



**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, JULY 10, 2023 - 5:00 PM
ALCAZAR ROOM**

1. CALL TO ORDER

- ◆ Roll Call
- ◆ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- ◆ Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

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

- ◆ 3 minutes per individual

5. CONSENT AGENDA

6. APPEALS

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

(PRESENTATIONS (MAXIMUM OF **10** MINUTES PER PRESENTATION)). PRESENTATIONS FOR COMMISSION MEETINGS MUST BE PRESENTED TO THE CITY MANAGER FOR APPROVAL NO LATER THAN TEN (10) WORKING DAYS PRIOR TO THE NEXT CITY COMMISSION MEETING. A PRESENTATION SUPPORT SERVICES REQUEST (AVAILABLE ON THE CITY'S WEBSITE) MUST ACCOMPANY ALL PRESENTATIONS.

7.A. General Public Presentations

- 7.A.1.** Presenters Michael Lavoie, Stake President; Jeff Oldham, Stake Presidency First Counselor; David Carlson, Stake Presidency Second Counselor; Lisa Lewis, Communication Director and Brett Lewis, Assistant Communications Director of the Church of Jesus Christ of Latter-Day Saints will give a presentation on how the

Church can help the community during hurricanes and other natural disasters. (*N. Sikes-Kline, Mayor*)

- 7.B. Items of Great Public Importance
- 7.C. Other Items Requiring Public Hearing

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

- 8.A. Ordinances - Second Reading
- 8.B. Ordinances - First Reading (only if required by law)
- 8.C. Resolutions - Public Hearing (only if required by law)

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

- 9.A.1. **Ordinance 2023-22**: Amends Chapter 17 of the City Code regarding voluntary certified guides and examination. (*I. Lopez, City Attorney*)
 - 9.A.2. **Ordinance 2023-23**: Vacates a portion of Depot Street between 194 West King Street (PID 1111900000), 198 West King Street (PID 1112000000) and 35 North Ponce de Leon Boulevard (PID 1111300000). (*A. Skinner, Director Planning and Building*)
 - 9.A.3. **Ordinance 2023-24**: Amends the Land Development portion of the zoning Code to add definitions and update the Historic Preservation Section and clarify the code related to partial demolitions. (*A. Skinner, Director Planning and Building*)
- 9.B. Resolutions**
- 9.B.1. **Resolution 2023-20**: Sets proposed millage rate and schedules a public hearing for September 14, 2023 at 5:05pm. (*M. Simpson, Director Finance*)
 - 9.B.2. **Resolution 2023-21**: Authorizes the execution of the annual amendment of the traffic signal maintenance and compensation agreement between the State of Florida Department of Transportation and the City. (*T. Grant, Director Public Works*)

10. STAFF REPORTS AND PRESENTATIONS

11. ITEMS BY CITY ATTORNEY

12. ITEMS BY CITY CLERK

13. ITEMS BY CITY MANAGER

14. ITEMS BY MAYOR AND COMMISSIONERS

15. ADJOURN

NOTICES: In accordance with Florida Statute 286.0105: "if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon

which the appeal is to be based.” ***In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. ***The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk’s office, to be placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission. The materials prepared and presented are part of the City’s ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CONSENT AGENDA - JULY 10, 2023

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON JULY 24, 2023:

- Ordinance 2023-22 - Amends Chapter 17 regarding certified guides and examination
- Ordinance 2023-23 - Vacates a portion of Depot Street
- Ordinance 2023-24 - Partial demolition code amendments

CA.3. Reminder of Upcoming Meetings:

- August 14, 2023, 3:00pm, Special Commission Meeting - Discussion of 2024 Budget Assumptions and 5-year Capital Improvement Plan
- August 14, 2023, 5:00pm, Regular City Commission Meeting
- August 24, 2023, 9:00am, Special Commission Meeting - Discussion of Fiscal Year 2024 tentative budget and Action Items
- August 25, 2023, 9:00am, (If Necessary) - Continuation of August 24, 2023 Special Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS: NONE.

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S): NONE.

- 1154 West King Street Ext. - Shirley Jones and Shenika Andrews
- 335 Riberia Street - Shirley Jones

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

Notification that Certificates of Recognition will be presented to three students participating in the St Augustine, Florida/Aviles, Spain Student Exchange Program at the July 24, 2023 City Commission meeting. *(M. Wissel, Director Communications)*

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

Invoice for Cavendish Partners, P.A. in the amount of \$1,856.00 in the Spadaro parcel swap project. *(I. Lopez, City Attorney)*

End Consent Agenda

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

DATE: June 28, 2023

RE: Presentation by the Church of Jesus Christ of Latter-Day Saints

We received a request to offer a presentation to discuss of topics on how the Church of Jesus Christ of Latter-Day Saints can help the community during hurricanes and other natural disasters and how their organization works with responding during these events. The presentation will be provided by Michael Lavoie – Stake President, Jeff Oldham – Stake Presidency First Counselor, David Carlson – Stake Presidency Second Counselor, Lisa Lewis – Communication Director, and Brett Lewis – Assistance Communication Director.

Should you concur, please place this on the July 10, 2023, regular meeting agenda. The Power Point presentation they provided is attached.



Darlene Galambos
City Clerk

The Church of Jesus Christ of Latter-day Saints

North America Southeast Area



Who are we?

- The largest private landowner in the state of Florida
- 2,631 members in St. Johns County
- 8 congregations, including a deaf unit
- 2 existing buildings
 - St. Augustine Shores
 - St. Johns (off CR 210)
- 2 more buildings being built
 - Silverleaf Parkway
 - Nocatee



Emergency Preparation & Response



Partnerships and Available Resources from The Church of Jesus Christ of Latter-day Saints



Disaster Response
Command Centers



Tools and Supplies
from Regional
Storehouses



“Helping Hands”
Volunteers



Collaboration with
VOAD

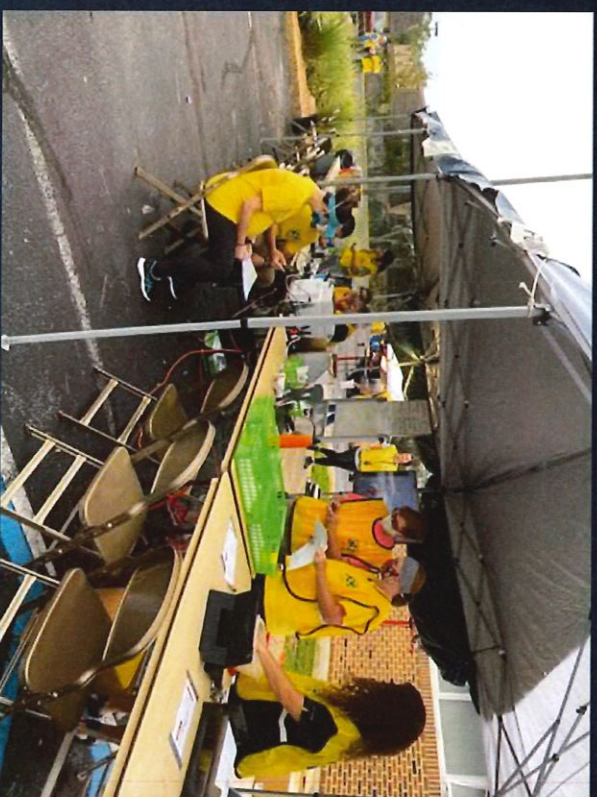


Coordination with
Crisis Cleanup



Centralized Volunteer
Center through
JustServe.org

Establishing a Command Center



The central point of Church relief efforts. The Command Center provides training and work orders to teams, provides teams with resources (e.g., camping, work supplies and toilets), and coordinates with the local community.

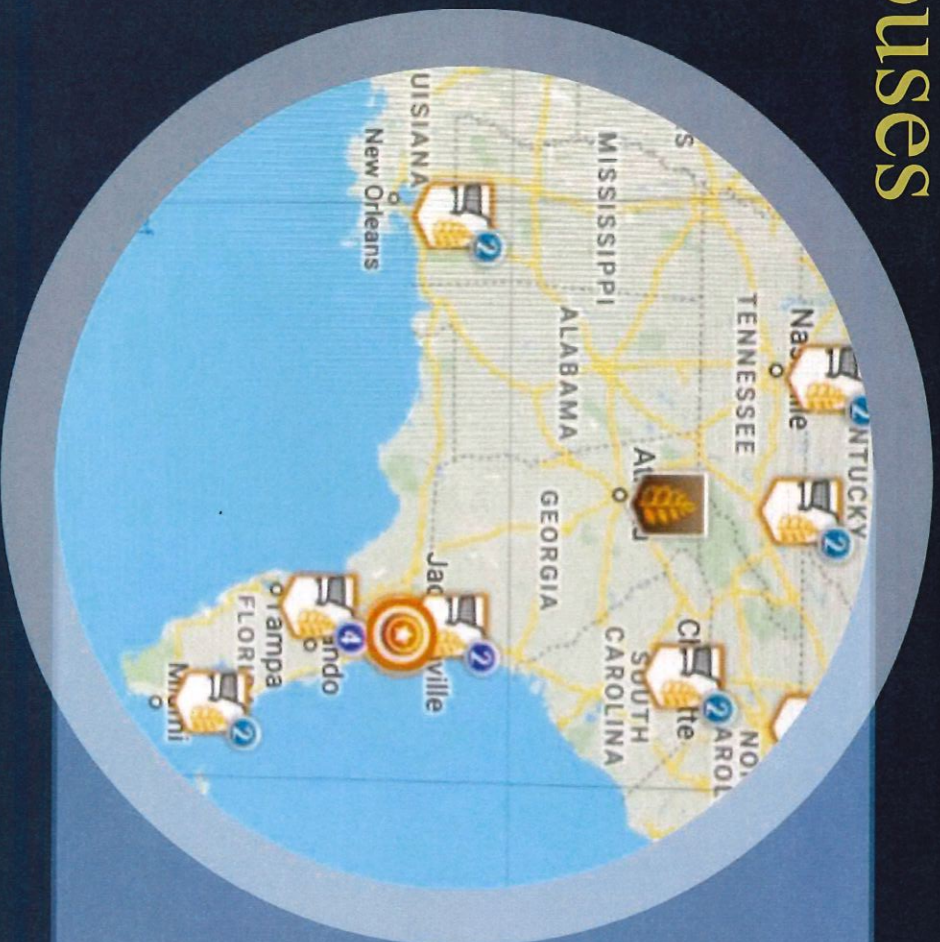
Command Centers Obtain Relief Supplies:

- Shipped from local bishops' storehouses
- Purchased locally
- Donations may be distributed directly or through a local partner



Regional Storehouses

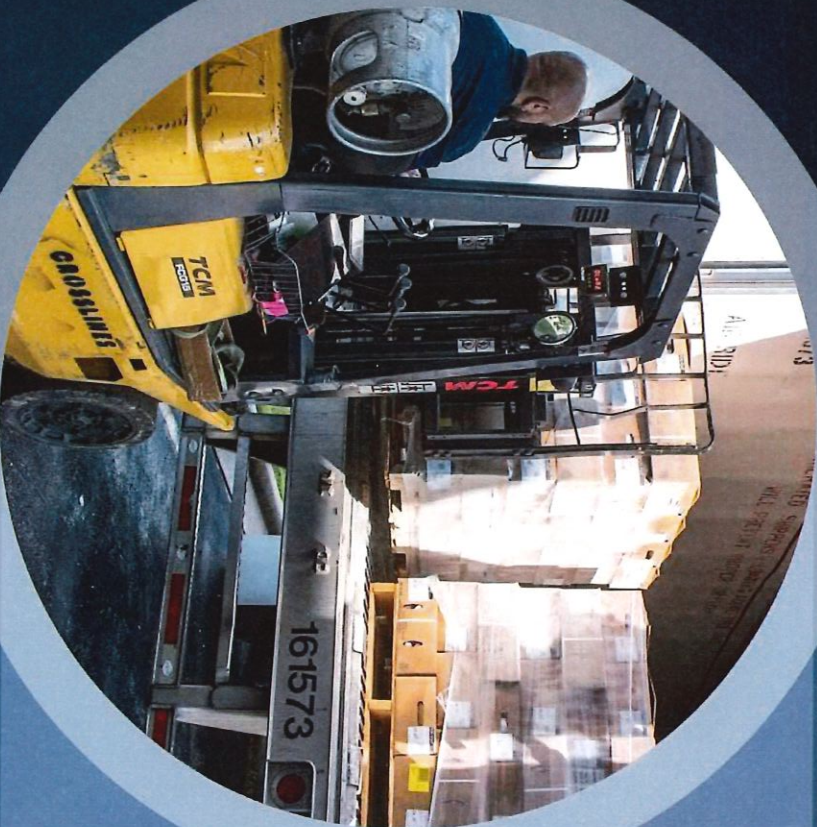
- Slidell / Baton Rouge, Louisiana
- Atlanta / Tucker, Georgia
- Orlando, Florida
- Jacksonville, Florida
- Tampa, Florida
- Ft. Lauderdale, Florida
- Columbia, South Carolina
- Greensboro, North Carolina
- Knoxville, Tennessee
- Nashville, Tennessee



Bishops' Storehouses

Goods & Supplies

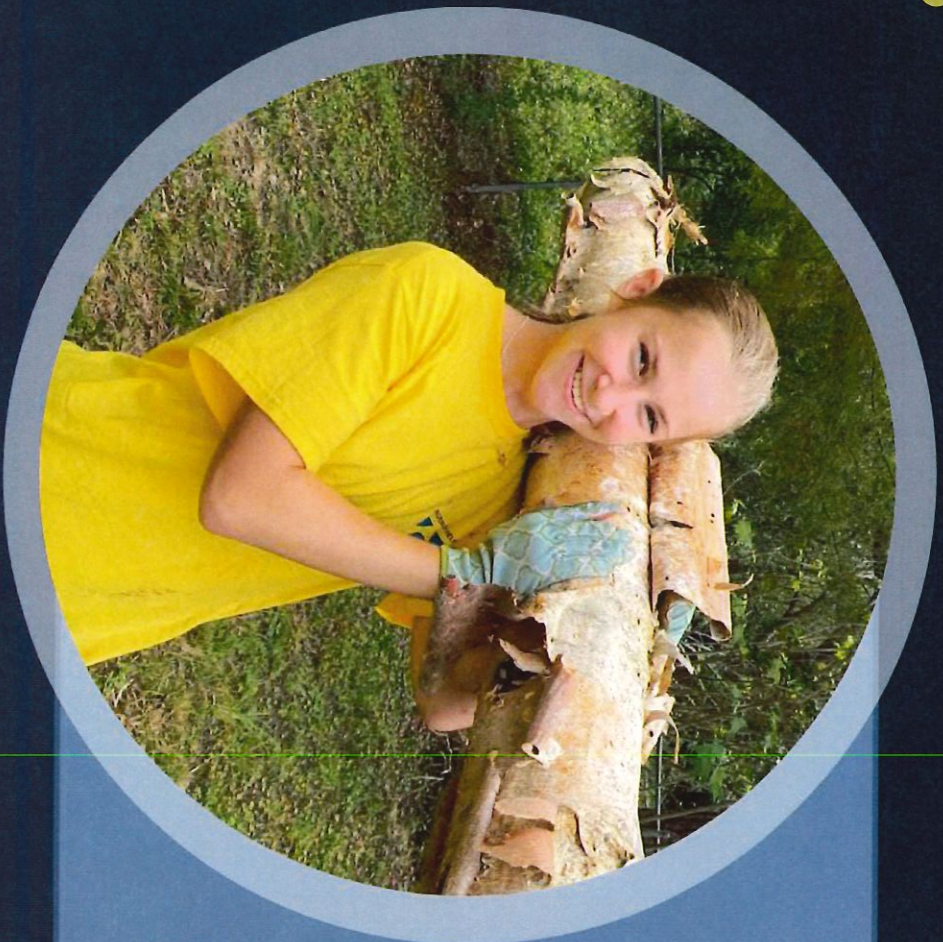
- **Flood Related Supplies:** crowbars, wide shovels, debris sleds, knives, etc.; Muck Out Kits: supplies for cleaning homes after flooding (cleaners, bleach, masks, gloves, sponges)
- **Hurricane/Tornado Related Supplies:** Roof Repair Kits: tarps, furring strips, and nails; Tree Cutting/Clean up: chainsaws, rakes, sleds, wheelbarrows, and shovels
- **Worker Safety Supplies:** N-95 masks, ear plugs, gloves, and other PPE
- Emergency food boxes, personal hygiene kits, bottled water, and trash bags
- Over 70 individual items



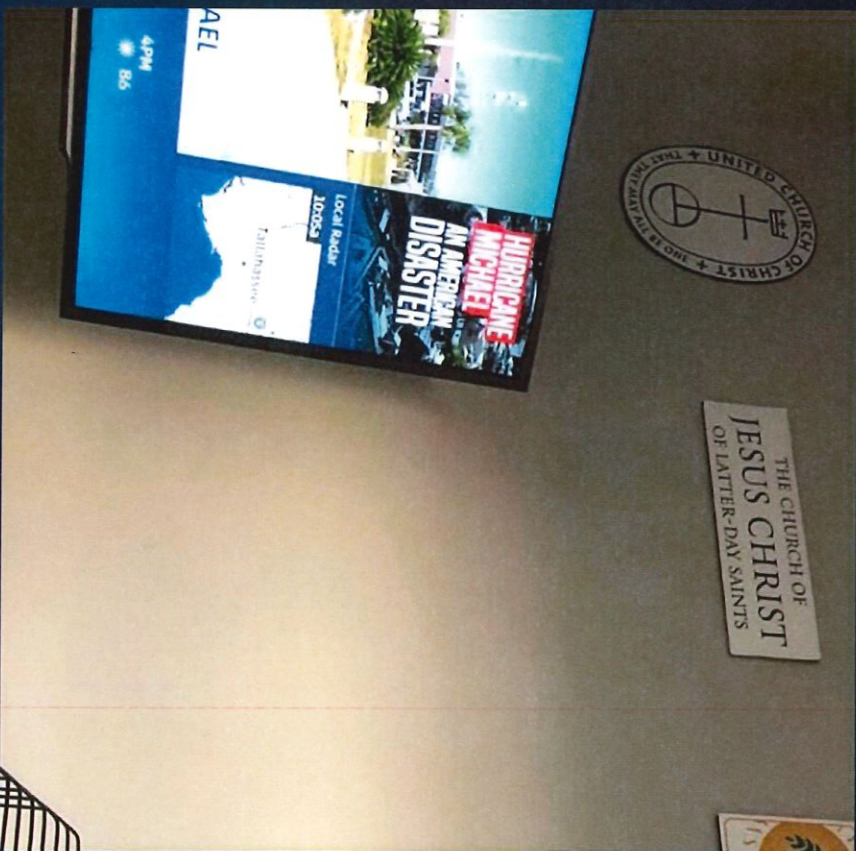
HELPING HANDS VOLUNTEERS

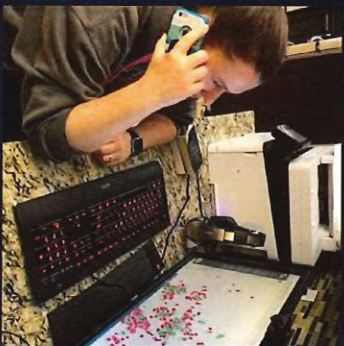
Services Our Work Crews Provide

- Muck outs: removal of drywall, insulation, flooring, furniture & appliances.
- Tree cutting
- Debris removal
- Roof tarping
- Food distribution
- Call center volunteers for Crisis Cleanup hotline
- Hope



Member of VOAD

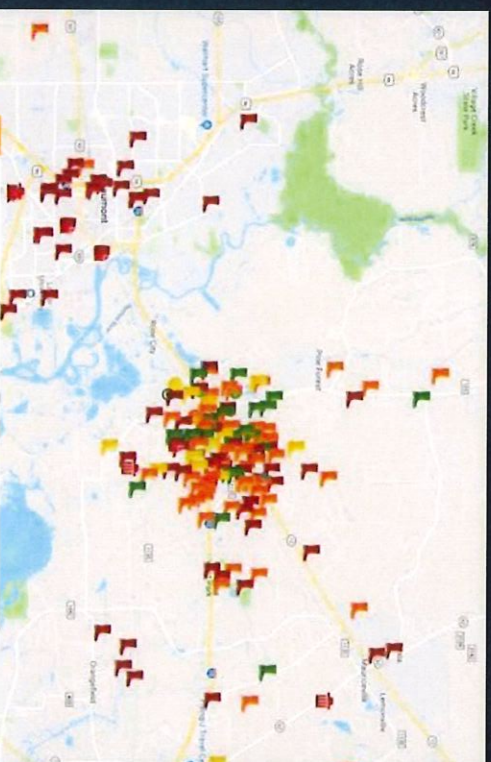




Virtual Volunteer Hotline

1. The survivor calls a toll-free number. The call is routed to a volunteer on their personal phone. The survivor requests help.
2. The volunteer logs into Crisis Cleanup and puts the work order request on the map.
3. Work crews log into Crisis Cleanup and claim work orders.
4. Work crews then help the survivor.

Crisis Cleanup Work Order Management



WWW.CRISISCLEANUP.ORG

CRISIS CLEANUP

HOME CLEANUP HOTLINE
844-965-1386

If need assistance from the Easter 2020 Tornadoes, call the number above to ask for help. We will connect you with volunteers from local relief organizations, community groups and faith communities who may be able to assist with:

- ✓ Cut fallen trees
- ✓ Drywall, flooring & appliance removal
- ✓ Taping roofs
- ✓ Mold mitigation

All services are free, but service is not guaranteed due to the overwhelming need. This hotline will remain open through May 15, 2020.

CRISIS CLEANUP: This hotline is a volunteer effort and does not represent Crisis Cleanup. Crisis Cleanup is a 501(c)(3) non-profit organization. All services are provided on a volunteer basis and are not guaranteed. Crisis Cleanup is not responsible for any damage or injury to property or persons. Crisis Cleanup is not responsible for any damage or injury to property or persons.



Volunteers view the same map. Working in unison, all volunteer organizations can look at the same data, thus allowing organizations to help survivors.

Government officials also view the map, track progress, and rely on the data.

Hurricane Matthew - Church Response

- Within 5 days of Matthew making landfall, the Church of Jesus Christ responded with 3 fully-equipped command centers and 1,900 volunteers.
- 11,800+ volunteers from 8 states (TX, LA, AR, GA, FL, AL, TN, MS) participated in our five week response.
- 302,170+ hours of donated work (828 years)
- 5,517+ work orders (homes, churches) completed
- It is what the Savior would have us do – love our neighbor!

JUSTSERVE.ORG

JustServe.org is a free community website that matches organizations looking for volunteers with those looking to serve.

During a crisis, many nonprofits have greater needs. A **Disaster Recovery Tab** on the main page of the JustServe.org website allows volunteers to discover current opportunities to serve organizations assisting in disaster recovery efforts.



Help out with our current efforts:

- COVID-19 Opportunities
- Opportunities From Home
- Volunteer Considerations

FIND VOLUNTEER OPPORTUNITIES AND RESOURCES TODAY!

Charlotte

SEARCH

OR VOLUNTEER REMOTELY

CELEBRATE SERVICE BY
FOLLOWING US



HUMANITARIAN AID



LDS CHARITIES

Humanitarian efforts to relieve suffering for families of all nationalities and religions and offer hope with the potential for a better life for millions of people around the world.



HELPING HANDS

Emergency Response after disasters worldwide



LDS PHILANTHROPIES

Philanthropies, formerly LDS Philanthropies, is a department of The Church of Jesus Christ of Latter-day Saints and is responsible for facilitating donations to humanitarian and educational initiatives.



PERPETUAL EDUCATION FUND

Funds provided to return missionaries in foreign countries to further educational opportunities that lead to self reliance.



“As members of the Church, we feel a kinship to those who suffer in any way. As sons and daughters of God, we are all brothers and sisters. We heed an Old Testament admonition: ‘Thou shalt open thine hand wide unto thy brother, to thy poor, and to thy needy.’”

President Russell M. Nelson
Ensign Nov 2019



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

DATE: June 22, 2023

RE: **ORDINANCE 2023-22: VOLUNTARY CERTIFIED GUIDES**

Due to state preemption and at the direction of the City Commission during its June 21, 2023 special meeting, please find enclosed Ord. 2023-22 amending Chapter 17 of the City Code regarding voluntary certified guides and examination for same.

Please place Ordinance 2023-22 on the July 10, 2023 regular City Commission agenda for first reading.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Ord 2023-22: Amending Chapter 17 of the City Code regarding voluntary certified guides and examination.

ORDINANCE NO. 2023-22

AN ORDINANCE OF THE COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 17 ARTICLE V SECTION 17-121 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING THE DEFINITION OF “VOLUNTARY CERTIFIED GUIDE”; AMENDING SECTION 17-122 “EXAMINATION-RULES GOVERNING”; CREATING SECTION 17-123 ESTABLISHING THE VOLUNTARY CERTIFIED GUIDE AND EXAMINATION; REMOVING SECTION 17-124 REQUIRING EXAMINATION FOR GUIDES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Augustine has previously required an examination for individuals to become tour guides in the City; and,

WHEREAS, the City Commission of the City of St. Augustine has determined that it serves the best interests of the City to promote a quality tour guide experience to preserve the history of the City; and,

WHEREAS, the Florida legislature adopted Session Law 2021-214, codified under section 163.211, Florida Statutes, providing for preemption of future local regulations, and sunseting of current local testing and licensing of occupations to July 1, 2023; and,

WHEREAS, the City Commission of the City of St. Augustine has determined that tour guides may become certified through the City of St. Augustine upon taking a voluntary examination; and,

WHEREAS, the City Commission of the City of St. Augustine finds it necessary to adopt reasonable regulations that allow for guides to be certified; and,

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

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

Section 1. Amending Chapter 17, Article V, Section 17-121. Chapter 17, Article V, Section 17-121 of the Code of the City of St. Augustine is hereby amended, as follows:

“Sec. 17-121 Definitions.

The term “guide” as used in this article shall be taken to mean and include any person who for compensation offers to show and describe the points of interest and historical places in the city.

The term “St. Augustine certified guide” shall mean and include any guide that has successfully passed a voluntary examination for certification administered by the City of St. Augustine and complied with all other requirements of the voluntary program.”

Section 2. Amending Chapter 17, Article V, Section 17-122. Chapter 17, Article V, Section 17-122 of the Code of the City of St. Augustine is hereby amended, as follows:

“Sec. 17-122. - Examination—Rules governing.

The city manager of the city shall have authority to promulgate rules governing the voluntary examination of applicants for license as St. Augustine certified guides. The examination shall be administered at the direction of the city manager, who will determine the qualifications of applicants for the position of St. Augustine certified guide in accordance with the provisions set forth in this chapter.”

Section 3. Creating Chapter 17, Article V, Section 17-123. Chapter 17, Article V, Section 17-123 of the Code of the City of St. Augustine is hereby created, as follows:

“Sec. 17-123. St. Augustine Certified Guide and examination.

- (a) The City Manager is delegated the authority to promulgate and publish reasonable administrative rules for the health, safety and welfare of the public and administer the St. Augustine certified guide program pursuant to this Chapter. The City may publish and collect fees not to exceed the reasonable administrative costs associated with the certification of guides.
- (b) The City will issue a certificate of completion to applicants who have satisfied all the requirements of the St. Augustine certified guide program, including but not limited to, successfully passing an examination regarding their knowledge of the history of the city. This certification is valid for five (5) years, and may be renewed for successive five (5) year terms.
- (c) Guides who held a current and active guide license under the City’s regulations prior to July 1, 2023 will be considered a St. Augustine certified guide under the program, but must apply for renewal of their St. Augustine

certified guide license no later than July 1, 2028, and thereafter every five (5) years. Renewals of St. Augustine certified guide licensing may include administrative requirements but will not include the requirement to take the examination again. Failure to timely renew their license will result in the applicant having to qualify under all the administrative requirements of the program as well as pass the examination.

(a)(d) Any individual who did not hold a guide license from the City prior to July 1, 2023 and seeks to become a St. Augustine certified guide must comply with all the administrative requirements of the program and pass the City's certified guide examination in order to be licensed as a St. Augustine certified guide. Renewals of the St. Augustine certified guide licensing may include administrative requirements but will not include the requirement to take the examination again.

(e) The City may publish at City hall and on its website the names of individuals who have successfully completed the St. Augustine certified guide program for the benefit of public health, safety, and welfare. It is a violation of this section for an individual who has not successfully completed the terms of the St. Augustine certified guide program, and any renewals, to hold themselves out to be a St. Augustine certified guide.

(b)(f) All guides, whether holding the St. Augustine certified guide designation or not, must pay the business tax receipt fee on an annual basis pursuant to Sec. 17-126.

(e)(g) Offenses under this section shall be punishable by a civil penalty as provided in Section 1-8 of this code.

Section 4. Repealing Chapter 17, Article V, Section 17-124. Chapter 17, Article V, Section 17-124 of the Code of the City of St. Augustine is hereby repealed in its entirety, as follows:

~~**“Sec. 17-124. Same—Nature of examination; requirements generally.**~~

~~Licenses shall be issued only to persons eighteen (18) years of age or older who otherwise meet the standards established within this chapter. Licenses for guides will only be issued when applicants therefor have passed satisfactorily the examination as to their knowledge of the history of the city; the names and location of streets and highways; and the locations, proper designations and history of the various points of historical and general interest within the city and its vicinity. Successful applicants shall not be required to retake the examination provided they comply with all the provisions of this article and their licenses are not revoked.”~~

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of

competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 6. Inclusion in Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine, and that the sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

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

PASSED by the City Commission of St. Augustine, Florida, this _____ day of _____, 2023.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

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WHEREAS, the City of St. Augustine has previously required an examination for individuals to become tour guides in the City; and,

WHEREAS, the City Commission of the City of St. Augustine has determined that it serves the best interests of the City to promote a quality tour guide experience to preserve the history of the City; and,

WHEREAS, the Florida legislature adopted Session Law 2021-214, codified under section 163.211, Florida Statutes, providing for preemption of future local regulations, and sunseting of current local testing and licensing of occupations to July 1, 2023; and,

WHEREAS, the City Commission of the City of St. Augustine has determined that tour guides may become certified through the City of St. Augustine upon taking a voluntary examination; and,

WHEREAS, the City Commission of the City of St. Augustine finds it necessary to adopt reasonable regulations that allow for guides to be certified; and,

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“Sec. 17-122. - Examination—Rules governing.

The city manager of the city shall have authority to promulgate rules governing the voluntary examination of applicants for license as St. Augustine certified guides. The examination shall be administered at the direction of the city manager, who will determine the qualifications of applicants for the position of St. Augustine certified guide in accordance with the provisions set forth in this chapter.”

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“Sec. 17-123. St. Augustine Certified Guide and examination.

- (a) The City Manager is delegated the authority to promulgate and publish reasonable administrative rules for the health, safety and welfare of the public and administer the St. Augustine certified guide program pursuant to this Chapter. The City may publish and collect fees not to exceed the reasonable administrative costs associated with the certification of guides.
- (b) The City will issue a certificate of completion to applicants who have satisfied all the requirements of the St. Augustine certified guide program, including but not limited to, successfully passing an examination regarding their knowledge of the history of the city. This certification is valid for five (5) years, and may be renewed for successive five (5) year terms.
- (c) Guides who held a current and active guide license under the City’s regulations prior to July 1, 2023 will be considered a St. Augustine certified guide under the program, but must apply for renewal of their St. Augustine

certified guide license no later than July 1, 2028, and thereafter every five (5) years. Renewals of St. Augustine certified guide licensing may include administrative requirements but will not include the requirement to take the examination again. Failure to timely renew their license will result in the applicant having to qualify under all the administrative requirements of the program as well as pass the examination.

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(e) The City may publish at City hall and on its website the names of individuals who have successfully completed the St. Augustine certified guide program for the benefit of public health, safety, and welfare. It is a violation of this section for an individual who has not successfully completed the terms of the St. Augustine certified guide program, and any renewals, to hold themselves out to be a St. Augustine certified guide.

(b)(f) All guides, whether holding the St. Augustine certified guide designation or not, must pay the business tax receipt fee on an annual basis pursuant to Sec. 17-126.

(e)(g) Offenses under this section shall be punishable by a civil penalty as provided in Section 1-8 of this code.

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PASSED by the City Commission of St. Augustine, Florida, this _____ day of _____, 2023.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: June 28, 2023

RE: Ordinance 2023-23 - Vacate a Portion of Depot Street which is a remnant right-of-way between 194 West King Street (PID 1111900000), 198 West King Street (PID 1112000000) and 35 North Ponce de Leon Boulevard (PID 1111300000) – Introduction and First Reading

Attached is Ordinance 2023-23 for Introduction and First Reading to vacate Depot Street. Depot Street is a remnant right-of-way surrounded by property that is included in the potential mobility-oriented development project between US 1, West King Street, Hartshorn Street and the railroad tracks to the north.

The City Commission reviewed the Petition to Vacate this portion of Depot Street as described in Exhibit “A” of the Petition, also attached for your information, at their regularly scheduled meeting on June 26, 2023. The City Commission determined that it would consider moving forward with the vacation process.

The applicant would like the city to vacate the right-of-way so that it can be incorporated into the adjacent future development. The applicant submitted a “Friday Review” application to allow the city review agencies (departments) to consider the implications of vacating the right-of-way. These materials were attached to the Petition Agenda item. No long-term impacts were determined to prevent the City Commission from considering vacating the indicated right-of-way.

Please place this item on the July 10, 2023, City Commission Agenda for Introduction and First Reading. Also find attached an aerial image highlighting the location of the right-of-way under consideration.

If you have any questions, please let me know.



Amy McClure Skinner, AICP
Director
Planning and Building Department



Overview



Legend

□ Parcels

Parcel ID	1203300000	Physical	3 MACKEY LN	Building Value	\$90,748	Last 2 Sales			
Property	0100 - Single	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class	Family	Mailing	DE BOW DARRYL S	Value		n/a	0	n/a	n/a
Taxing District	City of St Augustine	Address	2845 RACE TRACK RD	Total Land Value	\$109,764	n/a	0	n/a	n/a
Acres	0.21		SAINT AUGUSTINE FL 32084-0845	Just Value	\$200,512				
				Total Deferred	\$64,981				
				Assessed Value	\$135,531				
				Total Exemptions	N/A				
				Taxable Value	\$135,531				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 6/26/2023

Last Data Uploaded: 6/23/2023 11:44:01 PM

Developed by  Schneider
GEOSPATIAL

PETITION TO VACATE STREET OR ALLEYWAY

TO: THE HONORABLE CITY COMMISSION
ST. AUGUSTINE, FLORIDA

Petitioners, Broudy Bros., Ltd., a Florida limited partnership and West Augustine Gateway, LLC, a Florida limited liability company (collectively "Petitioners") respectfully petition the Honorable City Commission, St. Augustine, Florida, as follows:

1. To vacate, discontinue and abandon that certain portion of Depot Street lying north of King Street more particularly described as follows:

A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE, BEING A PORTION OF DEPOT STREET AS SHOWN ON THE DANCY TRACT PLAT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, END BEING MORE FULLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF DEPOT STREET AS SHOWN ON THE DANCY TRACT PLAT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA WITH THE SOUTHERLY LINE OF PARCEL "A" OF THOSE LANDS AS A" OF THOSE LANDS AS OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1344, PAGE 309 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA; THENCE NORTH 85°21'08" EAST, ALONG SAID SOUTHERLY LINE OF EAST, ALONG SAID SOUTHERLY LINE OF PARCEL "A", A DISTANCE OF 30.11 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DEPOT A", A DISTANCE OF 30.11 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DEPOT , A DISTANCE OF 30.11 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DEPOT STREET; THENCE SOUTH 9°38'28" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF DEPOT EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF DEPOT STREET, A DISTANCE OF 194.61 FEET; THENCE SOUTH 84°45'51" WEST, A DISTANCE OF 30.09 WEST, A DISTANCE OF 30.09 FEET TO SAID WESTERLY RIGHT OF WAY OF DEPOT STREET; THENCE NORTH 9°38'28" WEST, WEST, ALONG WESTERLY RIGHT OF WAY OF DEPOT STREET, A DISTANCE OF 194.92 FEET TO THE POINT OF BEGINNING, AND TOGETHER WITH ANY PORTION OF DEPOT STREET LYING WITHIN PARCEL A OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1344, PAGE 309 OF SAID PUBLIC RECORDS.

2. In support of this Petition, Petitioners respectfully show:

(a) They are the fee simple owners of parcel(s) of real property which abut on the north, east and west said portion of Depot Street which Petitioners seek to vacate, discontinue and abandon.

(b) Said portion of Depot Street which Petitioners seek to vacate is bounded on the south by King Street and is not used by members of the general public except for customers of the existing retail store operated by Petitioners on the abutting real property.

3. The vacation requested herein will not disturb or violate the rights of any other landowners, the general public or the City of St. Augustine.
4. The vacation is sought in preparation for the redevelopment of the abutting real properties (including said vacated portion of Depot Street) in accordance with the terms and conditions of the Broudy Development Agreement entered into by Petitioners and the City.
5. Petitioners hereby waive personal service of notice or any other process in connection with this proceeding.

The names and mailing addresses of all easement holders and persons owning lands abutting said portion of Depot Street which Petitioners seek to vacate and the property identification numbers of the real property parcels owned by such persons are:

Broudy Bros., Ltd.
PO Box 1689
St. Augustine, FL 32085

Parcel No. 111130-0000, 111200-0000, and 111225-0120

West Augustine Gateway, LLC
1313 S Andrews Ave
Fort Lauderdale, FL 33316

Parcel No. 111190-0000

WHEREFORE, Petitioners request this Honorable City Commission to approve this petition to vacate said portion of Depot Street and thereafter enact an ordinance vacating, discontinuing and abandoning same.

The Petitioners hereby affirm that the information submitted is complete, true and correct, and understand and agree that the City commission may retain an easement for utilities, drainage, or other public purpose as a condition to the right-of-way vacation.

RESPECTFULLY SUBMITTED this 30th day of May, 2023.

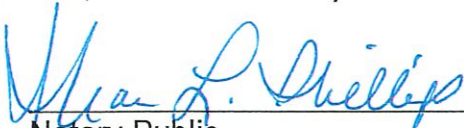
Broudy Bros., Ltd.
By: Martin Broudy, Inc.
Its General Partner

By 
Barry B. Broudy
Its President

West Augustine Gateway, LLC

By 
Barry B. Broudy
Its Manager

Sworn to (or affirmed) and subscribed before me, **by means of** ☐ **physical presence** or ☐ **online notarization**, this 30th day of May, 2023, by Barry B. Broudy, President of Martin Broudy, Inc., a Florida corporation, General Partner of Broudy Bros., Ltd., a Florida limited partnership. .


Notary Public



Personally known ☒ Produced Identification ☐
Type of Identification Produced: _____

Sworn to (or affirmed) and subscribed before me, by means of ☒ physical presence or
☐ online notarization, this 30th day of May, 2023, by Barry B. Broudy, Manager of
West St. Augustine Gateway, LLC, a Florida limited liability company.

Sharon L. Phillips
Notary Public



Personally known ☒ Produced Identification ☐
Type of Identification Produced: _____

STREET VACATION AFFIDAVIT

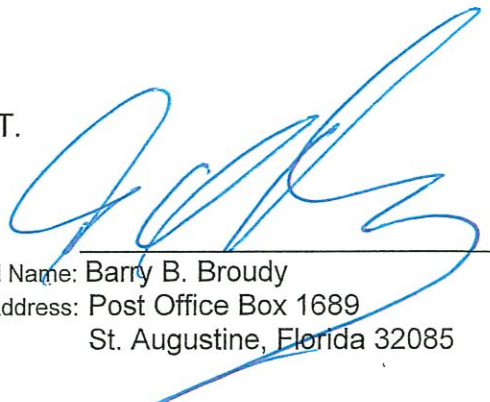
STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before me, the undersigned authority, personally appeared Barry B. Broudy, who, being first duly sworn, deposes and says:

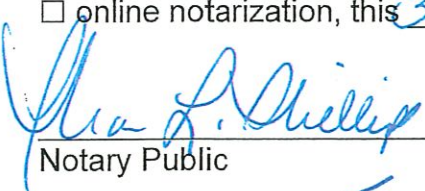
I, Barry B. Broudy, am the President of Martin Broudy, Inc. the general partner of Broudy Bros., Ltd., the owner of record of that certain real property described as Parcels A-D in Exhibit A, Property Identification Numbers: 111130-0000, 111200-0000, and 111225-0120, and hereby acknowledge receiving notice of the Petition by Broudy Bros., Ltd. and West Augustine Gateway, LLC to vacate a portion of Depot Street.

I am over the age of eighteen (18) years and make these averments based on my personal knowledge.

FURTHER AFFIANT SAYETH NOT.


Printed Name: Barry B. Broudy
Address: Post Office Box 1689
St. Augustine, Florida 32085

Sworn to (or affirmed) and subscribed before me, by means of ☒ physical presence or ☐ online notarization, this 30th day of May, 2023, by Barry B. Broudy.


Notary Public

Personally known ☒ Produced Identification ☐
Type of Identification Produced: _____



Exhibit A
Abutting Parcels Owned by Broudy Bros., Ltd.

Parcel Numbers 111130-0000, 111200-0000 and 111225-0120

PARCEL A: A parcel of land in the City of St. Augustine, being a North part of Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West on said East line of Hartshorn Street, 204.96 feet to the Point of Beginning on the South line of the now existing right of way of the Florida East Coast Railway Company at the Southwest corner of the herein described parcel of land; thence continuing North 6 degrees 26 minutes 31 seconds West 181.08 feet; thence North 85 degrees 19 minutes 13 seconds East, parallel with and 50 feet Southerly as measured at right angles from the centerline of the single tract mainline of said railway company, 853.69 feet; thence Southwesterly, on the Northwesterly right of way line of U.S. Highway No. 1, on a curve concave Southerly with radius of 888.51 feet (arc definition), through a central angle of 16 degrees 44 minutes 16 seconds, an arc distance of 259.56 feet (chord bearing and distance being South 41 degrees 18 minutes 59 seconds West 258.64 feet); thence South 85 degrees 12 minutes 22 seconds West, on said South line of railway right of way, 662.08 feet to the Point of Beginning.

PARCEL B: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West, on said East line of Hartshorn Street, 204.96 feet; thence North 85 degrees 12 minutes 22 seconds East, on the South line of the now existing right of way of the Florida East Coast Railway Company, 112.80 feet to the Point of Beginning at the Northwest corner of the herein described parcel of land; thence continuing North 85 degrees 12 minutes 22 seconds East, on said South line of railway right of way, 233.87 feet; thence South 9 degrees 52 minutes 04 seconds East, on the West line of Depot Street, 199.04 feet to the North line of the right of way for U. S. Highway No. 1 ramp or turnout to King Street; thence Westerly, on said North right of way line and on a curve concave Northerly with radius of 898.31 feet through a central angle of 2 degrees 46 minutes 33 seconds, an arc distance of 43.52 feet (chord being South 83 degrees 27 minutes 00 seconds West 43.52 feet); thence South 5 degrees 09 minutes 44 seconds East, across the West end of said right of way for U. S. Highway No. 1 ramp or turnout, 1.95 feet; thence South 84 degrees 50 minutes 16 seconds West, on the North line of King Street, 189.38 feet; thence North 10 degrees 01 minute 21 seconds West, on the West line of those lands described in deed recorded in Deed

Book 199, page 200, and in Official Records Book 105, page 394, public records of said County, a distance of 204.65 feet to the Point of Beginning.

PARCEL C: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Beginning at the intersection of the East line of Depot Street with the South right of way line of the Florida East Coast Railway Company; thence North 85 degrees 12 minutes 22 seconds east, on said South right of way line, 220.10 feet to the West line of a 10 foot width alley; thence South 9 degrees 52 minutes 04 seconds East, on said West line of alley, 91.28 feet; thence South 31 degrees 51 minutes 15 seconds West, on the Westerly right of way line of U. S. Highway No. 1, a distance of 41.44 feet to the point of curve to the right with radius of 143.00 feet; thence on said curve to the right and on said highway right of way line, through a central angle of 32 degrees 03 minutes 56 seconds, an arc distance of 80.03 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of that land described in Deed recorded in Deed Book 197, page 165, public records of said County, a distance of 71.55 feet; thence South 85 degrees 12 minutes 22 seconds West, on the North line of said land described in Deed Book 197, page 165, a distance of 125.00 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of Depot Street, 101.84 feet to the Point of Beginning.

PARCEL D: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, being part of that parcel of land described in deed recorded in Deed Book 167, page 6, public records of said County and being more fully described as follows:

Commencing at the intersection of the North line of King Street (being 40 feet in width) with the East line of Depot Street; thence North 84 degrees 50 minutes 16 seconds East, on said North line of King Street, 230.00 feet to a point on the East line of a 10 foot width alley within the right of way for now existing U. S. Highway No. 1; thence North 9 degrees 52 minutes 04 seconds West, on said East line of alley, 123.00 feet to the Point of Beginning on the Westerly right of way line of said highway; thence continuing North 9 degrees 52 minutes 04 seconds West, on said east line of alley, 75.95 feet; thence North 85 degrees 12 minutes 22 seconds East, on the now existing South right of way line of the Florida East Coast Railway Company, 63.00 feet to said Westerly right of way line of highway; thence South 31 degrees 51 minutes 15 seconds West, on said right of way line of highway, 94.29 feet to the Point of Beginning.

STREET VACATION AFFIDAVIT

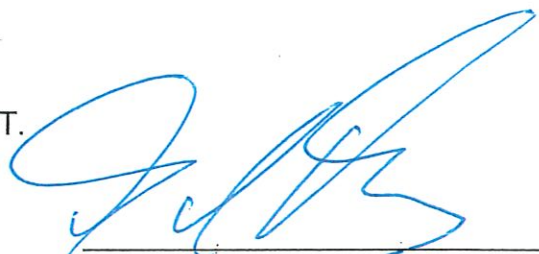
STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before me, the undersigned authority, personally appeared Barry B. Broudy, who, being first duly sworn, deposes and says:

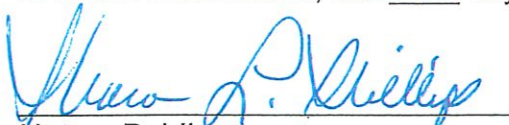
I, Barry B. Broudy, am the Manager of West Augustine Gateway, LLC, the general partner of Broudy Bros., Ltd., the owner of record of that certain real property described in Exhibit A, Property Identification Number: 111190-0000, and hereby acknowledge receiving notice of the Petition by Broudy Bros., Ltd. and West Augustine Gateway, LLC to vacate a portion of Depot Street.

I am over the age of eighteen (18) years and make these averments based on my personal knowledge.

FURTHER AFFIANT SAYETH NOT.


Printed Name: Barry B. Broudy
Address: Post Office Box 1689
St. Augustine, Florida 32085

Sworn to (or affirmed) and subscribed before me, by means of ☒ physical presence or
☐ online notarization, this 30th day of May, 2023, by Barry B. Broudy.


Notary Public



Personally known ☒ Produced Identification ☐
Type of Identification Produced: _____

EXHIBIT A
Abutting Parcel Owned by West Augustine Gateway, LLC

Parcel Number 111190-0000

Beginning at a point on the North line of King Street and the east line of a street running North and South, known as Depot Street, according to the map record in the Office of the Clerk of the circuit Court in Plat Book 3, Page 5, of the Eleanor M. Crosby Tract of the "Ferry Tract", said beginning point being the Southwest corner of the lot herein described; running thence Northerly along the East line of Depot Street 100 feet; thence Easterly and parallel to the North line of King Street 125 feet; thence Southerly and parallel to the East line of Depot Street 100 feet to the North line of King Street; thence Westerly along the North line of King Street 125 feet to the Point of Beginning, being a portion of the property conveyed by H.J. Usina to Albert Hirth, as per deed recorded in Deed Book 48, Page 30, of the public records of St. Johns County, Florida; excepting therefrom that part of the above described property acquired by the State Road Department of Florida and recorded in Deed Book 253, Page 696, of the Public Records of St. Johns County, Florida.

A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE, BEING A PORTION OF THE DANCY TRACT, AS RECORDED IN MAP BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PAROEL A. DA SILVA P. 309

POINT OF BEGINNING.

JAMES HOW OR FORMERLY OF
BROUGHT ON, LTD
PARCEL Q, R.R. 131A, P. 302

LANDS NOW OR FORMERLY OF
AMCOTT DRUGS, LTD
PARCEL E GR 1344, P.363

F.O.I. TEMPORARY
CONSTRUCTION EASEMENT, PARCEL
441 311 08 2021 P. 232

U.O.T. RIGHT OF WAY LINE PER
U.O.T. RIGHT OF WAY MAP
SECTIONAL 78010, P.D. NO. 201432,
S.A.P. NO. 4858-015-D, STATE
MAP NO. 5 (U.S. 1)

KING STREET

12/22/2001

TABLE OF ABBREVIATIONS	
●	SE 1/2" 3000 PPS, IS 8024
○	TRAMO 2 1/4" 8000 PPS, IS 1231, AS NOTED
□	SE 1/4" 4" CONCRETE IMPROVEMENT, IS 8024
■	SE 1/4" 4" CONCRETE IMPROVEMENT, AS NOTED
△	POINT OF BUY
▽	INTERSECTION
◇	WATER VALVE
×	WATER VALVE
+	WATER MEASURED
○	CALCULATED
○	SEAT VALVE
○	WATER METER
○	FIRE HYDRANT
○	PIPE VALVE
○	WATER METER
○	WATER METER
○	OVERHEAD ELECTRIC
○	SOME CLEAN OUT
○	NEED COLD
○	ENCUMBRANCE

CERTIFIED TO:
BROUDY BROTHERS, LTD
WEST AUGUSTINE GATEWAY, LLC

THESE SURVEY MEETS THE STANDARDS OF PRACTICE FOR PROFESSIONAL
SURVEILLANCE AND REPORTING MONITORING TO CHARTERS BY-17.081 & 17.082

ALCOHOLISM AND DRUG ABUSE In the United States, alcoholism is a major public health problem. It is a chronic disease that can be treated. The National Institute on Alcohol Abuse and Alcoholism (NIAAA) is the leading federal agency for research on alcoholism. NIAAA is part of the Department of Health and Human Services. It is located in Bethesda, Maryland. NIAAA's mission is to understand the causes of alcoholism, to develop effective treatments, and to prevent alcoholism. NIAAA's research is funded by the federal government. It is also supported by private foundations and individuals. NIAAA's research has led to the development of many effective treatments for alcoholism. It has also helped to raise public awareness of the problem of alcoholism. NIAAA's research is ongoing. It is hoped that it will lead to even more effective treatments and prevention programs in the future.

BRADSHAW-NILES & ASSOCIATES, INC.
SURVEYING AND MAPPING CONSULTANTS
LICENSED PROFESSIONAL SURVEYORS
280 BUSINESS PARK CIRCLE, SUITE #13
ST. AUGUSTINE, FLORIDA 32085
(904) 826-2591 FAX (904) 826-5070

ORDINANCE NO. 2023-23

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, VACATING, DISCONTINUING AND ABANDONING THAT CERTAIN PORTION OF DEPOT STREET LOCATED WITHIN THE CITY LIMITS OF ST. AUGUSTINE AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Section 13.06 of the Charter Laws of the City of St. Augustine, provides a procedure for vacating streets;

NOW THEREFORE, BE IT ORDAINED by the City Commission for the City of St. Augustine, Florida, as follows:

Section 1. Vacation. That the following described portion of the public street, avenue or road in the City of St. Augustine, Florida, more particularly described as follows:

A PARCEL OF LAND IN THE CITY OF ST. AUGUSTINE, BEING A PORTION OF DEPOT STREET AS SHOWN ON THE DANCY TRACT PLAT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, END BEING MORE FULLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF DEPOT STREET AS SHOWN ON THE DANCY TRACT PLAT, AS RECORDED IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA WITH THE SOUTHERLY LINE OF PARCEL "A" OF THOSE LANDS AS A" OF THOSE LANDS AS OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1344, PAGE 309 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA; THENCE NORTH 85°21'08" EAST, ALONG SAID SOUTHERLY LINE OF

EAST, ALONG SAID SOUTHERLY LINE OF PARCEL "A", A DISTANCE OF 30.11 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DEPOT A", A DISTANCE OF 30.11 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DEPOT , A DISTANCE OF 30.11 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DEPOT STREET; THENCE SOUTH 9°38'28" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF DEPOT EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF DEPOT STREET, A DISTANCE OF 194.61 FEET; THENCE SOUTH 84°45'51" WEST, A DISTANCE OF 30.09 WEST, A DISTANCE OF 30.09 FEET TO SAID WESTERLY RIGHT OF WAY OF DEPOT STREET; THENCE NORTH 9°38'28" WEST, WEST, ALONG WESTERLY RIGHT OF WAY OF DEPOT STREET, A DISTANCE OF 194.92 FEET TO THE POINT OF BEGINNING, AND TOGETHER WITH ANY PORTION OF DEPOT STREET LYING WITHIN PARCEL A OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1344, PAGE 309 OF SAID PUBLIC RECORDS.

be, and the same is hereby, vacated, discontinued and abandoned and is hereby declared no longer to be a public street, avenue or road of the City of St. Augustine, Florida. The vacation is sought in preparation for the redevelopment of the abutting real properties (including said vacated portion of Depot Street) in accordance with the terms and conditions of the Broudy Development Agreement entered into by Petitioners and the City. There is hereby reserved unto the City of St. Augustine and to all public utilities a utility easement over, under and across portions of the street hereby vacated for present and future utilities. No permanent structures may be erected over any such utilities, and property within such utility easement shall be used for such purposes as may be approved by the City in accordance with the terms and conditions of the Broudy Development Agreement. All expense incurred for relocation or modification of existing utilities on account of any use put to such property by the owners of the servient estate shall be at the expense of such property owners.)

Section 2. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. 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 4. Inclusion in the Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine and that the sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

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

PASSED by the City Commission of the City of St. Augustine, Florida, on the _____ day of _____, 2023.

Nancy Sikes-Kline, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: June 29, 2023

RE: **Ordinance 2023-24 – Amending the Land Development Code, Chapter 28 of the Zoning Code to Add Definitions and to Update the Historic Preservation Section and Clarify the Code Related to Partial Demolition – First Reading**

Please find attached Ordinance 2023-24. This ordinance proposes to amend the historic preservation section of the Zoning Code, which are specific sections in Chapter 28. The ordinance also includes the adoption of an “addendum” to the Architectural Guidelines for Historic Preservation (AGHP).

The amended language for the code is presented in a “redline” format, underlining proposed language and ~~strikethrough~~ for language to be removed. Many of the proposed changes are housekeeping in nature, but there is also language to add clarification to review procedures and requirements as well as clarification related to the demolition and partial demolition process.

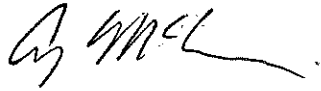
The demolition and “partial demolition” of historic structures has been a difficult issue over the years. These issues have become more difficult since Hurricane Matthew in 2016 and recently during a period of time where it seems that there has been a high rate of turnover in property ownership. The proposed ordinance and addendum is an attempt to define and quantify more clearly the thresholds of demolition and when proposed work becomes defined as meeting a demolition threshold.

Staff concerns have been related to the integrity of structures and neighborhoods that can be considered historic. For proposed partial demolitions this ordinance does remove the 50 year or older reference for buildings and applies the code to contributing structures in the National Register Districts outside of the city’s local historic districts. This would be a reduction of the applicability of the partial demolition section of the code from approximately 4,000 structures to approximately 1,650 structures.

The Planning and Zoning Board (PZB) made a positive recommendation regarding this proposed code language and addendum to the City Commission on June 27, 2023. Attached you will find the Ordinance, the proposed addendum to the AGHP, the entire section of the code with the changes for your review, and the packet of information provided to the PZB.

Please place Ordinance 2023-24 on the City Commission agenda for first reading.

If you have any questions, please let me know.

A handwritten signature in black ink, appearing to read 'Amy McClure Skinner', written over a horizontal line.

Amy McClure Skinner, AICP
Director
Planning and Building Department

Proposed Ordinance 2023-24 with Attached Addendum

ORDINANCE NO. 2023-24

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 ADDING DEFINITIONS RELATED TO ARCHITECTURAL TERMS, DEMOLITION AND RELOCATION; AMENDING CHAPTER 28, SECTION 28-87 CLARIFYING THE CRITERIA FOR HISTORIC LANDMARK AND PROVIDING FOR REVIEW OF PARTIAL DEMOLITION PERMITS; SECTION 28-88 CLARIFYING PROCEDURES AND APPLICATION REQUIREMENTS; SECTION 28-89 REVISING AND CLARIFYING CRITERIA FOR THE REVIEW OF CERTIFICATE OR OPINION OF APPROPRIATENESS, RELOCATION OR DEMOLITION; SECTION 28-90 ADDING REFERENCE TO PARTIAL DEMOLITION AND CLARIFYING DEPARTMENT REFERENCES; SECTION 28-91 ADDING REFERENCE TO HISTORIC LANDMARK OR LOCAL LANDMARK AND RELOCATION, DEMOLITION OR PARTIAL DEMOLITION; SECTION 28-92 ADDING REFERENCE TO PARTIAL DEMOLITION; ADOPTING EXHIBIT “A” AS AN ADDENDUM TO THE ARCHITECTURAL GUIDELINES FOR HISTORIC PRESERVATION (AGHP); PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of St. Augustine is recognized as the Nation’s Oldest City; and

WHEREAS, the intent of the City’s Comprehensive Plan, Historic Preservation Master Plan, and implementing land development codes and architectural guidelines are to preserve and protect historic structures, and the nature and character of the City’s historic neighborhoods; and

WHEREAS, the City Commission, the Historic Architectural Review Board, and the Planning and Zoning Board are aware that new development, code requirements, full and partial demolitions, and relocations of structures can contribute to a change in the character of the historic downtown and historic neighborhoods of the city; and

WHEREAS, the historic assets of the city contribute to the character of residential neighborhoods, quality of life, and equate to an economic value of \$2.9 billion dollars according to the 2020 publication *Resilient Heritage in the Nation's Oldest City*; and

WHEREAS, on June 27, 2023, the Planning and Zoning Board acting as the designated land planning agency for the City of St. Augustine recommended the included additions and revisions to Chapter 28, the Zoning Code to the City Commission; and

WHEREAS, the intent of the partial demolition ordinance as it relates to structures outside the designated Historic Preservation Districts is to ensure that structures are modified in a way that is generally consistent with the historic visual character of the structure's key visible architectural elements and maintain the integrity of National Register Districts and their contributing structures. It is not intended that these structures be held to the same level of detailed architectural design criteria as structures in the Historic Preservation Districts; and

WHEREAS, during the 2022 legislative session House Bill 423 was enacted into law (codified as Chapter 553.79(25), Florida Statutes) in the context of building construction standards and the specter of recurring losses for single-family residential structures in a flood plain and constructed below FEMA finished floor elevations ("qualifying single-family residential structures"). The intent of the bill was to address complete demolitions of qualifying single-family residential structures, not to regulate partial demolitions, especially those that were needed to elevate buildings from the flood plain; and

WHEREAS, pursuant to the 2022 statutory regulations these qualifying single-family residential structures must be reviewed for demolition approval by staff without a public hearing, and any replacement single-family residential structure can only be required to meet the same local regulations as apply to similarly situated vacant parcels; and

WHEREAS, under the 2022 law, for example, a new structure that is built in a Historic Preservation District following the complete demolition of a qualifying single-family residential

structure, must comply with AGHP architectural guidelines because these design guidelines apply equally to all similarly situated vacant parcels; and

WHEREAS, replacement structures for qualifying single-family complete demolitions located outside of the Historic Preservation Districts can only be required to meet design guidelines if those guidelines apply to similarly situated vacant parcels; and

WHEREAS, House Bill 423 (2022) does not apply to partial demolitions nor does it prohibit design guidelines for partial replacements; and

WHEREAS, the bill provides an exemption for all structures designated at any time on the National Register of Historic Places (“exempt structures”), and the National Park Service does not differentiate between structures that are individually listed versus those that are contributing to a National Register District, both are deemed “designated” historic in the National Register of Historic Places and therefore exempt from the regulations of this new law; and

WHEREAS, the bill also provides for an exemption for privately owned single-family residential structures with a local historic designation or other agency historic designation prior to January 1, 2022, or with the owner’s consent thereafter; and

WHEREAS, the City Commission intends for its ordinances to be interpreted consistent with State of Florida law; 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 28, Article I, Section 28-2. Chapter 28, Article I, Section 28-2 is hereby amended, as follows:

“Sec. 28-2. - Definitions.

For the purpose of this chapter, certain words and terms used herein shall be interpreted to have meanings as defined below. Where words or terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular. The word "shall" is mandatory; the word "may" is permissive. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied." The word "lot" includes the word "plot" or "parcel." The word "structure" includes the word "building" as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. The word "land" includes the word "marsh," "water" or "swamp." The word "map" shall mean the "Zoning Maps of the City of St. Augustine, Florida" and the "city" shall mean the City of St. Augustine, Florida, a corporation of the State of Florida.

...

Archaeological preservation ordinance refers to Chapter 6 of the St. Augustine Code of Ordinances which identifies archaeological zones that require archaeological review when the threshold of ground disturbance activity is met or exceeded with development and utility permits.

...

Architectural feature includes but is not limited to the following: architectural style, scale, massing, siting, general design, and general arrangement of the exterior of the building or structure; type and texture of exterior materials; size, type, placement, and patterns of roof(s), windows, doors, and all attached appurtenances including porches, stairs and stoop features, dormers, additions, trim details, balconies and railings or other decorative attachments.

Architectural feature limited review consists of the architectural review of limited physical elements of a regulated structure to be replaced after partial demolition and does not include material type or material colors. This limited review will focus on the overall character of the key elements of the structure visible from the street. Key elements that will be reviewed will be roofs (shape, size, placement), exterior windows and doors (number and placement of openings, shape and pattern of panes or lites, and design features visible from outside the regulated structure such as the exterior muntin with a raised profile), porches, stoops, and balconies (shape, size, placement), exterior siding (vertical, horizontal, or diagonal placement of similar sized boards, siding profile and pattern). The review is for exterior elements only and does not include the interior works or features of architectural elements (for example, this does not include window latch mechanisms or counterweights). Applications that match the replacements after a partial demolition to these existing key architectural elements or use in-kind features or materials as existing will be deemed in compliance with this limited architectural review and can be approved administratively. Applicants who do not want to use in-kind features or materials as existing nor match the replacements to these key architectural elements after partial demolition will be heard at a public hearing before the HARB or other designated reviewing agency. This category of limited review does not apply to properties in the Historic Preservation

Districts of the City. The criteria applied for either HARB or administrative review will be as described in Sec. 28-89(3). See *Regulated structure*.

...

Architecturally similar means having substantially the same façade design or exterior appearance using like characteristics in terms of height, mass, scale, footprint, arrangement of openings, pattern.

...

Contributing property is a building, site, structure or object which adds to the historical architectural qualities, historic associations or archaeological values for which a district is significant because (a) it was present during the period of significance of the district and possesses historic integrity reflecting its character at that time; (b) is capable of yielding important information about the period; (c) it independently meets the National Register of Historic Places criteria for evaluation; or (d) have yielded or may be likely to yield information important in history or prehistory.

...

Design compatibility refers to new construction or alterations to a historic building or setting that preserves significant materials, features and form, and preserves the building's historic character. For alteration to a historic building, repairs using historic materials is preferred; however, there are circumstances where substitute materials that imitate historic materials may be used if the appearance and properties of the historic materials can be matched closely and no damage to the remaining historic fabric will result.

...

Façade includes the face of a building and is most commonly referred to as a street façade and/or visible façade.

...

Historic character refers to all visual aspects and physical features that comprise the appearance of historic properties and extends to the setting of historic properties to include a building's relationship to the environment and adjacent streets and buildings, landscape plantings, views, and the presence of accessory features.

Historic integrity is the authenticity of a property's identity, evidenced by the survival of physical characteristics that existed during the property's historic period including evaluation of any changes that may have occurred through time which could contribute to the building's later-acquired historic character and significance. An overall sense of past time and place are evident in the composite of seven qualities: location, design, setting, materials, workmanship, feeling and association.

Historic period is the primary timeline for which the historic building derived its historic association with an event, person, place, pattern of development or other context.

...

Historic structure including contributing properties as defined for demolition and partial demolition purposes is a structure that is 50 years old or older, in a locally established historic preservation district, individually listed as historic locally or nationally, a contributing property in a designated National Register District or a potentially contributing property surveyed, but not recognized or not in a designated National Register District. But see *Regulated structure*.

...

In-kind features or materials means using architecturally similar material and design to convey the visual appearance of the remaining parts of the feature and finish.

...

Material deficiency refers to the inability of the building material, or a majority of building materials that comprise a feature or structure, to serve its purpose and documented as beyond repair.

...

National Register of Historic Places is the list of historic properties significant in American history, architectural, archaeology, engineering and culture maintained by the Secretary of the Interior, as established by the National Historic Preservation Act of 1966, as amended. May be significant at the local, state or federal level.

...

Partial demolition a partial demolition for purposes of proposed work on a historic structure or a regulated structure within the City of St. Augustine is considered the permanent removal of 50% of the appraised value or more of historic, individual elements of the building envelope (roof, walls, porches, windows, foundations). It also includes the removal of these historic features regardless of the percentage of the appraised value when they are on visible the sides of the building (visible from the street). See *Architectural feature limited review*.

...

Preservation the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

...

Reconstruction the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

...

Regulated structure is a building or a part of a building that is the subject of a partial demolition and that is not located in the City's Historic Preservation Districts but meets the following criteria of a Historic structure: it is individually listed as historic locally or nationally, or it is a contributing property in a designated National Register District, or it is a designated historic landmark. See *Architectural feature limited review*, and see *Partial demolition*.

...

Rehabilitation the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, cultural and archaeological values.

...

Relocation the act of moving a building from its original location to another site, either on the same property or to another location entirely.

...

Restoration the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of removal of later work or by the replacement of missing earlier work.

...

Routine maintenance and repair in terms of historic preservation means using the same materials in a way that matches the architectural style of the existing building.

...

Significant architectural feature is an architectural feature(s) that comprises the historic character of the structure and built near the same time as the building or added features and alterations that maintain the historic character of the building.

...

Technical requirement refers to performance mandates established by local, state or federal governments and their supporting regulatory documents.

...”

Section 2. Amendment to Chapter 28, Article II, Section 28-87. Chapter 28, Article II, Section 28-87 is hereby amended, as follows:

“Sec. 28-87. - Responsibilities.

The members of the historic architectural review board herein created shall have the following responsibilities:

...

- (3) The review of all applications for demolition or partial demolition permits for historic or regulated structures for structures that are fifty (50) years old or older, which are listed on the Florida Master Site File maintained by the State of Florida Division of Historic Resources, or which have been designated as an historical landmark. Also, review all applications for demolition or partial demolition permits for primary structures within historic preservation zoning districts and National Register districts for potential designation as an historic landmark, and review of partial demolition permits for regulated structures not eligible for administrative approval. Privately owned single-family residential structures that qualify for complete demolition by statute and are not otherwise exempt pursuant to Chapter 553.79(25), Florida Statutes, will be processed consistent with State law.

...

- (10) Designate historic landmarks. As utilized herein the term "local historic landmark" shall mean a building, object, site, or structure of the highest historical, architectural, cultural, or archaeological importance and whose demolition, removal, relocation, or alteration would constitute an irreplaceable loss to the character and quality of the city. In the event the historic architectural review board desires not to issue a demolition or partial demolition permit for a structure that it finds could meet the criteria for a historic landmark is not fifty (50) years old, or older, the historic architectural review board shall initiate proceedings for designation of the structure as ~~a~~ historic landmark. In the designation of a historic landmark, the historic architectural review board shall evaluate the subject property using criteria and standards established by the National Register of Historical Places for national landmarks, or if evaluating the structure as a potential local historic landmark substituting the importance of the resource to the city and state rather than the nation as a whole. No property shall be designated as ~~a~~ historic landmark without first providing the owner of the proposed historic landmark with notice and an opportunity to be heard in the same manner as that provided for a rezoning of property. In addition, consistent with Chapter 553.79(25), Florida Statutes, a local landmark designation for a privately owned single-family residential structure that qualifies for complete demolition by statute must include the consent of its owner. Any determination of the historic architectural review board shall be subject to appeal by any affected person to the city commission without any fee being charged or levied.

...

Section 3. Amendment to Chapter 28, Article II, Section 28-88. Chapter 28, Article II, Section 28-88 is hereby amended, as follows:

"Sec. 28-88. – Procedures and Application Requirements.

The historic architectural review board shall follow the following procedures for certificate or opinion of appropriateness, relocation, or demolition or partial demolition review:

(1) The board shall adopt rules prescribing the procedure for making and reviewing applications for a certificate of appropriateness or request for opinion of appropriateness.

(2) Applications ~~for a certificate of appropriateness or request for opinion of appropriateness~~ shall be initiated with the ~~building official or planning director~~ Planning and Building Department.

...

(5) The ~~certificate of appropriateness application and a final order~~ shall describe the project for which is issued and the type of work to be done. The board may require certain terms or conditions as a prerequisite for the approval of an application certificate of appropriateness, which shall be clearly stated thereon the final order.

(6) Additional application requirements:

1 (a). The owner shall permit access to the subject property for the purpose of inspections and/or appraisals required by the board or preservation officer.

2 (b). Signs required-: The planning and building department shall cause a sign or signs to be posted on any land upon which an application with respect to relocation or demolition or partial demolition has been made not less than seven (7) days in advance of the date of the public hearing at which such application is to be considered. Such sign shall show the date of construction of the existing building and be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land concerning which a public hearing is scheduled. Such sign shall be posted in full view of the public and shall be maintained by the applicant until final determination has been made by the board or city commission.

3 (c). Mailed notices-: Not less than ten (10) days in advance of the date of the required public hearing(s) at which an application for a certificate of demolition or partial demolition is to be considered, the time and place of the public hearing shall be posted by United States mail by the applicant to all owners of real property within one hundred fifty (150) feet of the boundaries of the land upon which the application is made. For the purpose of notice requirements to adjoining owners within one hundred fifty (150) feet, the names and addresses shall include information obtained from the St. Johns County

Property Appraiser records within ninety (90) days prior to the application date. Such list prepared for any required public hearing with the historic architectural review board, if appealed, shall also be used for a required public hearing with the city commission. A record of the date on which the list was compiled shall be provided to and maintained by the planning and building department.

4 (d). Applications: ~~for a certificate of demolition~~ shall be presented to the historic architectural review board by the property owner or representative authorized by the owner with a completed authorization form.

~~7(e).~~ If an owner/applicant fails to appear for three (3) historic architectural review board meetings, the application may be considered as withdrawn.

Section 4. Amendment to Chapter 28, Article II, Section 28-89. Chapter 28, Article II, Section 28-89 is hereby amended, as follows:

“Sec. 28-89. - Criteria for certificate or opinion of appropriateness, relocation or demolition or partial demolition review.

The criteria for opinion of appropriateness, certificate of appropriateness, certificate of relocation, certificate of demolition or partial demolition review will be determined as follows:

(1) In reviewing an application ~~for a certificate of appropriateness, for structures within historic preservation zoning districts~~ the board or Planning and Building Department shall consider the design and appearance of the structure, including ~~the interior visible from the outside~~, front, sides, rear and roof; materials, textures and colors; plat plan or site layout, including features such as walls, walks, terraces, plantings, accessory structures, signs, lights, awnings, canopies, and other appurtenances. The decision to approve or deny the proposed application ~~issue or not to issue the certificate~~ shall be based on the conformance of the proposed work to the Architectural Guidelines for Historical Preservation (AGHP) and adopted addendums of the City of St. Augustine as from time to time promulgated by the historic architectural review board or the city commission and approved by ordinance of the city commission, hereinafter referred to as 'AGHP,' Albert Manucy's Houses of St. Augustine - 1565-1821, and other architectural guidelines as may be adopted from time to time. ~~When reviewing a certificate of relocation of a structure, consideration will be given to the immediate surroundings and to the district or districts in which it is located or to be located.~~ The board shall not exercise any control over land use, such as governed by this chapter, or over construction, such as is governed by the building code, unless such control is within the intent and scope of this chapter.

a. In the case of an opinion of appropriateness: HARB shall make a determination that the general concept, preliminary construction plans, details or specifications of a project meet the architectural requirements of the AGHP, Albert Manucy's Houses of St. Augustine - 1565-1821, or other adopted architectural guidelines, but that the information may be insufficient to meet the requirements of a certificate of appropriateness or to obtain a building permit.

b. In the case of a certificate of appropriateness: HARB shall make a final determination that the material details are sufficient, construction plans are complete, and architectural details and specifications for a project meet the AGHP, Albert Manucy's Houses of St.

Augustine - 1565-1821, or other adopted architectural guideline requirements. A certificate of appropriateness is required before a building permit may be issued. Only those plans and details approved by HARB may be reviewed by the Planning and Building Department during the building permit review process.

c. In the case of a certificate of relocation of a structure: consideration will be given to the immediate surroundings and to the district or districts in which it is located or to be located, that the relocation of the structure will not adversely impact the city's historic preservation efforts or negatively affect the streetscape. If the building will be relocated on the same site, or moved to a new site in a locally designated historic preservation zoning district, then the process and plan requirements for a certificate of appropriateness also apply to the building's new location.

d. In the case of a certificate of demolition or partial demolition: a determination is made that the demolition or partial demolition of the structure will or will not adversely impact the city's historic preservation efforts. The applicant may also be required to submit information on the structural condition of the building from an engineer or architect to justify the need for the demolition or the partial demolition of the structure, and all other requirements of this code.

(2) Before approving the plans for any proposed structure or signs located or to be located in a historic preservation zoning district, the board shall find:

a. In the case of a proposed alteration or addition to an existing structure, that such alteration or addition will not materially impair the architectural or historic value of the structure.

b. In the case of a proposed new structure, that such structure will not, in itself or by reason of its location on the site, materially impair the architectural or historic value of a structure on adjacent sites or in the immediate vicinity.

c. In the case of a proposed new structure, that such structure will not be injurious to the general visual character of the district or districts in which it is to be located.

d. In the case of the proposed demolition of an existing structure, or a project that constitutes partial demolition that the removal of such structure or architectural features will not be detrimental to the historic and architectural character of the city or that, balancing the interest of the city in preserving the integrity of the city and interest of the owner of the property.

1. Approval of the plans for demolition in the latter event the board may issue an order ~~to~~ postponing demolition for a period of not to exceed twelve (12) months after which the owner must reapply. The board may issue a second postponement with the total postponement period not to exceed two (2) twelve (12) month periods. If the board concludes that the demolition should be postponed, it shall, before issuing any final order with respect to such postponement, afford the applicant an opportunity to appear before the board to offer any evidence ~~he~~ they may desire to present concerning the proposed order. Within the period of postponement, the board shall ascertain what the city or other agency or organization may do to preserve such structure and shall make recommendations to that effect to the city commission or otherwise cause the structure to be preserved. This section shall not apply to any permit for demolition which has been applied for, in proper form, prior to the effective date of this section.

2. If the building or structure is of exceptional significance including a local historic landmark, is a contributing property to a National Register of Historic Places District or has been individually listed on the National Register of Historic Places, the board can deny the demolition if the board finds the removal of such building or structure will be detrimental to the historic and architectural character of the city and the applicant has not proven the denial will cause an undue economic hardship.

3. The demolition destruction of colonial buildings listed on the Florida Master Site File, or colonial buildings designated local historic landmark Local Landmarks, or colonial buildings meeting the criteria for eligibility on the National Register of Historic Places must be approved by the city commission.

4. In the case of a partial demolition: the board shall find that the proposed replacement materials maintain the historic character and integrity of the structure and are compatible with the historic structure's building envelope or the removal will not compromise the overall historic character and integrity of the structure.

(3) Criteria for regulated structure. Replacement elements for regulated structures as defined in this code will be reviewed consistent with the procedures for architectural feature limited review. The board will apply the adopted design criteria if any for the area or AGHP if applicable to the regulated structure, if any. If no design criteria have been adopted, the board will accept evidence and testimony to establish relevant architectural features. Some regulated structures may have architectural features that support its historic character and historic period, as well as modifications or additions over time. The board will accept evidence and testimony to establish whether the architectural features should meet preservation or reconstruction standards.

Additional application requirements for Sec. 28-89(1)-(3):

1. The owner shall permit access to the subject property for the purpose of inspections and/or appraisals required by the board or preservation officer.

2. Signs required. The planning and building department shall cause a sign or signs to be posted on any land upon which an application with respect to relocation or demolition has been made not less than seven (7) days in advance of the date of the public hearing at which such application is to be considered. Such sign shall show the date of construction of the existing building and be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land concerning which a public hearing is scheduled. Such sign shall be posted in full view of the public and shall be maintained by the applicant until final determination has been made by the board or city commission.

3. Mailed notices. Not less than ten (10) days in advance of the date of the required public hearing(s) at which an application for a certificate of demolition is to be considered, the time and place of the public hearing shall be posted by United States mail by the applicant to all owners of real property within one hundred fifty (150) feet of the boundaries of the land upon which the application is made. For the purpose of notice requirements to adjoining owners within one hundred fifty (150) feet, the names and addresses shall include information obtained from the St. Johns County Property Appraiser records within ninety (90) days prior to the application date. Such list prepared

for any required public hearing with the historic architectural review board, if appealed, shall also be used for a required public hearing with the city commission. A record of the date on which the list was compiled shall be provided to and maintained by the planning and building department.

~~4. Applications for a certificate of demolition shall be presented to the historic architectural review board by the property owner.~~

~~5 (4). Applications for partial demolition of buildings listed on the National Register of Historic Places, contributing or potentially contributing to a historic district in the National Register of Historic Places, listed as a local historic landmark pursuant to this code, listed as a potential landmark identified in the Historic Preservation Element of the Comprehensive Plan, Master Plan or identified by historic preservation planning staff as culturally significant within the recent past, may apply for the demolition of additional components of the building as part of a more comprehensive rehabilitation plan. Staff may require that the application be reviewed as a full demolition with required documentation, appropriate condition assessment and a rehabilitation plan, recognizing that applicants may encounter unforeseen building damage, site conditions, flood mitigation obstacles, or other significant and demonstrable reasons justifying a more extensive partial demolition as part of the rehabilitation. As a condition of In issuing a certificate of demolition or partial demolition, the board may include approval of both the partial demolition and potential related additional demolition and its require the rehabilitated replacement design under one application be approved by the board and that no permit be issued for the demolition of said structure until This will allow the approval of drawings sufficient for a building permit and that all necessary requirements for the new construction of a new building related to the demolition or partial demolition have been are submitted for the new construction permitting review and approval by staff.~~

~~6 (5). As a condition of issuing a certificate of demolition, including partial demolition, the board may require, at the applicant's expense, salvage and preservation of significant building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The board may also require at the applicant's expense the recording of the structure for archival purposes prior to demolition or partial demolition. The recording may include, but shall not be limited to, photographs and measured drawings.~~

~~7. If an owner/applicant fails to appear for three historic architectural review board meetings, the application may be considered as withdrawn.~~

~~e. In the case of any proposed new or altered sign, that the sign will not materially impair the architectural or historic value of any structure to which it is attached, nor any adjacent structure, and that such sign is consistent with the architecture of the building and the historical character of the area.~~

~~f. The board shall not have the authority to consider interior arrangements.~~

...

(36) Applications for certificate of demolition of a building or structure that is of exceptional significance including a local historic landmark, has been a contributing property to a National Register of Historic Places District or has been individually listed on the National Register of Historic Places shall require the following with the burden of proof to be on the applicant. The

board may also require the following of structures considered to be contributing to the historical character of the city:

- a. A report from an architect or structural engineer licensed in the State of Florida with demonstrated experience in restoration, rehabilitation or renovation as to the structural soundness of the building and its adaptability for continued use.

...

e (7). In the case of any proposed new or altered sign, that the sign will not materially impair the architectural or historic value of any structure to which it is attached, nor any adjacent structure, and that such sign is consistent with the architecture of the building and the historical character of the area.

f (8). The board shall not have the authority to consider interior arrangements.

(49) The ~~building official and/or planning director~~ Planning and Building Department may, based upon the AGHP and consistent with this article, make the decision to issue or not to issue the ~~certificate~~ a required permit for the following work:

- a. Placement of utility service.
- b. Repainting with the same color if previously approved for painting with an appropriate color selected from the AGHP guidelines.
- c. Structural maintenance and repair utilizing the same materials and architectural character.
- d. Any other structural maintenance consistent with the AGHP. ~~repair or remodeling which does not exceed two hundred fifty dollars (\$250.00).~~
- e. Exterior construction or equipment not visible.
- f. All signs and graphics.
- g. Landscape features, including fences, walls, walks, patios, decks, driveways, plant materials and ornamentation ~~that does not exceed one thousand dollars (\$1,000.00).~~
- h. Placement of exterior utility support equipment, including air conditioning compressors, gas tanks, etc.

...

(~~510~~) Appeals from decisions of the ~~building official and/or planning director~~ Planning and Building Department under subsection (~~3 9~~) of this section may be taken to the board within fifteen (15) days from such decision.

...”

Section 5. Amendment to Chapter 28, Article II, Section 28-90. Chapter 28, Article II, Section 28-90 is hereby amended, as follows:

“Sec. 28-90. – Administration, ~~and~~ records, and appeals.”

- (a) Any necessary building or demolition (full or partial) permit and/or certificate of occupancy shall not be issued unless the Planning and Building Department reviews the application for compliance and/or the historic architectural review board approves ~~the application for a certificate of appropriateness~~ an application as outlined under 28-88. Such permit shall be subject to the terms of such approval as well as other necessary provisions of this Code.
- (b) Applications ~~for certificates of appropriateness~~ shall be submitted through the ~~office of the building official and/or planning director~~ Planning and Building Department and shall include, in duplicate if requested, all plans, elevations and other information necessary to determine the appropriateness of the features to be passed upon.
- (c) Prior to issuance or denial of a certificate of appropriateness, relocation, demolition, or partial demolition required by the board, the board shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard. The board shall hold a public hearing concerning each application.
- (d) Every decision of the board and/or ~~building official and/or planning director~~ Planning and Building Department in passing upon plans for structures or signs located or to be located in the district shall be in the form of a written order or permit as appropriate stating the finding of the board, its decisions and reasons therefor.
- (e) The board shall not disapprove any plans without giving its recommendations for changes necessary to be made before the plans will be reconsidered. Such recommendations may be general in scope, and compliance with them shall qualify the plans for reconsideration by the board.
- (f) An appeal may, within thirty (30) days thereafter, be taken by any aggrieved person to the city commission from the board's action in granting or denying an opinion or certificate of appropriateness, relocation or demolition or partial demolition. The appeal shall be as prescribed in section 28-29(g). Any appeal from the decision of the city commission shall be heard by the circuit court of the county, on writ of certiorari, as in the case of any other zoning decision from the city commission. All orders to approve certificates of demolition, except for partial demolition, shall become effective on the 31st day following the date of the rendered order, unless this waiting period is specifically granted a written waiver by the city commission or city manager. The owner-applicant of an order to approve a demolition certificate may request a hardship waiver to the city manager for emergency humanitarian reasons including the health and safety of the occupants of a structure in need of immediate emergency repairs, renovation or reconstruction. In the alternative, the owner-applicant of an order to approve a demolition certificate may request a waiver from the city commission if the delay in demolishing the structure would create an undue burden on the owner-applicant that would be greater than the public interest served in preserving the thirty-day waiting period. All decisions to grant or deny the waiver shall be rendered in writing within five days of the decision, mailed by standard U.S. mail to the owner-applicant and posted on the city's website. The decision of the city manager or city commission shall serve as the final administrative appeal of the waiting period.

(g) Any decision of the historic architectural review board certified by the ~~planning-director~~ Planning and Building Department to be in conflict with a determination or decision of the planning and zoning board or of the board of adjustments and appeals; shall be reviewed by the city commission in the same manner as an appeal and the commission shall review the determination of the historic architectural review board, and the decision of the planning and zoning board or board of adjustments and appeals as to which it is certified to be in conflict and shall determine whether the decision of the historic architectural review board should be affirmed, modified or reversed and the decision of the commission shall supersede the decision reviewed. All affected persons shall be notified of the hearing by the city commission in the same manner as that provided for appeals from decisions of the planning and zoning board. The hearing before the commission shall be de novo.”

Section 6. Amendment to Chapter 28, Article II, Section 28-91. Chapter 28, Article II, Section 28-91 is hereby amended, as follows:

Sec. 28-91. - Enforcement.

“Enforcement of this division shall be as follows:

- (1) Neither the owner of nor the person in charge of a structure of exceptional significance including a local historic landmark or within an historic district shall permit such structure to fall into a state of disrepair which may result in the deterioration of exterior appurtenance or architectural feature so as to produce or tend to produce, in the judgment of the historic architectural review board, a detrimental effect upon the character of the district as a whole or the life and character of the structure in question.
- (2) A stop work order shall be issued by the building official in any case where work has commenced or preparation for work has commenced, if no certificate of appropriateness, relocation, demolition, or partial demolition has been obtained where one is required by section 28-90. The stop work order shall be issued to the owner, the occupant, or any person commencing work or preparation for work in violation of this division. The stop work order shall remain in full force and effect until a certificate of appropriateness, relocation, demolition, or partial demolition has been obtained or it has been determined by the board that no certificate of appropriateness, relocation, demolition, or partial demolition is required.
- (3) Any person who violates any provision of this division shall be punished as provided by section 28-35.
- (4) Any person who files with the board and/or ~~Planning and Building Department building-official and/or planning-director~~ any application or request for an opinion of appropriateness or a certificate of appropriateness, relocation, demolition, or partial demolition and who refuses to furnish, upon demand by the board and/or building official and/or planning director, any information relating to such application or request, or who willfully makes any false statement in such application or request, or who, upon such demand, willfully furnishes false information to the board and/or ~~Planning and Building Department building-official and/or planning-director~~ shall be punished as provided by section 28-35.

...”

Section 7. Amendment to Chapter 28, Article II, Section 28-92. Chapter 28, Article II, Section 28-92 is hereby amended, as follows:

“Sec. 28-92. - Termination of certificates of demolition or partial demolition.

The historic architectural review board shall include a time limitation in its certificates of demolition or partial demolition, utilizing the following procedures:

- (1) The board shall include a provision in its orders for certificates of demolition or partial demolition that the certificate expires one (1) year from the date of the order.
- (2) The owner of the property described in the certificate of demolition or partial demolition may request an administrative six-month extension from the planning and building director. The request for administrative extension must be filed in writing with the planning and building department during regular office hours no later than thirty (30) days before the expiration of the certificate of demolition or partial demolition. The administrative extension is a ministerial act and shall be available for one extension only.
- (3) In the alternative, the owner of the property described in the certificate of demolition or partial demolition may request a one-year extension from the board. The request for board extension must be filed in writing with the planning and building department during regular office hours no later than thirty (30) days before the expiration of the certificate of demolition or partial demolition. The application for board extension shall be heard at the next available board meeting. A board extension cannot be applied for property that has already been granted an administrative extension.
- (4) If the property owner has received either an administrative extension or a board extension of time on a certificate of demolition or partial demolition, the property is not eligible for further consecutive extensions and upon the expiration of the extension the property owner must reapply for a certificate of demolition or partial demolition.
- (5) Valid certificates of demolition or partial demolition issued prior to the effective date of this section shall be honored by the ~~p~~Planning and ~~b~~Building ~~d~~Department and no further action is needed by the property owner other than compliance with life safety procedures and application for a demolition permit or partial demolition from the building department.”

Section 8. Adopting attached Exhibit “A”. The attached Exhibit “A”, “5 Critical Elements of the Historic Building Envelope” is adopted as an addendum to the Architectural Guidelines for Historic Preservation (AGHP).

Section 9. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-

numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 10. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 12. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2023.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

Exhibit “A”

The attached Exhibit A to Ordinance 2023-24 includes an Addendum to the Architectural Guidelines for Historic Preservation (AGHP) that outlines the process and defines the limits of work to a building envelope and the five (5) critical elements that relate to the defining features of an historic structure for proposed demolition and partial demolition.

This is intended to provide guidance and direction to the Historic Architectural Review Board (HARB), staff and the public as to what is considered demolition, partial demolition and what Historic Preservation Staff can approve administratively, and what needs to be reviewed by the HARB.

This is in an effort to provide a framework for consistency, and maintain the character and integrity of the City’s historic neighborhoods.

EXTERIOR BUILDING RENOVATIONS FOR HISTORIC PROPERTIES IN ST. AUGUSTINE

How the City Preserves Historic Buildings and Neighborhoods

If you own a building that is a local historic landmark, listed in the National Register, or is a contributing property to a National Register Historic District and you are doing demolition work, the attached standards will guide you through the process. These review standards work to clarify potential demolition or partial demolition work on structures, to safeguard the enduring economic benefits of historic properties, and maintain quality of life for residents and visitors.

A “HISTORIC PROPERTY” MEETS ONE OR MORE OF THESE CRITERIA:

LOCAL HISTORIC LANDMARK...

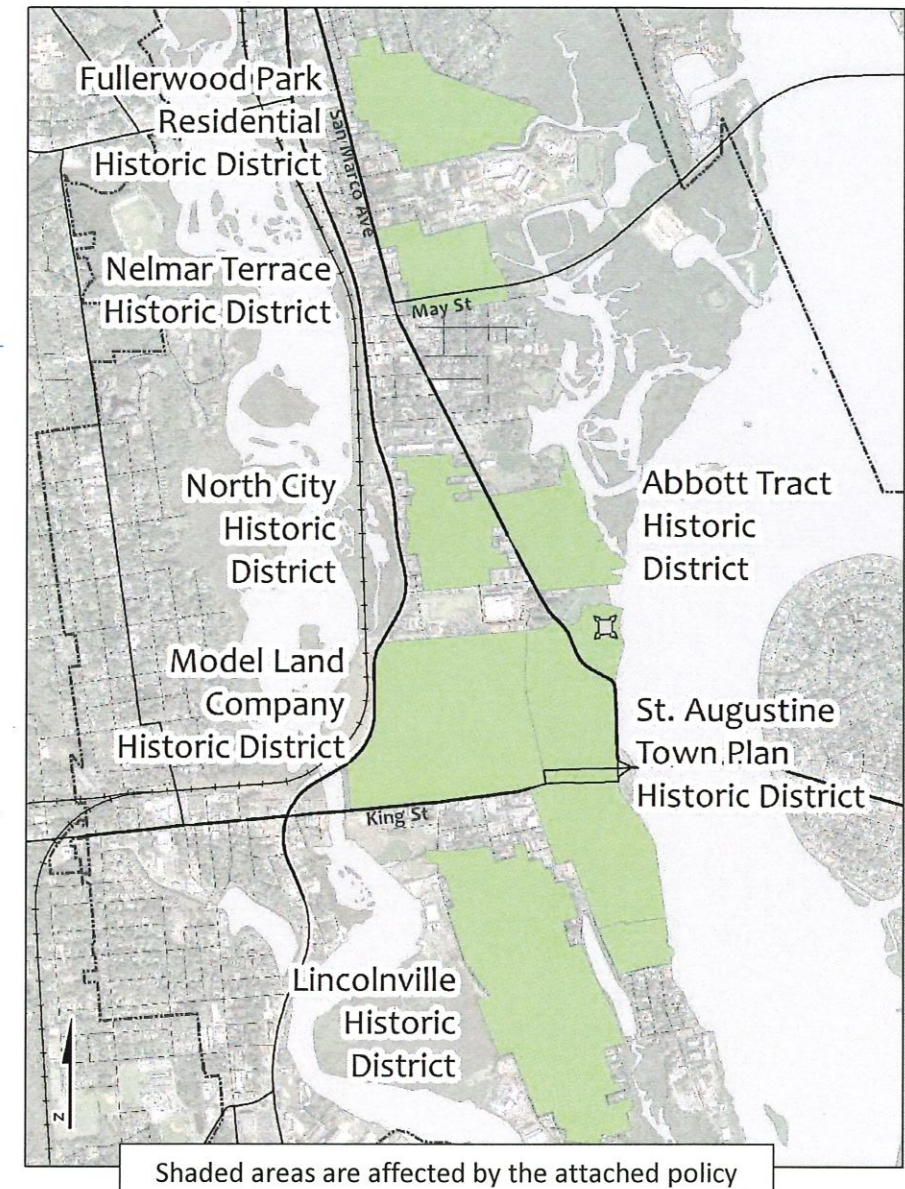
A building, object, site, or structure of the highest historical, architectural, cultural, or archaeological importance and whose demolition, partial demolition, removal, relocation, or alteration would constitute an irreplaceable loss to the character and quality of the city. A list of these resources is on file with city staff and available on the city’s website.

NATIONAL REGISTER...

The official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. Designated historic resources may be a building, district, object, site, or structure that meets the criteria of significance and integrity. A list and a map of these buildings is on file with city staff and available on the city’s website.

CONTRIBUTING STRUCTURE...

Adds to the historical or traditional cultural associations, historic architectural qualities, or archeological values for which a property or district is significant. Each of the city’s National Register Historic Districts has a list and a map of contributing and non-contributing resources. Buildings marked Contributing and/or Contributing but Altered are considered designated buildings. These records are on file with city staff and available on the city’s website.

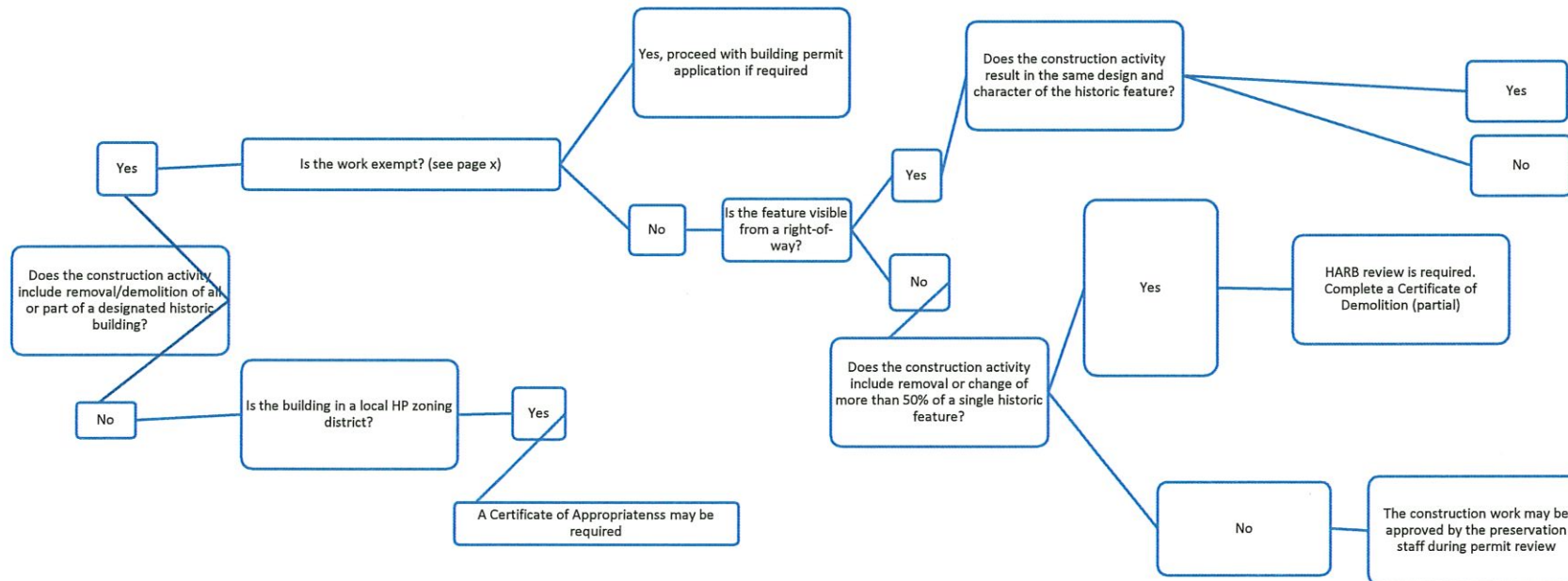
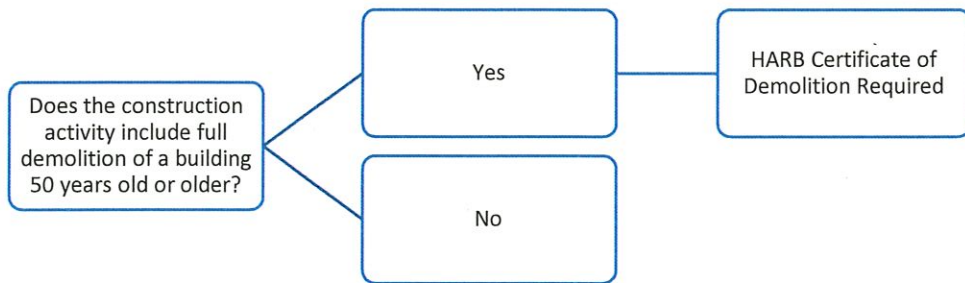


SCOPE OF WORK EXEMPTED FROM THIS REVIEW PROCESS:

Certain construction work is considered routine repair and maintenance or is not a type of improvement subject to this addendum

Note that if the property is zoned Historic Preservation 1, 2, 3, 4, or 5 or situated in an entry corridor, on Anastasia Boulevard, King Street, or San Marco Avenue, the property is not given these exemptions because they are regulated by the full extent of the Architectural Guidelines for Historic Preservation or the Design Standards for Entry Corridors.

- ✓ *Landscaping materials or other yard elements*
- ✓ *Sidewalks and driveways*
- ✓ *Fences*
- ✓ *Pools*
- ✓ *Paint color*
- ✓ *Adding screening or other porch enclosures when the historic porch will remain intact*
- ✓ *Alterations to detached accessory structures (garage, mechanical, or storage structures)*
- ✓ *Installation or removal of any utility or mechanical systems*
- ✓ *Repair of damaged building elements with the same character of design even if using the same material is not available or feasible*
- ✓ *Removal of porches, foundations, and chimneys required for a flood mitigation project if they will be replaced in similar character*
- ✓ *Removal of non-historic elements (ex: a building feature that is not 50-years old or older)*
- ✓ *Any new construction not associated with demolition work on a historic building*
- ✓ *Constructing any accessibility features when not associated with the full or partial demolition of a historic building*
- ✓ *Construction or partial demolition on properties in undesignated areas such as West Augustine, Lighthouse Park, and Davis Shores unless locally landmarked or listed individually in the National Register*

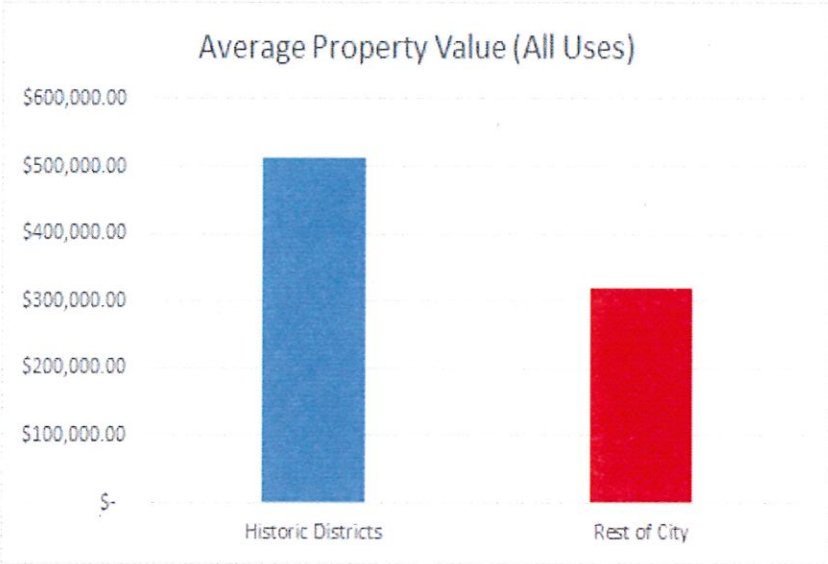


PURPOSE AND OBJECTIVE:

To encourage the preservation of the historic building envelope which characterizes the St. Augustine citywide landscape.

In some cases, partial demolition is warranted, and when combined with standards of review, the construction work can result in an improved appearance that balances the existing historic character of the building. To accomplish this, city staff of the HARB will have ability to review the design of the replacement features within the scope of the partial demolition work. This applies only to designated historic structures. It does not apply to undesignated buildings and in-fill development on vacant or developed lots regardless of location (except for HP zoning districts and entry corridors). This process is an opportunity for staff and the HARB to encourage property owners to recognize and celebrate the unique and original features of their historic building.

The standards for review apply to designated historic buildings including local landmarks, contributing buildings to a National Register Historic District, and buildings individually listed in the National Register. This is a small minority of the buildings in the city, and the property owners of these structures are valued for their stewardship. **Currently there is a total of 1,659 designated buildings which is about 20% of the buildings in the city.** The historic districts are only 7% of the city’s land mass. These districts currently include the St. Augustine National Register Historic District, Model Land Company, Lincolnville, Abbott Tract, North City, Nelmar Terrace, and Fullerwood Park.



PlaceEconomics in *Resilient Heritage in the Nation’s Oldest City*, 2020

Incremental demolition of historic buildings or reconstruction of historic buildings from the inside out can eventually threaten the validity of the National Register Historic Districts. **For example, Lincolnville has gone from a concentration of 81% of historic buildings to 67% when just considering full demolition, which could be greater if buildings that have lost integrity through partial demolition are included.** The purpose of these review standards is to increase the city’s ability to protect and preserve the historic resources of the city’s built environment, enhance the city’s historic integrity, and promote an authentic and livable community amid changing economic and environmental circumstances.

(City of St. Augustine Comprehensive Plan, Historic Preservation Goal)



127 Oneida Street before and after rehabilitation which used the 10-yr historic property tax exemption to reduce the taxable value by almost \$150,000

or district is no longer historic this incentive would not be available to current and future property owners across the city. Also, a 2020 economic study in *Resilient Heritage in the Nation's Oldest City* found that heritage tourism is driven largely by the volume of historic resources. A reduction of 10% of historic buildings in the city results in a 2% loss of visitor parties, and a reduction of 50% of historic buildings in the city results in 34% loss of visitor parties. The quality of life for residents and visitors alike would be negatively impacted without the community's commitment to historic preservation.

Property values in the historic districts account for 41% of the city's assessed property values, and these property values increase more than other areas of the city. Therefore, preserving the historic character of these buildings is in the building owner's best financial interest.

The Historic Preservation Master Plan includes specific tasks related to the goal to minimize demolition of historic buildings and provide clear guidance to applicants of the review process. Designated historic properties and contributing properties to a district are eligible for tax benefits. If the building

Recognizing and celebrating significant features of a building discourages loss of integrity from incompatible alterations on designated historic buildings, protects the validity of the city's historic districts, contributes to the unique character of the city, and preserves their contribution to the local economy.

REVIEW CHECKLIST

If you own one of St. Augustine's historic buildings and are proposing to make exterior changes, this process provides guidance to encourage preservation of the historic character that makes your building and our city unique. Preservation standards accepted nationally and recognized in the St. Augustine Architectural Guidelines for Historic Preservation were used to establish protocols in this addendum. Emergencies and damage from natural disasters will be handled on a case-by-case basis with officials.

- ☐ Confirm the property is a local landmark, contributing to a National Register District, or individually listed in the National Register
- ☐ Preservation staff will confirm the scope of work using photos, a sketch building and site plan, and material details submitted by the owner or applicant
- ☐ If the work is routine repair and maintenance, or otherwise exempt, no additional paperwork beyond the building permit is required
- ☐ If the work is a demolition activity that requires the HARB approval, a Certificate of Partial Demolition is required
- ☐ Administrative reviews are described in this document and general guidance for approvable alterations is provided
- ☐ HARB reviews will require a Certificate of Appropriateness for properties in the local HP zoning districts or a Certificate of Demolition
- ☐ HARB meetings are public hearings and comprised of City Commission-appointed volunteer experts in related fields of historic preservation. Meetings are held once per month and application deadlines occur once per month, generally a month prior to the hearing. A staff report will supplement the application materials and be presented to the HARB for its review
- ☐ The HARB will approve, approve with conditions, deny, or continue the application to an additional hearing date if additional information is requested
- ☐ After a building permit is submitted, the proposed changes to the building must be administratively approved or approved by the HARB. Once approved by staff or the HARB, the permit will proceed through the regular review process. Any conditions set by ordinance or the HARB must be satisfied prior to issuance of the building permit
- ☐ As an incentive to encourage preservation strategies, historic preservation staff may assist with an ad valorem tax exemption application
- ☐ The applicant is responsible for obtaining all other necessary approvals related to the project such as zoning requirements related to lot coverage, building setbacks, height, tree removal, etc. as well as any archaeology review, building, fire, right-of-way, and utility codes
- ☐ The administrative decision (staff reviews) and/or the HARB determination on an application may be appealed as per city ordinance

***If a property is being restored, rehabilitated, or renovated according to preservation guidelines, an ad valorem tax exemption for the dollar value of qualifying improvements may be applied that results in a reduction to the property's taxable value for a period of ten years. Improvements must meet a minimum threshold and can include a full or partial rehabilitation.**

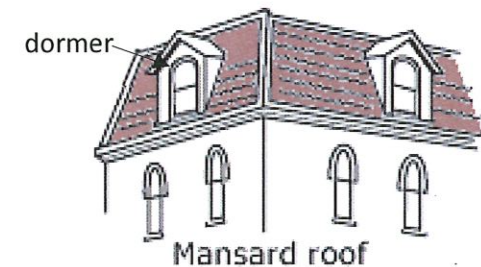
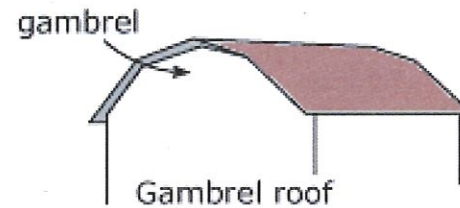
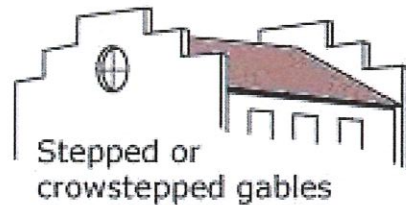
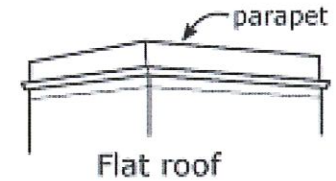
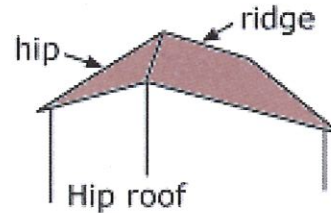
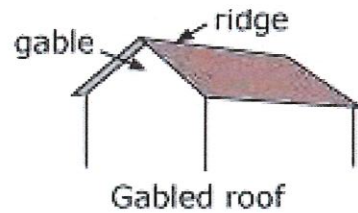
5 CRITICAL ELEMENTS OF THE HISTORIC BUILDING ENVELOPE

FOR LANDMARK, NATIONAL REGISTER, AND CONTRIBUTING BUILDINGS TO DESIGNATED NATIONAL REGISTER HISTORIC DISTRICTS

*Feature descriptions are taken from the National Park Service Technical Preservation Services publication
of the Secretary of the Interior's Standards for Rehabilitation*

- 1. Roofs and appurtenances like cupolas, parapets, chimneys, dormers and soffit elements**
- 2. Windows**
- 3. Exterior Finishes**
- 4. Porches, Balconies, Stoops, Loggias**
- 5. Foundations**

Roof: The form of the roof (gable, hipped, gambrel, flat, shed, mansard, etc.) is significant as are its decorative and functional features (appurtenances like cupolas, parapets, chimneys, dormers and soffit elements), roofing material, and size, color, and patterning.



When the current exterior feature has existed on the building for more than fifty years, HARB approval is required to:

- ❖ Remove and change the following traditional roof coverings: clay or concrete tile, stamped metal shingle or diamond-patterned shingle systems
- ❖ Remove decorative or functional features visible from a right-of-way
- ❖ Change the configuration, shape and/or pitch on facades visible from a right-of-way
- ❖ And/or to remove 50% or more of the total roof structure (excluding roof sheathing)
- ❖ Use a colored metal roofing material (ex: blue metal roof)

If required, HARB approval will be based on:

- ✓ An evaluation of how removal of the feature impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the roof or roof feature significant enough that it should not be altered unless proven technically and/or materially required?

Sample historic roofing materials:



Wood shingle roof



Diamond-patterned roof



Stamped metal shingle roof



Clay tile roof

- ✓ The design compatibility of the proposed work to ensure continuity of the building's historic value. Specifically, is the prominent character of the historic roof still the dominant visible feature; is there subtle but visible distinction of the new roof feature/element from the historic roof feature; does the new element match the size, scale, material/pattern of the historic roof?

Historic Preservation Staff will have the ability to approve the following during regular permit review:

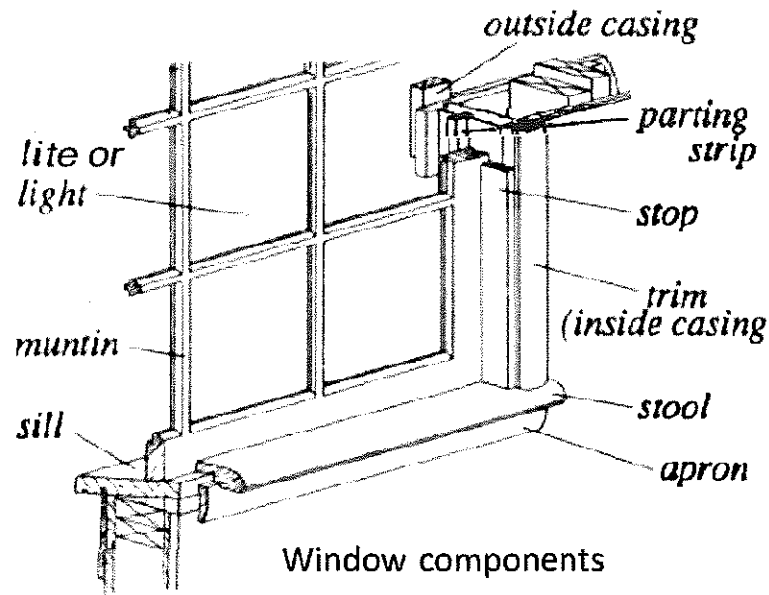
- ✓ Routine roof and trim repairs not meeting the above thresholds
- ✓ Removal of a decorative or functional feature not visible from a right-of-way
- ✓ Replacement of roof sheathing up to 100% of the roofed areas for existing asphalt shingle roofs, galvalume/sheet metal type roof, and other modern roof cladding

Example: Full replacement of any asphalt shingle or metal roof with a new asphalt shingle roof or metal roof (respectively) using a traditional color will be approved administratively



Historically this building had a clay barrel tile roof matching the barrel tile still evident on the lower parapet roof.

Windows: Window materials and how the window operates (e.g. double hung, casement, awning, or hopper) are significant as are its components (sash, muntins, pane configuration, sills, mullions, casings, or brick moulds) and related features such as historic shutters or awnings.



When such features have existed on the building for more than fifty years, HARB approval is required to:

- ❖ Remove and change window design, or change their operational direction (ex: up/down sash to swing) on facades visible from a public right-of-way
- ❖ And/or to remove 50% or more of all the building's windows (visible or not), unless the replacement window matches the character and design of the existing window (regardless of material)

If required, HARB approval will be based on:

- ✓ An evaluation of how removal of the feature impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the window feature or design significant enough that it should not be altered unless proven technically and/or materially required?
- ✓ Window condition assessment and consideration of replacement cost and life service of the replacement window versus the repair cost and life service of the original window (see photo caption next page)
- ✓ The design compatibility of the proposed work to ensure continuity of the building's historic value.



The window design is described by the number of glass panes called 'lites' as shown in these examples. These patterns are not interchangeable because they are unique to the style of the building.

Traditional wood, vertical sash windows:

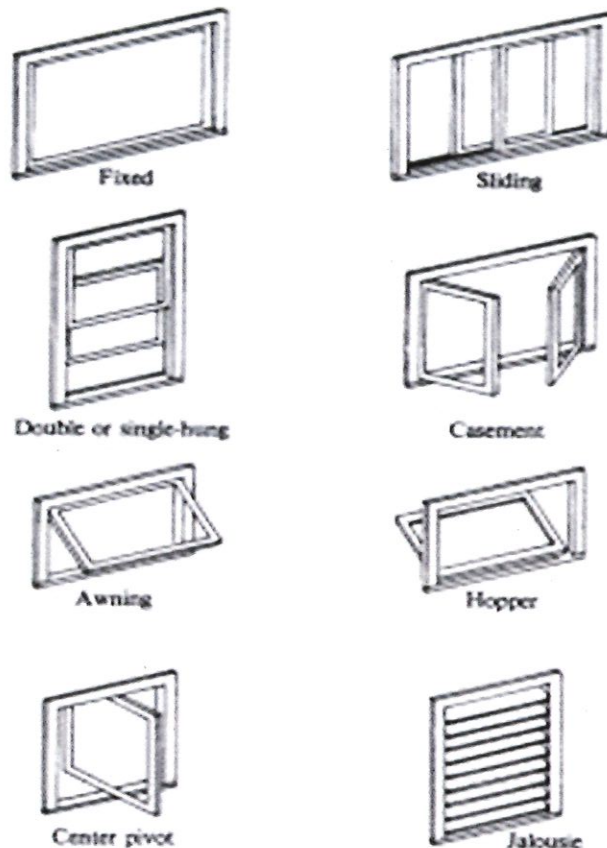
Left is a 6/6 divided lite and right is a 2/2 divided lite

Historic Preservation Staff will have the ability to approve the following during regular permit review:

- ✓ Repair and maintenance of windows not meeting the above threshold
- ✓ Replacement of windows with windows that match the historic design and character (regardless of materials)
- ✓ Replacement of windows on facades not visible from a right-of-way under the 50% threshold
- ✓ Replacement of non-historic windows with windows that match the design character of the building

Example: *Removing a ranch-style picture window on a historic frame vernacular house and installing any vertical sash-type window will be approved by Historic Preservation Staff*

Example: *Window replacements that use characteristic exterior molding and muntin profiles may be approvable even if using different materials*



Window operation types



Hands-on training for DIY-ers

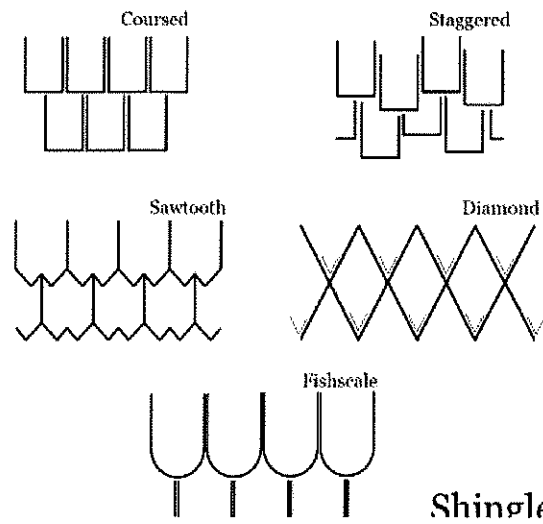
*See <https://savingplaces.org/stories/preservation-tips-tools-retrofitting-historic-windows#.X-4YhNhKh3A> and <https://austinhistorical.com/services/residential-window-restoration/> for data and analysis.

Historic windows can be repaired and restored to last longer than the average replacement window. Therefore, when considering the lifetime cost of a window the original will be less expensive. Prices can range from \$500 to over \$1000 for restoration, comparable to replacement windows with a negative economic and historic impact.*

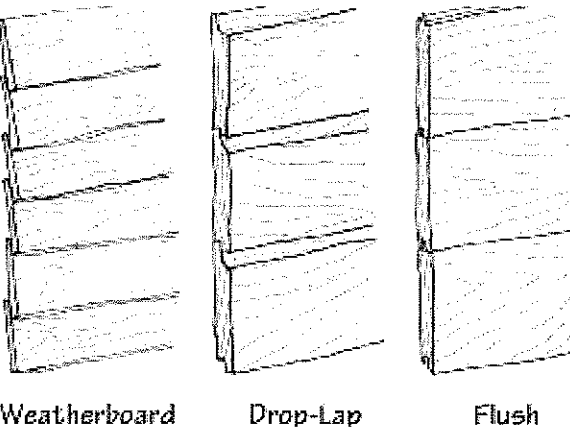


If original 3/1 and 4/1 lite vertical sash windows are proposed to be replaced with 1/1 across the entire building, HARB approval would be required if the building is designated historic.

Exterior Finishes: Wood and masonry exterior features (walls, siding, brackets, railings, cornices, window and door surrounds, steps, and columns) and repetitive exterior detailing are important in defining the overall historic character of a building.



Sample wood siding profiles that contribute to the unique scale and pattern on a historic building:



When the current exterior features have existed on the building for more than fifty years, HARB approval is required to:

- ❖ Remove and change wood and/or masonry wall finishes on facades visible from a public right-of-way
Example: *Removing wood horizontal siding, brick or brick veneer, stucco, coquina/coquina concrete and changing to a different material/pattern requires HARB approval*
- ❖ and/or to remove 50% or more of these exterior features, unless the replacement matches the character and design of the existing feature (regardless of material)

If required, HARB approval will be based on:

- ✓ An evaluation of how removal of the feature impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the finish material and/or design significant enough that it should not be altered unless proven technically and/or materially required?
- ✓ The design compatibility of the proposed work to ensure continuity of the building's historic value. Specifically, is the prominent character of the exterior still the dominant visible feature and does it match the size, scale, material/pattern of the historic exterior?

Historic Preservation Staff will have the ability to approve the following during regular permit review:

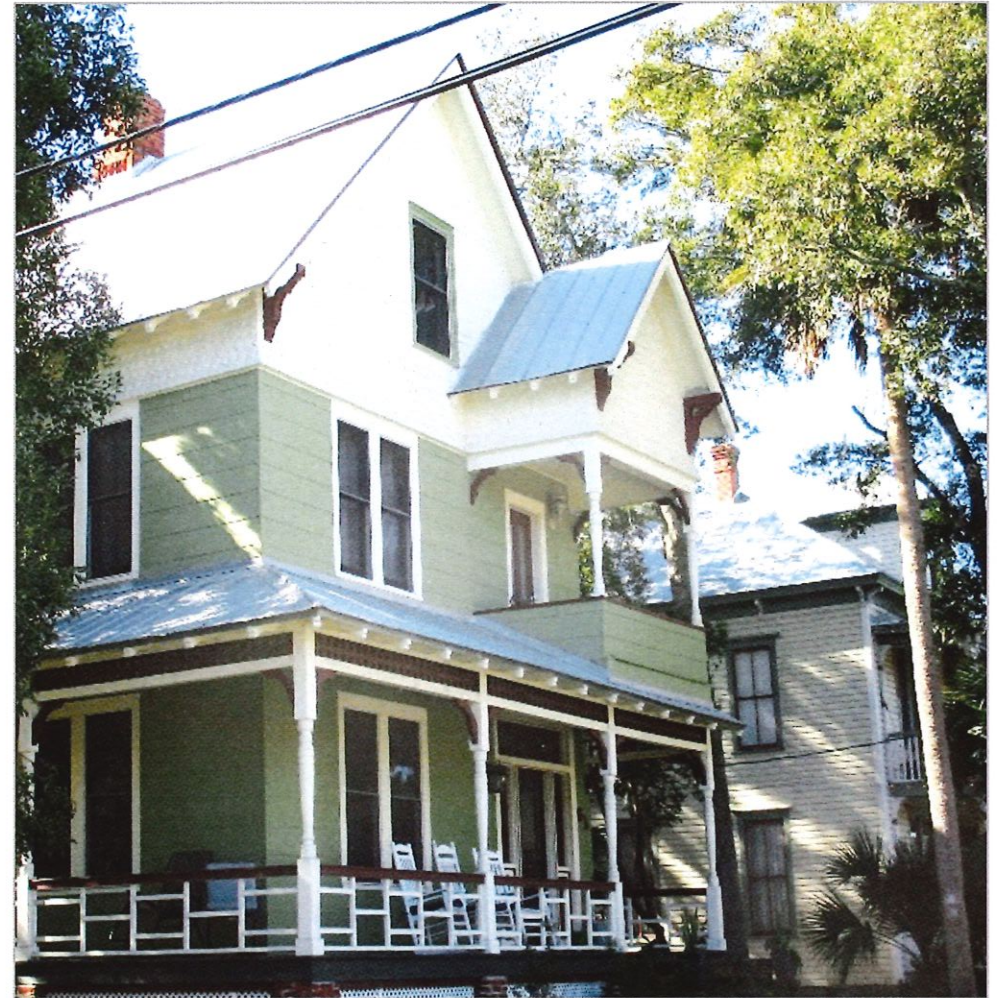
- ✓ Repair and maintenance of wall cladding when it does not meet the above threshold
Example: *Removing singular elements/portions of the exterior finish that is deteriorated beyond repair and replacing it with the same design will be approved administratively even if not using the same material.*
- ✓ Repair or replacement of features on facades not visible from a right-of-way
- ✓ Replacement of non-historic exterior features that match the design character of the building
Example: *Removing asbestos siding and restoring/replacing traditional horizontal siding underneath will be administratively approved if it does not compromise the structural stability of the building*



Traditional wood, coursed shingle finish. Changing the shingle pattern to a staggered design would change the character of the historic building from Shingle Style to a Bungalow or Arts and Crafts style.



Historic masonry finishes can be simple or highly detailed and have unique stucco texture



The siding on this building was altered (ca. 1930-50s) and shows the impact of replacement finishes that change the scale and detail of the building's historic character. Restoring the Queen Anne siding would be a staff-approvable request. Also note for reference the scale of historic horizontal siding shown on the adjacent historic building.

Porches, Balconies, Stoops, Loggias: These functional and decorative features along with their materials and features (doors, transoms, pilasters, columns, balustrades, stairs, roofs, canopies) are important in defining the overall historic character of a building.



Wrap-around porch with columns and balusters, and front entry porch with columns and steps symmetrically aligned with front door



When such features have existed on the building for more than fifty years, HARB approval is required to:

- ❖ Remove a historic porch, balcony, or stoop
- ❖ And/or to remove 50% or more of their materials and features
- ✓ *Exception: See staff approval for flood mitigation project*

If required, HARB approval will be based on:

- ✓ An evaluation of how removal of the feature impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the feature significant enough that it should not be altered unless proven technically and/or materially required?

Example: Reconstructing a balcony or porch that is deteriorated beyond repair with matching materials and design may be approvable and recommended for an expedited hearing.

- ✓ The design compatibility of the proposed work to ensure continuity of the building's historic value. Specifically, is the prominent character of the existing porch/balcony/stoop still the dominant visible feature and do changes match the size, scale, material/pattern of the historic feature?

Example: Removing a balcony and constructing a larger balcony that maintains scale, design, and materials of the building may be approvable.



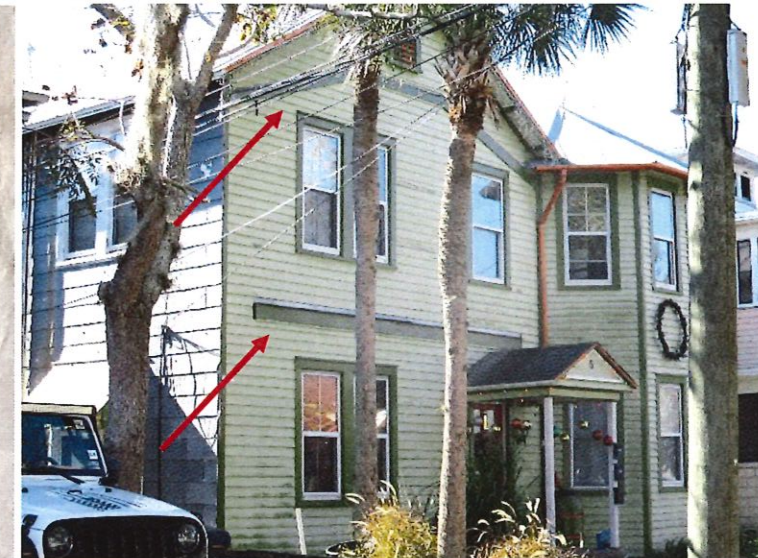
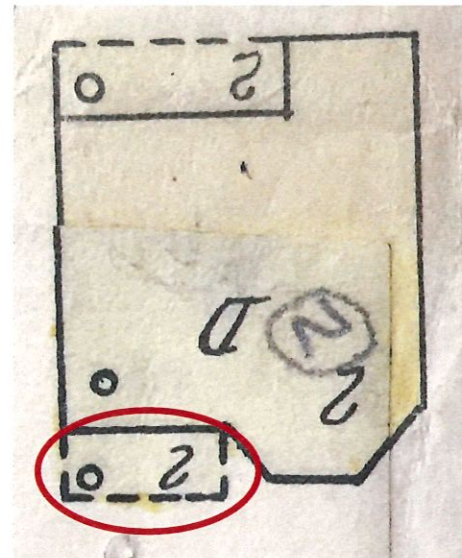
Two-story front porch undergoing repairs that are in-kind with its historic character which could be approved by staff

Historic Preservation Staff will have the ability to approve the following during regular permit review:

- ✓ Repair and maintenance of porches/balconies/stoops when it does not meet the above threshold
 - ✓ Repair or replacement of porches/balconies/stoops facades not visible from a right-of-way
 - ✓ Replacement of non-historic exterior features that match the design character of the building
- Example: *Restoring an enclosed porch to an open/screened porch will be staff approved if using/reinforcing the historic character of the building.*

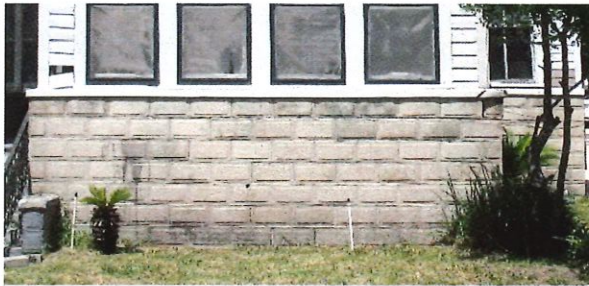
- ✓ Removal of porches or stoops when necessary for a flood mitigation project if using a best-practice approach

Example: *Constructing a new but similar porch at the elevated location will be staff approved if it is context-sensitive and uses compatible materials.*



Evidence on the Sanborn map (left) and the building shows there used to be a historic two-story frame porch likely removed ca. 1930-1950s when asbestos siding was added. Reconstructing a compatible porch could be approved by staff.

Foundations: Structural systems and visible features of such systems are important in defining the overall historic character of a building including the materials (wood, metal, and masonry), the type of system, and its features such as posts and beams, masonry columns, above-grade stone or masonry foundation walls or piers.



Coquina concrete block is a material unique to St. Augustine



A new brick pier foundation matches historic materials and scale, as seen above

When such features have existed on the building for more than fifty years, HARB approval is required to:

- ❖ Removing and changing the foundation type (ex: brick pier to stem wall) or exterior material (ex: brick to concrete masonry unit/block)
- ❖ and/or to remove 50% or more of the above-grade foundation system
- ✓ *Exception: See staff approval for flood mitigation project*

If required, HARB approval will be based on:

- ✓ An evaluation of how removal of the foundation impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the original foundation significant enough that it should not be altered unless proven technically and/or materially required?
- ✓ The design compatibility of the proposed work to ensure continuity of the building's historic value. Specifically, is the prominent character of the historic foundation still the dominant visible feature and do changes match its size, scale, material/pattern?

Example: Constructing a replacement brick pier foundation that restores structural soundness and matches the original design may be approvable and may be recommended for expedited hearing.

Historic Preservation Staff will have the ability to approve the following during the regular permit review:

- ✓ Repair and maintenance of foundations that do not meet the above threshold
Example: Replacing a singular, deteriorated brick pier with a matching brick pier in the same basic location will be staff approved.
- ✓ Removal of a foundation when necessary for a flood mitigation project if using a best practice approach



A building elevation project revealed unique coquina stone piers (background) along with traditional brick piers (foreground)

Example: Constructing a new but similar foundation using the same materials and scale will be approved by staff.

NOTE: Archaeological review may be required for any work that includes ground disturbances, consult the City Archaeologist and Archaeological Preservation Ordinance for more information.



Foundation (and porch) was removed to allow for the building to be elevated to a new floor height for a flood mitigation project.

The following information is presented as a reference to assist property owners in identifying the unique characteristics of their historic building. It is not a full representation of the types of buildings in St. Augustine but rather a set of limited examples with features that are easily identifiable and referenced in this document.



Character defining features:

*Asymmetrical two-story front building face façade with multiple roof pitches
Opening patterns: Paired wood, 2/2 vertical sash windows and single doors
Novelty wood horizontal siding mixed with coursed shingle siding
Note porch locations, size/scale, form
Porch posts that are a combination of turned and bracketed design
Porch railing design
Stoop location and materials
Foundation is obscured by contemporary screening but is likely a pier system
(Roof cladding is not historic so other materials could be allowable)*



Character defining features:

*Asymmetrical one-story form
Shed roofs in opposing position
Horizontal lines and brick stamped finish
Metal 1/1 vertical sash windows and corner windows
Likely a slab on grade foundation
(Roof cladding is not a prominent visual character)*



Character defining features:

*Three-block massing with central vertical chimney
Gable and parapet roof types with clay tile exterior
A unique stucco finish and texture
Arched windows with fanlights on top
Open entry porch and stoop framed with square piers
Plaster detailing along top of building face/facade
Likely a stem wall foundation*



Character defining features:

*Front face of the building is divided in three-bay in a symmetrical fashion
A large shed roof dormer sits on the second floor and the overall roof is a gable roof with metal crimp exterior finish
Front porch (historically enclosed) with knee-wall under a shed roof supported by block columns (the porch could be fully opened with minimal impact)
Simple single pane windows with no dividers
Horizontal siding
Stoop has been altered to accommodate a ramp and is easily reversible
Pier foundation*



Character defining features:

Symmetrical design under single gable roof with composition shingles

Wood 6/1 vertical sash windows with operable louvered shutters

Entry stoop is a classical design

Brick façade is in a running bond pattern (unpainted) with distinguishable window lintels using a different brick pattern

Likely a continuous wall foundation



Character defining features:

Asymmetrical façade pattern under single hipped roof with metal crimped roof

Wood 1/1 vertical sash windows with inset of stained glass and arched lintel

Rough/rusticated, unpainted, concrete block exterior building elements

Open porch is under the main roof and has wood brackets and trim at the top

Entry stoop with matching block piers

Likely a continuous wall foundation

KEY TERMS AND PRESERVATION PRINCIPLES

Ad Valorem Tax Exemption: See Historic Preservation Property Tax Exemption

Archaeological Preservation Ordinance: Chapter 6 of the St. Augustine Code of Ordinances which identifies archaeological zones that requires archaeological review when the threshold of ground disturbance activity is met or exceeded with development and utility permits.

Architectural feature: Includes but is not limited to the following: architectural style, scale, massing, siting, general design, and general arrangement of the exterior of the building or structure; type and texture of exterior materials; size, type, placement, and patterns of roof(s), windows, doors, and all attached appurtenances including porches, stairs and stoop features, dormers, additions, trim details, balconies and railings or other decorative attachments.

Architecturally similar: Having substantially the same façade design or exterior appearance using like characteristics in terms of height, mass, scale, footprint, arrangement of openings, pattern, and compatible materials.

Contributing property: A building, site, structure or object which adds to the historical architectural qualities, historic associations or archaeological values for which a district is significant because (a) it was present during the period of significance of the district and possesses historic integrity reflecting its character at that time; (b) is capable of yielding important information about the period; or (c) it independently meets the National Register of Historic Places criteria for evaluation, or (d) have yielded or may be likely to yield information important in history or prehistory.

Design compatibility: New construction or alterations to a historic building or setting that preserves significant materials, features and form, and preserves the building's historic character. For alterations to a historic building, repairs using historic materials is preferred; however, there are circumstances where substitute materials that imitate historic materials may be used (i.e. unavailability of historic materials or skilled craftspeople, inherent flaws in the original material, or code-mandated changes) if the appearance and properties of the historic materials can be matched closely and no damage to the remaining historic fabric will result. For new construction and additions, the materials and form should be harmonious with the historic building with just enough differentiation from the historic building to not be jarringly out of place or too similar to be confused as part of the original historic fabric.

Façade: The face of a building; most commonly referred to as a street façade and/or visible façade, whereas the other sides are referred to as elevations

Historic character: All visual aspects and physical features that comprise the appearance of historic properties and extends to the setting of historic properties to include a building's relationship to the environment and adjacent streets and buildings, landscape plantings, views, and the presence of accessory features.

Historic integrity: The authenticity of a property's identity, evidenced by the survival of physical characteristics that existed during the property's historic period including evaluation of any changes that may have occurred through time which could contribute to the building's later-acquired historic character and significance. An overall sense of past time and place are evident in the composite of seven qualities: location, design, setting, materials, workmanship, feeling, and association.

Historic period: Primary timeline for which the historic building derived its historic association with an event, person, place, pattern of development or other historic context.

Historic Preservation Property Tax Exemption (Ad Valorem Tax Exemption): An exemption for qualifying properties (designated historic structures) from ad valorem taxes levied by the City of St. Augustine on 100% of the assessed value of the improvements to real property for 10 years. To qualify, the improvements must be at least \$20,000 or 50% of the assessed value of the structure before improvements, whichever is less. A minimum of 25% of the proposed improvements must be to the exterior or foundation of the structure. Flood mitigation projects, partial restoration projects, and full adaptive use projects may be eligible.

Material deficiency: Inability of the building material, or a majority of building materials that comprise a feature or structure, to serve its purpose and documented as beyond repair.

National Register of Historic Places: List of individually designated historic properties or historic districts that are significant in American history, architectural, archaeology, engineering and culture maintained by the Secretary of the Interior, as established by the National Historic Preservation Act of 1966, as amended. May be significant at the local, state, or federal level.

Preservation: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Reconstruction: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation: The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, cultural and archaeological values.

Relocation: The act of moving a building from its original location to another site, either on the same property or to another location entirely.

Restoration: The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of removal of later work or by the replacement of missing earlier work.

Routine maintenance and repair (in terms of historic preservation): Using the same materials in a way that matches the architectural style of the existing building.

Significant architectural feature: An architectural feature(s) that comprises the historic character of the structure and built near the same time as the building or added features and alterations that maintain the historic character of the building.

Technical requirement: Performance mandates established by local, state, or federal governments and their supporting regulatory documents.

See Chapter 28, Section 28-2 Definitions for other pertinent definitions

U.S. Department of the Interior: Secretary of the Interior's Standards for Rehabilitation

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

CITY OF ST AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

DATE: June 29, 2023

RE: Agenda Item – FY 2024 Proposed Millage Rate Resolution # 2023-20

Please place on the next regular City Commission Agenda an item for approval of the initial proposed millage rate for the City's fiscal year 2023 budget. Resolution #2023-20 is attached for discussion on July 10th. There is no recommended change of the millage rate at this time.

Please contact me if you have any questions.



Mark E. Simpson, CPA
Director, Finance

anl/MES

Enclosures

xc: Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Gregory Johnson, Deputy Director, Finance

RESOLUTION NO. 2023-20

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF ST. AUGUSTINE, FLORIDA ADOPTING THE
PROPOSED LEVY OF AD VALOREM TAXES FOR
FISCAL YEAR 2023-2024.**

WHEREAS, the City Commission of the City of St. Augustine, Florida has determined the proposed millage rate of the City of St. Augustine, Florida shall be 7.5000 mills and;

WHEREAS, the City Commission of the City of St. Augustine, Florida has determined its rolled-back rate is 6.5483 mills and;

WHEREAS, the City Commission of the City of St. Augustine, Florida has determined a public hearing on the proposed millage rate and budget will be held on Thursday, September 14, 2023 at 5:05 p.m.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA:

Section 1. The proposed millage rate of the City of St. Augustine, Florida, shall be 7.5000 mills for the general operating budget which constitutes the total proposed millage rate and which represents a 14.53% increase over the rolled-back rate.

Section 2. The City Manager of the City of St. Augustine, Florida is hereby directed, as Chief Executive Officer of the City of St. Augustine, Florida to appropriately notify and advise the Property Appraiser of the County of St. Johns of such proposed millage rate and public hearing date.

ADOPTED in regular session of the City Commission of the City of St. Augustine, Florida, this 10th day of July 2023.

Nancy Sikes-Kline, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**AMENDMENT TO TRAFFIC SIGNAL
MAINTENANCE AND COMPENSATION AGREEMENT**

750-010-24b
TRAFFIC
OPERATIONS
04/23
Page 1 of 4

CONTRACT NO. ARV63
FINANCIAL PROJECT NO. 41353418809
F.E.I.D. NO. F596000420013
AMENDMENT NO. _____

THIS AMENDMENT TO THE TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT ("Amendment"), is entered into this _____ day of _____, between the Florida Department of Transportation, an agency of the State of Florida, herein called the "Department", and the City of St. Augustine, Florida ("Maintaining Agency").

RECITALS:

WHEREAS, the Department and the Maintaining Agency on _____ entered into a Traffic Signal Maintenance and Compensation Agreement ("Agreement"); and

WHEREAS, the Parties have agreed to modify the Agreement on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants in this Amendment, the Agreement is amended as follows:

1. Agreement paragraphs 1, 3, 6, 12, 31, and 35 are amended, superseded, and replaced in their entirety with the new paragraphs 1, 3, 6, 12, 31, and 35 attached hereto to this Amendment.
2. Agreement exhibits A, B, and C are amended, superseded, and replaced in their entirety with new Exhibits A, B, and C attached hereto to this Amendment.
3. Except as modified in this Amendment, all terms and conditions of the Agreement and any amendments or modifications thereto remain in full force and effect.

IN WITNESS WHEREOF, the undersigned parties have executed this Amendment on the day, month, and year set forth above.

City of St. Augustine, Florida
(Maintaining Agency)

By: _____
(Authorized Signature)

Print/Type Name: _____

Title: _____

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By: _____
(Authorized Signature)

Print/Type Name: James Hannigan

Title: District Traffic Operations
Engineer

Legal Review: _____

Attorney: _____ Date: _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**AMENDMENT TO TRAFFIC SIGNAL
MAINTENANCE AND COMPENSATION AGREEMENT**

750-010-24b
TRAFFIC
OPERATIONS
04/23
Page 2 of 4

1. The Maintaining Agency shall be responsible for the "Project," defined as the maintenance and continuous operation of the following, located on the State Highway System:
 - a. Traffic signals ("TS"),
 - b. Interconnected and monitored traffic signals ("IMTS") - defined as signals that are interconnected with telecommunications and are monitored at a central location,
 - c. Traffic signal systems - defined as central computer; traffic monitoring cameras ("TrMC"; must fulfill District purpose and need and be accessible from Department's Video Aggregation System); arterial dynamic message signs ("ADMS"); communications devices; interconnect / network; vehicle, bicycle & pedestrian detection devices [including passive pedestrian detection ("PPD") and accessible pedestrian detection]; traffic signal hardware and software; preemption devices; probe data detection system ("PDDS"); and uninterruptible power supplies ("UPS"),
 - d. Control devices - defined as intersection control beacons ("ICB"), traffic warning beacons ("TWB"; including LED highlighted signs), illuminated street name signs ("ISNS"), and pedestrian flashing beacons ("PFB"; i.e., school zone flashing beacons, pedestrian crossing beacons, and Rectangular Rapid Flashing Beacons),
 - e. Emergency/fire department signals ("FDS"),
 - f. Speed activated warning displays ("SAWD"; including curve warning feedback signs),
 - g. Blank out signs ("BOS"; including Lane Control Signs),
 - h. Pedestrian hybrid beacons ("PHB"),
 - i. Connected Automated Vehicle Devices ("CAVD"; i.e., roadside units and roadside equipment), and
 - j. In-roadway warning lights ("IRWL") system (specific to mid-block crossing and unsignalized intersection applications, as defined in the FDOT Traffic Engineering Manual)

All traffic signals and control devices mentioned in the above paragraph 1.a-j are referred to in this Agreement as "Traffic Signals and Devices". The Maintaining Agency shall be responsible for the payment of electricity and electrical charges incurred in connection with operations of such Traffic Signals and Devices upon final acceptance by the Department of the installation of each signal or device.

3. If Traffic Signals and Devices are damaged and the Maintaining Agency or its contractors did not cause the damage, then the Department shall reimburse the Maintaining Agency for the actual costs incurred by the Maintaining Agency for repairs and/or replacement of Traffic Signals and Devices, once the following occurs:
 - a. The Department has approved a properly completed invoice for reimbursement that was provided to the Department outlining the details of the requested reimbursements; and
 - b. Evidence of the costs incurred were included as an attachment to the invoice.

Exhibit C sets forth additional conditions that apply when the Maintaining Agency seeks to obtain reimbursement for costs incurred for repair and/or replacement and associated contract documentation of damaged Traffic Signals and Devices. Exhibit C also serves as a form invoice that can be used by the Maintaining Agency. The Maintaining Agency shall obtain written approval from the Department regarding the appropriate method of repair and/or replacement of damaged Traffic Signals and Devices prior to performing the emergency and/or permanent repair and/or replacement work. If there is an immediate risk to public safety due to damaged Traffic Signals and Devices and the Maintaining Agency is unable to immediately obtain the Department's written approval regarding the method of repair and/or replacement, then the Maintaining Agency shall immediately repair and/or replace the Traffic Signals and Devices. The Maintaining Agency shall notify the Department within thirty (30) calendar days of becoming aware of any damage to Traffic Signals and Devices caused by third parties or Force Majeure event. The Department shall be responsible for pursuing reimbursement from individuals and/or the third parties who cause damages and are liable for replacement and/or repair costs to Traffic Signals and Devices. If the Maintaining Agency or its contractors causes damages to the Traffic Signals and Devices, then the Maintaining Agency shall repair and/or replace the Traffic Signals and Devices, and the Maintaining Agency shall be fully responsible for the cost of repair and/or replacement to the extent the damages were caused by the Maintaining Agency. Governor declared emergencies (i.e., hurricanes) are handled outside the framework of this Agreement through a combination of Federal and State Emergency Management mechanisms. An emergency contract may be used after a Governor's declaration of emergency has been signed to cover for reimbursement for storm recovery efforts.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**AMENDMENT TO TRAFFIC SIGNAL
MAINTENANCE AND COMPENSATION AGREEMENT**

750-010-24b
TRAFFIC
OPERATIONS
04/23
Page 3 of 4

6. Neither the Maintaining Agency nor the Department shall be liable to the other for any failure to perform under this Agreement to the extent such performance is prevented by a Force Majeure Event and provided that the party claiming the excuse from performance has (a) promptly notified the other party of the occurrence and its estimated duration, (b) promptly remedied or mitigated the effect of the occurrence to the extent possible, and (c) resumed performance as soon as possible. These events shall be documented with detailed damage inspection report forms completed and submitted to the Department within twelve (12) weeks of the end of the Force Majeure event.

A "Force Majeure Event" means the occurrence of:

- (a) an act of war, hostilities, invasion, act of foreign enemies, riot, terrorism or civil disorder;
- (b) act of God (such as, but not limited to, fires, explosions, earthquakes, drought, hurricanes, storms, lightning, tornados, tidal waves, floods, extreme weather or environmental conditions, and other natural calamities);
- (c) or another event beyond the control of the non-performing party and which could not have been avoided or overcome by the exercise of due diligence.

12. The Maintaining Agency and the Department shall update Exhibit A on an annual basis through an amendment of this Agreement. The Maintaining Agency designates _____ as its authorized representative(s), who is delegated the authority to execute all amendments to Exhibit A of this Agreement on behalf of the Maintaining Agency. Exhibit A will contain all Traffic Signals and Devices on the State Highway System which are within the jurisdiction of the Maintaining Agency and are operated and maintained by the Maintaining Agency. No changes or modifications may be made to Exhibit A during the Department's fiscal year for compensation. New Traffic Signals and Devices added by the Department during its fiscal year must be maintained and operated by the Maintaining Agency upon the Department's final acceptance. The Maintaining Agency and the Department shall amend Exhibit A preceding the Department's new fiscal year, which will include all new Traffic Signals and Devices added to the State Highway System during the Department's current fiscal year and delete those removed during the same period. The Maintaining Agency will begin receiving compensation for new Traffic Signals and Devices that were added to Exhibit A by amendment of this Agreement in the Department's fiscal year occurring after the Traffic Signals and Devices are installed and final acceptance of such installation is given by the Department. In the event that no change has been made to the current year's Exhibit A, a certification from the Maintaining Agency shall be provided to the Department certifying that no change has been made to Exhibit A in the Department's current fiscal year. The annual compensation will be a lump sum payment (***minus any retainage or forfeiture***) as set forth in Exhibit B. Future payments will be based on the information provided in Exhibit A, in accordance with the provisions as set forth in Exhibit B, attached to and incorporated in this Agreement.

31. The Department shall monitor the performance of the Maintaining Agency in the fulfillment of its responsibilities under the Agreement. The Maintaining Agency shall submit an annual Report prior to July 15 of each year detailing the following:

- a. All detection device malfunctions: Detection devices include, without limitation, all vehicle presence detectors and all pedestrian/bicycle detectors. Traffic devices supported by detection devices ("TDSDD") include, without limitation, traffic signals, PHBs, and warning devices. Repairs to all vehicle presence detectors shall be made within ninety (90) days with a goal of thirty (30) days if feasible. Repairs to all pedestrian/bicycle detectors shall be made within seventy-two (72) hours of discovery. If repair to vehicle presence detection device is expected to progress beyond thirty (30) days, by the 31st day, the Maintaining Agency shall have a plan available to reestablish detection prior to day 90. The Maintaining Agency shall ensure that 90% of all TDSDD on the State Highway System are operating without detection failures. Discovery and repair dates for each malfunctioning detection device shall be logged in the annual report. If the repairs cannot be performed within the stipulated time, the Maintaining Agency shall document the reason(s) why in the annual report. If more than 10% of the TDSDD are experiencing detection failure(s) by the end of the stipulated time, unless a longer period is approved by the Department due to extraordinary circumstances, each of these TDSDD may only be compensated at 90% of the unit compensation rate stated in Exhibit B for each day (i.e., the annual unit compensation rate is reduced by 1/3650 daily) that more than 10% of the TDSDD are experiencing detection failure(s).
- b. Traffic signal and pedestrian hybrid beacon ("PHB") preventive maintenance inspections: Traffic signals and PHBs shall receive a comprehensive preventive maintenance inspection on at least 50% of all traffic signals and PHBs annually, alternating the remaining 50% the following year. Preventive maintenance inspection shall include verification that all detection is working, the traffic signal or PHB is cycling properly, the ventilation system is functioning, and filters are clean. Basic traffic cabinet maintenance shall also verify power feed voltages, verify that the vehicle and pedestrian indications are functioning properly, test the effective functioning of pedestrian push buttons, and check hinges and door locks. At least one (1) conflict monitor test shall be performed on 50% of traffic signals and PHBs annually, alternating the remaining 50% the following year. Each test is to be documented and included in the annual report to the Department. The inspection report shall note the location, date of inspection, and any actions taken. If 50% of the traffic signals and PHBs do not receive at least one (1) comprehensive preventive maintenance inspection during a twelve (12) month period, there shall be a 20% retainage of the annual compensation amount for the affected traffic signal and PHB locations until the preventive

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**AMENDMENT TO TRAFFIC SIGNAL
MAINTENANCE AND COMPENSATION AGREEMENT**

750-010-24b
TRAFFIC
OPERATIONS
04/23
Page 4 of 4

maintenance inspection is made. If the requirements of this paragraph 31.b are not performed within the state's next fiscal year, the 20% retainage of the annual compensation amount for the affected traffic signal and PHB locations will be forfeited.

- c. For any traffic signals that are interconnected with telecommunications and their real-time operation is electronically monitored via software by personnel at a central location and are therefore receiving the higher compensation amount as described in Exhibit B, the name(s) and title(s) of those monitoring those intersections, and the location of the central monitoring facility(ies), are to be documented and contained in the annual report submitted to the Department. The Maintaining Agency shall be responsible for maintaining current licenses and support agreements for all computer applications necessary for IMTS including, but not limited to, central computer systems, TrMC applications, detection software, and data collection programs, unless other arrangements are made between the Department and the Maintaining Agency for specific applications or systems.
35. At no additional cost to the Department, the Maintaining Agency shall provide the Department with, at minimum, read-only access to all traffic signal data available from the firmware of the traffic signal controllers and other devices covered under this Agreement. The Maintaining Agency shall include the Department as a party to all traffic signal firmware/software related agreements that the Maintaining Agency enters into with other parties.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

759-010-22
 TRAFFIC OPERATIONS
 04/23
 Exhibit A Page 1 of 4

EXHIBIT A
Reimbursement for Maintenance and Operation FY 2024

CITY OF ST. AUGUSTINE																		
Intersection Location	Traffic Signals (TS)	Traffic Signal - Interconnected & monitored (IMTS)	Intersection Control Beacon (ICB)	Pedestrian Flashing Beacon (PFB)	Emergency Fire Dept. Signal (FDS)	Speed Activated Warning Display (SAWD)	Illuminated Street Name Signs (ISNS)	Blank Out Sign (BOS)	Traffic Warning Beacon (TWB)	Probe Data Detection System (PDDS)	Uninterruptible Power Supplies (UPS)	Connected Automated Vehicle Devices (CAVD)	Pedestrian Hybrid Beacon (PHB)	Arterial Dynamic Message Sign (ADMS)	Passive Pedestrian Detection (PPD)	Traffic Monitoring Camera (TrMC)	In-Roadway Warning Lights (IRWL)	Compensation Amount (using Unit Rates from Exhibit B)
SR 5A, (ALT US 1) at HYPOLITA ST.				\$758														\$758
SR 5A, (ALT US 1) at LOCUST ST.				\$758														\$758
SR 5A, (ALT US 1) at OLD MISSION AVE.				\$758														\$758
SR 5A, (ALT US 1) at WILLIAMS ST.				\$758														\$758
SR 5A, (ALT US 1) at N. OF BRIDGE OF LIONS				\$758														\$758
SR207 at CR 5A (OLD DIXIE HWY.)		\$5,558									\$123							\$5,681
SR312 at PLANTATION ISLAND DR./ANTIGUA		\$5,558					\$391.00											\$5,949
SR312 at MIZELL RD.		\$5,558																\$5,558
SR5, (US1) at CASTILLO DR.		\$5,558									\$123							\$5,681
SR5, (US1) at SR207		\$5,558					\$391.00				\$123							\$6,072

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

750-010-32
TRAFFIC OPERATIONS
04/23
Exhibit A Page 2 of 4

EXHIBIT A
Reimbursement for Maintenance and Operation FY 2024

CITY OF ST. AUGUSTINE																		
Intersection Location	Traffic Signals (TS)	Traffic Signal - Interconnected & monitored (IMTS)	Intersection Control Beacon (ICB)	Pedestrian Flashing Beacon (PFB)	Emergency Fire Dept. Signal (FDS)	Speed Activated Warning Display (SAWD)	Illuminated Street Name Signs (ISNS)	Blank Out Sign (BOS)	Traffic Warning Beacon (TWB)	Probe Data Detection System (PDDS)	Uninterruptible Power Supplies (UPS)	Connected Automated Vehicle Devices (CAVD)	Pedestrian Hybrid Beacon (PHB)	Arterial Dynamic Message Sign (ADMS)	Passive Pedestrian Detection (PPD)	Traffic Monitoring Camera (TrMC)	In-Roadway Warning Lights (IRWL)	Compensation Amount (using Unit Rates from Exhibit B)
SR5, (US1) at RAMBLA ST./WINN-DIXIE	\$3,910										\$123							\$4,033
SR5, (US1) at SR5A, (ALT US1)		\$5,558									\$123							\$5,681
SR5, (US1) at CITY OF ST. AUGUSTINE FIRE STATION					\$1,323													\$1,323
SR5, (US1) at SAN CARLOS AVENUE		\$5,558					\$391.00				\$123							\$6,072
SR5, (US1) at SR16		\$5,558									\$123							\$5,681
SR5A (ALT US1) at MIDBLOCK HAWK													\$2,645.00					\$2,645
SR5A (US ALT. 1) at SAN CARLOS AVENUE		\$5,558					\$391.00											\$5,949
SR5A, (ALT US1) at SRA1A, MAY ST.		\$5,558					\$391.00				\$123							\$6,072
SR5A, (ALT US1) at MID BLOCK FSDB/MACARIS ST.	\$3,910																	\$3,910
SR5A, (ALT US1) at MID BLOCK PEDESTRIAN (FORT)		\$5,558									\$123							\$5,681

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

TSO-010-22
TRAFFIC OPERATIONS
04/23
Exhibit A Page 3 of 4

EXHIBIT A
Reimbursement for Maintenance and Operation FY 2024

CITY OF ST. AUGUSTINE																		
Intersection Location	Traffic Signals (TS)	Traffic Signal - Interconnected & monitored (IMTS)	Intersection Control Beacon (ICB)	Pedestrian Flashing Beacon (PFB)	Emergency Fire Dept. Signal (FDS)	Speed Activated Warning Display (SAWD)	Illuminated Street Name Signs (ISNS)	Blank Out Sign (BOS)	Traffic Warning Beacon (TWB)	Probe Data Detection System (PDDS)	Uninterruptible Power Supplies (UPS)	Connected Automated Vehicle Devices (CAVD)	Pedestrian Hybrid Beacon (PHB)	Arterial Dynamic Message Sign (ADMS)	Passive Pedestrian Detection (PPD)	Traffic Monitoring Camera (TrMC)	In-Roadway Warning Lights (IRWL)	Compensation Amount (using Unit Rates from Exhibit B)
SR5A, (ALT US1) at AVENIDA/MENENDEZ/BRG. OF LIONS		\$5,558									\$123							\$5,681
SR5A, (ALT US1) at FT. ALLEY MID BLOCK		\$5,558									\$123							\$5,681
SR5A, (ALT US1) at RIBERIA ST.		\$5,558									\$123							\$5,681
SR5A, (ALT US1) at M. L. KING AVENUE		\$5,558									\$123							\$5,681
SR5A, (ALT US1) at CORDOVA ST.		\$5,558									\$123							\$5,681
SR5A, (ALT US1) at ST.GEORGE ST.		\$5,558																\$5,558
SR5A, A1A at MALAGA ST.		\$5,558									\$123							\$5,681
SR5A, CATHEDRAL ST. at ST. GEORGE ST.		\$5,558																\$5,558
SR5A/A1A, (ALT US1) at CASTILLO DR./SAN MARCO		\$5,558																\$5,558
SRA1A at MATANZAS BLVD.	\$3,910										\$123							\$4,033

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

750-010-22
TRAFFIC OPERATIONS
04/23
Exhibit A Page 4 of 4

EXHIBIT A
Reimbursement for Maintenance and Operation FY 2024

CITY OF ST. AUGUSTINE																		
Intersection Location	Traffic Signals (TS)	Traffic Signal - Interconnected & monitored (IMTS)	Intersection Control Beacon (ICB)	Pedestrian Flashing Beacon (PFB)	Emergency Fire Dept. Signal (FDS)	Speed Activated Warning Display (SAWD)	Illuminated Street Name Signs (ISNS)	Blank Out Sign (BOS)	Traffic Warning Beacon (TWB)	Probe Data Detection System (PDDS)	Uninterruptible Power Supplies (UPS)	Connected Automated Vehicle Devices (CAVD)	Pedestrian Hybrid Beacon (PHB)	Arterial Dynamic Message Sign (ADMS)	Passive Pedestrian Detection (PPD)	Traffic Monitoring Camera (TrMC)	In-Roadway Warning Lights (IRWL)	Compensation Amount (using Unit Rates from Exhibit B)
SRA1A at EDMINSTER AVE. MID BLOCK	\$3,910										\$123							\$4,033
SRA1A, ANASTASIA BLVD. at R. B. HUNT ELEM. SCHOOL				\$758														\$758
Total Lump Sum Amount*																		\$139,362.00

* Amount paid shall be the Total Lump Sum (minus any retainage or forfeiture).

I certify that the above Traffic Signals and Devices will be maintained and operated in accordance with the requirements of the Traffic Signal Maintenance and Compensation Agreement. For satisfactory completion of all services detailed in this Agreement for this time period, the Department will pay the Maintaining Agency a Total Lump Sum (minus any retainage or forfeiture) of \$139,362.00

Maintaining Agency _____ Date _____

District Traffic Operations Engineer _____ Date _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**AMENDMENT TO TRAFFIC SIGNAL
MAINTENANCE AND COMPENSATION AGREEMENT**

750-010-246
TRAFFIC
OPERATIONS
SUCC
Exhibit B Page 1 of 2

**EXHIBIT B
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT**

1.0 PURPOSE

This exhibit defines the method and limits of compensation to be made to the Maintaining Agency for the services described in this Agreement and in Exhibit A and method by which payments will be made.

2.0 COMPENSATION FOR MAINTENANCE AND OPERATION

For the satisfactory completion of all services related to maintenance and operation detailed in this Agreement and Exhibit A of this Agreement, the Department will pay the Maintaining Agency the Total Lump Sum (*minus any retainage or forfeiture*) in Exhibit A. The Maintaining Agency will receive one lump sum payment (*minus any retainage or forfeiture*) at the end of each fiscal year for satisfactory completion of service.

Total Lump Sum (*minus any retainage or forfeiture*) Amount for each fiscal year is calculated by adding all the individual Traffic Signal and Device unit amounts.

Pedestrian Flashing Beacon: includes school zone beacons, pedestrian crossing beacons, and rectangular rapid flashing beacons (RRFB). Systems shall be paid at a unit rate per controller regardless of the number of individual devices or poles.

Connected and Automated Vehicles Devices (CAVD): includes roadside units and roadside equipment.

Unit Compensation Rates per Unit on the State Highway System																	
FY	Traffic Signals (TS) <i>Intersection</i>	Traffic Signal - Interconnected & monitored (IMTS) <i>Intersection</i>	Intersection Control Beacon (ICB) <i>Intersection</i>	Pedestrian Flashing Beacon (PFB) <i>System</i>	Emergency Fire Dept. Signal (FDS) <i>System</i>	Speed Activated Warning Display (SAWD) <i>System</i>	Illuminated Street Name Signs (ISNS) <i>Intersection</i>	Blank Out Sign (BOS) <i>Device</i>	Traffic Warning Beacon (TWB) <i>System</i>	Probe Data Detection System (PDDS) <i>Device</i>	Uninterruptible Power Supply (UPS) <i>Device</i>	Connected Automated Vehicle Devices (CAVD) <i>Device</i>	Pedestrian Hybrid Beacon (PHB) <i>System</i>	Arterial Dynamic Message Sign (ADMS) <i>Device</i>	Passive Pedestrian Detection (PPD) <i>System</i>	Traffic Monitoring Camera (TrMC) <i>Device</i>	In-Roadway Warning Lights (IRWL) <i>System</i>
2021-22	\$ 3,573	\$ 5,134	\$ 896	\$ 717	\$ 1,252	\$ 360		\$ 360	\$ 360	\$ 115	\$ 115	\$ 514					
22-23	\$3,670	\$5,273	\$921	\$737	\$1,286	\$370		\$370	\$370	\$119	\$119	\$527					
23-24	\$ 3,910	\$ 5,558	\$ 947	\$ 758	\$ 1,323	\$ 381	\$ 391	\$ 419	\$ 381	\$ 123	\$ 123	\$542	\$ 2,645	\$ 2,027	\$ 1,644	\$ 688	\$ 658
2024-25	Based on the Consumer Price Index (CPI), the compensation amounts will be revised.																
2025-26	Based on the CPI, the compensation amounts will be revised.																

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**AMENDMENT TO TRAFFIC SIGNAL
MAINTENANCE AND COMPENSATION AGREEMENT**

750-610-246
TRAFFIC
OPERATIONS
04/23
Exhibit B Page 2 of 2

Based on the Consumer Price Index (CPI), the Unit Rate for the following fiscal year will be adjusted accordingly, unless otherwise specified in an amendment to this Agreement. However, if CPI is negative, there shall be no reduction from the previous year's compensation.

3.0 COMPENSATION FOR REPAIR AND/OR REPLACEMENT OF DAMAGED TRAFFIC SIGNALS AND DEVICES

For the satisfactory completion of all services related to repair and/or replacement of damaged Traffic Signals and Devices detailed in this Agreement, the Department will pay the Maintaining Agency a Lump Sum amount of the actual costs incurred for the replacement and/or repair of the damaged Traffic Signals and Devices as set forth in the invoice submitted to the Department. The invoice for the costs incurred for the replacement and/or repair of damaged Traffic Signals and Devices shall contain the information required in Exhibit C and any other additional information requested by the Department to justify the costs incurred. The reimbursement amount is subject to approval by the Department.

4.0 PAYMENT PROCESSING

For regular maintenance costs, the Maintaining Agency shall invoice the Department in a format acceptable to the District Traffic Operations Engineer, on an annual basis for the reimbursement costs incurred by the Maintaining Agency for the previous year prior to 5:00 p.m. on July 15th of each year. For example, the Maintaining Agency shall submit its invoice for the fiscal year beginning July 1, 2022 through June 30, 2023 no later than July 15, 2023.

For costs incurred for repair and/or replacement of damaged Traffic Signals and Devices, applicable reimbursements will be processed after the Department receives a properly completed and supported invoice from the Maintaining Agency. The Maintaining Agency shall submit invoices for repair and/or replacement costs due to damaged Traffic Signals and Devices within 60 days of the work completed date for which the Maintaining Agency is invoicing.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**AMENDMENT TO TRAFFIC SIGNAL
MAINTENANCE AND COMPENSATION AGREEMENT**

750-010-24b
TRAFFIC
OPERATIONS
04/23
Exhibit C Page 1 of 1

**EXHIBIT C
Reimbursement for Replacement and/or Repair of
Damaged Traffic Signals and Devices**

Subject to the terms and conditions of the Agreement, the Department will reimburse the Maintaining Agency a Lump Sum amount for costs incurred for the replacement and/or repair and associated contract documentation of Traffic Signals and Devices damaged as a result of third parties or as a result of other causes that were not caused by the Maintaining Agency or its contractors. Agreement paragraph 3 provides administrative procedures on how third party and Force Majeure events are handled for reimbursement. Force Majeure events shall be documented with detailed damage inspection report forms within twelve (12) weeks following the end of the Force Majeure event. Costs related to Governor declared emergencies are not reimbursable under this Agreement.

The Department follows the Traffic Signal Maintenance and Compensation Agreement Manual (Topic No. 750-010-022) for submitting damage claims. In submitting this Exhibit C to the Department, the Maintaining Agency is required to adhere to Chapter 2 of the Traffic Signal Maintenance and Compensation Agreement Manual, dated March 31, 2023, available at: [Traffic Signal Maintenance and Compensation Agreement Manual](#).

The Maintaining Agency is not required to provide a police report in situations where damage is caused to Traffic Signals and Devices by a Force Majeure Event or as a result of other causes beyond the control of the Maintaining Agency that do not necessarily prevent performance, which includes but is not limited to: storms, winds, lightning, flooding and other natural and weather related causes. The Maintaining Agency must provide a police report in all situations where a traffic accident, theft, or vandalism causes damage to Traffic Signals and Devices to the extent the Maintaining Agency has the ability and opportunity to obtain a police report.

Applicable reimbursements will be processed after the Department receives a properly completed and supported invoice from the Maintaining Agency. The following information shall be provided by the Maintaining Agency to be eligible for the reimbursement payment:

Date and Time of Accident/Incident:	
Location of Accident/Incident:	
Provide Police Report (if applicable) and the Following Information: 1. Attach pictures of damaged traffic signals and devices, as well as completed work. 2. Attach invoices or receipt of equipment purchased to replace damaged components. 3. Attach detailed documentation of labor costs associated with replacing and/or repairing damaged components, including dates of performance and completion of the work.	
Contract No.: _____	
Project No.: _____	
Total Lump Sum Reimbursement Amount	\$

The Maintaining Agency hereby certifies that it has replaced and repaired all the Traffic Signals and Devices at the location or signalized intersection referenced above. Henceforth, this document is the Maintaining Agency's request for reimbursement to the Department for the services of restoring the Traffic Signals and Devices to their original operating condition.

The Parties agree to the Total Lump Sum Reimbursement Amount set forth above.

Maintaining Agency Date

District Traffic Operations Engineer Date

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim
City Manager

DATE: June 29, 2023

RE: Agenda Item for July 10, 2023 City Commission Meeting;
Resolution 2023-21 Traffic Signal Maintenance and Compensation
Agreement for FY 2024 between the FDOT and COSA

The FDOT and COSA Public Works Department request City Commission consideration of the proposed resolution authorizing the annual renewal of the Traffic Signal Maintenance and Compensation Agreement, Exhibit A, between the FDOT and COSA for Fiscal Year 2024.

The City of St. Augustine, as the maintaining agency, will continue to be responsible for the maintenance and continuous operation of the traffic signal systems at the locations listed within the Agreement's Exhibit A, attached with Resolution 2023-21.

The FDOT agrees to pay an annual compensation amount based on the Department's fiscal year for the maintenance and continuous operation of the traffic signal systems listed in Exhibit A.

Attached, please find the proposed Resolution 2023-21 and amended Exhibit A for Fiscal Year 2024; and please let me know of any questions or concerns.

Sincerely,



Todd Grant, P.G.
Public Works Director

Resolution 2023-21 and Amendment to Exhibit A

cc:

D. Galambos, City Clerk
I. Lopez, City Attorney
M. Breidenstein, Assistant City Manager
Reuben Franklin, Jr., Assistant City Manager
M. Simpson, Financial Services Director

RESOLUTION 2023-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AUTHORIZING THE EXECUTION OF THE ANNUAL AMENDMENT OF EXHIBIT "A" FOR FY 2023 OF THE TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF ST. AUGUSTINE DATED AUGUST 25, 2015.

WHEREAS, The City of St. Augustine deems it in the public interest to maintain certain traffic signals and control beacons of the State Highway System within the corporate limits of the City and to enter into the attached annual Amendment to Exhibit "A" for FDOT FY 2024 (July 2023- June 2024) per the original Agreement dated August 25, 2015 with the Florida Department of Transportation (FDOT) for the maintenance of those traffic signals and control beacons and the compensation of the City for providing such maintenance; and

WHEREAS, the City Attorney for the City of St. Augustine has approved the annual Amendment to Exhibit "A" of the Traffic Signal Maintenance and Compensation Agreement as to form, content, and legal sufficiency; and

WHEREAS, the City Commission of the City of St. Augustine designates an authorized representative to execute said Amendment, and its counterparts as described in Exhibit "A".

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

Section 1. That the City of St. Augustine concurs in and hereby adopts and ratifies the provisions of Amendment to Exhibit "A" to the original Agreement dated August 25, 2015 with the Florida Department of Transportation for the maintenance of certain traffic signals and control beacons and compensation for said maintenance as described in said Amendment. A copy of the Amendment for FDOT FY2024 is attached hereto and incorporated herein as Exhibit "A."

Section 2. That the City Commission of the City of St. Augustine hereby authorizes the City Manager and City Clerk to execute Amendment to Exhibit "A" for FDOT FY2024, and subsequent annual Amendments to Exhibit "A", to the Agreement dated August 25, 2015 and transmit same to the Florida Department of Transportation.

PASSED in Regular Session of the City Commission of the City of St. Augustine,
Florida, this ____ day of July, 2023.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

DATE: June 29, 2023

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 1154 W. KING STREET EXT.**

Enclosed is a Satisfaction and Release of Mortgage for 1154 W. King Street Ext., regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine, Shirley Jones, and Shenika Andrews. The mortgage was recorded in the Public Records of St. Johns County on August 22, 2019. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the July 10, 2023 City Commission meeting.

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

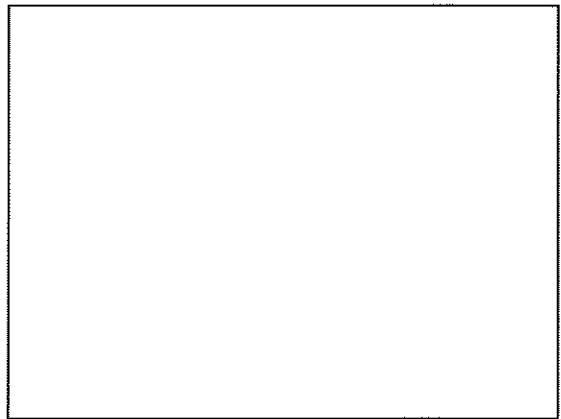


Isabelle C. Lopez
City Attorney

/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 **SHIRLEY JONES and SHENIKA ANDREWS**, whose address is 1154 W. King Street Ext., St. Augustine, Florida 32084, their heirs, assigns or successors in title (hereinafter referred to as "Mortgagors"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated July 19, 2019, recorded at Official Records Book 4783, Page 173, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagors from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 4783, Page 173, 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 _____, 2023.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Darlene Galambos, City Clerk
(S E A L)

By: _____
Nancy Sikes-Kline, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of ☐ physical presence or ☐ online notarization, **Nancy Sikes-Kline**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that she executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2023.

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: PART OF LOT 13, BLOCK A, LOS CAMPOS PEQUENOS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN MAP BOOK 5, PAGE, 70, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF LOT 13, AFORESAID, THENCE EAST ALONG THE NORTH LINE OF KING STREET, AS NOW ESTABLISHED, 100 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EAST ON THE NORTH LINE OF SAID KING STREET, 50 FEET; THENCE NORTH 100 FEET; THENCE WEST 50 FEET; THENCE SOUTH 100 FEET TO THE POINT OF BEGINNING.

PARCEL ID NUMBER: 095280-0140

LOCATION ADDRESS: 1154 W. KINGS STREET EXT., ST. AUGUSTINE, FLORIDA 32084

**UNIT CONNECTION FEE
MORTGAGE**

THIS MORTGAGE, by and between **Shirley Jones and Shenika Andrews** whose address is 1154 West King Street Extension Augustine, FL 32084 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

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

SEE EXHIBIT "A" ATTACHED HERETO

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

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

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

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

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

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

And the Mortgagor further covenants as follows:

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

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

3. That the Mortgagee will make monthly payments in the amount of \$51.24 for 60 months, with the first payment due August 15, 2019.

19th of July 2019. **IN WITNESS WHEREOF**, the Mortgagor has hereunto set its hand and seal, this

Signed, sealed and delivered in the presence of:

Amanda Anderson
Witness

Printed Name: Amanda Anderson

Darlene Galambos
Witness

Printed Name: Darlene Galambos

Amanda Anderson
Witness

Printed Name: Amanda Anderson

Darlene Galambos
Witness

Printed Name: Darlene Galambos

BY: Shirley Jones
(Printed Name) Shirley Jones
(Address) 1154 West King Street Extension
(Telephone) 904-377-3065

BY: Shenika Andrews
(Printed Name) Shenika Andrews
(Address) 1154 West King Street Extension
(Telephone) 904-377-3065

*** 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, **Shirley Jones**, who is personally known to me or who has produced Shirley Jones as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this

July 19, 2019



Robin DiAngelis
Notary Public, State of Florida

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

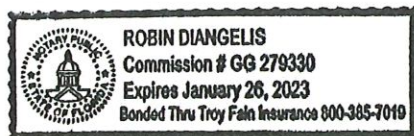
STATE OF Florida

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, **Shenika Andrews**, who is personally known to me or who has produced Shenika Andrews as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this

July 19, 2019



Robin DiAngelis
Notary Public, State of Florida

Exhibit "A"

LEGAL DESCRIPTION

PART OF LOT 13, BLOCK A, LOS CAMPOS PEQUENOS, according to map or plat thereof recorded in Map Book 5, page, 70, of the public records of St. Johns county, Florida, more particularly described as follows:

Commencing at the Southwest corner of the East half of Lot 13, aforesaid, thence East along the North line of King Street, as now established, 100 feet to the Point of Beginning; thence continue East on the North line of said King Street, 50 feet; thence North 100 feet; thence West 50 feet; thence South 100 feet to the Point of Beginning.

Parcel: 095280-0140

**UNIT CONNECTION FEE
PROMISSORY NOTE**

APPLICANT(S) NAME: Shirley Jones and Shenika Andrews
ADDRESS: 1154 West King Street Extension
St. Augustine, FL 32084

\$2,679.40

St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **1154 West King Street Extension Augustine, FL 32084**, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **2,679.40 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **5.55 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **51.24 Dollars**, commencing on **August 15, 2019** and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

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

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

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

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

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

Exhibit "B"

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

Signed, sealed and delivered **dated as of** July 19, 2019, in the presence of:

Amanda Anderson
Witness
Printed Name: Amanda Anderson

BY: Shirley Jones
(Printed Name) Shirley Jones
(Address) 1154 West King Street Extension
(Telephone) 904-377-3065

Darlene Galambos
Witness
Printed Name: Darlene Galambos

Amanda Anderson
Witness
Printed Name: Amanda Anderson

BY: Shenika Andrews
(Printed Name) Shenika Andrews
(Address) 1154 West King Street Extension
(Telephone) 904-377-3065

Darlene Galambos
Witness
Printed Name: Darlene Galambos

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

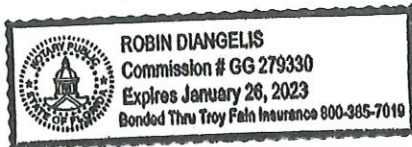
STATE OF Florida

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, **Shirley Jones**, who is personally known to me or who has produced Florida d.l. as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this

July 19, 2019



Robin Diangelis
Notary Public, State of Florida

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

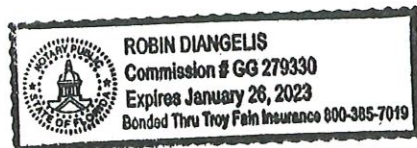
STATE OF Florida

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, **Shenika Andrews**, who is personally known to me or who has produced Florida d.l. as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this

July 19, 2019



Robin Diangelis
Notary Public, State of Florida

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

DATE: June 29, 2023

RE: **SATISFACTION AND RELEASE OF MORTGAGE LIEN – 335 RIBERIA STREET**

Enclosed is a Satisfaction and Release of Mortgage Lien for 335 Riberia Street, regarding the Security Agreement / Mortgage Lien executed between the City of St. Augustine Community Redevelopment Agency, the City of St. Augustine, and Shirley Jones. The mortgage was recorded in the Public Records of St. Johns County on July 16, 2021. A copy of the Security Agreement / Mortgage Lien is enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage Lien on the consent agenda for consideration and execution at the July 10, 2023 City Commission meeting.

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

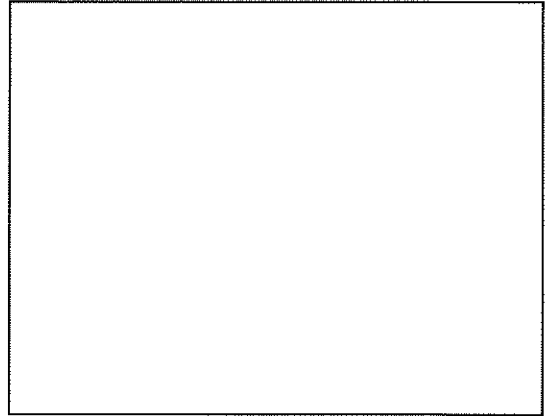


Isabelle C. Lopez
City Attorney

/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 LIEN**

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 **SHIRLEY JONES**, whose address is 335 Riberia Street, St. Augustine, Florida 32084, her heirs, assigns or successors in title (hereinafter referred to as "Mortgagor"), from the Mortgage entitled, "Security Agreement / Mortgage Lien," executed between the parties and dated July 15, 2021, recorded at Official Records Book 5319, Page 1392, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagor from any obligations created by or existing by virtue of said Mortgage and such obligations related to said document 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 _____, 2023.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Darlene Galambos, City Clerk
(S E A L)

By: _____
Nancy Sikes-Kline, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of ☐ physical presence or ☐ online notarization, **Nancy Sikes-Kline**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that she executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2023.

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

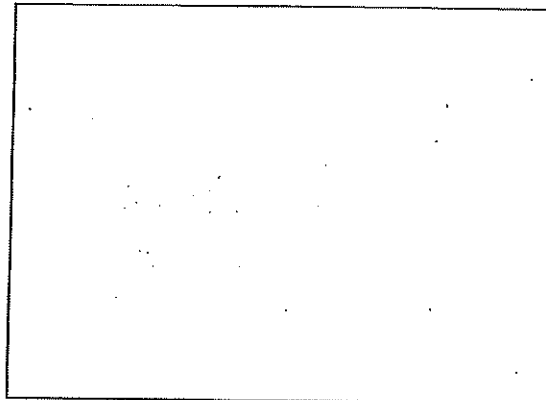
LEGAL DESCRIPTION: LOT 20, BLOCK 13, BUENA ESPERANZA SUBDIVISION, ACCORDING TO PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL ID NUMBER: 212950-0200

LOCATION ADDRESS: 335 RIBERIA STREET, ST. AUGUSTINE, FLORIDA 32084

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

**UNDER THE CITY OF ST. AUGUSTINE
EMERGENCY ASSISTANCE
REHABILITATION PROGRAM**



SECURITY AGREEMENT / MORTGAGE LIEN

THIS INDENTURE, made this 15th day of July, 2021,
between Shirley Jones, whose mailing address is 335 Riberia St and whose street address
of the property described below is

Lot 20, Block 13, Buena Esperanza Subdivision, according to plat thereof on file in the office of the
Clerk of the Circuit Court of St. Johns County, Florida.

hereinafter
referred to as "OWNER" (OWNER refers to singular or plural as the context requires), and the
CITY OF ST. AUGUSTINE COMMUNITY REDEVELOPMENT AGENCY (hereinafter referred
to as "CRA") and the **CITY OF ST. AUGUSTINE, FLORIDA** (hereinafter referred to as "CITY").

WITNESSETH:

WHEREAS, the CITY through its St. Augustine Community Redevelopment Agency
(CRA) has made available to OWNER under its Emergency Assistance Rehabilitation
Program, funds to be used for housing repair, primarily to encourage continued
homeownership for very-low, low, or moderate-income participants within the Lincolnville
Community Redevelopment Area; and

WHEREAS, the parties hereto wish to preclude speculation and windfall profits from
the sales of properties assisted with such funds.

NOW, THEREFORE, in consideration of the provision of financial assistance to the
OWNER for housing repairs and/or rehabilitation assistance on the property hereinafter
described subject to the terms and conditions hereinafter provided, the OWNER has
mortgaged, granted, and conveyed to CITY the land situate, lying and being in the County of
St. Johns, City of St. Augustine, State of Florida, described in **EXHIBIT "A"** attached hereto
and incorporated herein, hereinafter referred to as "PROPERTY", together with all
improvements, replacements, and additions now or hereafter erected on the PROPERTY,
and all easements, appurtenances, and fixtures now or hereafter a part of the PROPERTY,
the said OWNER does hereby fully warrant the title to said PROPERTY and will defend the
same against the lawful claims of all persons whomsoever.

SUBJECT, HOWEVER, to the following terms and conditions each of which the
OWNER hereby accepts and agrees to:

[Handwritten signature]

1. CRA/CITY Emergency Assistance Rehabilitation Program funds, described in EXHIBIT "B" attached hereto and incorporated herein, have been provided to or for the benefit of the OWNER to assist in the rehabilitation of the PROPERTY, the receipt whereof is hereby acknowledged by OWNER.
2. OWNER agrees that OWNER occupies and shall occupy the PROPERTY as his or her principal and primary place of residence for a period of at least ten (10) years from the date of this document.
3. For a period of ten (10) years from the date of this document, if the PROPERTY shall be sold, refinanced, or transferred, or in the event of the owner's death, the OWNER, or OWNER'S estate, shall repay to the CRA/CITY the financial assistance provided to OWNER under the CRA/CITY Emergency Assistance Rehabilitation Program immediately upon the sale, refinance, or transfer of the PROPERTY.
4. Paragraph 3 of this agreement regarding transfer of the subject PROPERTY shall not apply to a transfer from the OWNER to the OWNER'S spouse or ex-spouse pursuant to a court order as part of a divorce action; but if transferred to an OWNER'S spouse or ex-spouse, the agreements contained herein shall run with title to the land and, thereafter, be applicable to any transfer made by the OWNER'S said spouse or ex-spouse.
5. OWNER understands and agrees that this agreement shall be recorded in the office of the Clerk of the Circuit Court in and for St. Johns County, Florida, and its obligations thereof shall run with title to the PROPERTY and shall encumber and burden title to the PROPERTY.
6. THE OWNER UNDERSTANDS AND AGREES THAT THIS INSTRUMENT SHALL PLACE A MORTGAGE LIEN UPON OWNER PROPERTY DESCRIBED HEREIN ABOVE AND THIS AGREEMENT SHALL BE BINDING UPON THE HEIRS, DEVISEES, SUCCESSORS, AND ASSIGNS OF THE OWNER.
7. In any instance where OWNER endeavors to refinance existing or obtain new mortgage(s) that are being secured by the PROPERTY, this Security Agreement may NOT be subordinated, unless agreed to in writing by the CRA/CITY.
8. The OWNER further understands and agrees that any benefit received by OWNER as a result of false or misleading information submitted to CRA/CITY or its independent contractors shall be paid back to the CRA/CITY by the OWNER immediately upon discovery of same.
9. All obligations and conditions herein that are applicable to OWNER are secured by this mortgage lien PROVIDED that if the OWNER shall meet or pay all obligations described herein and in the COVENANT and shall comply with all conditions and perform all agreements set forth herein, then this mortgage lien and the estate hereby created shall cease and be null and void after a period of ten (10) years from the date of this document.

Security Agreement/Mortgage Lien
Rev. 02/03/20
Page 2 of 5

IN WITNESS WHEREOF, OWNER has executed this instrument under seal on the day and year first above written.

Signed, sealed and delivered
in the presence of:

Kaitlyn Arbuckle
Witness

Print: Kaitlyn Arbuckle

Susan G. Jones
Witness

Print: Susan G. Jones

"OWNER"

Shirley Jones
Signature

Print: Shirley Jones

Title: homeowner

STATE OF FLORIDA
COUNTY OF St. Johns

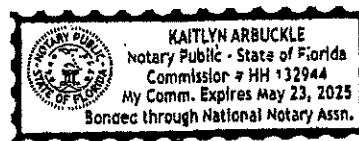
I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Shirley Jones, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced FL Lending in 9581 as identification, who is the person described in and who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

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

Kaitlyn Arbuckle
Notary Public, State of Florida

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CITY ATTORNEY



TO REIMBURSE THE CRA/CITY FOR THE NO-INTEREST LOAN AND TO CLEAR THE TITLE OF THIS LIEN, CONTACT CITY OF ST. AUGUSTINE COMMUNITY REDEVELOPMENT AGENCY. CASHIER'S CHECK OR MONEY ORDER SHOULD BE MADE PAYABLE TO CITY OF ST. AUGUSTINE, FLORIDA FOR REPAYMENT OF THE CITY OF ST. AUGUSTINE CRA EMERGENCY ASSISTANCE REHABILITATION PROGRAM LIEN.

Security Agreement/Mortgage Lien
Rev. 02/03/20
Page 3 of 5

EXHIBIT "A"

LEGAL DESCRIPTION

Lot 20, Block 13, Buena Esperanza Subdivision, according to plat thereof on file in the office of the Clerk of the Circuit Court of St. Johns County, Florida.



EXHIBIT "B"**EMERGENCY ASSISTANCE REHABILITATION PROGRAM FUNDS ALLOCATED**

Date: 6/25/21

Client Name: Shirley Jones

Address: 335 Riberia St 32084

850

Phone: 904-377-3065

Client #: 6532

Funding:

Fix It Up LCRA Grant Program-Scope of Work

Plumbing	
Item	Cost
Remove the existing shower and surround in the master bath and install a RH drain tub and surround.	\$7100.00
Replace the toilet in the master with a comfort height toilet.	\$500.00
Replace the vanities and faucet in the master	\$800.00
Total Cost	\$8400.00

Carpentry	
Item	Cost
Pressure wash the house	\$325.00
Cut back the limbs over hanging the fence on the south side of the house.	\$225.00
Remove all the existing flooring in the entire home and install vinyl plank flooring. Approximately 990 square feet. Owner will choose the flooring from 3 samples provided by SJHP. Include the replacement of shoe mould. Use the existing base. Prime and paint the new shoe mould.	7500.00
Replace the back door. Include the lockset and deadbolt. Replace the front door and storm door. Include the lockset and deadbolt all keyed alike.	\$1600.00
Build a set of rails at the front steps. Use pressure treated lumber. This repair will not be painted.	\$625.00
Build a landing and steps at the back of the house.	\$750.00
Replace the brackets on the front porch rails. These are rusted.	\$175.00
Total Cost	\$11,200.00

Security Agreement/Mortgage Lien
Rev. 02/03/20
Page 5 of 6

Trash	
Item	Cost
Remove all the trash and dispose of properly.	\$400.00
Total Cost	
Total COSA Lien	\$20,000.00

Note: If cost estimate changes or is inaccurate, causing monies to be remaining or needing to be added (not to exceed \$20,000.00) following repairs, the COSA lien will be updated to reflect accurate cost and/or the scope of work will be updated by way of change order to complete additional property repairs. All changes will be reviewed and approved or denied by COSA staff.

Security Agreement/Mortgage Lien
Rev. 02/03/20
Page 6 of 5

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: June 26, 2023

RE: Certificates of Recognition – Sister Cities Student Exchange Program

On Monday, July 24th the City Commission will present Certificates of Recognition to three (3) students participating in the St. Augustine, Florida/Aviles, Spain Student Exchange Program.

Please place this item on the July 10th Consent Agenda as a reminder.

Respectfully,



Melissa Wissel
Communications Director

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

DATE: July 3, 2023

RE: **SPADARO PARCEL SWAP – INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find Invoice No. 06-2023-03-4051 dated June 30, 2023, from Cavendish Partners, P.A. for legal services rendered in the month of June 2023 regarding the Spadaro parcel swap project.

The amount due is **\$1,856.00**. We have reviewed the billing and submit same to you for placement on the consent agenda for the July 10, 2023 City Commission meeting.

*{ WITH THIS INVOICE THE TOTAL EXPENDED TO DATE FOR ATTORNEY'S
FEES AND COSTS ON THIS MATTER EQUALS \$7,580.00. }*

Thank you.



Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Darlene Galambos, City Clerk
Mark Simpson, Financial Services

CAVENDISH PARTNERS

P.A.

200 West Forsyth Street, Suite 1300
Jacksonville, FL 32202

INVOICE

Date: 06/30/2023

Invoice #: 06-2023-03-4051

Matter: Spadaro Parcel Swap Project 2023

File #: 4051

INVOICE TOTAL AND BALANCE DUE \$1,856.00

Bill To:

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

Due Date: 07/30/2023

Please Remit Payment To:

Cavendish Partners, P.A.
200 West Forsyth Street
Suite 1300
Jacksonville, FL 32202

**PAYMENTS RECEIVED AFTER 06/30/2023 ARE NOT
REFLECTED IN THIS BALANCE DUE INVOICE**