attorney

/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 **PHILIP E. FAIR**, whose address is 2075 Powell Road, 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 April 7, 2015, recorded at Official Records Book 4011, Page 1639, 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 as follows, to-wit:

DESCRIPTION: LOTS 41 AND 42, BLOCK 20, LESS THE SOUTH 25' THEREOF, PONCE DE LEON HEIGHTS, UNIT 1, MAP BOOK 3, PAGE 73, RECORDS OF ST. JOHNS COUNTY, FLORIDA, LESS THE FOLLOWING: BEGIN AT THE N.E. CORNER OF LOT 42, BLOCK 20, PONCE DE LEON HEIGHTS, UNIT 1, MAP BOOK 3, PAGE 73, RECORDS OF ST. JOHNS COUNTY FLORIDA, FOR THE POINT OF BEGINNING, THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 42, 26.67 FEET; THENCE BY CURVE CONCAVE TO THE S.W. HAVING A RADIUS OF 20 FT., RUN NORTH AND WEST ALONG THE ARC THROUGH A CENTRAL ANGLE OF 106 DEG. 16' 25", A DISTANCE OF 37.09 FT; THENCE RUN EAST ALONG THE N LINE OF SAID LOT 42, 26.67 FEET TO THE POINT OF BEGINNING.

PARCEL ID: 086190-0410

ADDRESS: 2999 N. FIRST STREET, ST. AUGUSTINE, FLORIDA 32084

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 4011, Page 1639, 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.

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

By: _____
Nancy E. Shaver, Mayor

ATTEST:

Darlene Galambos, City Clerk

(S E A L)

.....

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Nancy E. Shaver**, 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)

**UNIT CONNECTION FEE
MORTGAGE**

THIS MORTGAGE, by and between Philip E Fair, whose address is 2075 Powell Road, 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 Department, 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:

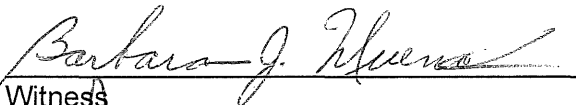
1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of 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 \$37.11 for 120 months.

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this 7th day of April 2015.

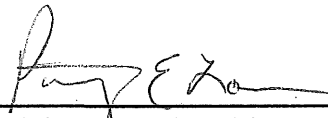
Signed, sealed and delivered
in the presence of:



Witness
Printed Name: Barbara J Muench



Witness
Printed Name: John Augustus

BY: 
(Printed Name) Philip E Fair
(Address) 2075 Powell Road
(Telephone) 904-325-1286

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

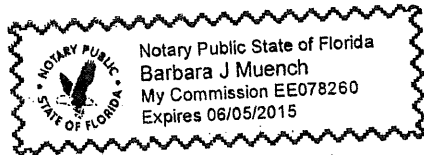
FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

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, **Philip E Fair**, who is personally known to me or who has produced FLA. DRIVER'S 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 7th day of April 2015.



A handwritten signature in cursive script, reading "Barbara J Muench".

Notary Public, State of Florida

LEGAL DESCRIPTION

Lots 41 and 42, Block 20, less the South 25' thereof, PONCE DE LEON HEIGHTS, Unit 1, Map Book 3, Page 73, Records of St. Johns County, Florida, LESS THE FOLLOWING: Begin at the N.E. corner of Lot 42, Block 20, PONCE DE LEON HEIGHTS, Unit 1, Map Book 3, Page 73, records of St. Johns County, Florida, for the point of the beginning, thence south along the east line of said Lot 42, 26.67 feet; thence by curve concave to the S.W. having a radius of 20 feet, run north and west along the arc through a central angle of $106^{\circ} 16' 25''$, a distance of 37.09 feet; thence run east along the north line of said lot 42, 26.67 feet to the point of the beginning.

Exhibit "A"

**UNIT CONNECTION FEE
PROMISSORY NOTE**

APPLICANT(S) NAME: Philip E Fair
ADDRESS: 2075 Powell Road
Saint Augustine, FL 32084

\$3,808

St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **2999 N First Street**, 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 **3808 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **3.19 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **37.11 Dollars** each, commencing on the date hereof 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.

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: April 7, 2015**, in the presence of:

Barbara J. Muench
Witness
Printed Name: Barbara J Muench

[Signature]
Witness
Printed Name: Bonn Augustus

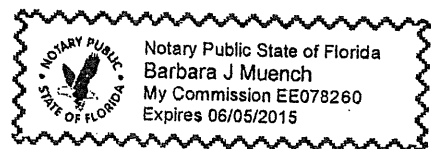
BY: [Signature]
(Printed Name) Philip E Fair
(Address) 2075 Powell Road
(Telephone) 904-325-1286

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, **Philip E Fair**, who is personally known to me or who has produced FLA-DRIVER'S 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 7th day of April 2015.

Barbara J. Muench
Notary Public, State of Florida



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: January 15, 2019

RE: **SATISFACTION AND RELEASE OF MORTGAGE – 862 AVERY STREET**

Enclosed is a Satisfaction and Release of Mortgage for 862 Avery Street regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine and Vanessa Ajayi. The mortgage was recorded in the Public Records of St. Johns County on February 5, 2015. 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 January 28, 2019 City Commission meeting.

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

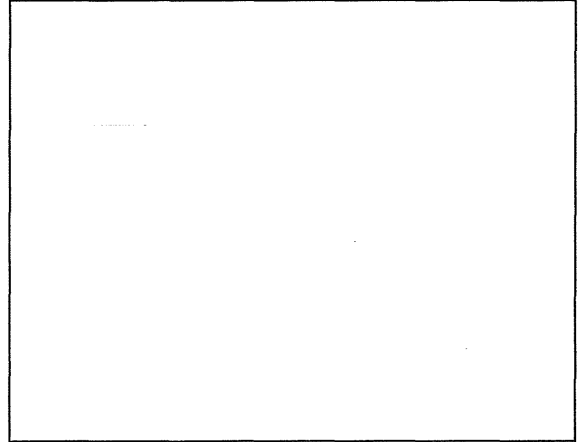


Isabelle C. Lopez
City Attorney

/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 **VANESSA AJAYI**, whose address is 144 Pine Arbor Circle, St. Augustine, Florida 32084, her heirs, assigns or successors in title (hereinafter referred to as "Mortgagor"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated February 2, 2015, recorded at Official Records Book 3984, Page 1126, 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 as follows, to-wit:

**DESCRIPTION: AFRO AMERICAN SUBDIVISION OF BLOCK 116 DANCY TRACT
LOT 19 AS RECORDED IN MAP BOOK 4 PAGE 8 OF THE PUBLIC
RECORDS OF ST. JOHNS COUNTY, FLORIDA.**

PARCEL ID: 118370-0190

ADDRESS: 862 AVERY STREET, ST. AUGUSTINE, FLORIDA 32084

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 3984, Page 1126, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

*** SIGNATURES APPEAR ON THE FOLLOWING PAGE ***

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2019.

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

By: _____
Nancy E. Shaver, Mayor

ATTEST:

Darlene Galambos, City Clerk

(S E A L)

.....

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Nancy E. Shaver**, 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)

**UNIT CONNECTION FEE
MORTGAGE**

THIS MORTGAGE, by and between Vanessa Ajayi, whose address is 144 Pine Arbor Circle, 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 Department, 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:

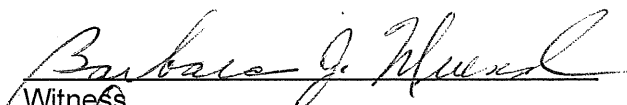
1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of 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.

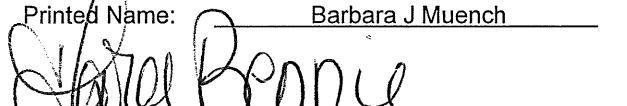
2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and 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 \$61.35 for 60 months.

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this 2nd day of February 2015.

Signed, sealed and delivered
in the presence of:


Witness
Printed Name: Barbara J Muench


Witness
Printed Name: Tara Bennie

BY: 
(Printed Name) Vanessa Alayi
(Address) 144 Pine Arbor Circle
(Telephone) 904-540-7091

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

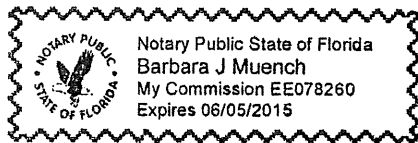
FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

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, **Vanessa Ajayi**, who is personally known to me or who has produced FLA. DRIVER'S LICENSE as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 2nd day of February 2015.



A handwritten signature in cursive script, reading "Barbara J. Muench", written over a horizontal line.

Notary Public, State of Florida

LEGAL DESCRIPTION

Afro American subdivision of Block 116 Dancy Tract Lot 19 as recorded in Map Book 4
Page 8 of the public records of St. Johns County, Florida.

Parcel No. 118370-0190

Exhibit "A"

**UNIT CONNECTION FEE
PROMISSORY NOTE**

APPLICANT(S) NAME: Vanessa Ajayi
ADDRESS: 144 Pine Arbor Circle
Saint Augustine, FL 32084

\$3,401.00

St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at 862 Avery Street, 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 **3401 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **3.16 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **61.35 Dollars** each, commencing on the date hereof 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.

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: February 2, 2015**, in the presence of:

Barbara J Muench
Witness
Printed Name: Barbara J Muench

Tara Bonnie
Witness
Printed Name: Tara Bonnie

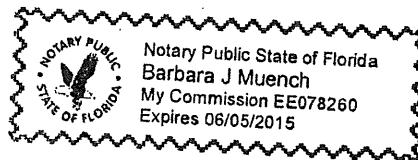
BY: Vanessa Ajayi
(Printed Name) Vanessa Ajayi
(Address) 144 Pine Arbor Circle
(Telephone) 904-540-7091

STATE OF FLORIDA
COUNTY OF ST. JOHNS

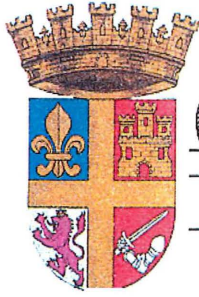
I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Vanessa Ajayi**, who is personally known to me or who has produced FLA. DRIVER'S LICENSE as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 2nd day of February 2015.

Barbara J. Muench
Notary Public, State of Florida



ITEM CA.5.
Proclamations/Certificates
Issued



City of St. Augustine



La Lealísima y Valerosa Ciudad de San Agustín de la Florida 1565 - 2015

PROCLAMATION

WHEREAS, Arbor Day began in 1872 with the planting of more than one million trees in Nebraska, and is observed in St. Augustine as well as the rest of the state of Florida each year on the third Friday in January, and

WHEREAS, the planting and nurturing of trees cuts heating and cooling costs, moderates temperatures, cleans the air, produces oxygen, reduces erosion and provides habitat for wildlife, and

WHEREAS, trees are renewable resources as well as providing paper, wood for our homes, fuel for our fires and countless other products, and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community, and,

WHEREAS, St. Augustine has been recognized as a Tree City USA by the National Arbor Day Foundation for thirty-six years, and is committed to continuing its tree planting program, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

*NOW, THEREFORE, the City Commission of the City of St. Augustine, does hereby proclaim Friday, January 18th, 2019 as **ARBOR DAY** in the City of St. Augustine, and urges all citizens to support efforts to protect our trees and woodlands, to support our City's urban forestry program, and to plant trees to bring joy to the heart and promote the well-being of present and future generations.*

IN WITNESS WHEREOF I hereunto set my hand and do cause the Seal of the City of St. Augustine, Florida, to be affixed this 18th day of January in the year of our Lord two thousand and nineteen, in the four hundred and fifty-third year of the founding of St. Augustine, the Nation's Oldest City.

Nancy E. Shaver, Mayor

City of St. Augustine
City Commission

Certificate of Recognition

In Acknowledgement of and

Presented In Honor to

The St. Augustine Art Association's 95th Anniversary

With sincere appreciation for

your enduring commitment to promoting artistic excellence; outstanding leadership in building a vibrant art community; innovative spirit in providing meaningful opportunities for artistic engagement and expression; goodwill in creating a welcoming and accessible environment where the arts may flourish.

Friday, January 18, 2019

Nancy E. Shaver, Mayor

2019-02CR

ITEM CA.6.
Invoices for Payment

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: January 9, 2019

RE: **WENDLER V. CITY OF ST. AUGUSTINE – INVOICE FOR PROFESSIONAL SERVICES**

Please find enclosed an invoice dated January 8, 2019, from Lampe, Roy & Associates, Inc. for appraisal services rendered in December 2018, regarding the Wendler v. City of St. Augustine matter.

The amount currently due is **\$3,312.50**. We have reviewed the billing and submit same to you for placement on the consent agenda for the City Commission meeting on January 28, 2019.

*{ WITH THIS INVOICE THE TOTAL EXPENDED TO DATE FOR APPRAISAL
SERVICES ON ALL RELATED MATTERS EQUALS **\$42,256.25**. }*

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

LAMPE, ROY & ASSOCIATES, INC.

APPRAISERS-CONSULTANTS

1912 HAMILTON STREET, SUITE 204
JACKSONVILLE, FLORIDA 32210

(904) 388-7020

FAX (904) 388-9298

EMAIL lra@lamperoy.net

January 8, 2019

Ms. Susan Erdelyi
Marks Gray P.A.
Post Office Box 447
Jacksonville, Florida 32201

Re: Donna R. Wendler and Scott G.
Wendler together with Wendler
Properties III, LLC vs City of St.
Augustine, Florida, Case No.
CA11-1111, Division 55 Fees and
Cost Hearing; Our File 4903

INVOICE

Appraiser: *Michael C. Roy, MAI, SRA*

Date: 12/20/18

Invoice for Appraisal Services

\$3,312.50

What is La Florida?

La Florida: The Interactive Digital Archive of the Americas (www.laflorida.org) is a unique collaborative initiative that combines innovative historical research with cutting-edge technology. Our central goal is to promote public access to Florida's remarkable colonial past by connecting it more broadly to US and global history. We launched the site in March, 2018, at the Organization of American States in Washington, DC.

Free and Enslaved: Black Society in La Florida, 1513-1821

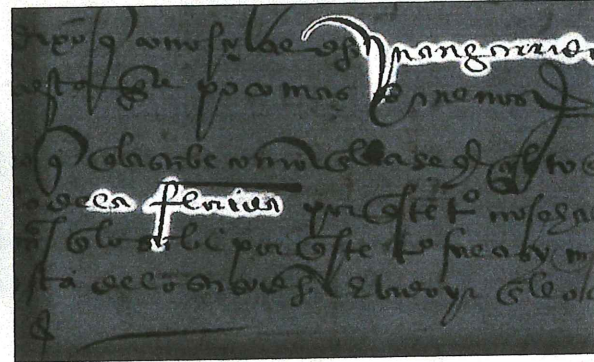
Over the next two years we intend to create an interactive exhibit titled, *Free and Enslaved: Black Society in La Florida, 1513-1821*. In it, we will present engaging interactive materials, transcribed and translated documents, as well as videos, maps, and 3-D images, giving students, teachers, scholars, and the general public access to unpublished material that records the lives of the first people of African descent to arrive in the United States.

Artist: Kate Godfrey



Spanish settlement of San Miguel de Gualdape (present-day South Carolina) in 1526.

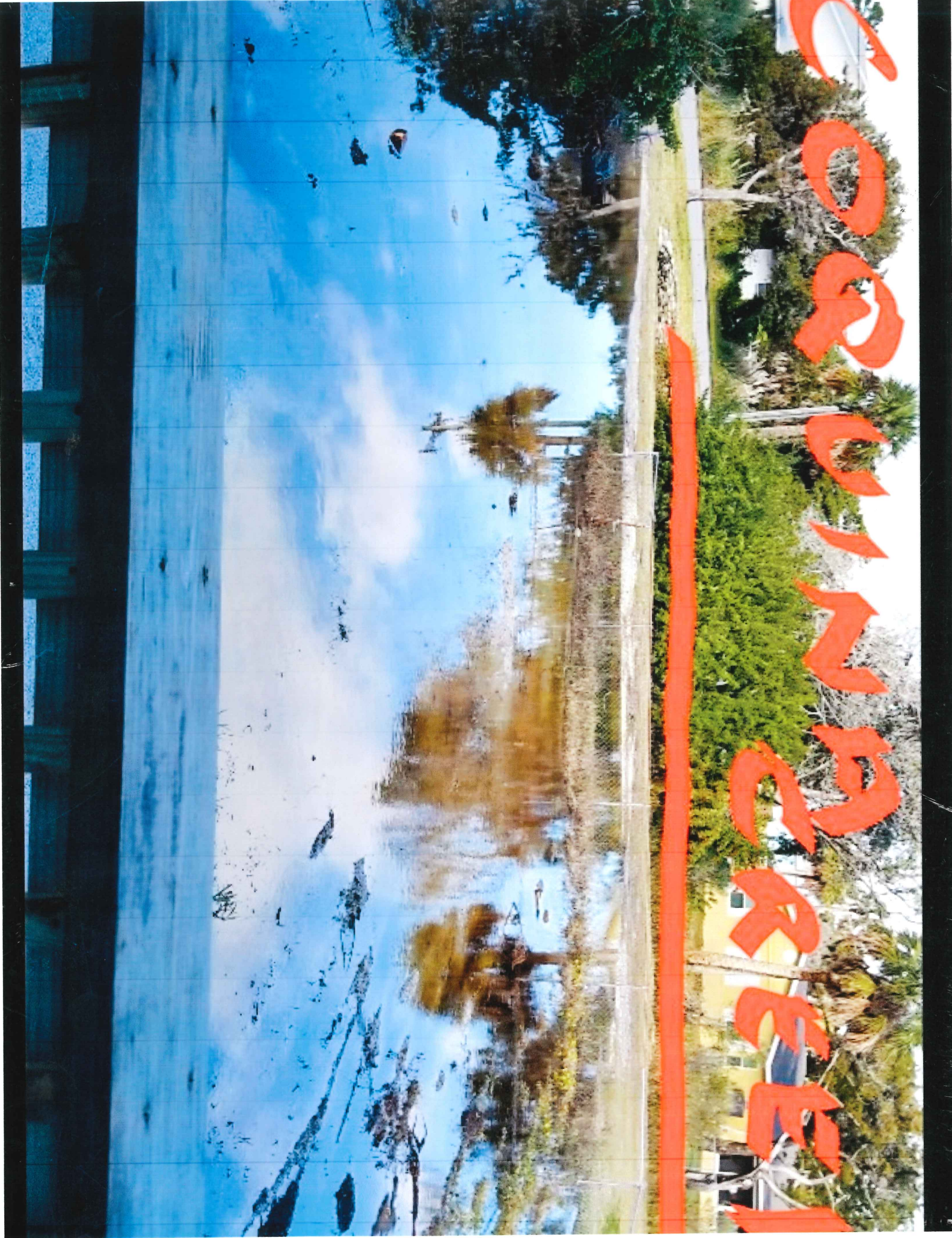
- ◆ Juan Garrido is the first recorded person of African descent to arrive in what becomes the continental United States. **Garrido was a free black conquistador who was part of Juan Ponce de León's 1513 Florida expedition.** This was 106 years before the first recorded slaves were brought to Virginia.



- ◆ In 1687, a group of fugitive slaves from the Carolinas escaped to Spanish Florida in the hope of securing their freedom. Hundreds more joined them in the decades that followed; collectively, their remarkable stories are part of **the first underground railroad, which ran south, not north.**
- ◆ The oldest known marriage record in the United States dates back to 1565. It records the union between a Spanish soldier named Miguel Rodríguez and a free black woman named Luisa de Abrego. In other words, **the first documented marriage in what is now the United States was an interracial marriage.**
- ◆ In 1738 former slave, Francisco Menéndez was appointed captain and governor of the **first sanctioned free black settlement the continental United States!**

ESTATION





COSA 1-28-19

BJKALAIDI
8 NEWCOMB ST

GEN.

KEY WEST RECEIVED 3 MILLION FEDERAL TAX DOLLARS FOR A STORM RISK STUDY. A COPY CAT CITY OF ST. AUGUSTINE POLITICIAN GOES TO WASHINGTON, D.C. TO ASK FOR TAX DOLLARS TO DO STUDY IN ST. AUGUSTINE.

10 A 501 C3, WHICH DOES NOT PAY TAXES, IS BEHIND THE GLOBAL WARMING SCARE. 10 FOREIGN INVESTORS ARE BENEFITING FROM THIS SCARE BY SELLING TO SELFISH INDIVIDUALS WHO WANT TO LIVE BY THE WATER AND HAVE TAXPAYERS FOOT THE BILL TO PROTECT THEIR PROPERTY. 10 IT'S COME TO MY ATTENTION SOME MAYORS ARE DESCRIBED AS THORNS AROUND A ROSE. LET ME SUGGEST ANOTHER LOOK - THORNS AROUND A CACTUS.

10 C - DUNA STREET R.O.F. - MR ARBIZZANI PAID \$1000 TO MS. SHAVER'S POLITICAL CAMPAIGN. HE ALSO PAID \$1000 TO MR VALDES'S POLITICAL CAMPAIGN. 10 ONE MIGHT WONDER IS THIS PART OF RETURN ON INVESTMENT BY THIS DEVELOPER. 10 ON THURSDAY 1.24.19 THIS DEVELOPER WENT INTO THE COPY ROOM ON THE 4TH FLOOR WHERE TAXPAYING RESIDENTS ARE NOT PERMITTED. NO POLICE WERE AROUND TO ESCORT HIM OUT OF THE BUILDING.

10 B IT SEEMS BLOCKING OFF ACCESS TO CITY EMPLOYEES IS ONLY FOR THOSE WHO ARE NOT PART OF THE CRONIES WHO HAVE ACCESS ANYTIME TO MANIPULATE AND STROKE THE EGOS OF CITY EMPLOYEES AND POLITICIANS.

11 B THE CITY LAWYER STATUS REPORT SHOULD LIST THE NAMES OF ALL OUTSIDE LAWYERS RECEIVING TAX DOLLARS FOR WORK ON BEHALF OF COSA TAXPAYERS FOR THE LAST FIVE YEARS.

COSA 1.28.19

BJ KALAI DI
8 NEWCOMB ST

7.C.1 ORDINANCE 2018-18 DO NOT ANNEX THIS PROPERTY INTO THE CITY LIMITS OF ST. AUGUSTINE. THE DEVELOPMENT OF THE WEST BANK OF THE SAN SEBASTIAN RIVER HAS BEEN DETRIMENTAL TO THE HEALTH, SAFETY AND WELFARE OF THIS CITY. CITY TAXPAYERS ARE FOOTING THE BILL AS CITY EMPLOYEES ARE MANIPULATED BY DEVELOPERS.

7.C.2 ORDINANCE 2018-19 THE FUTURE LAND USE MAP AKA FLUM SHOULD NOT BE AMENDED. RESIDENTIAL MEDIUM DENSITY IS NOT AFFORDABLE HOUSING. THIS IS ANOTHER CRAYOLA HOTEL DEVELOPMENT.

7.C.3 ORDINANCE 2018-20. THE ZONING DESIGNATION SHOULD NOT BE RGD/OL. IT SHOULD BE RS1 OR RS2. SO MUCH FOR HOME RULE.

7.C.4 THE DEVELOPMENT AGREEMENT BENEFITS DEVELOPERS NOT CITY OF ST. AUGUSTINE TAXPAYERS.

THE DEVELOPER SHOULD PAY 80-90% OF THE INFRASTRUCTURE CONSTRUCTION OF WATER, SEWER AND STORMWATER. THE DEVELOPER SHOULD PAY 100% OF THE ROADWAY INFRASTRUCTURE INCLUDING A ~~TH~~ TRAFFIC LIGHT AT US1 AND ARAPAHO. HAVE THE THOMPSON FAMILY KICK IN SOME OF THEIR DOLLARS.

COSA 1-28-19

BJKALADI
8 NEWCOMB ST

8.A.1 ORDINANCE 2019-01 THIS ORDINANCE DOES NOT PROMOTE AND PROTECT THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY OF ST. AUGUSTINE. THE JUSTIFICATION FOR REGISTRATION OF DOGS AND CATS WAS THE SAFETY OF THE PUBLIC NOT A PLDT AKA SCHEME. THE LANGUAGE OF THE ORDINANCE IS NOT CLEAR. IT SHOULD CLEARLY STATE ALLOWING 4 PIGS, EACH WEIGHING 120 POUNDS WITHIN THE CITY... COMMISSIONER HORVATH THOUGHT SHE WAS VOTING ON 1-14-19 FOR ONE PIG. THIS ORDINANCE IS A PERFECT EXAMPLE OF HOW THE FLUM, ZONING, LDC, CPA, CP DO NOT PROTECT THE RESIDENTS OF THE COSA FROM POLITICIANS, DEVELOPERS AND SELFISH INDIVIDUALS WHO INVADE THE CITY TO DESTROY OUR QUALITY OF LIFE. WARNING, DO NOT PURCHASE A HOME IN COSA. THE RESIDENTIAL ZONING ORDINANCES ARE SELECTIVELY ENFORCED. THE COSA HAS BECOME A TRASHY CITY. WITH THIS POORLY WRITTEN ORDINANCE THE COSA IS OFFICIALLY A SLUM NOT A BEAUTIFUL CITY. MR. BIRCHIM WANTS TO GRANDFATHER ROOSTERS THAT ARE CURRENTLY RESIDING IN THE CITY. THE LOCAL PAPER SHOULD DO AN ARTICLE WITH PHOTOS OF DAVID BIRCHIM AND CURTIS BOLES WEIGHING PIGS, HOGS AND SWINE. USING MR. PAUL IN AN ARTICLE IS PERFECT EXAMPLE OF MANIPULATION OF NEWS BY THE MEDIA AKA PROPAGANDA.

READ ABOUT PIGS IN MATTHEW 8:28-34, MARK 5:11-17, LUKE 8:26-39.