

A M E N D E D

**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, OCTOBER 28, 2019 - 5:00 PM
ALCAZAR ROOM**

1. CALL TO ORDER

- ❖ Roll Call
- ❖ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

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

- ❖ **3** minutes per individual

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

6. APPEALS

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

(Presentations (maximum of **10** minutes per presentation). Presentations for Commission meetings must be presented to the City Manager for

approval no later than ten (10) working days prior to the next City Commission meeting. A Presentation Support Services Request (available on the City's website) MUST accompany all presentations. The Form is available at:

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

A. GENERAL PUBLIC PRESENTATIONS

7.A. Short-Term Rental Committee Memo: Discussion and direction regarding possible codification of short-term (vacation) rental regulations based on the STR Committee recommendations. *(I. Lopez, City Attorney).*

B. ITEMS OF GREAT PUBLIC IMPORTANCE (WITH PUBLIC COMMENT)

7.B. Amends Sec. 2.01, Sec. 4.09 and Sec. 6.23 of the City Charter to provide for a four (4) year term for the candidate elected to City Commission Seat Three, to allow the mayor and vice-mayor to be elected by members of the City Commission. *(I. Lopez, City Attorney).*

C. OTHER ITEMS REQUIRING PUBLIC HEARING

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

A. ORDINANCES – SECOND READING

8.A.1. Ordinance 2019-40: Amendment to Sec. 28-37 to modify the defined development permits to conform to state statute and to provide for review and resolution of conflicts between development permit applications and other legal documents. *(I. Lopez, City Attorney).*

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

8.B.1. Ordinance 2019-41: Amends Sec. 2.03 of the City Charter to provide for a residence requirement for City Commissioners for a period of one (1) year prior to the date of qualification for election and for continuous physical residency and voter registration within the City for the term of their office. *(I. Lopez, City Attorney).*

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

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

A. ORDINANCES – FIRST READING

9.A.1. Ordinance 2019-43: Updates Section 28-29 of the zoning code to provide lot coverage variances for handicapped accessibility in zoning districts HP-1, HP-2 and HP-3. (*D. Birchim, Director, Planning and Building*).

9.A.2. Ordinance 2019-19: Amendment to Sec. 10.54 of the City Charter to extend the terms for police and fire department representatives on the Civil Service Board from one (1) year to three (3) years to provide greater continuity and the ability to discuss and review issues that may require multi-year context. (*I. Lopez, City Attorney*).

9.A.3. Ordinance 2019-24: Charter update to Article IV, Sections 4.01, 4.07, 4.09, 4.10, 4.12, 4.13, 4.14, 4.16, 4.19, 4.21 and 4.44 updating the powers and authority of executive and administrative officers, removing reference to municipal judges and the department of public safety and welfare and conforming language to current usage and policies of the City. (*I. Lopez, City Attorney*).

9.A.4. Ordinance 2019-25: Charter update to Article V, Sections 5.21 and 5.28 providing intent regarding the provisions for ordinances submitted by petition of voters, clarifying the city attorney's responsibility to approve resident petition driven ordinances as to form only prior to consideration before the City Commission and repealing resident petition emergency measures as impracticable due to federal and state emergency procedure requirements. (*I. Lopez, City Attorney*).

9.A.5. Ordinance 2019-26: Charter update to Article VI, Sections 6.14, 6.18, 6.19, 6.201 and 6.26 updating the charter to conform with the Florida Election Code that superseded local rules and regulations regarding electoral procedures and incorporates the procedures found in Chapter 166.21(4) regarding charter amendments by ordinance. (*I. Lopez, City Attorney*).

9.A.6. Ordinance 2019-44: Creates Chapter 28, Article II, Division 1, Section 28-29 of the Code to the City of St. Augustine to provide consistency of appeals for all development permits and utilizes the statutory language, provides for uniform lower board procedures for appeals and conforms and clarifies the appeals procedure. (*I. Lopez, City Attorney*).

9.A.7. Ordinance 2019-45: Creates Chapter 28, Article II, Division 5, Sections 28-126 through 28-134 of the Code of the City of St. Augustine to establish the Corridor Review Committee to interpret the new Design Standards for Entry Corridors. (*I. Lopez, City Attorney*).

9.A.8. Ordinance 2019-47: Creates Chapter 2, Division 3, Sections 2-340 through 2-343 creating the office of the special magistrate for code enforcement violations. (*J. Cary, Assistant City Attorney*).

C. RESOLUTIONS

9.B.1. Resolution 2019-41: Establishes the City Manager's authority to close city streets for certain events. (*P. Williamson, Director, Public Affairs*).

9.B.2. Resolution 2019-42: Allows for the extension of the 2019-2020 *Nights of Lights* program. (*P. Williamson, Director, Public Affairs*).

10. STAFF REPORTS AND PRESENTATIONS

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

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

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

12.A. Notification of board term expirations and vacancies on the Code Enforcement Adjustments and Appeals Board (CEAAB) and St. Augustine Firefighters' Pension Trust Fund Board of Trustees advising that advertisements will be placed requesting applications. (*D. Galambos, City Clerk*).

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

13.A. APPLICATION WITHDRAWN BY APPLICANT

~~Discussion regarding right-of-way use permit application by the Diocese of St. Augustine, Inc. to allow a fence to remain on Pine Street. (*J. Regan, City Manager*).~~

14. ITEMS BY MAYOR AND COMMISSIONERS

14.A. Briefing on the mayor to mayor meeting with the Mayor of the City of Aviles and the representative for the mayor of the Island of Menorca recently held in St. Augustine. (*T. Upchurch, Mayor*).

14.B. Briefing on attendance at the Florida Mayors Summit on Flooding and Sea Level Rise and legislative meetings recently held in Washington, DC. (*T. Upchurch, Mayor*).

15. ADJOURN

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

CONSENT AGENDA – OCTOBER 28, 2019

CA.1. Preview of upcoming Commission meetings.

a) The following ordinances are tentatively scheduled for second reading on November 12, 2019:

- Ordinance 2019-43

b) Reminder of upcoming meetings:

- November 12, 2019, 5:00 p.m., Regular Meeting
- December 9, 2019, 5:00 p.m., Regular Meeting

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

- October 14, 2019 Regular Meeting

CA.3. Releases of Lien for Unit Connection Fee Mortgage(s): None.

CA.4. Proposed Proclamations, Certificates of Appreciation/Recognition. (Commission approval required). (To be read at a subsequent meeting).

- Proclamation 2019-26: Proclaiming November 30, 2019 as *Small Business Saturday*. (T. Upchurch, Mayor).
- Proclamation 2019-27: Declares October 21-27, 2019 as *Florida City Government Week*. (T. Upchurch, Mayor).

CA.5. Approval of carry-forward funds in the amount of \$81,146.00 from the 2018-2019 fiscal year. (M. Litzinger, Director, Finance).

CA.6. Notification from FEMA of the increase to a Class 5 rating in the National Flood Insurance Program Community Rating System which will improve the discount rate of property owners in the Special Flood Hazard Area when their insurance is renewed. (R. Schauland, Building and Code Enforcement Manager).

CA.7. Fourth quarter review for the City Attorney's office. (I. Lopez, City Attorney).

CA.8. Fourth quarter review for the Public Works department. (M. Cullum, Director, Public Works).

CA.9. Ratification of the Memorandum of Understanding between the City and the Florida Carpenters Regional Council, Local 2038 regarding vacation leave. (D. Hayes, Director, Human Resources).

CA.10. Approval of the recommended branding style for the City. (M. Wissel, Public Information Coordinator).

- CA.11.** Approval of release of lien for 274 South Matanzas Boulevard. (*D. Birchim, Director, Planning and Building*).
- CA.12.** Approval of transfer of funds **not to exceed \$37,000.00** from Municipal Marina Reserves to fund work to breakwater dock due to damage by Hurricane Dorian. (*T. Fleming, Deputy Director, General Services*).
- CA.13.** Fourth quarter review of the mobility program. (*R. Franklin, Mobility Manager*).

End of Consent Agenda

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice-Mayor and Commissioners

DATE: October 17, 2019

RE: **SHORT-TERM RENTAL COMMITTEE RECOMMENDATIONS**

The City Commission at its September 9th meeting requested that our office draft the Short-Term Rental (STR) Committee's recommendations in ordinance format for further discussion and direction.

- A. Recommendations from the STR Committee that provided set standards were reformatted into municipal code format for review and discussion by the City Commission. These include a requirement to register, provided certain information including floor and site plans, provide for an annual inspection, time limitations on ancillary use/guest visiting hours, minimum life-safety equipment, and compliance with existing solid waste regulations.
- B. While most recommendations were fairly straightforward and easily transformed into regulatory language, some issues were more nuanced or require further discussion. One example is the issue of property manager complaint response time, and whether the property owner/manager contact information should be shared directly with neighbors, or instead utilize a 1-800 type hotline number directly to a code compliance provider such as Host Compliance. These issues were not drafted into the attached regulations as the options were too diverse and lacked a consistent recommendation. Theoretically, providing the property manager with an opportunity to cure a noise violation, before it is reported to law enforcement, could be provided as a courtesy without the need to codify this process. For example: neighbor calls the 1-800 hotline to complain about noise, the hotline operator contacts the property manager and gives them 20 minutes to notify their customer to turn down the noise or take it indoors, and if this does not resolve the issue, law enforcement is called to the address for a formal police response.
- C. The two recommended regulations that may have a heightened risk of dispute are the intensity of use and parking requirements. During the STR Committee hearing, we did not receive many comments from operators of large (over 12-person occupancy) short-term rental units. These do not appear, at least anecdotally, to be prevalent within the City. However, maximum unit occupancy has been a point of contention in other communities, especially large beach houses. Flagler County tried to place a cap on occupancy of large beach short-term rentals, and ultimately settled their dispute with those property owners by vesting those existing properties to their full occupancy. Their ordinance had a time-lapse maximum starting at 14 persons, then lowering to 12 persons for the following three years, and ultimately capped at 10 persons per unit. The STR Committee did not recommend vesting any properties, but this may be something that requires more careful City Commission deliberation. Secondly, the parking requirement for one on-site parking space per bedroom may create another point of contention. Again, although anecdotal evidence seems to show that most City short-term rentals are not large, multi-family/multi-car vacation venues, some houses in our neighborhoods rely on street parking. The recommendations did include the possibility of obtaining approval for off-site parking, or street parking permits.

- D. The draft code language does not explicitly include a provision stating that any existing rental contracts are unaffected by the adoption of these new code provisions. This will be inserted after the City Commission provides direction on the other provisions. Court decisions, including the lawsuit involving Flagler County, have held that rental contracts in compliance with the law at the time must be honored and unimpaired.

Please place this item for discussion and direction under City Attorney Items 11.B on the October 28, 2019 City Commission Agenda.

Thank you.



Isabelle C. Lopez
City Attorney

Attachments

xc: John Regan, City Manager
Darlene Galambos, City Clerk

CHAPTER 28 – ZONING

ARTICLE III. – ZONING DISTRICTS AND DISTRICT REGULATIONS

DIVISION 1. – GENERALLY

Sec. 28-145 – Regulation of Vacation Rentals

(a) Definitions:

- (1) Bedroom.** A bedroom shall have the same meaning as the term sleeping unit found in the Florida Building Code.
- (2) Rental Unit.** A rental unit is the smallest portion of a vacation rental offered to the public as an individual unit available to rent.
- (3) Vacation Rental.** A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

Sec. 28-146 – Registration

Every vacation rental shall register with the City on forms provided for this purpose and shall pay the required administrative fee at the time of registration and thereafter annually.

The registration will include the following:

- (i) Address of the vacation rental.**
- (ii) Name, address, and contact information of the property owner.**
- (iii) Name, address, and contact information of the property manager if different than the property owner.**
- (iv) Number of rental units offered to the public for rent at this location.**
- (v) Number of bedrooms.**
- (vi) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.**
- (vii) Site plan or other document depicting approved parking spaces provided.**
- (viii) Property owner authorization providing for inspection pursuant to Section 24-147 of this code.**

Sec. 28-147 – Annual Inspection

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by City officials for an inspection of the life-safety code, zoning code, and building code.

Sec. 28-148 – Intensity of Use

The maximum occupancy of a vacation rental is two (2) persons per bedroom and two (2) additional persons per vacation rental. The total maximum occupancy of a vacation rental is twelve (12) persons.

Sec. 28-149 – Ancillary Use

Each vacation rental may host guests who are not counted towards the maximum occupancy of the rental unit. These guests must vacate the vacation rental premises between the hours of 10:00 pm and 8:00 am on weeknights, and between the hours of 11:00 pm and 8:00 am on weekends. Ancillary use of the vacation rental does not imply or automatically grant the property the right to operate as a special event venue pursuant to this Code. Total life-safety occupancy maximums apply to the ancillary use of the vacation rental.

Sec. 28-150 Life-Safety

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke detector, a carbon monoxide detector, a fire extinguisher, and a first-aid kit for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each rental unit shall have two (2) means of egress from the rental unit. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, hurricane and emergency evacuation information must be visibly posted in each rental unit.

Sec. 28-151 Parking

- (i) Vacation rentals will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the Planning and Zoning Board for a use by exception for offsite parking. In the alternative, if on-street parking permits for vacation rentals are provided pursuant to City regulations, issuance of the necessary permits may provide for the required parking for the vacation rentals.
- (ii) Each vacation rental will provide at least one (1) stabilized parking space per bedroom offered for rent.
- (iii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass.

Sec. 28-152 Solid Waste

Vacation rental property owners are responsible to ensure that garbage and trash receptacles are placed curbside consistent with City regulations at Sections 30-7 and 30-8 of this code. Appropriate fees and rates commensurate with collection volumes may be established pursuant to Section 30-10 of this code.

Sec. 28-153 Violations and Penalties

Violation of Sections 24-145 through 24-152 may be prosecuted pursuant to Article VI: Code Enforcement, or pursuant to any other procedure and remedy available to the City, including but not limited to, revocation of the vacation rental registration.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 9, 2019

RE: Short Term Rental Committee Final Report

On July 8, 2019 the City Commission created a short term rental committee composed of 7 citizen volunteers with the task of reviewing potential regulations for short term (vacation) rentals and to make recommendations to the City Commission regarding new regulations. The City Commission gave the short term rental committee 60 days to complete this project.

The short term rental committee held public meetings on August 1, August 7 and August 14. These meetings were productive, they were very well attended by the public and the committee was presented with viewpoints from both residents, short term rental owners and the business community. Technical details were presented to the committee by the City Police Chief, City Fire Marshall and City Building Official.

The committee's final report is broken down into individual "key issues", such as parking, noise, life safety, etc. In the report, each key issue is introduced and includes staff comments as well as the committee's recommendations. There was not unanimous consensus by the committee on each key issue and the final report includes individual board members' dissenting opinions. The committee was also tasked with reviewing policy objectives. A list of potential policy objectives was discussed by the committee, but no recommendation was made.

Included with the final report is the back-up material that was submitted to the committee during their tenure.

Please place the final report of the short term rental committee on the September 9, 2019 City Commission agenda.

If you have any questions, please let me know.



David Birchim, AICP
Director, Planning and Building

Short Term Rental Committee

Final Report

Key Issue - Registration

Introduction

Registration will....

1. Form the database of all properties that are required to comply with new rules;
2. Create a "file" on each individual short-term rental property;
3. Memorialize and track compliance with each new rule for each individual property;
4. Identify a "responsible party" that will be the point of contact for code compliance and citizen complaints. This could be the property owner, long term tenant, or a management company. A time frame in which citizen complaints must be addressed by the responsible party can be identified in the registration document.

Staff Comments...

1. Registration is done on an annual basis, using the city's fiscal year calendar (Oct 1-Sept 30).
2. Failure to register a short-term rental is a code violation.
3. A property's registration can be revoked for non-compliance with the code.
4. A precondition of registration is an annual inspection to verify compliance with all city codes, state codes (building codes), and life-safety codes, etc., that may apply to the property.
5. The registration can require details of compliance with other new rules; such as floor plans to identify bedrooms, a site plan to identify parking, contact information for a responsible party, etc.
6. Effective date, revocation of registration and annual inspection provisions which allow the city access to the property, and which are agreed to by the property owner, are all part of the registration process.
7. An annual registration fee is collected to offset the city's costs for the administration of this program.
8. A component of registration is to cooperate with the County Tax Collector and State by sending rental registration to these agencies.
9. A timeframe will be set for the minimum response time that a host must respond to complaints.

Short Term Rental Committee

Final Report

Key Issue - Registration (continued)

Committee Recommendations

1. Short term rentals shall be registered with the City and the Police and Fire Departments shall have access to the rental registration information.
2. The City shall send registration forms to the appropriate agencies to notify them of a new rental registration.
3. A rental registration form will take the place of a City business tax receipt.
4. Registration will state that property owners will need to comply with County and State regulations if the property is receiving a homestead exemption on the same property that will be used as a rental unit.
5. Registration will state that owners and/or operators of rental units will be required to pay the bed tax through the County Tax Collector's office.
6. The rental registration form will clearly indicate the response time in which complaints will be addressed and resolved. *(30, 60, and 90 minute response times were discussed: Mr. Tom Day and Mr. Brian Funk stated the response time should be 30 minutes maximum; Ms. Pat Dobosz recommended a 90-minutes, Ms. Melinda Rakoncaj recommended 60 minutes or less. Mr. Brian Funk added that an owner or agent should be available 24 hours a day)*
7. The City will provide formal notification to adjacent property owners of a new rental unit with contact information of the responsible party.
8. A Code of Conduct for short term rentals that includes operating regulations will accompany the registration form and will be provided on the City's web page for reference.
9. There are no pre-existing rights (grandfathered status) of short term rentals that operated prior to establishment of these requirements.
10. A full interior building sketch must be submitted with the rental registration form to indicate the locations of fire extinguishers, smoke detectors, carbon monoxide detectors, emergency exits and exit signs; and a full floor plan documenting all sleeping areas (including sleeper sofas) for each rental unit.
11. An exterior site plan sketch of the grounds of the rental property must be submitted with the rental registration form to indicate parking, any swimming pools, or other outdoor features.

Short Term Rental Committee Final Report

Key Issue - Registration

Committee Recommendations (continued)

12. The website address for the rental unit will be included on the registration form and the City license or registration number will be included on any advertisements of the rental unit.
13. No exterior signs will be posted. *(Mr. Brian Funk did not indicate he agreed that there should be no sign posting the contact information of the rental management company)*

Additional Comments:

There was significant concern regarding a potential requirement that sex offenders notify their status on the registration form. Ms. Cindy Wasserbauer, Ms. Pat Dobosz, and Mr. Parrish Jones indicated this may not be realistic. Ms. Debi Sauls added that she would like to be provided language that can be added to a listing legally if a guest is required by law to register and she recognized that it may not be feasible to get them to register. Ms. Melinda Rakoncay believes this is important to pursue.

Short Term Rental Committee

Final Report

Key Issue - Intensity of Use

Introduction

The number of guests in a Short Term Rental may influence the impact the property has on neighboring residents. If a property is overcrowded, this could lead to parking, noise and garbage problems for people living nearby. In order to address this, occupancy limits can be created.

Staff comments...

1. Apply limitations to the number of bedrooms per rental unit.
2. Apply limitations for the number of guests per bedroom.
3. Apply limitations to the number of total guests per property.
4. Apply limitations to visitors who are not staying at the property to certain hours on the property.
5. For reference, the City's Special Events Venue Ordinance provides rules governing where special event venue businesses are allowed and the requirements for special event venue businesses.

Committee Recommendations

1. The maximum occupancy is two (2) persons per bedroom plus two (2) additional guests per unit.
2. The minimum requirements for a rental unit include one (1) full bath per two (2) bedrooms.
3. The total maximum overnight occupancy is eight (8) to twelve (12) persons per property. *(Ms. Debi Sauls suggests an exception or a variance to the maximum number of guests be provided based on the nature of the property, for example a 6 bedroom with 16 person short-term rental on Marine Street and Mr. Brian Funk agreed for a case by case basis; Ms. Melinda Rakoncaj does not want the occupancy increased)*
4. Non-overnight guests are not allowed on the property between the hours of 10:00 pm on weekdays and 11:00 pm on weekends and 8:00 on all mornings. *(Ms. Debi Sauls recommended that visitor hours be set at 7:00 am for morning based on the noise ordinance; Ms. Melinda Rakoncaj indicated that a 10:00 pm time for all evenings be used especially in residentially-zoned areas)*

Short Term Rental Committee

Final Report

Key Issue - Life/Safety

Introduction

In conjunction with the Intensity of Use, life/safety rules can be a means to protect short term rental guests and neighboring properties.

Staff comments...

1. Require annual inspections by the City Fire Marshall to address fire hazards, ingress/egress from the building, emergency lights, fire extinguishers, fire sprinklers, etc.
2. Require fire extinguishers in the rental unit as per the City Fire Marshal.
3. Require an automatic fire sprinkler system for buildings over a certain number of stories.
4. Require a posted emergency exit plan in each bedroom.
5. Require a posted 911 phone list in a prominent location in the rental unit.
6. Require illuminated emergency exit lights and lighting with battery back-up for emergency exits.

Committee Recommendations

1. All rental units will be required to follow applicable City Fire and Building code requirements.
2. Submission of a rental registration form to the City will act as the property's owner permission for the City to conduct annual inspections.
3. Smoke detectors, carbon monoxide detectors, fire extinguishers, and a first-aid kit commensurate with the size of the rental property will be provided in the rental unit and maintained to ensure a working condition. Also, two (2) means of egress from the unit will be maintained and operable.
4. An emergency contact template form will be provided for the owner/operator along with hurricane and emergency evacuation information that must be posted in the rental unit.

Short Term Rental Committee

Final Report

Key Issue - Handicap Accessibility

Introduction

The issue of requiring handicapped accessibility to Short Term Rentals has been forwarded as a discussion topic by the City Commission. Full compliance with the Federal (and State) Americans with Disabilities Act may not be feasible, for example, it would require an on-site handicapped parking space. However, there may be some rules that can be adopted that eliminate barriers to handicap access.

Staff comments...

1. Require a wheelchair ramp or lift to an entrance/exist of the rental unit and doorway and hallway widths that allow wheelchair access. The ADA requires a 1:12 slope for a ramp and a minimum 32-inch doorway width.
2. Require vertical accessibility for rental units above the first floor.
3. Require stabilized on-site parking with a clear path of travel from the parking space to the ramp/lift leading to the entrance to the rental unit.
4. Require a handicap accessible bedroom and restroom.
5. Require handicap accessibility rules to be enacted if the short-term rental exceeds a certain intensity. For example, the following language could be added: "If a rental property has more than 3 rental bedrooms, then it must provide one handicapped accessible bedroom and bathroom to its guests."

Committee Recommendations

1. The City will enforce any federal or state rules that apply now or in the future for short-term rentals but will not enact local ADA regulations.
2. If a short term rental states on their advertisement that they are ADA compliant, then they must be ADA compliant and the city can verify.

Short Term Rental Committee

Final Report

Key Issue - Parking

Introduction

The residential character of a district can be negatively impacted when a Short Term Rental does not have adequate on-site parking for its guests. The use of public parking on the street to accommodate transient rental guests erodes the stability and familiarity of a neighborhood, leading to irritated residents. In conjunction with the Intensity of Use, parking can be a means to limit the impact of Short Term Rental properties on the stable residential character of a neighborhood.

Staff comments...

1. Require on-site parking as a companion to occupancy limitations. For example, if there is a limit to the number of bedrooms and persons per bedroom, then one (1) on-site parking space could be required per bedroom.
2. Require a parking plan that shows the location of parking on the site as part of the property registration.
3. If a neighborhood participates in a residential parking program in which homeowners can purchase a permit to park on the street there may be consideration to allow a permit for the short-term rental property as well as on-site parking.
4. If a property cannot accommodate on-site parking, is there a mechanism for approving off-site parking to accommodate guests if parking is provided elsewhere in a commercial parking lot or garage? Can a front yard be used/converted into a parking lot to comply with on-site parking rules?
5. Clear rules for the parking of RV's and campers should be included in the parking plan. Currently, the city code does not allow people to live in a vehicle and RV's and campers cannot be parked in the front yard, which is the front building setback area.

Short Term Rental Committee

Final Report

Key Issue - Parking (continued)

Committee Recommendations

1. Short term rentals shall provide parking on site.
2. One (1) parking space per rental bedroom will be required. *(Ms. Debi Sauls adds that all other cars, including non-overnight guests, must ferry to public parking)*
3. If parking is not feasible on site, then the property owner may apply to the Planning and Zoning Board for a use by exception for offsite parking within 400ft of the premise or the City Parking Garage as determined by the Planning and Zoning Board.
4. The City Commission should consider the use of street parking under a permit basis as needed for short-term rentals. *(Ms. Debi Sauls added that areas like Lincolnville with narrow streets need limits to street parking)*
5. Unimproved parking in the front yard is not permitted and is only appropriate in the front yard area if it is on a driveway. *(Mr. Tom Day notes that new improvements to a property to create front yard parking meeting these standards will need to be evaluated, Ms. Debi Sauls notes that improvements to front yard parking must include aesthetic requirements requiring review and approval which was echoed by Ms. Melinda Rakoncay, Ms. Pat Dobosz reiterated there should be no yard parking)*
6. It will be clear to the industry of short-term rentals that living in a vehicle on the property is illegal including the use of RVs, or other vehicles.

Additional Comments:

Ms. Debi Sauls pointed out that vehicles parked on the property from on-site hosts and guests may unintentionally increase the number of vehicles on site.

Ms. Melinda Rakoncay suggested that boats in commercial marinas may be used as short-term rentals if they are registered.

Short Term Rental Committee

Final Report

Key Issue - Noise

Staff Comments...

1. If a property has had a certain number of noise complaints, sound monitors may be installed.
2. Adjusting the regulated decibel limits can increase management of noise through code infractions.
3. Outdoor speakers can be prohibited or limited.
4. The outdoor use of the property can be regulated with set hours and limiting the number of guests or visitors.

Committee Recommendations

1. Additional discussion was provided after a presentation and comments by the Chief of Police. No formal recommendation to change the current noise ordinance was made.

Additional Comments:

Ms. Debi Sauls suggested that the notice to the neighbors of a short-term rental should encourage them to call the owner/manager first, Host Compliance if needed, then to call the Police. She further recommended compliance with the city noise ordinance.

Short Term Rental Committee

Final Report

Key Issue - Miscellaneous

Staff Comments

1. Require "truth in advertising" as a condition of registration and making a violation of "truth in advertising" a code violation.
2. Outdoor trash bins can be regulated by size and area and include identifying outdoor trash bin location on a site/parking plan which is required to accompany the short term rental registration.
3. Regulations can address outdoor lighting fixtures to restrict light from projecting into neighboring properties.
4. Include less restrictive regulations for properties that are homestead exempt.
5. Include less restrictive regulations for properties that have on-site hosting. On-site hosting is when the property owner or tenant is physically living on the site when the property is being used as short term rental.

Committee Recommendations

1. The City Solid Waste Department shall monitor and provide recommendations on handling garbage rates at short term rental properties. The host is responsible to ensure that trash cans are taken in and out and in compliance with the trash receptacles locations as indicated on the exterior site plan provided with the rental registration.
2. Safety lighting shall be addressed in residential parts of the zoning code (a general issue).
3. A reduction in the annual registration fee for homestead exempt properties with a host on site can be offered.
4. There will be no rental limits for a host that is on site for at least eleven (11) of twelve (12) months on average.. *(Ms. Cindy Wasserbauer recommends that there is no 'minimum' weekly rental limits as does Mr. Parrish Jones and Mr. Brian Funk; Mr. Tom Day had additional comments striking this recommendation entirely and Ms. Pat Dobosz also struck this item, Ms. Debi Sauls suggests no minimum rental limit for an on-site host for 9 months; Ms. Melinda Rakoncay wants to ensure continuation of existing rental limitations unless the host is living on the site at least 11 months of the year)*

Short Term Rental Committee Final Report

Key Issue – Miscellaneous Items

Committee Recommendations (continued)

Additional Comments:

Ms. Debi Sauls included questioned whether RS1/RS2/HP1 with the minimum rental period requires guests on-site for the 7 or 30 days or whether they can have only 1 guest/group for 1-7 or 30 days. She continues comments to include increasing budget for additional Code Enforcement officer and a Special Magistrate directed to enforcement of these regulations as adopted by the City Commission which Mr. Brian Funk also supports additional staff for enforcement purposes. The violations and consequences need to be identified along with the process and up to and including loss of registration and inclusion of 7 or 30-day minimum stays.

Ms. Pat Dobosz recommends that the City launch an educational component and social media program for all residents regarding short term rental requirements.

ITEM 7.B.
Potential Charter Amendment

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: October 17, 2019

RE: **ORDINANCE 2019-XX: SELECTION OF THE MAYOR AND VICE-MAYOR**

Please find attached Ordinance 2019-XX that amends the City Charter to provide for a four (4) year term for City Commission Seat Three and to allow the mayor and vice-mayor to be elected by the members of the City Commission.

During the discussion on this item at the October 14, 2019 meeting, the possibility of Seat Three remaining as a two-year term was mentioned, as was the possibility of giving the voters the opportunity to decide the issue, or foregoing this ordinance change entirely. The Commission wanted another opportunity to discuss this with all members present, before placing it for first reading.

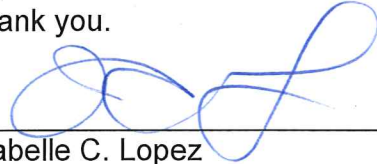
This proposed amendment requires a referendum proposition be placed on the ballot at the next special election which the City Commission directed be scheduled to coincide with the primary election scheduled for August 18, 2020. Qualifying for the November 2020 elections will be held in June of 2020. Therefore, this requirement will not apply to candidates qualifying in June.

Please place Ordinance 2019-XX on the regular City Commission agenda for October 28, 2019 under Items of Great Public Importance for public comment, discussion, and direction.

❖ Additional information included:

- Forms of selection of Mayor and examples from other jurisdictions.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk

Agenda Title:

7.B. – Items of Great Public Importance with Public Comment: Amends Sec. 2.01, Sec. 4.09 and Sec. 6.23 of the City Charter to provide for a four (4) year term for the candidate elected to City Commission Seat Three, to allow the mayor and vice-mayor to be elected by the members of the City Commission.

ORDINANCE NO. 2019-XX

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR A FOUR YEAR TERM FOR CITY COMMISSION SEAT THREE; TO PROVIDE FOR THE SELECTION OF MAYOR BY THE MEMBERS OF THE CITY COMMISSION; REMOVING THE MAYORAL DESIGNATION FOR CITY COMMISSION SEAT THREE; PROVIDING FOR A REFERENDUM PROPOSITION FOR THE NEXT SPECIAL ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City's Charter has not been thoroughly revised since 1925, and the City Commission determined at its April 3, 2019 public workshop that a revision of its Charter was overdue; and

WHEREAS, the City Charter provides for a ceremonial role for the Mayor and administrative authority to the City Manager, with all commissioners having co-equal legislative authority; and

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

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

Section 1. Amendment to Part I, Article II, Section 2.01. Part I, Article II, Section 2.01 is hereby amended, as follows:

Sec. 2.01. - Composition; qualifications of members; terms of office; manner of election.

The city commission of the City of St. Augustine, Florida shall consist of five (5) members and who shall be qualified electors of said city, with one of the commissioners to be designated as mayor in accordance with this charter. Each commissioner shall be elected at large in the manner hereinafter provided. Commencing with the general election to be held in November, 1992, three (3) commissioners shall be elected, the candidate receiving the highest number of votes cast for Seat One to serve for a term of four (4) years; the candidate receiving the highest number of votes cast for Seat Two to serve for a term of four (4) years; and the candidate receiving the highest number of votes cast for Seat Three to serve for a term of two (2) years, and thereafter, commencing with the general election to be held in November, 1994, three (3) commissioners shall be elected. The candidate

receiving the highest number of votes cast for Seat Four to serve for a term of four (4) years, the candidate receiving the highest number of votes for Seat Five to serve for a term of four (4) years, the candidate receiving the highest number of votes cast for Seat Three, designated as the mayor/commissioner seat, to serve for a term of two (2) years. Thereafter in general elections to be held in November of each even numbered year, successful candidates for Seats One, Two, Four and Five shall be elected for a term of four (4) years and the successful candidate for Seat Three receiving the highest number of votes shall be elected for a term of two (2) years.

Commencing with the general election to be held in November 2022 and thereafter, the candidate receiving the highest number of votes cast for Seat Three to serve for a term of four (4) years, to be designated as a commissioner seat.

Section 2. Amendment to Part I, Article IV, Division 3, Section 4.09. Part I, Article IV, Division 3, Section 4.09 is hereby amended, as follows:

DIVISION 3. – MAYOR AND VICE-MAYOR

Sec. 4.09. - Election; powers and duties.

The commissioner elected to Seat Three shall serve as mayor and shall preside at all meetings of the commission and perform such other duties consistent with the office as may be imposed by it, and shall have a voice and vote in the proceedings of the commission but no veto power. The mayor may use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general laws of the state so requires, but this shall not be considered as conferring the administrative or judicial functions of a mayor under the general laws of the state. The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil processes and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred by the city commission in pursuance of the provisions of this Charter and no others. In the absence of the mayor, the other members of the city commission shall select one of their number to perform the mayor's duties.

Commencing with the general election to be held in November 2022 and thereafter, the mayor and vice-mayor shall be elected by the members of the city commission from their number. Any vacancy in the office of mayor or vice-mayor shall likewise be filled by the city commissioners by the election of one (1) of their number to serve as mayor or vice-mayor, as applicable, for the unexpired term.

In the absence of the mayor, the vice-mayor shall perform the mayor's duties, and in the absence of both the mayor and vice-mayor, other members of the city commission may be selected to perform those duties.

Section 3. Amendment to Part 1, Article VI, Division 2, Section 6.23. Part 1, Article VI, Division 2, Section 6.23 is hereby amended, as follows:

Sec. 6.23. - Primary and general election; when candidate deemed elected; tie votes.

- (a) In the primary election and in the general election to be held in May, 1969, and in each primary election and in each general election thereafter, the candidates for city commission shall run in three groups designated as Group One, Group Two and Group Three, and each voter may vote for one candidate in each group. In the general election, the successful candidates in Group One and Group Two shall be elected for a full term of four years and the successful candidate in Group Three shall be elected for a full term of two years.

Commencing with the general election to be held in November 2022 and thereafter, the successful candidate in Group Three shall be elected for a full term of four (4) years.

(...)

Section 4. Referendum Proposition. That the next special or general election of the City of St. Augustine, Florida, shall contain the following proposition:

"Shall the Charter Laws of the City of St. Augustine be amended to remove the designation of an elected mayor for a two (2) year term, and instead provide for the candidate to City Commission Seat Three to be elected to a four (4) year term as a commissioner, and to provide for the commissioners to select annually two (2) of their number to perform the duties of mayor and vice-mayor, respectively?"

"Insert Spanish Translation Here"

☐ Yes to the amendment

☐ No to the amendment

☐ Sí a la enmienda

☐ No a la enmienda

Section 5. Confirmation by Referendum Vote. Should the above Section not be confirmed by referendum ballot during the next special or general election, then said Section of this Ordinance shall be null and void and the corresponding Section of the City Charter shall remain as it was prior to the adoption of this Ordinance.

Section 6. Primary Election May Serve as Special Election. The primary election, scheduled for August 18, 2020, is designated as a special election for the City of St. Augustine, and this referendum proposition shall be placed on the ballot of this special election.

Section 7. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 8. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9. 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 10. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

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

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

ITEM 8.A.1.

Ordinance 2019-40

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: October 15, 2019

RE: **ORDINANCE 2019-40: REVIEW AND RESOLUTION OF CONFLICTING DOCUMENTS**

Please find attached Ordinance 2019-40. This ordinance amends the defined development permits to conform to state statute and provides for review and resolution of conflicts between development permit applications and other legal documents.

Please place Ordinance 2019-40 on the regular City Commission agenda for second reading on October 28, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk

Agenda Title:

Amendment to Sec. 28-37 to modify the defined development permits to conform to state statute and to provide for review and resolution of conflicts between development permit applications and other legal documents.

ORDINANCE NO. 2019-40

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, DIVISION 1 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 28-37 TO AMEND THE DEFINED DEVELOPMENT PERMITS TO CONFORM TO STATE STATUTE; PROVIDING FOR REVIEW AND RESOLUTION OF CONFLICTS BETWEEN DEVELOPMENT PERMIT APPLICATIONS AND OTHER LEGAL DOCUMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Florida law defines development permits broadly to include any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land; and

WHEREAS, city code language regarding conflicts with other legal documents has not been updated to include this broader definition of all the types of development permit available, and updated language would better conform to state statutes and interpreting case law, for a more consistent application; and

WHEREAS, the proposed language would provide the city and applicant with a procedure to review and resolve conflicts with other legal documents at the time of application for a development permit; and

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

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

Section 1. Amendment to Chapter 28, Article II, Division 1, Section 28-37. Chapter 28, Article II, Division 1, Section 28-37 is hereby amended, as follows:

Sec. 28-37. - Conflict with other legal documents.

It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction on a development permit, as that term is defined

~~pursuant to section 163.3164, Florida Statutes, upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this chapter shall govern. If an applicant submits an application for a development permit to the city, that requires that the applicant state, affirm, represent, or certify a matter of fact material to the application, and the city at the time of the application has independent actual knowledge, information, documents, or facts that contradict the fact set forth on the application, the city may require the applicant to certify under oath the truth of the fact upon which the application depends and allow the city to audit, inspect, or otherwise verify the certified fact that was formerly the subject of the contradiction or the conflicting information.~~

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Section 28-37 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

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

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

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

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

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: October 15, 2019

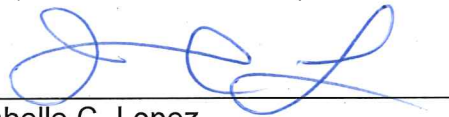
RE: **ORDINANCE 2019-41: RESIDENCY REQUIREMENTS FOR CITY COMMISSIONERS**

Consistent with the City Commission direction at its October 14, 2019 meeting, please find attached Ordinance 2019-41 that amends the City Charter to provide for a residency requirement for City Commissioners of a period of one (1) year prior to the date of qualification for election and for continuous physical residency and voter registration within the City for the term of their office.

This proposed amendment requires a referendum proposition be placed on the ballot at the next special election which the City Commission directed be scheduled to coincide with the primary election scheduled for August 18, 2020. Qualifying for the November 2020 elections will be held in June of 2020. Therefore, this requirement will not apply to candidates qualifying in June.

Please place Ordinance 2019-41 on the regular City Commission agenda for first reading, and as directed by the City Commission for public hearing, on October 28, 2019.

Thank you.


Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk

Agenda Title:

7.C. - Other Items Requiring Public Hearing: Amends Sec. 2.03 of the City Charter to provide for a residency requirement for City Commissioners of a period of one (1) year prior to the date of qualification for election and for continuous physical residency and voter registration within the City for the term of their office.

ORDINANCE NO. 2019-41

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE II, SECTION 2.03 OF THE CHARTER OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR A RESIDENCY REQUIREMENT FOR CITY COMMISSIONERS OF A PERIOD OF ONE YEAR PRIOR TO THE DATE OF QUALIFICATION FOR ELECTION; PROVIDING FOR CONTINUOUS PHYSICAL RESIDENCY AND VOTER REGISTRATION WITHIN THE CITY FOR THE TERM OF OFFICE; PROVIDING FOR A REFERENDUM PROPOSITION FOR THE NEXT SPECIAL ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City's Charter has not been thoroughly revised since 1925, and the City Commission determined at its April 3, 2019 public workshop that a revision of its Charter was overdue; and

WHEREAS, the City's Charter does not currently provide a specific time period for residency of City Commissioners prior to qualification for election; and

WHEREAS, residency requirements of no more than one year immediately preceding qualifying for office have been upheld as reasonable, *Nichols v. State*, 177 So.2d 467 (Fla. 1965); *Daves v. City of Longwood*, 423 F. Supp. 503 (1976); and

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

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

Section 1. Amendment to Part I, Article II, Section 2.03. Part I, Article II, Section 2.03 is hereby amended, as follows:

Sec. 2.03. - Members of the city commission to be residents and electors; dual office-holding prohibition and ethics laws.

Members of the commission of the City of St. Augustine, shall ~~be residents of the city, and the members of the commission shall have the qualifications of electors therein have been~~ residents and registered voters of the City of St. Augustine for a period of one (1) year

prior to the date of qualification for election, or appointment to fill a vacancy on the city commission as a result of the death, resignation or disqualification of a city commissioner. Once elected, city commissioners must maintain physical residency and voter registration in the city throughout their terms of office. The prohibition against dual office-holding and the regulation of public ethics shall be as required pursuant to Florida law.

Section 2. Referendum Proposition. That the next special or general election of the City of St. Augustine, Florida, shall contain the following proposition:

"Shall the Charter Laws of the City of St. Augustine be amended to require that a candidate for election to the City Commission be a resident and registered voter of the City of St. Augustine for a period of one (1) year prior to the date of qualification for election, or appointment to fill a vacancy on the city commission as a result of the death, resignation or disqualification of a city commissioner and once elected, must maintain physical residency and voter registration in the city throughout their terms of office?"

"¿Deben modificarse las Leyes Constitutivas de la Ciudad de San Agustín para requerir que un candidato para elección en el Comité de la Ciudad sea un residente y un votante registrado en la Ciudad de San Agustín, y lo haya sido al menos por un (1) año contado desde la fecha de calificación para la elección, o para cubrir un puesto vacante en el Comité de la Ciudad debido al fallecimiento, renuncia o descalificación de un miembro del Comité, y que una vez elegido deba mantener residencia física y registro como votante en la ciudad durante todo el período en el cargo?"

☐ Yes to the amendment

☐ No to the amendment

☐ Sí a la enmienda

☐ No a la enmienda

Section 3. Confirmation by Referendum Vote. Should the above Section not be confirmed by referendum ballot during the next special or general election, then said Section of this Ordinance shall be null and void and the corresponding Section of the City Charter shall remain as it was prior to the adoption of this Ordinance.

Section 4. Primary Election May Serve as Special Election. The primary election, scheduled for August 18, 2020, is designated as a special election for the City of St. Augustine, and this referendum proposition shall be placed on the ballot of this special election.

Section 5. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-numbered

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

Section 6. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 8. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

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

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, City Manager

DATE: October 28, 2019

RE: **Ordinance 2019-43 – Providing for Lot Coverage Variances for Handicapped Accessibility in Zoning Districts Historic Preservation-one (HP-1), Historic Preservation-two (HP-2) and Historic Preservation-three (HP-3) – First Reading**

Ordinance 2019-43 is an update to Section 28-29 of the Zoning Code which will allow owners of existing buildings in the HP-1, HP-2 and HP-3 zoning districts the ability to apply for a lot coverage variance for building improvements related to improving handicapped accessibility to the property.

The current code prohibits lot coverage variances in the HP-1, HP-2 and HP-3 zoning districts for all properties except churches, schools and government agency uses. In 1990, the federal government signed into law the Americans with Disabilities Act (ADA) which requires buildings to eliminate barriers to access by persons with physical disabilities.

The HP-1, HP-2 and HP-3 zoning districts contain hundreds of structures which were built prior to the Federal and State ADA requirements were enacted. Although some historic structures may be able to obtain waivers from some ADA requirements from the State of Florida, other existing structures will not qualify for waivers.

Currently, the only mechanism that exists to address this issue is to rezone the property. For example, in 2008 the building at 100 St. George Street was required to construct an elevator for handicapped accessibility to the second floor for a new restaurant. The existing building exceeded the maximum lot coverage and could not apply for a lot coverage variance, so the property owner had no option but to rezone the property from HP-2 to Planned Unit Development (PUD), simply to add the additional lot coverage associated with an elevator shaft. This ordinance would give property owners another option to address lot coverage rather than rezoning the property.

The Planning and Zoning Board recommended approving this ordinance on October 1, 2019.

Please place Ordinance 2019-43 on the October 28, 2019 City Commission agenda for first reading.

If you have any questions, please let me know.

A handwritten signature in blue ink that reads "David Birchm". The signature is written in a cursive style with a vertical line separating the first and last names.

David Birchm, AICP

Director, Planning and Building Department

ORDINANCE NO. 2019-43

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 28-29 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING THAT A LOT COVERAGE VARIANCE MAY BE GRANTED FOR HANDICAPPED ACCESSIBILITY IN HISTORIC PRESERVATION DISTRICTS 1, 2 AND 3; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the code currently does not allow for lot coverage variances except for certain uses in Historic Preservation Districts 1, 2 and 3; and

WHEREAS, there are existing buildings within Historic Preservation Districts 1, 2 and 3 that may require additions or modifications to comply with handicapped accessibility requirements; and

WHEREAS, these existing buildings may also exceed lot coverage limitations or require additions which would exceed lot coverage limitations within Historic Preservation Districts 1, 2 and 3 in order to comply with handicapped accessibility requirements; and

WHEREAS, on October 1, 2019, the Planning and Zoning Board (PZB) for the City of St. Augustine made a recommendation to the City Commission for adoption of an ordinance which provides that a variance may be granted for lot coverage in Historic Preservation Districts 1, 2 and 3 related to the provision of handicapped accessibility; and

WHEREAS, the City Commission for the City of St. Augustine finds that providing for the public health, safety and general welfare requires amendment of Section 28-29 of the City Code;

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

Section 1. Amending Code Section 28-29. Section 28-29 of the Code of the City of St. Augustine is hereby amended, as follows:

“Sec. 28-29. Zoning exceptions, variances and appeals.

...

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained: 1) for school, church and governmental agency uses and 2) to provide for handicapped accessibility for buildings constructed prior to December 19, 2019. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and
- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, the board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter."

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

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

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

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

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

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: October 15, 2019

RE: **ORDINANCE 2019-19: CIVIL SERVICE BOARD TERM EXTENSIONS**

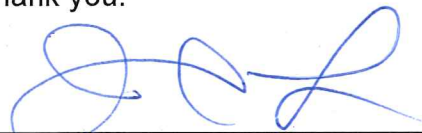
Please find attached Ordinance 2019-19 that amends the City Charter to extend the terms of Police and Fire Department representatives on the Civil Service Board from one (1) year to three (3) years. This proposed amendment requires a referendum proposition be placed on the ballot at the next special or general election of the City.

The Civil Service Board voted at its June 19, 2019 meeting in support of changing the terms of the police and fire department representatives to provide greater continuity and the ability to discuss and review issues that may require multi-year context.

This proposed amendment requires a referendum proposition be placed on the ballot at the next special election which the City Commission directed be scheduled to coincide with the primary election scheduled for August 18, 2020.

Please place Ordinance 2019-19 on the regular City Commission agenda for first reading on October 28, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk

Agenda Title:

Amendment to Sec. 10.5.04 of the City Charter to extend the terms for police and fire department representatives on the Civil Service Board from one (1) year to three (3) years to provide greater continuity and the ability to discuss and review issues that may require multi-year context.

ORDINANCE NO. 2019-19

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO EXTEND THE TERMS FOR POLICE AND FIRE DEPARTMENT REPRESENTATIVES ON THE CIVIL SERVICE BOARD; PROVIDING FOR A REFERENDUM PROPOSITION FOR THE NEXT SPECIAL ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City's Charter has not been thoroughly revised since 1925, and the City Commission determined at its April 3, 2019 public workshop that a revision of its Charter was overdue; and

WHEREAS, the Civil Service Board, at its June 19, 2019 meeting, voted in support of changing the terms of the police and fire department representatives to provide greater continuity and the ability to discuss and review issues that may require multi-year context; and

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

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

Section 1. Amendment to Part I, Article X.5, Section 10.5.04. Part I, Article X.5, Section 10.5.04 is hereby amended, as follows:

Sec. 10.5.04. - Civil service board created.

A civil service board for the city is hereby created. Said board shall be composed of five (5) members, three (3) members of said board to be persons of different vocations, not employed by the city in any other capacity, official or otherwise, and shall be appointed by the city commission. The board shall, however, in the first instance, consist of members of the civil service board of the City of St. Augustine created under Laws of Fla. (1935) ch. 17166, who shall serve until such time as their terms would have expired under the provisions of such chapter. Thereafter in each instance members shall be appointed for a term of four (4) years. The fourth member of said board shall be a member of the police department of the city, and the fifth member of said board shall be a member of the fire department of the city, who shall be elected to membership in said board by the vote of the regular employed members of the police and fire departments respectively. The term

of said fourth and fifth members shall be for ~~one year~~three (3) years. The members of said board, other than said fourth and fifth members, shall appoint the judges and clerks for the election of said fourth and fifth members. The time for said election shall be set by the three (3) members first appointed to said board, and thereafter said election shall be held on that date ~~each year~~every three (3) years, or such other date as may be designated by the governing authority. The votes shall be consolidated on the following day after said election. The candidate receiving the greatest number of votes shall be declared elected. Immediately after appointments and election have been made and held as above provided, said board shall organize and elect one of its members chief examiner, who shall act as secretary to said board. The board may appoint such other assistants to the secretary as may be necessary. All three (3) members of said civil service board first appointed shall serve without recompense, unless otherwise provided by the governing authority. The chief of police and chief of fire department shall be ex officio members of said board and shall have a voice in any proceedings, but no vote. The fourth member and the chief of police, and the fifth member and the chief of fire department shall serve on said board without compensation, other than their regular pay as officers.

Section 2. Referendum Proposition. That the next special or general election of the City of St. Augustine, Florida, shall contain the following proposition:

"Shall the Charter Laws of the City of St. Augustine be amended to extend the terms for police and fire department representatives on the Civil Service Board from one (1) year to three (3) years, to provide greater continuity and the ability to discuss and review issues that may require multi-year context?"

"¿Deben ser las Leyes Constitutivas de la Ciudad de San Agustín para extender los términos para los representantes de la policía y los bomberos en el Comité de Servicios Civiles de un (1) año a tres (3) años, para proveer una mayor continuidad y la capacidad de tratar y revisar asuntos que puedan requerir un contexto de múltiples años?"

☐ Yes to the amendment

☐ No to the amendment

☐ Sí a la enmienda

☐ No a la enmienda

Section 3. Confirmation by Referendum Vote. Should the above Section not be confirmed by referendum ballot during the next special or general election, then said Section of this Ordinance shall be null and void and the corresponding Section of the City Charter shall remain as it was prior to the adoption of this Ordinance.

Section 4. Primary Election May Serve as Special Election. The primary election, scheduled for August 18, 2020, is designated as a special election for the City of St. Augustine, and this referendum proposition shall be placed on the ballot of this special election.

Section 5. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 6. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 8. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

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

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

ITEM 9.A.3.

Ordinance 2019-24

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: October 15, 2019

RE: **ORDINANCE 2019-24: EXECUTIVE AND ADMINISTRATIVE OFFICERS**

Please find attached Ordinance 2019-24. Consistent with the City Commission's direction to our office regarding the amendments to the City Charter, we are presenting an ordinance updating the powers and authority of executive and administrative officers, removing reference to municipal judges and the department of public safety and welfare, and conforming language to current usage and policies of the City. Similarly, this ordinance incorporates existing resolutions including purchasing manuals, emergency powers, duties of the City Attorney, etc.

Please place Ordinance 2019-24 on the regular City Commission agenda for first reading on October 28, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk

Agenda Title:

Charter update to Article IV, Sections 4.01, 4.07, 4.09, 4.10, 4.12, 4.13, 4.14, 4.16, 4.19, 4.21, and 4.44 updating the powers and authority of executive and administrative officers, removing reference to municipal judges and the department of public safety and welfare, and conforming language to current usage and policies of the City.

ORDINANCE NO. 2019-24

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE IV OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 4.01 TO PROVIDE THE CITY MANAGER AUTHORITY TO ESTABLISH DEPARTMENTS WITH EXECUTIVE AND ADMINISTRATIVE POWERS AND TO REMOVE REFERENCE TO MUNICIPAL JUDGES; AMENDING SECTION 4.07 TO CLARIFY SALARIES SET BY THE CITY COMMISSION AND SALARIES SET ADMINISTRATIVELY IN THE ANNUAL BUDGET; AMENDING SECTION 4.09 TO REMOVE LANGUAGE REGARDING POWERS OF THE MAYOR DURING EMERGENCIES PREVIOUSLY CONFERRED TO THE CITY MANAGER; AMENDING SECTION 4.10 TRANSFERRING EMERGENCY POWERS TO THE CITY MANAGER; REMOVING SECTION 4.12 AS REDUNDANT TO SECTION 4.10; AMENDING SECTION 4.13 PROVIDING FOR COMPLIANCE WITH THE PURCHASING MANUAL; AMENDING SECTION 4.14 PROVIDING FOR UPDATED GENERAL ADMINISTRATIVE AUTHORITY TO THE CITY MANAGER; AMENDING SECTION 4.16 PROVIDING FOR UPDATED DUTIES FOR THE CITY MANAGER; AMENDING SECTION 4.19 PROVIDING FOR UPDATED GENERAL DUTIES OF THE CITY ATTORNEY; AMENDING SECTION 4.21 PROVIDING FOR APPROVAL OF THE MINUTES BY THE CITY COMMISSION; AMENDING SECTION 4.44 TO REMOVE OUTDATED LANGUAGE AND REFERENCE; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City's Charter has not been thoroughly revised since 1925, and the City Commission determined at its April 3, 2019 public workshop that a revision of its Charter was overdue; and

WHEREAS, public comment was taken, and after presentation by staff and Commission deliberation, the City Commission directed the City Attorney to draft a revision of the Charter to amend sections identified as not consistent with state law or current city policy and;

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

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

Section 1. Amendment to Part I, Article IV, Division 1, Section 4.01. Part I, Article IV, Division 1, Section 4.01 is hereby amended, as follows:

Sec. 4.01. - In whom power vested.

The executive and administrative powers of the city, not herein otherwise provided for, shall be vested in and exercised by the following officers and departments:

A city attorney, ~~a city clerk, and a city manager, and any departments as enumerated by the city manager. a municipal judge, and three departments as follows: Department of public safety and welfare and public works, department of records and taxation and department of finance.~~

Section 2. Amendment to Part I, Article IV, Division 2, Section 4.07. Part I, Article IV, Division 2, Section 4.07 is hereby amended, as follows:

Sec. 4.07. - Salaries fixed by commission; salaries fixed ~~by city manager~~administratively; to be uniform; where reported; disposition of fees and moneys.

The commission shall ~~fix by ordinance determine~~ the salary or compensation of the city attorney, ~~city manager municipal judge, the heads of the departments, members of the police and fire forces~~ and members of boards. The city manager ~~and the city attorney shall will determine fix~~ the number and compensation of all other officers and employees ~~in their respective departments, as approved by adoption of the city commission's annual budget.~~ All such salaries and rates of pay with dates of employment and discharge shall be immediately reported to the director of financial services. All fees and moneys received or collected by officers and employees shall be immediately paid over to the director of financial services on the date of their receipt.

Section 3. Amendment to Part I, Article IV, Division 3, Section 4.09. Part I, Article IV, Division 3, Section 4.09 is hereby amended, as follows:

Sec. 4.09. - Election; powers and duties.

The commissioner elected to Seat Three shall serve as mayor and shall preside at all meetings of the commission and perform such other duties consistent with the office as may be imposed by it, and shall have a voice and vote in the proceedings of the commission but no veto power. The mayor may use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general laws of the state so requires, but this shall not be considered as conferring the administrative or judicial functions of a mayor under the general laws of the state. The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil processes ~~by the government in the exercise of military law~~ and for all ceremonial purposes. ~~He may take command of the police and govern the city by proclamation during times of grave public danger or emergency.~~ The powers and duties of the mayor shall be such as are conferred by the city commission in pursuance of the provisions of this Charter and no others. In the absence of the mayor, the other members of the city commission shall select one of their number to perform the mayor's duties.

Section 4. Amendment to Part I, Article IV, Division 4, Section 4.10. Part I, Article IV, Division 4, Section 4.10 is hereby amended, as follows:

Sec. 4.10. - Appointment; qualifications; temporary manager during absence, etc.

The city commission shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission, and shall hold office at the pleasure of the city commission. The city manager shall be chosen solely on the basis of executive and administrative qualifications, without regard to political

beliefs, and need not be a resident of the city or state at the time of appointment. The city manager shall take all reasonably necessary administrative action to preserve life, property, and the public welfare pursuant to a declared federal, state, or local state of emergency. During the absence or disability of the city manager, the city commission may designate some properly qualified person to temporarily execute the functions of the office.

Section 5. Repeal of Part I, Article IV, Division 4, Section 4.12. Part I, Article IV, Division 4, Section 4.12 is hereby repealed in its entirety, as follows:

~~Sec. 4.12. - Term of office.~~

~~The city manager of the City of St. Augustine, Florida shall serve at the pleasure of the city commission.~~

Section 6. Amendment to Part I, Article IV, Division 4, Sections 4.13 and 4.14. Part I, Article IV, Division 4, Sections 4.13 and 4.14 are hereby amended, as follows:

Sec. 4.13. - Powers and duties generally.

The city manager shall be responsible to the city commission for the proper administration of all affairs of the city and to that end, the city manager's powers are and shall be:

(...)

- (i) The city manager of the City of St. Augustine, Florida, or the city manager's designee, shall be the purchasing agent of said city by whom all purchases of supplies shall be made; and shall approve all vouchers for the payment of same. The purchasing agent shall also conduct all sales of personal property which has become unnecessary or unfit for the city's use. Competitive formal bids should be solicited consistent with the city's adopted purchasing manual and state and federal law. ~~for any single item which exceeds the purchase cost of five thousand dollars (\$5,000.00); provided, however, that when such formal bids have been received on public works construction contracts to be let by the city and they are in excess of the estimated construction costs as prepared by independent engineers or architects on behalf of the city then, and in that event, the city manager may, subject to approval of the city commission, negotiate the terms and conditions of such construction contracts with any qualified contractor, whether low bidder or otherwise, so as to bring the cost of the proposed contract within the engineers' and/or architects' estimate or the amount of money available to the city for such contract.~~

Sec. 4.14. - To be head of various departments.

The city manager, as the administrative officer of the city shall be the head of each department provided for under this charter and shall be responsible for its successful and businesslike operation. ~~He shall be the active head of the department of public safety and welfare, which department shall have cognizance of all matters making for the welfare of the community such as the control of its charitable and correctional institutions, and the management and supervision of all public improvements, works and undertakings of the city except as otherwise specifically provided for under this charter.~~

Section 7. Amendment to Part I, Article IV, Division 4, Section 4.16. Part I, Article IV, Division 4, Section 4.16 is hereby amended, as follows:

Sec. 4.16. - Additional duties.

The city manager shall manage and control all city owned public utilities operated and managed by the municipality, ~~and the office of the city manager~~ shall be charged with the management and operation of all public works and the regulation by ordinances of the city

commission of all charitable and correctional institutions and agencies of the city, enforce all laws, ordinances and regulations relative to the preservation and promotion of public health; shall manage or inspect water, lighting, heating, power and transportation enterprises of the city; shall manage and control the use, construction, improvement, repair and maintenance of all recreational facilities of the city, including parks, playgrounds and public gymnasiums, ~~bathhouses~~ and social centers; shall manage and supervise all public improvements, works and undertakings of the city, except as otherwise provided in this charter; shall have charge of the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts, aqueducts, public highways, sewers, drains, ditches, culverts, streams, watercourses, and all public buildings; shall manage and control market houses, crematories, sewerage disposal plants and farms, and shall enforce all the obligations of privately owned or operated public utilities which are enforceable by the city; shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for such public work; the cleaning, sprinkling and lighting of streets and public places; the collection and disposal of wastes; the preservation of tools and appliances belonging to the city and pertaining to the functions of its several departments, and any other duties assigned by the city commission or prescribed for city managers.

Section 8. Amendment to Part I, Article IV, Division 5, Section 4.19. Part I, Article IV, Division 5, Section 4.19 is hereby amended, as follows:

Sec. 4.19. - Special duties.

The city commission shall appoint a city attorney who shall act as the legal adviser to, and attorney and counselor for, the municipality and all of its officers in matters relating to their official duties. The city attorney shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned and shall endorse on each approval of the form and correctness thereof and no contract with the municipality shall take effect until the city attorney's approval is so endorsed thereon. The city attorney shall prosecute and defend for and in behalf of the city all complaints, suits and controversies in which the city is a party. The city attorney shall also furnish the city commission, its boards and committees, the city manager, employees and officers of the city ~~the head of any department or any officer or board not included in any department~~ a legal opinion on any question of law relating to their respective powers and duties. The city attorney shall be responsible to the city commission for the proper administration of all affairs of the city attorney's department, and to that end, will exercise control and direct supervision over the department and its employees, and may retain outside counsel to assist in the furtherance of its duties under this charter.

Section 9. Amendment to Part I, Article IV, Division 6, Section 4.21. Part I, Article IV, Division 6, Section 4.21 is hereby amended; as follows:

Sec. 4.21. - Appointment; duties generally.

There shall be a city clerk who shall be appointed by and serve during the pleasure of the city commissioners and who, under the supervision of the city manager, shall be director of the department of records. The city clerk shall attend all meetings of the city commission and shall keep a journal of its proceedings, the correctness of which proceedings as entered in such journal shall be certified to after each meeting by the city clerk's signature and by approval of the minutes by the signature of the presiding officer of the city commission. The city clerk shall be the custodian of the seal of the city and of all records and papers of a general character pertaining to the affairs of a municipality. The city clerk shall attest to the signature of the mayor-commissioner on all contracts and other documents requiring such attestation.

Section 10. Amendment to Part I, Article IV, Division 9, Section 4.44. Part I, Article IV, Division 9, Section 4.44 is hereby amended, as follows:

Sec. 4.44. - Composition; powers and duties generally of fire chief.

The fire force of the City of St. Augustine shall consist of a chief, ~~who shall be a fire warden,~~ and as many subordinate professional officers, professional firefighters and employees, employed on a full time basis, as the city commission shall by ~~ordinance~~ budget determine is reasonably required to afford fire protection to the city. In determining the level of fire protection to be afforded, the city commission shall consider the recommendations of the Insurance Service Organization, the National Fire Protection Association, the fire chief, the city manager and the level of service afforded cities of a comparable size. The fire chief shall have exclusive control of the stationing and transfer of all firefighters and other officers and employees constituting the fire force, subject to such rules and regulations as may be prescribed by city manager or by ordinance of the city; and shall have exclusive management and control of such officers and employees as may be employed in the administration of the affairs of the fire force. In case of riot, conflagration or like emergency, the city manager may appoint additional firefighter for temporary service. The fire chief shall have, subject to the remaining portions of this charter, the right to suspend any officer or employee of the fire force because of incompetency, neglect of duty, ~~drunkenness being~~ under the influence of alcohol or drugs while on duty, failure to obey orders given by proper authority or for any other just or reasonable cause and shall immediately report the fact of such suspension to the city manager for final action.

Section 11. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter of the City of St. Augustine, that 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 12. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 13. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 14. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

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

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

ITEM 9.A.4.

Ordinance 2019-25

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

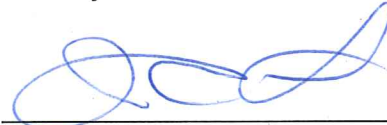
DATE: October 17, 2019

RE: **ORDINANCE 2019-25: RESIDENT PETITION SUBMITTED AND EMERGENCY ORDINANCES**

Please find attached Ordinance 2019-25. Consistent with the City Commission's direction to our office regarding the amendments to the City Charter, we are presenting an ordinance providing intent regarding the provisions for ordinances submitted by petition of voters, clarifying the city attorney's responsibility to approve these resident petition driven ordinances as to form only prior to consideration before the City Commission, and repealing resident petition emergency measures as impracticable due to federal and state emergency procedure requirements.

Please place Ordinance 2019-25 on the regular City Commission agenda for first reading on October 28, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk

Agenda Title:

Charter update to Article V, Sections 5.15, 5.21 and 5.28 providing intent regarding the provisions for ordinances submitted by petition of voters, clarifying the city attorney's responsibility to approve resident petition driven ordinances as to form only prior to consideration before the City Commission and repealing resident petition emergency measures as impracticable due to federal and state emergency procedure requirements.

ORDINANCE NO. 2019-25

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE V OF THE CHARTER OF THE CITY OF ST. AUGUSTINE CREATING SECTION 5.15 PROVIDING INTENT; AMENDING SECTION 5.21 TO PROVIDE THAT THE CITY ATTORNEY IS RESPONSIBLE TO APPROVE RESIDENT PETITION-INITIATED ORDINANCES AS TO FORM ONLY PRIOR TO CONSIDERATION BEFORE THE COMMISSION; REPEALING SECTION 5.28 REGARDING PETITION-INITIATED ORDINANCES PASSED AS EMERGENCY MEASURES; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City's Charter has not been thoroughly revised since 1925, and the City Commission determined at its April 3, 2019 public workshop that a revision of its Charter was overdue; and

WHEREAS, public comment was taken, and after presentation by staff and Commission deliberation, the City Commission directed the City Attorney to draft a revision of the Charter to amend sections identified as not consistent with state law or current city policy; and

WHEREAS, Article V, Division 2 of the City's Charter was originally part of session laws indicating a common scheme of procedures for ordinances submitted by petition of voters, and this amendment includes an intent clause to confirm the interrelated nature of the procedures; and

WHEREAS, emergency ordinances submitted by petition of voters by their nature cannot be enacted efficiently under a referendum procedure; 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. Creation of Part I, Article V, Division 2, Section 5.15. Part I, Article V, Division 2, Section 5.15 is hereby created, as follows:

Sec. 5.15. – Intent

The provisions of Part I, Article V, Division 2 apply only to ordinances submitted by petition of voters.

Section 2. Amendment to Part I, Article V, Division 2, Section 5.21. Part I, Article V, Division 2, Section 5.21 is hereby amended, as follows:

Sec. 5.21. - Same—Ordinances to be approved by city attorney.

Before any ordinance so proposed shall be submitted to the city commission, it shall first be approved as to its form only, by the city attorney, ~~whose duty it shall be to draft such proposed ordinance in proper legal language if called upon so to do and to render such other service to persons desiring to propose such ordinance as may shall~~ be necessary to make the same in proper form for consideration by the city commission.

Section 3. Repeal of Part I, Article V, Division 2, Section 5.28. Part I, Article V, Division 2, Section 5.28 is hereby repealed in its entirety, as follows:

~~Sec. 5.28. - Same—Applicable to emergency ordinances.~~

~~Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinances. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder, but such measures so repealed shall be deemed sufficient authority for the payment in accordance with the ordinance of any expenses incurred previous to the referendum vote thereon.~~

Section 4. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

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

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

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: October 17, 2019

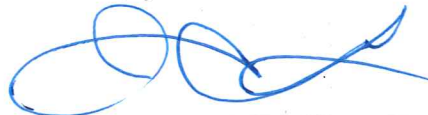
RE: **ORDINANCE 2019-26: RESIDENT PETITION SUBMITTED AND EMERGENCY ORDINANCES**

Please find attached Ordinance 2019-26. Consistent with the City Commission's direction to our office regarding the amendments to the City Charter, we are presenting an ordinance updating the charter to conform with the Florida Election Code that superseded local rules and regulations regarding electoral procedures, and incorporates the procedures found in Chapter 166.021 (4) regarding charter amendments by ordinance.

In addition, Senate Bill 7066, changed the date of the statewide primary requiring an amendment to the City's Charter to conform to this date. In order to avoid future conflicts between the Charter and the Florida Election Code, this amendment states that the means and methods for the provision of elections are as provided in the Florida Election Code, and the policies and procedures adopted by the St. Johns County Supervisor of Elections.

Please place Ordinance 2019-26 on the regular City Commission agenda for first reading on October 28, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk

Agenda Title:

Charter update to Article VI, Sections 6.14, 6.18, 6.19, 6.20, 6.20.1 and 6.26 updating the charter to conform with the Florida Election Code that superseded local rules and regulations regarding electoral procedures, and incorporates the procedures found in Chapter 166.021 (4) regarding charter amendments by ordinance.

ORDINANCE NO. 2019-26

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE V OF THE CHARTER OF THE CITY OF ST. AUGUSTINE AMENDING SECTION 6.14 PROVIDING FOR ELECTIONS FOR CITY COMMISSIONERS TO COINCIDE WITH PRIMARY AND GENERAL ELECTIONS DESIGNATED BY THE FLORIDA ELECTION CODE; AMENDING SECTION 6.18 PROVIDING FOR PROCEDURES FOR CITY ELECTIONS TO CONFORM TO STATE OF FLORIDA LAW; REPEALING SECTIONS 6.19, 6.20, 6.20.1, AND 6.26 REGARDING CANVASSING OF RETURNS, DECLARATION OF ELECTIONS, PAPER BALLOTS, VOTING MACHINE BALLOTS, AND VOTING MACHINES; AMENDING SECTION 6.25 PROVIDING THAT CHARTER AMENDMENTS MAY BE CONFIRMED BY REFERENDUM IF REQUIRED AND ORDINANCES BY PETITION OF VOTERS MUST CONFORM TO ARTICLE V, DIVISION 2 OF THE CITY CHARTER; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City's Charter has not been thoroughly revised since 1925, and the City Commission determined at its April 3, 2019 public workshop that a revision of its Charter was overdue; and

WHEREAS, public comment was taken, and after presentation by staff and Commission deliberation, the City Commission directed the City Attorney to draft a revision of the Charter to amend sections identified as not consistent with state law or current city policy; and

WHEREAS, since the adoption of the City's Charter, the Florida Election Code has superseded local rules and regulations regarding electoral procedures; and

WHEREAS, Senate Bill 7066, enacted this year by the Florida Legislature, changed the date of the statewide primary requiring an amendment to the City's Charter to conform to this date; and

WHEREAS, in order to avoid future conflicts between the Charter and the Florida Election Code, the language in the Charter should reflect the means and methods for the provision of elections as provided for in the Florida Election Code, and the policies and procedures adopted by the St. Johns County Supervisor of Elections; and

WHEREAS, Chapter 166.021 (4), Florida Statutes provides for amendments to a municipal charter by ordinance and removed any other limitation of power contained in any municipal charter enacted or adopted prior to July 1, 1973; and

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

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

Section 1. Amendment to Part 1, Article VI, Division 2, Section 6.14. Part I, Article VI, Division 2, Section 6.14 is hereby amended, as follows:

Sec. 6.14. - When elections to be held.

The primary and general elections for the election of city commissioners of the City of St. Augustine, Florida, shall coincide with the primary and general elections provided for in the Florida Election Code. ~~be as follows: The primary election shall be held on the Tuesday ten (10) weeks prior to the general election, and the general election shall be held on the first Tuesday after the first Monday of November, 2014, and thereafter primary elections shall be held on the Tuesday ten (10) weeks prior to the general election of each even numbered year and the general elections shall be held on the first Tuesday after the first Monday in November of each even numbered year.~~

Section 2. Amendment to Part I, Article VI, Division 2, Section 6.18. Part I, Article VI, Division 2, Section 6.18 is hereby amended, as follows:

Sec. 6.18. - ~~Arrangements; appointment of chairman of city canvassing board, inspectors and clerk.~~Procedures to conform with State of Florida law.

~~The city commission shall make necessary arrangements for holding all municipal elections and appoint a canvassing board who shall canvass and declare the results thereof. The canvassing board shall be comprised of the city attorney, the officer before whom the candidate for office qualified, and a member of the city commission who will act as chairman. The chairman of the canvassing board shall be selected from among the members of the city commission by the mayor commissioner. The chairman of the canvassing board shall not be a candidate with opposition in the election being canvassed nor an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. If the chairman of the canvassing board is unable to serve or is disqualified, the mayor commissioner shall appoint as a substitute another member with the same qualifications. If a substitute member cannot be appointed as provided elsewhere in this subsection, the city commission shall appoint as a substitute member a qualified elector of the city who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. The means and methods for the provision of elections within the City of St. Augustine's jurisdictional boundaries will conform to the Florida Election Code, and the policies and procedures adopted by the St. Johns County Supervisor of Elections.~~

Section 3. Repeal of Part I, Article VI, Division 2, Sections 6.19 through 6.20.1. Part I, Article VI, Division 2, Sections 6.19 through 6.20.1 are hereby repealed in their entirety, as follows:

~~Sec. 6.19. -- When polls are open; ascertainment of canvass of returns; declaration of result; certification of election.~~

~~The results of the voting at all polling places shall be certified by the canvassing board. The chairman of the canvassing board and the city attorney shall transmit such returns to the city commission at a meeting to be held at 12:00 noon on the day following the election. At such meeting, the city commission shall canvass the returns, and the results as shown from such canvass shall be by the city commission declared to be the results of the election. The qualifying officer shall, on or before 12:00 noon, of the second day after the election, furnish a certificate of election to each person shown to have been elected.~~

~~Sec. 6.20. -- Paper ballots~~

~~The whole number of paper ballots to be printed for any primary or general municipal election for the nomination or election of candidates for the office of city commissioner shall be divided by the number of such candidates, and the quotient so obtained shall be divided by the number of ballots in each series of ballots to be printed. The names of the candidates shall be arranged in alphabetical order for each group in the first series of ballots printed. The first names shall then be placed last and the next series of ballots printed, and this process shall be repeated until each name shall have been first. These ballots shall then be combined into tablets, or pads, with no two of the same order of name together. The ballots shall in all other respects conform as nearly possible to the form of ballots prescribed by the general election law of the State of Florida.~~

~~Sec. 6.20.1. -- Voting machine ballots.~~

~~Voting machine ballots shall conform to the form of ballots prescribed by the general election law of the State of Florida.~~

Section 4. Amendment to Part I, Article VI, Division 2, Section 6.25. Part I, Article VI, Division 2, Section 6.25 is hereby amended, as follows:

Sec. 6.25. - Charter amendments.

Amendments to this Charter may be adopted by ordinance consistent with Florida law, and if required, confirmed by referendum. Ordinances submitted by petition of voters shall conform with those procedures found in Article V, Division 2 of this Charter. ~~submitted to the electors of the city by a two-thirds vote of the city commission, and, by petition signed by thirty-five (35) per cent of the electors of the city setting forth any such proposed amendment, shall be submitted by action of the city commission unless such amendments are authorized by the state Municipal Home Rule Powers Act. The ordinance providing for the submission of any such amendment, other than that authorized by the state Municipal Home Rule Powers Act, shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty (60) days and not more than one hundred twenty (120) days after its passage; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid.~~

~~If such amendment is approved by a majority of the electors voting thereon, it shall become a part of the Charter at the time fixed therein~~

Section 5. Repeal of Part I, Article VI, Division 2, Section 6.26. Part I, Article VI, Division 2, Section 6.26 is hereby repealed in its entirety, as follows:

Sec. 6.26. -- Use of voting machines.

~~The city commission of the City of St. Augustine, Florida, may authorize the use of voting machines in any municipal election; providing that the voting procedure, voting machine ballot, and the requirements of voting machines shall be in accordance with the Florida Election Code.~~

Section 6. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 7. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. 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 9. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

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

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: October 17, 2019

RE: **ORDINANCE 2019-44: LAND DEVELOPMENT PERMITS & LOWER BOARD APPEALS**

Please find attached Ordinance 2019-44. This ordinance provides for consistency of appeals for all development permits and utilizes the statutory language, as well as, provides for uniform lower board procedures for appeals now that a new board has been created, the Corridor Review Committee. This amendment also confirms and clarifies the appeals procedure so that it does not require cross-reference to other sections of the code for ease of reference.

Please place Ordinance 2019-44 on the regular City Commission agenda for first reading on October 28, 2019.

Thank you.


Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk

Agenda Title:

Creates Chapter 28, Article II, Division 1, Section 28-29 of the Code of the City of St. Augustine to provide consistency of appeals for all development permits and utilizes the statutory language, provides for uniform lower board procedures for appeals, and confirms and clarifies the appeals procedure.

ORDINANCE NO. 2019-44

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, DIVISION 1, SECTION 28-29 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING FOR LAND DEVELOPMENT PERMIT AND LOWER BOARD APPEALS TO THE CITY COMMISSION; PROVIDING FOR SPECIFIC DOCUMENTATION TO BE INCLUDED WITH APPEALS; PROVIDING FOR COMPLETENESS, COMPLIANCE WITH CODE REQUIREMENTS, AND LEGAL STANDING; PROVIDING FOR SUFFICIENCY HEARINGS FOR INCOMPLETE FILINGS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Florida law provides for an expansive definition of development permit, and the municipal code is amended to reflect this statutory definition; and

WHEREAS, a new lower board, the Corridor Review Committee, is being created and the appeals section of the municipal code must be amended to provide for an appeal procedure from that lower board; and

WHEREAS, as an update to the codified language, the filing and procedural requirements of appeals are confirmed and described in more easily understandable, plain language without need to cross-reference to other sections of the code; and

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

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

Section 1. Amending Chapter 28, Article II, Division 1, Section 28-29. Chapter 28, Article II, Division 1, Section 28-29 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 28-29. — Land development permit~~Zoning exceptions, variances, and lower board appeals to the city commission.~~

(...)

(g) Review of lower board decisions by city commission. Decisions of lower the boards in the granting or denial of development permits of appeals, preliminary subdivision plats,

~~exceptions, conservation zone developments, variances, and comprehensive plan amendments and rezonings~~ shall be subject to review by the city commission on appeal:

- (1) An appeal must include the appeal form, the order or decision on appeal, the required filing fee, all necessary supporting documents to substantiate the appeal and the appellant's standing, including but not limited to, the transcript of the hearing, and may be taken by any person demonstrating sufficient standing consistent with Florida law and aggrieved by the decision of the board provided such appeal form, payment, supporting documents and transcript, is filed with the planning and building department during regular office hours no later than thirty (30) days from the date of the rendered order which is the subject of such appeal. To be considered timely filed, appellant must file all the required documents form and provide any required payment for filing fees at the time of filing. If the thirtieth (30th) day from the date of the rendered order falls on a date and time when the planning and building department is closed, any attempted filing on or after that date and time will be considered untimely and no additional time will be granted for late filing. The party filing the appeal shall have legal standing, as determined under the laws of the State of Florida and rules of civil procedure or appellate procedure as established by the Supreme Court of the State of Florida.
- (2) ~~A notice of appeal shall be filed on the forms established and provided by the planning and building department and shall include all pertinent information required thereon and any applicable filing fee.~~ A complete notice of appeal filed in compliance with code requirements by the owner of the property seeking a development permit shall be deemed legally sufficient to proceed to the substantive appeal hearing. If the property owner's ~~notice of~~ appeal is incomplete or not filed in compliance with code requirements, the city commission will conduct a sufficiency review ~~the application for appeal for legal sufficiency~~ prior to scheduling the substantive appeal hearing. If an ~~the notice of~~ appeal is filed by any other aggrieved person, the city commission will review the application for appeal for completeness, compliance with code requirements, and legal standing, and conduct a legal sufficiency review prior to scheduling the substantive appeal hearing. ~~If the application for appeal appears to lack legal sufficiency, the city commission may request that additional information be filed, in writing, in the form of a brief or other formal statement, or may allow for formal testimony under oath, and, based upon the application for appeal and such other information that is provided in the record, the city commission may deny an application for appeal that is legally insufficient because it is incomplete, not filed in compliance with code requirements, or filed by a person without legal standing, and in so doing affirm the order to be reviewed, if it finds that the appeal lacks legal sufficiency.~~ If the city commission finds that the application for appeal meets legal sufficiency because it is complete, filed in compliance with code requirements, and filed by a person with legal standing, it shall set the appeal for a public hearing on the substantive appeal in the manner prescribed in section 28-59(a), (b). Sufficiency hearings before the city commission will allow for due process to the property owner, and any aggrieved party that has filed an appeal, as well as, public comment consistent with Florida law and the city's rules of decorum and meeting procedures. Testimony and legal argument should be limited to the issues relevant to establishing the legal sufficiency of the appeal application.

- (3) An appeal shall stay all administrative proceedings in furtherance of the action appealed until such time as a final determination has been made by the city commission on such appeal, and no action shall be taken by the applicant or the planning and building department during such time which would change the status of the matter being appealed.
- (4) The substantiveAn appeal hearing before the city commission shall be scheduled at the next reasonably available city commission meeting. The hearing shall be based on the record below and no new evidence or testimony shall be considered unless the appellant requests a modification to the action under appeal. If a modification is requested, the only new evidence and testimony allowed shall be limited to the modification. The city commission will allow for due process to the property owner, and any aggrieved party that has filed an appeal, as well as, public comment consistent with Florida law and the city's rules of decorum and meeting procedures.
- (5) The city commission shall find whether in its opinion error was made and within the terms of this section affirm, reverse or modify the action appealed as it deems just and equitable. If the applicant presents modifications to the action under appeal, the city commission may accept the modification and so modify the order, may remand the appeal back to the board for further review, or may deny the modification and affirm the action appealed.
- (6) The decision of the city commission shall be the final administrative action, and appeals from the decision of the city commission shall be appealed to the circuit court.

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

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

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

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

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

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

ITEM 9.A.7.

Ordinance 2019-45

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: October 15, 2019

RE: **ORDINANCE 2019-45: CREATION OF THE CORRIDOR REVIEW COMMITTEE**

Please find attached Ordinance 2019-45. This ordinance establishes the Corridor Review Committee tasked with interpreting the new Design Standards for Entry Corridors regulations and provides for meeting rules, responsibilities, procedures, appeals, and enforcement and penalties for same.

Please place Ordinance 2019-45 on the regular City Commission agenda for first reading on October 28, 2019.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk

Agenda Title:

Creates Chapter 28, Article II, Division 5, Sections 28-126 through 28-134 of the Code of the City of St. Augustine to establish the Corridor Review Committee to interpret the new Design Standards for Entry Corridors.

ORDINANCE NO. 2019-45

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING CHAPTER 28, ARTICLE II, DIVISION 5, SECTIONS 28-126 THROUGH 28-134 OF THE CODE OF THE CITY OF ST. AUGUSTINE ESTABLISHING THE CORRIDOR REVIEW COMMITTEE; PROVIDING FOR MEMBERSHIP AND MINIMUM QUALIFICATIONS CRITERIA; PROVIDING FOR ATTENDANCE, MEETING RULES, RESPONSIBILITIES, AND PROCEDURES; PROVIDING FOR APPEALS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City has approved updates to its Design Standards for Entry Corridors (DSEC); and

WHEREAS, with the adoption of new DSEC regulations, a Corridor Review Committee should be tasked with its interpretation; and

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its November 5, 2019 regular meeting; and

WHEREAS, the City Commission finds that establishing a Corridor Review Committee is in the public interest if limited in area and appropriately regulated; 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 sections be adopted;

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

Section 1. Creation of Chapter 28, Article II, Division 5, Sections 28-126 through 28-134.
Chapter 28, Article II, Division 5, Sections 28-126 through 28-134 of the Code of the City of St. Augustine are hereby created, as follows:

DIVISION 5.

Sec. 28-126 – Created; Membership.

There is hereby created a Corridor Review Committee (CRC) consisting of five (5) members to be appointed by the City Commission from applications submitted on forms

as from time to time promulgated by the City Manager and approved by the City Commission and shall serve at the pleasure of the City Commission. The initial appointment of members shall be as follows: two (2) members of the board as established herein shall be appointed for a term of three (3) years; two (2) members for a term of two (2) years; and one (1) for a term of one (1) year. Thereafter all members shall be appointed for a three (3) year term.

Sec. 28-127 – Minimum qualifications criteria.

Two (2) seats on the board shall be designated for a licensed, or retired, architect or landscape architect with preference given to those who are city residents or whose business is located within the city; and three (3) seats for property owners or tenants of properties located within the respective entry corridors as defined in the City's adopted design standards for entry corridors.

Sec. 28-128 – Attendance at meetings.

Any member of the CRC who fails to attend two (2) of three (3) consecutive meetings without providing the city with a justification for the absences shall be considered to have resigned the position and the vacancy shall be filled by the City Commission as any other vacancy.

Sec. 28-129 – Meetings; Rules.

The members of the CRC shall meet as needed, as an ad hoc committee meeting noticed by the City Clerk and shall meet at least annually to elect one (1) of its members as chairperson and one (1) as vice-chair. The CRC shall comply with the City's adopted rules of decorum, meeting procedures, provision for special meetings, and Florida's Government in the Sunshine law.

Sec. 28-130 – Adoption of design standards for entry corridors.

All development permits subject to the Design Standards for Entry Corridors (DSEC) shall comply with the regulations of their respective entry corridor. The following DSEC regulations, as may be amended from time to time, are hereby incorporated by reference and made a part of this municipal code:

- (1) Anastasia Boulevard Design Standards
- (2) San Marco Avenue Design Standards
- (3) King Street Design Standards

Sec. 28-131 – Responsibilities.

The administrative review and decision of a development permit application shall be as prescribed in the adopted DSEC. The CRC review and decision of a development permit or appeal of an Administration decision shall comply with the process and review criteria as prescribed in the adopted DSEC and this code.

Sec. 28-132 – Procedures.

The CRC shall follow the following procedures:

- (1) Unless a longer time shall be agreed upon by the applicant and the CRC in the particular case, a public hearing shall be held by the CRC to consider any application not more than thirty (30) days from the date of filing of the completed

application. Notice of public hearing shall be made as provided. Notice of any public hearing shall be published once in a newspaper of general circulation not less than ten (10) days in advance of the date of such hearing. Such published notice shall be in a form prescribed by the board or city commission, as appropriate, and written and published by the planning and building division. Proof of publication shall be on file with the planning and building division.

- (2) Each final order shall contain the citation to the applicable legal authority for the denial of the permit upon which the CRC's order is based and may include additional findings and conclusions of law, as well as, such conditions and safeguards as prescribed by the CRC as are appropriate in the matter, including but not limited to, reasonable time limits within which action pursuant to such order shall be begun or completed or both. The CRC shall provide for the establishment and maintenance of a record of the hearing by the City Clerk for all application requests considered by it. The CRC shall establish such record in a sufficient degree to disclose the factual basis for its final determination with respect to such requests and appeals. The CRC shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its official actions, all of which shall be a public record and filed immediately in the Planning and Building Department and preserved with the City Clerk. The record shall contain all evidence, testimony and findings placed in the record of the hearing without need to reiterate the same in the final order. A verbatim transcript of the hearing is required for an appeal to the City Commission and may be required for other judicial proceedings. It is the responsibility of the appellant to obtain a complete record of the hearing from the city clerk and to retain a certified court reporter to transcribe the hearing at appellant's cost. For purposes of appeals to the City Commission, persons who meet the qualifications of indigency and who have filed a complete indigency application with the City Clerk pursuant to this code, may provide an alternative to the certified court reporter transcript, such as providing an audio-visual recording of the proceedings on appeal.

Sec. 28-133 – Appeals.

Review of administrative decisions consistent with the DSEC shall be before the CRC. Review of CRC decisions shall be heard by the City Commission on appeal consistent with the procedures found in Sections 28-132 and 28-29(g). Variances to the DSEC may be granted as prescribed by the Planning and Zoning Board or other agency.

Sec. 28-134 – Enforcement; Penalties.

Any person who violates any provision of the DSEC or this code shall be punished as provided by Section 28-35.

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

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

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

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

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

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk

(SEAL)

ITEM 9.A.8.

Ordinance 2019-47

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: October 17, 2019

RE: ORDINANCE 2019-47: SPECIAL MAGISTRATE

Please find attached Ordinance 2019-47, which establishes the office of special magistrate for the city of St. Augustine. The special magistrate has concurrent jurisdiction with the code enforcement board, but is specifically being authorized to hear cases for the upcoming short-term rental ordinance.

The special magistrate is an option allowed by state law for hearings of violations of the city code. Section 162.03(2), F.S., provides that, "A special magistrate shall have the same status as an enforcement board." That means that the special magistrate will have the same power and authority as the board possesses under the statutes (section 162.08, F.S.), including the power to:

- Adopt rules for the conduct of its hearings;
- Subpoena alleged violators and witnesses to its hearings;
- Subpoena evidence to its hearings;
- Take testimony under oath; and
- Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

This ordinance creates the office of the special magistrate. According to Opinion 2005-29 by the Office of the Attorney General, the special magistrate is an officer of the city for the purposes of the dual-office holding provision of the Florida Constitution.

Under this ordinance, the commission is responsible for appointing a special magistrate, and may appoint as many special magistrates as it deems necessary. The commission may also authorize the use of interlocal agreements. The city manager will negotiate a contract for services, which must be approved by the commission. The special magistrate must be a member in good standing with the Florida Bar.

Agenda title: Ordinance 2019-47 creates Chapter 2, Division 3, sections 2-340 through 2-343, creating the office of the special magistrate for code enforcement violations.

Thank you.

/s/ John M. Cary
John M. Cary
Assistant City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Isabelle C. Lopez, City Attorney
Darlene Galambos, City Clerk

ORDINANCE NO. 2019-47

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING DIVISION 3 OF CHAPTER 2, ARTICLE VI SECTIONS 2-340 THROUGH 2-343 OF THE CODE OF THE CITY OF ST. AUGUSTINE; CREATING THE OFFICE OF SPECIAL MAGISTRATE; PROVIDING QUALIFICATIONS AND COMPENSATION; PROVIDING AUTHORITY, DUTIES, AND POWERS; PROVIDING THAT PROVISIONS OF THIS ORDINANCE ARE SUPPLEMENTAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of St. Augustine has established a Code Enforcement Board to conduct hearings for violations of the city code; and

WHEREAS, the state statutes (section 162.03, F.S.) allow a municipality to appoint special magistrates, which have the same status as the code enforcement board; *Sarasota County v. Bow Point on Gulf Condominium Developers, LLC*, 974 So.2d 431 at FN 1 (Fla. 2nd DCA 2007); and

WHEREAS, the city of St. Augustine anticipates of having a significant increase in case load for code enforcement cases when a short-term rental ordinance is passed; and

WHEREAS, it would be a significant burden on the code enforcement board to face a significant increase in case load, which will be alleviated by the special magistrate; 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. Creation of Chapter 2, Article VI, Division 3, Sections 2-340-343. Chapter 2, Division 3, Sections 2-340-343 of the Code of the City of St. Augustine is hereby created, as follows:

Sec. 2-340. – Office of Special Magistrate created.

The office of code enforcement special magistrate is hereby created. The city commission may appoint as many special magistrates as it determines is necessary. The city commission may also enter into an interlocal agreement with a municipality or county to utilize the services of that jurisdiction's special magistrate or to permit another jurisdiction to utilize the services of the city's special magistrates.

Sec. 2-341. – Qualifications and compensation.

- (a) A special magistrate shall be a member in good standing of the Florida Bar, and is an officer of the city of St. Augustine.
- (b) The city manager shall negotiate a contract for services, which shall be approved by the city commission.

Sec. 2-342. – Authority, duties, and powers of special magistrate.

A special magistrate shall have all the authority, duties, and powers of the Code Enforcement Board provided in section 162.08, Florida Statutes.

Sec. 2-343. – Provisions supplemental.

The provisions of this division are additional and supplemental means of enforcing this Code. Nothing contained in this divisions shall prohibit enforcement by any other means including, but not limited to, the enforcement methods and penalties authorized by chapter 162, Florida Statutes or other means of enforcement provided for in this Code.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this Ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this Ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

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

Section 4. Severance of Invalid Provisions. In the event that any section, subsection, sentence, clause, phrase, word, term or provision of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly invalid, unconstitutional or unenforceable or involved for any reason whatsoever, any such invalidity, unconstitutionality, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, unconstitutional, illegal, or unenforceable section, subsection, sentence, clause, phrase, word, term or provision did not exist.

Section 5. Effective Date. This Ordinance shall become effective immediately upon passage, pursuant to § 166.041(4), Florida Statutes.

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

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk

(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, City Manager

RE: Street Closures for Special Events

DATE: October 1, 2019

With the passage of Resolution 2018-13, the St. Augustine City Commission set a number of parameters governing events in the city including one which prevents the closure of any street for more than two hours for a special event.

In the time since the passage of Resolution 2018-13, the Public Affairs Department has become aware that certain events may be more suited to be held in an on-street environment and may last more than two hours.

With the passage of Resolution 2019-41 the City Manager will have the authority to close a street and/or interrupt traffic in order to accommodate a special event.

Please place this resolution on the City Commission's October 14 agenda for consideration.

Thank you,



Paul K. Williamson
Public Affairs Director

RESOLUTION NO. 2019-41

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE CITY MANAGER'S AUTHORITY TO CLOSE CITY STREETS FOR CERTAIN EVENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, special events have long been a part of the cultural environment of the City of St. Augustine, which includes annual parades, festivals, art shows, musical performances, and other events; and

WHEREAS, the City supports a wide variety of special events by making venues available that include Francis Field, the Gazebo in the Plaza de la Constitución, the Municipal Marina, Lightner Courtyard, and rights-of-way throughout the City; and

WHEREAS, certain events may be best-suited to be held on certain city streets; and

WHEREAS, such events may require city streets to be closed for more than two hours; and

WHEREAS, Resolution 2018-13 provided that the City Manager could only permit an event that requires the closing of a street for no more than two hours

WHEREAS, the City Commission recognizes that in certain circumstances, the City Manager should be authorized to close city streets for more than two hours to accommodate special events.

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

Section 1. Upon the effective date of this resolution, the City Manager is authorized to close a city street and/or interrupt traffic in order to accommodate a special event held on a city street for a duration as determined to be appropriate by the City Manager.

Section 2. This authorization does not include streets owned by the Florida Department of Transportation.

Section 3. The City Commission will be notified of all instances of street closures authorized under this resolution by their inclusion on the next consent agenda following such authorization.

Section 4. This resolution will take effect immediately upon passage.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this _____ day of _____, 2019.

CITY OF ST. AUGUSTINE, FLORIDA

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(Corporate Seal)

CITY OF ST. AUGUSTINE

MEMORANDUM

To: John Regan, City Manager

Re: Extension of 2019-2020 *Nights of Lights*

Date: October 1, 2019

The St. Augustine City Commission has the option of extending the Nights of Lights program from its regular ending date of January 31 to the Sunday following that date to allow the holiday lighting displays to conclude on a Sunday, taking advantage of a full weekend at the conclusion of the program.

Since January 31, 2020 falls on a Friday, the City Commission may consider the attached resolution to extend the allowable period of related *Nights of Lights* displays until the following Sunday, February 2.

Making this determination now will allow the minimum lead time for area lodging establishments, restaurants, attractions, retail establishments, St. Augustine, Ponte Vedra & the Beaches Visitors and Convention Bureau, the St. Johns County Chamber of Commerce and the general public to be fully aware of the final date of this popular and successful program.

Attached is Resolution 2019-42 which allows for the extension of the 2019-2020 *Nights of Lights* program. Should the City Commission desire to act on this matter, we ask that it do so at the October 14 meeting.

Thank you,



Paul K. Williamson
Public Affairs Director

RESOLUTION NO. 2019-42

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF ST. AUGUSTINE, FLORIDA EXTENDING THE NIGHTS
OF LIGHTS TO AND INCLUDING SUNDAY, FEBRUARY 2,
2020.**

WHEREAS, by the enactment of Ordinance 2013-35, the City Commission amended Section 3-23 of the Code of the City of St. Augustine to permit the extension of the last date for display of lights at the termination of the annual Nights of Lights until and including the Sunday following January 31; and

WHEREAS, the City Commission finds it appropriate to extend the last date for display of lights for the 2019-2020 program to be up to and including Sunday, February 2, 2020.

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

That the last date for display of lights for the Nights of Lights in the year 2020 is hereby designated as up to and including Sunday, February 2, 2020.

ADOPTED in Regular Session of the City Commission for the City of
St. Augustine, Florida this _____ day of _____, 2019.

CITY OF ST. AUGUSTINE,
FLORIDA

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk

(Corporate Seal)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: October 28, 2019

RE: Notification of Board Term Expirations and Vacancy

- Code Enforcement Adjustments and Appeals Board (CEAAB)
- St. Augustine Firefighters' Pension Trust Fund Board of Trustees

Notification is being made to the Commission relevant to three term expirations and one vacancy on the St. Augustine Firefighters' Pension Trust Fund Board of Trustees, one vacancy and one term expirations on the Code Enforcement Adjustments and Appeals Board.

Advertisements requesting applications will be placed in the St. Augustine Record on in accordance with board advertising policies and posted on the City website. The deadline to submit applications is Tuesday, November 26, 2019.

Attached are the current Board rosters, along with a profile of the qualifications, duties and responsibilities as by ordinance.



Darlene Galambos
City Clerk

BOARD OF TRUSTEES
ST. AUGUSTINE FIREFIGHTER'S PENSION TRUST FUND

Meets quarterly, February, May, August and November – 2:00 P.M.
Human Resources Conference Room, Elevator Lobby "D," 2nd Floor, City Hall

Board Member	Contact information	Election Date	2-Year Terms Expire
Christopher Pacetti CHAIR	101 Malaga Street 829-1098 staugfpension@yahoo.com	03/05/10 12/11/12 12/09/13 11/2014 12/2016 12/2017	01/01/2021
Sean Crofutt VICE-CHAIR/Secretary	101 Malaga Street 829-1098	02/2018	01/01/2020

Appointed Board Members	Contact Information	Appointment	2-Year Term Expiration
James T. "Jim" Springfield	6 Althea Street 669-3225 jspringfield@mac.com	1/23/2012 12/09/2013 12/07/15 1/11/2016 12/11/2017	01/01/20
Richard M. Hernandez	215 S. Matanzas Blvd, 32080 669-0153 islandmansonry@comcast.net	3/11/2012 12/09/2013 1/11/2016 12/11/2017	01/01/20
VACANT			01/01/21

Pedro Herrera
Sugarman & Susskind, P.A.
100 Miracle Mile ste 300
Coral Gables, FL 33134
305-613-5302
pherrera@sugarmansusskind.com

Daniel Johnson
AndCo Consulting
340 West Central Ave, Ste 300
Winter Haven, FL 33880
836-293-8289
dani@bogdahngroup.com

Doug Lozen
Foster & Foster, Inc.
13420 Parker Commons
Blvd, Ste 104
Fort Myers, FL 33912
239-433-5500
Doug.Lozen@foster-foster.com

Kimberly Kutlenios
Fifth Third Bank
200 E. Robinson St, 9th Floor
Orlando, FL 32801
407-999-3027
Kimberly.kutlenios@53.com

BOARD OF TRUSTEES
ST. AUGUSTINE FIREFIGHTER'S PENSION TRUST FUND

Authorization:	Article V, Chapter 20, Code of Ordinances
Number of Members:	Five (5)
Terms of Office:	Elected and appointed members Two (2) year terms.
Appointment:	Two (2) legal residents of the city appointed by City Commission: two (2) member representatives elected by the firefighters; and one (1) selected by previous four (4).
Qualifications:	None stated in ordinance
Duties:	The general administration, management, and responsibility for the proper operation of the retirement system, and for construing and making effective the provisions thereof.
Attendance:	A vacancy is created when a member of the board fails to attend three (3) consecutive meetings, unless excused. Sec 2-162
Meetings:	Quarterly in February, May, August, November

CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

Meets Monthly, 2nd Tuesday - 3:00 p.m.
Alcazar Room, City Hall

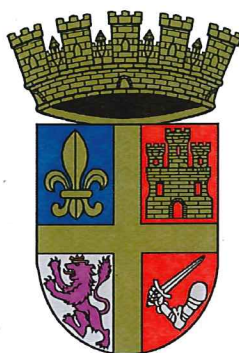
Board Member	Contact information	Appointment	3-Year Terms Expire
William Masson Attorney	35 Park Ave, 32084 687-8403 williemasson@gmail.com	12/10/18 1 st full term	12/27/2021
Stephen E. Simmons, JD Retired Judge	97 Cerro Street 302-229-8000 sesjdis@gmail.com	12/14/15 1 st full term 12/10/2018 2 nd full term	12/27/2021
Charlu "Cece" Reigle Realtor	343 St. George St 904-315-3150 ccreigle@gmail.com	2/26/2018 fill vacancy	12/27/2020
Noel Mahr Retired Code Inspector	33 Bay View Dr. 32084 904-824-3277 npmahr@bellsouth.net	01/08/18 fill vacancy	12/27/2019
Martha Mickler Rental Property	30 Spanish Street 32084 824-4153 mwmickler@yahoo.com	12/09/13 1 st full term 12/12/16	12/27/2019
Thomas Day Retired	19 Saragossa St. 32084 904-819-9711 tomday1@comcast.net		12/27/2020
Larry Weeks Director of BS and Campus Planner/Flagler	106 Inlet Drive 32080 904-810-5313 larryd.weeks@gmail.com	01/08/18 1 st full term	12/27/2020

CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

Authorization:	Chapter 2, Article V, Division 2, Code of the City of St. Augustine.
Number of Members:	Seven 7
Terms of Office:	To establish staggered terms, original appointments were two 2 for one 1 year; three 3 for two 2 years; and two 2 for three 3 years. Thereafter, all appointments are for three 3 years.
Appointment:	By City Commission.
Reappointment:	Normal appointments expire December 27 of each year. Members may serve two 2 consecutive full terms only.
Qualifications:	When possible, shall include: architect, businessperson, engineer, general contractor, subcontractor, and realtor. Resident of the city.
Duties:	Hear cases presented by the local governing body attorney or by a member of the administrative staff of the local governing body. At the conclusion of the hearing, the board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The board shall have the power to: 1 Adopt rules for the conduct of its hearings, 2 Subpoena alleged violators and witnesses to its hearings, Subpoenas may be served by the Police Dept., 3 Subpoena evidence, 4 Take testimony under oath, 5 Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
Attendance:	Failure to attend two 2 of three 3 successive meetings without cause and without prior approval of the chairman of the Enforcement Board shall declare that member's office vacated.
Meetings:	Second Tuesday of each month, the Alcazar Room, 3:00 P.M.

ITEM 13.A.
Items by City Manager

ITEM REMOVE BY APPLICANT



**MAYOR'S MEETING
A G E N D A
Flagler College
October 3, 2019**

- I. Introduction
- II. Update on the City of Aviles initiatives regarding the 500th anniversary of Pedro Menendez and possible collaborations
- III. Briefing on the University of South Florida project:
La Florida: The Interactive Digital Archives of the Americas.
Executive Director J. Michael Francis PhD
Innovation Director Francisco S. Guitard
Director of Technology Manuel de la Cruz
www.LaFlorida.org
- IV. Overview of strategic St. Augustine initiatives:
 1. Climate change and resiliency
 2. Transportation
 3. Historic Preservation
 4. Short term vacation rentals (Air B&B)
 5. Balance of Urban Nightlife
- V. Overview of strategic Aviles initiatives
- VI. Current collaboration efforts between the City and institutions of Spain:

1. Temporary exhibition of the “Science of Music” at the Ponte Vedra Cultural Center (Spring, 2020). Exhibition currently on display at the Parque de las Ciencias (Granada, Spain). Produced and owned by the Museo Interactivo de la Musica (Malaga, Spain).
 2. Collaboration on research Spanish Ship Woods culminating in maritime archaeology. The St. Augustine Lighthouse and Maritime Museum, Madrid Politechnical University, University Alcala de Henares (Carlos Leon Amores) and the Spain Ministry of Culture.
 3. Cathedral Alliance Project between the St. Augustine Basilica (Diocese of St. Augustine), Mezquita de Cordoba (Cathedral of Cordoba) and the Cathedral of Santiago de Compostela. Goal is to identify St. Augustine as a U.S.A. waypoint on the Camino de Santiago (the way of St. James).
 4. St. Augustine Distillery and Williams Humbert (Jerez, Spain) are importing used sherry casks for making special spirits (Fall, 2019). The casks will be used to “finish” spirits and bottle it using Spanish figure themed brands. Profits will be used to support *La Florida*.
 5. Production of the “Club de Cantineros” documentary. A documentary on Spain’s creation of the original cocktail and Hispanic influences on the industry.
- VII. Review of status of Aviles industry and possible export opportunities:
- VIII. Overview of Hispanic Culture Film Festival
- IX. Other items
- X. Adjourn

CITY OF ST. AUGUSTINE

Mayor's Meeting
October 3, 2019

The City hosted a meeting in the Flagler College President's Conference Room with delegates from Spain and Menorca. The meeting was called to order by Mayor Tracy Upchurch and the following were present:

City of St. Augustine:

Tracy Upchurch, Mayor
John Regan, City Manager
Meredith Breidenstein, Assistant City Manager
Maria Isabel, Translator and Representative for the
Spanish Film Festival
Candice Seymour, Recording Secretary

Aviles Spain:

Mariví Monteserín, Mayor
Yolanda Alonso, Commissioner
Carmen Santos, Head of Media and Communications

Menorca:

Jaume Gomila, Chairman, Lifelong Learning Schools of
Menorca

I. Introductions:

Members of the delegation introduced themselves.

During this portion of the meeting Mayor Monteserín first expressed a desire to bring the Menendez exhibit to St. Augustine.

II. Update on the City of Aviles initiatives regarding the 500th anniversary of Pedro Menendez and possible collaborations:

The delegates of Aviles described the Menendez Exhibition that has been ongoing throughout the year which included displays documents, artwork, and artifacts donated by both the Spanish Naval Museum, highlighting Menendez' military career as well as from his descendants, highlighting his life and family. They made it clear that they wanted to soften the idea that

Menendez was a just a ruthless conquistador and highlight his efforts and successes as an entrepreneur and city founder. The event also included replicas of St. Augustine historical landmarks and games and events that would encourage youth to get involved.

Ms. Alonsa said she would send information regarding the size of the exhibit to Mr. Regan's Office.

Mr. Regan said that during a tour of the City the following day he would bring the delegation to the Visitor's Information Center, which was equipped to handle such exhibits. He would also suggest other locations depending on the exhibit size.

Mayor Monteserín mentioned there would be a bilingual catalog of the Menendez exhibit; however, it had not been completed.

The delegates from Aviles noted that the exhibit would close in mid-January and

could be brought to St. Augustine after then. Mr. Regan recommended that Mayor Upchurch present the idea to the Commission at a future meeting for consideration.

There was discussion regarding the Student Exchange Program which had widely been handled by Len Weeks and the Sister Cities Organization. The Aviles delegates encouraged the City to consider expanding the program similarly to Aviles wherein they hold a contest and provide scholarships to students with the highest GPAs to participate in the program. Mayor Upchurch and Mr. Regan expressed that the City was not financially prepared to fund such a program, but they would confer with the schoolboard and local non-profit organizations in attempts to coordinate an expanded student exchange program.

Mr. Regan also suggested an exchange program at the college level as well as industrial and tourism internship programs. He noted the opportunities for Spanish-speaking students to work with newer, foreign-owned industries in Spanish-speaking nations.

The delegates from Aviles noted initiatives already taking place to promote tech industries through education. They described the diverse tech industry in Spain, with the leading tech developer in the country being from India. They also noted an initiative to build a technological center where students from around the globe could earn master's degrees in technology.

III. Briefing on the University of South Florida Project : *La Florida: The Interactive Digital Archives of the Americas*

Mr. Regan described the La Florida project and its aim to shed light on lesser-known facets of the Spanish expeditions to St. Augustine. He said that Executive Director Dr. J. Michael Francis traveled to Spain each year and would likely be able to

provide a presentation to the delegation in the future regarding the project and how Aviles could get involved. The Mayor Monteserín was very interested in such a presentation and encouraged Dr. Francis and a delegation from St. Augustine to visit Aviles. Mr. Regan offered to coordinate specific dates in the near future.

Mayor Monteserín stressed the importance of such projects to help bring history into the future.

IV. Overview of St. Augustine strategic initiatives:

1. Climate change and resiliency

Mayor Upchurch told the delegates of the City's ongoing efforts to mitigate Sea Level rise and the affects of the past few hurricanes that had struck St. Augustine.

Mayor Monteserín said they were facing similar problems in Aviles, as a portion of the City had been built atop fill-dirt along the coast. She said storm surge had been a problem along the city's coast.

2. Transportation

Mayor Upchurch expressed his positive impressions of how Aviles has handled transportation concerns and an interest in learning policies and gaining ideas from Aviles in attempt to mitigate traffic concerns in St. Augustine.

Mayor Monteserín said Aviles shared mobility struggles the mitigation was ongoing and a process which required continuous learning and change. She added that she would be happy to provide assistance and recommended that staff who worked closely on mobility in both cities meet to discuss the subject.

3. Historic Preservation

Mayor Upchurch mentioned St. Augustine's desire to preserve its historic and

archeological resources and mentioned the recent Charlotte Street Project wherein pipe-replacement and removal required an archeological survey of a cemetery under the road which once surrounded the City's long-destroyed oldest Catholic Church.

Mayor Monteserín said that excavations in Aviles often prompted similar archeological discoveries.

4. Short term vacations rentals
(AirBnB)

Both Mayors expressed concerns for the impacts of vacation rentals in their communities and both cities were making attempts to regulate over-tourism within their cities.

5. Nightlife

Mayor Upchurch described the City's efforts to balance nightlife activities with community needs and wants. Mr. Regan noted that the City's implementation of overnight street cleaning had been inspired by similar activities in Aviles.

V. Overview of Strategic Aviles Initiatives

Mayor Monteserín and the other delegates from Aviles described initiatives including:

- Mobility and public transportation projects
- Demolition and cleaning of and Old Steel Mill property with an aim to develop clean, technological industries in its place
- Promoting sustainable industries and creating an environment that would encourage growth of the young adult population within the city

In response to questions the Aviles delegation added that immigration affects the city very little (less than 3% of the population). They added that Aviles was implementing Smart City programs with an

emphasis on community schools, children, and young adults to be an example for Spain.

Overview of Strategic Menorca Initiatives

Mr. Gomila announced that Menorca had been named a UNESCO Biosphere Reserve, and he would be happy to assist with information regarding sea level rise. He noted a holistic project to promote the gastronomy of the area which would support all facets of the economy and community of the island. He noted measures to import and export to Asian and African regions. He offered to facilitate Menorcan Language courses and connect Dr. Francis with the Menorcan Research Institute to potentially collaborate further on the La Florida Project. He also described a project to produce a musical about Menorcan travelers to the new world. In response to questions regarding tourism, he noted that the Islands of Ibiza and Mallorca saw heavier tourism traffic and impacts, and Menorca's tourism industry was geared towards families and emphasized food and culture.

VI. Current collaboration efforts between the City and institutions of Spain:

Mr. Regan reviewed the current City/Spain collaborations as detailed on the agenda and expressed an interest in collaborating on similar future projects with both Aviles and Menorca.

At this time, Mayor Upchurch adjourned the meeting for lunch and the following items were discussed in the President's Dining Hall.

VII. Review of status of Aviles industry and possible export opportunities

The Aviles delegates expressed a willingness to intensify relations between

schools in both cities there was discussion regarding Senior-year exchange programs.

Mayor Monteserín said she would like to create an event in St. Augustine to showcase important aspects of Aviles culture, particularly gastronomy, with the Possibility of a food festival.

Mr. Regan noted that he would like to bring a Mercado style experience to St. Augustine and suggested a possible collaboration with developers of the Cuna Street project.

There was discussion regarding the steel industry in Aviles, noting a shift towards finished steel products and the possibility of importing such products around the globe.

Mr. Regan offered to introduce the Aviles delegates to organizations driving programs to increase exports from countries other than China to ease the effects of high tariffs and trade polices with that country and to promote development of clean industries closer to consumers.

There was further discussion regarding possible industry exchanges.

Mr. Regan added that the distillery was interested in exporting some of their spirits to Aviles and Menorca. He also spoke regarding possible hospitality and tourism student exchanges or internships.

**CONSENT
AGENDA**

CONSENT AGENDA – OCTOBER 28, 2019

CA.1. Preview of upcoming Commission meetings.

a) The following ordinances are tentatively scheduled for second reading on November 12, 2019:

- Ordinance 2019-43

b) Reminder of upcoming meetings:

- November 12, 2019, 5:00 p.m., Regular Meeting
- December 9, 2019, 5:00 p.m., Regular Meeting

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

- October 14, 2019 Regular Meeting

CA.3. Releases of Lien for Unit Connection Fee Mortgage(s): None.

CA.4. Proposed Proclamations, Certificates of Appreciation/Recognition. (Commission approval required). (To be read at a subsequent meeting).

- Proclamation 2019-26: Proclaiming November 30, 2019 as *Small Business Saturday*. (T. Upchurch, Mayor).
- Proclamation 2019-27: Declares October 21-27, 2019 as *Florida City Government Week*. (T. Upchurch, Mayor).

CA.5. Approval of carry-forward funds in the amount of \$81,146.00 from the 2018-2019 fiscal year. (M. Litzinger, Director, Finance).

CA.6. Notification from FEMA of the increase to a Class 5 rating in the National Flood Insurance Program Community Rating System which will improve the discount rate of property owners in the Special Flood Hazard Area when their insurance is renewed. (R. Schauland, Building and Code Enforcement Manager).

CA.7. Fourth quarter review for the City Attorney's office. (I. Lopez, City Attorney).

CA.8. Fourth quarter review for the Public Works department. (M. Cullum, Director, Public Works).

CA.9. Ratification of the Memorandum of Understanding between the City and the Florida Carpenters Regional Council, Local 2038 regarding vacation leave. (*D. Hayes, Director, Human Resources*).

CA.10. Approval of the recommended branding style for the City. (*M. Wissel, Public Information Coordinator*).

CA.11. Approval of release of lien for 274 South Matanzas Boulevard. (*D. Birchim, Director, Planning and Building*).

CA.12. Approval of transfer of funds **not to exceed \$37,000.00** from Municipal Marina Reserves to fund work to breakwater dock due to damage by Hurricane Dorian. (*T. Fleming, Deputy Director, General Services*).

CA.13. Fourth quarter review of the mobility program. (*R. Franklin, Mobility Manager*).

End of Consent Agenda

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, October 14, 2019

The City Commission met in formal session Monday, October 14, 2019 at 5:06 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

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

Absent: Leanna S. A. Freeman, excused

Staff: John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
David Birchim, Director, Planning and Building
Jim Piggott, Director, General Services
Meredith Breidenstein, Assistant City Manager
Paul K. Williamson, Director, Public Affairs
Donna Hayes, Director, Human Resources
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Candice Seymour, Recording Secretary
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Dan Ott, Anastasia Baptist Church, delivered the invocation, and the Commissioners led the Pledge of Allegiance.

Mayor Upchurch announced some technical difficulties, noting that while streaming, broadcasting, and video recording was not operational, audio recording of the entire meeting was available upon request at the City Clerk's office after the meeting. He recommended considering postponing discussion of item 7.A.1. after the presentation to allow for the broadcasting of public comment at a future meeting if the technical difficulties had not been resolved.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

(None)

MOTION

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

3. Special Presentations, Recognitions and Proclamations

- Proclamation 2019-22: Proclaiming October 2019 as Domestic Violence Awareness Month.

Mayor Upchurch read the proclamation and presented it to Joyce Mahr of Betty Griffin House.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Karen Fluman
- Ann Matthews
- Tica Walley
- Tom Reynolds
- Ed Slavin
- Pat Dobosz
- B.J. Kalaidi

5. Consent Agenda

Mr. Regan read the Consent Agenda as follows:

CONSENT AGENDA – OCTOBER 14, 2019

CA.1. Preview of upcoming Commission meetings.

- a) The following ordinances are tentatively scheduled for second reading on October 28, 2019:

- Ordinance 2019-24
- Ordinance 2019-25
- Ordinance 2019-40
- Ordinance 2019-43

- b) Reminder of upcoming meetings:

- October 28, 2019, 4:00 p.m., LCRA Regular Meeting
- October 28, 2019, 5:00 p.m., Regular Meeting
- November 12, 2019, 5:00 p.m., Regular Meeting
- December 9, 2019, 5:00 p.m., Regular Meeting

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

- June 24, 2019 Regular Meeting
- September 12, 2019 Community Redevelopment Agency Special Meeting
- September 12, 2019 Special Meeting
- September 19, 2019 Special Meeting
- September 23, 2019 Regular Meeting

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

- Sharon L. Badger, Sherry Lynn Badger and Dawn Louann Brown – 2725 South Collins Avenue

CA.4. Proposed Proclamations, Certificates of Appreciation/Recognition. (Commission approval required). (To be read at a subsequent meeting).

- 2019-10CA - Certificate of Recognition to Charlotte Pichotta on her hundredth birthday. (N. Sikes-Kline, Commissioner).

CA.5. Invoice in the amount of \$4,704.00 dated September 30

from Cavendish Partners, P.A.
for legal services regarding the
Seavin v. City of St. Augustine
matter. (*I. Lopez, City Attorney*).

End of Consent Agenda

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

(None)

5.B. Approval of Consent Agenda

MOTION

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

6. Appeals.

(None)

7. General Public Presentations, Items of Great Public Importance, and Other Items Requiring Public Hearings

A. General Public Presentations

7.A.1. PUBLIC COMMENT:
**Presentation by Stanley Paris, Ph.D.
and the St. Augustine Yacht Club
regarding a proposal to donate property
at 110 Carver Street East to the City to
be used as a sailing center.**

Mr. Regan introduced Dr. Paris.

Mr. Paris gave his presentation along with
Barbara Dolan and Bradford Preston.¹

Public comment was opened, and the
Commissioners heard from the following
members in favor of the proposal:

- Colonel Henry Erkelen

¹ Attached to original minutes

- Roy Jaeger
- Elyse Bernthal
- Tyson Bernthal
- Marissa Burrier
- Stephanie Robinson
- Matthew Keysers
- Pat Miller
- David Gay
- Ethan Paul Wissel
- John Grannis

The Commissioners heard from the
following in opposition to the proposal,
citing concerns for intensification of the
property's use, rezoning issues, traffic
impacts, and safety:

- Jeremiah Mulligan
- Andrea DePreter
- Jon Hodgins
- Debbie Wicker
- Susan Hill
- Roger Bansemer
- Jeff Black
- Ed Slavin
- B.J. Kalaidi

The Commissioners discussed the
following:

- Commissioners' task to
consider accepting the deed
from the Paris Family
- A rezoning and Comprehensive
Plan amendment would go
before the Planning and Zoning
Board to include a public
hearing
- If property was not rezoned and
utilized as a sailing center, or
passive park ownership would
revert back to the Paris family
- Possibility of text amendments
to the agreement and
ordinances during the rezoning
process
- Overnight deep slips were not
proposed which would be
clarified in the lease
- Size of school expansions and
possible cap based on parking

- requirements or other limitations of the property
- Boats stored in existing yacht club back lot may be moved to subject property or screened with fencing
- Archeological concerns would be addressed
- Access to be only through existing parking lot and not through Carver Street
- Deed restricting the subject property could result in lessor impact than a residential lot that could be turned into short-term rentals
- PZB review could clarify and further restrict the concept
- Proposed use benefitted residents of the City and fit in with the City's maritime culture
- Impacts to Carver Street public right-of-way
- Consistency of the proposal with the City's Vision Plan
- Sailing to promote environmental conservation

MOTION

Mayor Upchurch **MOVED** to accept the deed to the property at 110 Carver Street East. The motion was **SECONDED** by Commissioner Horvath.

Mr. Regan clarified some items within the Yacht Club agreement including:

- Existing Carver Street right-of-way access would not be closed
- Request included integrating most adjacent six mooring balls near the Yacht Club who would be responsible for the costs of maintenance of the mooring balls conducted by the City
- Lease term was 99 years for \$1.00 per year
- Rezoning would be a joint effort between City and Yacht Club with primary responsibility falling to the City

- Yacht Club would hold all maintenance responsibilities and utility costs of the property

There was Commission consensus that the lease come back before the Commission for approval.

There was discussion regarding striking interpretive center language within the agreement which was in place to maintain the existing historic structure.

Mayor Upchurch AMENDED his MOTION to strike language citing an interpretive center as an option in place of the sailing center or school, maintaining potential use as a passive park. The amendment was SECONDED by Commissioner Valdes.

Dr. Paris was amendable to the language change.

MOTION WAS APPROVED BY UNANIMOUS VOICE VOTE²

7.A.2. PUBLIC COMMENT: Request for Vesting Determination regarding the Santa Maria Restaurant for the owner, White's Wharf, LLC. by attorney, Robert McLeod II.

Mr. Regan gave a brief introduction of the subject.

Mac McLeod gave a presentation regarding the request.

Public comment was opened, and the Commissioners heard from the following members:

- Michael Wieber
- Bruce McGuire
- Pat Dobosz
- Anthony Sexton
- Ed Slavin
- Susan O'Toole

² Brief recess from 7:18p.m. to 7:31p.m.

Public comment was closed.

The Commission discussed:

- Concern regarding the vertical expansion of the structure since HARB approval included a one and a half story building, not a two-story building
- Proposed structure would have same square footage and volume of existing building
- Request for 198 permanent seats with possibility of requesting additional seating in the open deck spaces
- Seating configuration could potentially allow for up-to 300 seats
- Use-by-Exception for off-site parking to allow for additional seating
- Shelf-life of vested-rights not defined
- Existing restaurant closed in 2015
- Submerged land issues remained unresolved regarding the proposed dock

MOTION

Commissioner Sikes-Kline **MOVED** to accept the request with the following language changes:

1. "continued use-by-exception of the property"
2. "HARB approvals, existing boardwalks, and walkways"
3. "Continued Vertical expansion to equal existing conditioned cubic content" with the modification of height to reflect "one and a half stories"
4. "Vesting of current intensification of use"
5. "Continued allowance of seating" with modification of "156 interior seats and 42 outdoor fixed seats"

And the remaining items as presented.

The motion was **SECONDED** by Commissioner Valdes.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Horvath, Upchurch

NAYES: NONE

MOTION APPROVED UNANIMOUSLY

B. Items of Great Public Importance

7.B.1. PUBLIC COMMENT: Charter Amendments: Discussion and direction regarding amending Sec. 2.03 of the City Charter to provide for a residency requirement for City Commissioners of a period of one (1) year prior to the date of qualification for election and amending Sec. 2.01 and Sec. 4.09 to provide for a four (4) year term for the candidate elected to City Commission Seat Three and to allow the mayor and vice-mayor to be elected by the members of the City Commission.

Ms. Lopez gave an overview of the subject.

Public comment was opened, and the Commissioners heard from the following members:

- Judith Fox-Fleisser
- Ed Slavin
- B.J. Kalaidi

Public Comment was closed.

There was Commission consensus to require a year of residency prior to being eligible for election to the Commission with direction to have Ms. Lopez develop more specific language.

Commissioner Valdes explained that he had brought up the subject of changing the mayoral election process since he felt the current process to be inefficient and misleading. He explained that the existing City Manager form of government in St. Augustine left five Commissioners of equal power, with Mayoral duties being to chair

the meetings and represent the Commission at public events, unlike other cities wherein the elected mayor's duties included city operations. He did not feel that changing the process took away any citizen rights since elections would still be held for each commission seat.

Discussion continued regarding the following:

- Hardship of running every two years
- Letting the public decide how the mayor should be elected through the referendum process
- Referendum proposition had nothing to do with personalities, and much to do with the title of Mayor which many perceived as more than just a ceremonial position
- Elected mayor as a possible counterbalance to powers of the City Manager
- Sixty-eight percent of Florida cities had a similar form of government, many with elected mayors

Mayor Upchurch felt that the issue did not warrant alteration and did not support changing the mayoral election process.

There was Commission consensus to continue discussion at a subsequent meeting to allow for input from Commissioner Freeman and gather more information on the subject.

The Commission expressed a preference to place the approved Charter amendments on the August 18, 2020 primary election ballot.

Mayor Upchurch noted the late hour and asked the Commission and Staff which items should be prioritized and which could be placed on a subsequent agenda.

Mr. Regan and Ms. Lopez advised that the items on second reading and items 9.A.3. and 9.A.5 should be heard, and other

items, including the short-term rental discussion, could be deferred to a subsequent meeting.

MOTION

Commissioner Sikes-Kline MOVED to allow for extension of the meeting to address the five items recommended by staff. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2019-15: Amends all sections necessary to use gender neutral terminology.

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

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-15 on second reading read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the Title as follows:

ORDINANCE NO. 2019-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO AMEND ALL SECTIONS NECESSARY TO PROVIDE GENDER NEUTRAL LANGUAGE THROUGHOUT; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Valdes,
Horvath

NAYES: NONE

MOTION APPROVED UNANIMOUSLY

8.A.2. Ordinance 2019-23: Charter update to Article III, Sections 3.02, 3.04 and 3.05 updating reference to state and federal regulations, removing reference to municipal courts and conforming language to current usage.

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

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-23 on second reading read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the Title as follows:

ORDINANCE NO. 2019-23

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE III OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 3.02, TO PROVIDE FOR STATE OR FEDERAL PREEMPTION AND PROVIDE FOR PROPERTY OWNERSHIP FOR A PUBLIC PURPOSE AND ZONING REGULATIONS; AMENDING SECTIONS 3.04 AND 3.05 TO REMOVE OUTDATED LANGUAGE AND TO PROVIDE FOR REGULATION OF TRANSIT; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes,
Upchurch

NAYES: NONE

MOTION APPROVED UNANIMOUSLY

8.A.3. Ordinance 2019-38: Creates Section 28-355, providing regulations for the cultivation, distribution, and retail sale of hemp and hemp extract.

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

- B.J. Kalaidi

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-38 on second reading read by title only. The motion was SECONDED by Commissioner Valdes.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-38

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 28-355 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING REGULATIONS FOR THE CULTIVATION, DISTRIBUTION, AND RETAIL SALE OF HEMP PRODUCTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Horvath,
Upchurch

NAYES: NONE

MOTION APPROVED UNANIMOUSLY

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

(None)

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

(None)

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

9.A.1. Ordinance 2019-24: Charter update to Article IV, Sections 4.01, 4.07, 4.09, 4.10, 4.12, 4.13, 4.14, 4.16, 4.19, 4.21 and 4.44 updating the powers and authority of executive and administrative officers, removing reference to municipal judges and the department of public safety and welfare and conforming language to current usage and policies of the City.

Item was tabled to a subsequent meeting. See end of item 7.B. for motion to table.

9.A.2. Ordinance 2019-25: Charter update to Article V, Sections 5.21 and 5.28 clarifying the city attorney's responsibility to approve resident petition driven ordinances as to form only prior to consideration before the City Commission and requiring that ordinances passed as emergency measures are subject to federal and state requirements, not referendum type procedures.

Item was tabled to a subsequent meeting. See end of item 7.B. for motion to table.

9.A.3. Ordinance 2019-40: Amendment to Sec. 28-37 to modify the defined development permits to conform to state statute and to provide for review and resolution of conflicts between development permit applications and other legal documents.

Ms. Lopez reviewed the ordinance.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2019-40 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-40

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, DIVISION 1 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 28-37 TO AMEND THE DEFINED DEVELOPMENT PERMITS TO CONFORM TO STATE STATUTE; PROVIDING FOR REVIEW AND RESOLUTION OF CONFLICTS BETWEEN DEVELOPMENT PERMIT APPLICATIONS AND OTHER LEGAL DOCUMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Upchurch

NAYES: NONE

MOTION APPROVED UNANIMOUSLY

9.A.4. Ordinance 2019-43: Updates Section 28-29 of the Zoning code to provide lot coverage variances for handicapped accessibility in zoning districts HP-1, HP-2 and HP-3.

Item was tabled to a subsequent meeting. See end of item 7.B. for motion to table.

9.A.5. Ordinance 2019-46: Vacates the street rights-of-way in the Antigua Phase One residential subdivision.

Commissioner Sikes-Kline recused herself from the item.³

Ms. Lopez reviewed the ordinance.

The Commission discussed:

MOTION

Mayor Upchurch MOVED to place Ordinance 2019-46 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-46
AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, VACATING, DISCONTINUING AND ABANDONING THAT CERTAIN PORTION OF LEEWARD ISLAND DRIVE, ANCIENT ISLAND DRIVE, SAINT BARTS AVENUE, AND BIRD ISLAND DRIVE 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.

VOTE ON MOTION

AYES: Upchurch, Horvath, Valdes

NAYES: NONE

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

9.B.1. Resolution 2019-41: Establishes the City Manager's authority to close city streets for certain events.

Item was tabled to a subsequent meeting. See end of item 7.B. for motion to table.

9.B.2. Resolution 2019-42: Allows for the extension of the 2019-2020 Nights of Lights program.

Item was tabled to a subsequent meeting. See end of item 7.B. for motion to table.

10. Staff Reports and Presentations

(None)

11. ITEMS BY CITY ATTORNEY

11.A. Sunshine, Public Records and Ethics Minute.

No presentation made, provided by the City Attorney's Office for information purposes.

11.B. Short-Term Rental Committee Memo: Discussion and direction regarding possible codification of short-term (vacation) rental regulations based on the STR Committee recommendations.

Item was tabled to a subsequent meeting. See end of item 7.B. for motion to table.

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

Mayor Upchurch thanked the Police Chief, Officers, and City Staff for facilitating the meeting. He announced that he was attending a meeting of Florida Mayors in Washington D.C., at the cost of the coalition. He also thanked City Staff and Commissioners for supporting events during the Hispanic film festival and

³ Form attached to original

welcoming the Mayor of Aviles and delegates from Spain.

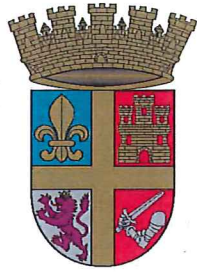
15. Adjournment

There being no further business, the meeting was adjourned at 9:03 P.M.⁴

Tracy W. Upchurch, MAYOR

Darlene Galambos, CITY CLERK

⁴ Transcribed by Candice Seymour



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Cuidad de San Agustín de la Florida

PROCLAMATION

WHEREAS, the City of St. Augustine, Florida celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States, representing 99.7 percent of American employer firms, creating 63 percent of the net new jobs over the past 20 years, and generating 46 percent of private gross domestic product, as well as 54 percent of all US sales, small businesses employ over 55 percent of the working population in the United States; and

WHEREAS, 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue, 87 percent of consumers agree that small businesses are critical to the overall economic health of the United States and 91 percent of consumers agree that it is important for people to support the small businesses that they value in their community; and

WHEREAS, the City of St. Augustine supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

WHEREAS, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW THEREFORE, the City Commission of the City of St. Augustine hereby proclaims November 30, 2019, as "SMALL BUSINESS SATURDAY" and urges the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

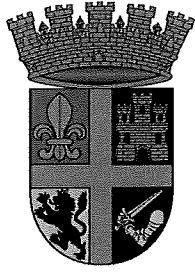
IN WITNESS WHEREOF, I hereunto set my hand and do cause the Seal of the City of St. Augustine to be affixed this 30th day of November in the year of our Lord two thousand and nineteen, the four hundred and fifty-fourth year of the founding of St. Augustine, the Nation's Oldest City.

2019-26

Tracy W. Upchurch, Mayor

"Most Loyal and Valorous"

Title conferred on the Presidio of St. Augustine by King Phillip V of Spain, November 26, 1715



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

PROCLAMATION

Whereas, during the week of October 21-27, 2019, the City of St. Augustine will join other cities across Florida in celebrating Florida City Government Week. This week has been set aside to recognize the many services city governments provide and their contribution to a better quality of life in Florida; and

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

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

NOW THEREFORE, the City Commission of the City of St. Augustine does hereby declare **October 21-27, 2019** as **Florida City Government Week**, and during this week, the City Commission urges all citizens to recognize the important role city government plays in our lives from public safety to trash collection to promoting our community's culture and recreation.

IN WITNESS WHEREOF I hereunto set my hand and do cause the Seal of the City of St. Augustine, Florida, to be affixed this 21st day of October in the year of our Lord two thousand and nineteen, in the four hundred and fifty-fourth year of the founding of St. Augustine, the Nation's Oldest City.

2019-27

Tracy W. Upchurch, Mayor

"Most Loyal and Valorous"

Title conferred on the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715

ITEM CA.5.
Carry Over

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: October 15, 2019

RE: FY 2018/2019 Carry-Forward Requests

Please place on the October 28, 2019 City Commission consent agenda a request for carry-forward funds from the 2018/2019 fiscal year. The total amount requested to carry-forward is \$81,146.00. A summary of the requested funds is below.

General Fund

	<u>Amount</u>
Labor for Window Replacement at Police Department	\$ 3,054.00
Wildfire Cameras	\$ 5,650.00
Accreditation Application	\$ 1,000.00
Total General Fund Carry Forward Requests	<u>\$ 9,704.00</u>

Utility Fund

Insurance funds received - To be used for new truck purchase	<u>\$ 6,900.00</u>
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VIC Fund

Replacement of fire exit devices and led lights in parking garage	<u>\$ 24,145.00</u>
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Stormwater Fund

Installation of a 21" CIPP at the School Board Parking Lot	<u>\$ 40,397.00</u>
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Total Carry Forward Requests	<u><u>\$ 81,146.00</u></u>
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Mark Litzinger
Director, Financial Services

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 28, 2019

RE: **Community Rating System Score**

Staff from the Planning and Building Department and Public Works Department recently went through a Community Rating System (CRS) Verification Visit. Upon completion of the Visit, the City of St. Augustine has improved its CRS rating from a Class 7 to a Class 5 rating. This improvement will allow property owners in the Special Flood Hazard Area (SFHA) to receive a 25% discount and property owners in non-SFHA to receive a 10% discount on their flood insurance premium when it is renewed.

The CRS is a program that is used to recognize communities that are doing more than meeting the minimum NFIP requirements to help their citizens prevent or reduce flood losses. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk.

The CRS score is based on a point system. The points that a community receives determines what class the community is awarded. The classes range from Class 1 to Class 10, with a Class 1 being the highest rating. Every class score gives an additional 5% reduction in flood insurance premiums.

During the Verification Visit, Staff provided documents in categories ranging from maintaining elevation certificates, providing community outreach projects, making flood protection material available, stormwater management floodplain management planning, and enforcing higher regulatory standards.

Property owners that are in a SFHA will improve their discount rate by an additional 10% discount on their flood insurance rates, from their current discounted rate of 15% to 25%, when their insurance is renewed after October 1, 2019. Property owners that are in non-SFHA areas will receive an additional 5% discount on their flood insurance rates, 5% to 10%.

Please place this memo on the October 28, 2019 City Commission Consent Agenda.



Richard "Buddy" Schauland, Jr., CBO, CFM
Building and Code Enforcement Manager



FEMA

September 16, 2019

Mr. John Regan
City Manager
P.O. Drawer 210
St. Augustine, FL. 32085-0210

Dear Mr. Regan:

Congratulations! The Department of Homeland Security, Federal Emergency Management Agency (FEMA), has determined that St. Augustine will increase to a Class 5 in the National Flood Insurance Program (NFIP) Community Rating System (CRS). The floodplain management activities implemented by your community qualifies it for a 25% discount in the premium cost of flood insurance for NFIP policies issued or renewed in Special Flood Hazard Areas on or after October 1, 2019. This increase is based on a field verification of your three-year cycle CRS application.

Please note Preferred Risk Policies, applicable in Zones B, C, and X, on your community's NFIP Flood Insurance Rate Map are not eligible for the CRS discount. Standard rated flood insurance policies in Zones B, C, X, D, AR, and A99 are limited to a CRS discount of ten percent in Class 1-6 communities and five percent in Class 7-9 communities. The rates for these zones already reflect significant premium reductions.

If there are no NFIP noncompliance actions, the CRS rating for your community will automatically be renewed annually and a notification letter will not be sent to your community. This renewal will occur as long as your community continues to implement the CRS activities you certify annually. If no additional modifications or new CRS activities are added, the next verification visit for your community will be in accordance with its established three-year cycle. In the interim, FEMA will periodically send the *NFIP/CRS Update* Newsletter and other notices to your CRS Coordinator to keep your community informed.

I commend you on your community actions and your determination to lead your community to be more disaster resistant. This commitment enhances public safety, property protection, and protects the natural functions of floodplains, and reduces flood insurance premiums.

If you have any questions or need additional information, please contact the FEMA Region IV Office, CRS Coordinator, Roy McClure, by telephone at (770) 220-8835.

Sincerely,

A handwritten signature in black ink that reads "William H. Lesser".

William H. Lesser, CRS Coordinator
Federal Insurance and Mitigation Administration

Enclosure

cc: Richard Schauland, CRS Coordinator



COMMUNITY
RATING
SYSTEM

VERIFICATION
REPORT

City of St. Augustine, FL

Verified Class 5

NFIP Number: 125145

Cycle

Date of Verification Visit: April 24, 2018

This Verification Report is provided to explain the recommendations of Insurance Services Office, Inc. (ISO) to DHS/FEMA concerning credits under the Community Rating System (CRS) for the above named community.

A total of 2503 credit points are verified which results in a recommendation that the community improve from a CRS Class 7 to a CRS Class 5. The community has met the Class 5 prerequisite with a Building Code Effectiveness Grading Schedule (BCEGS) Classification of 4/4. The following is a summary of our findings with the total CRS credit points for each activity listed in parenthesis:

Activity 310 – Elevation Certificates: The Building Department maintains elevation certificates for new and substantially improved buildings. Copies of elevation certificates are made available upon request. (34 points)

Activity 320 – Map Information Service: Credit is provided for furnishing inquirers with basic flood zone information from the community's latest Flood Insurance Rate Map (FIRM). Credit is also provided for the community furnishing additional FIRM information, historical flood information, and natural floodplain functions information. The service is publicized annually, and records are maintained. (90 points)

Activity 330 – Outreach Projects: Credit is provided for informational material that include fliers, general outreach projects that include fliers and storm drain medallions, and priority audience messages that include letters to floodplain and repetitive loss area residents. These projects are disseminated annually. (200 points)

Activity 340 – Hazard Disclosure: Credit is provided for state regulations requiring disclosure of flood hazards. (5 points)

Activity 350 – Flood Protection Information: Documents relating to floodplain management are available in the reference section of the St. Johns County Public Library. Credit is also provided for floodplain information displayed on the community's website. (66 points)

Activity 360 – Flood Protection Assistance: Credit is provided for offering one-on-one advice regarding property protection and making site visits before providing advice. Credit is also provided for giving advice on financial assistance programs. (64 points)

Activity 420 – Open Space Preservation: Credit is provided for preserving approximately 38 percent of the Special Flood Hazard Area (SFHA) as open space. (661 points)

Activity 430 – Higher Regulatory Standards: Credit is provided for enforcing regulations that require freeboard for new and substantial improvement construction, local drainage protection. Credit is also provided for the enforcement of building codes, a BCEGS Classification of 4/4, state mandated regulatory standards, and regulations administration. (250 points)

Activity 440 – Flood Data Maintenance: Credit is provided for maintaining and using digitized maps in the day to day management of the floodplain. (143 points)

Activity 450 – Stormwater Management: The community enforces regulations for stormwater management, soil and erosion control, and water quality. (148 points)

Section 502 – Repetitive Loss Category: Based on the updates made to the NFIP Report of Repetitive Losses as of January 31, 2017, City of St. Augustine, FL has 16 repetitive loss properties and is a Category B community for CRS purposes. All requirements for a Category B community have been met. (No credit points are applicable to this section)

Activity 510 – Floodplain Management Planning: Credit is provided for the adoption and implementation of the St. Johns County Local Mitigation Strategy adopted on April 13, 2015. A progress report must be submitted on an annual basis. An update to the credited plan will be due by October 1, 2020. (198 points)

Activity 540 – Drainage System Maintenance: A portion of the community's drainage system is inspected regularly throughout the year and maintenance is performed as needed. Credit is also provided for listing problem sites that are inspected more frequently and for implementing an ongoing Capital Improvements Program. The community enforces a regulation prohibiting dumping in the drainage system and annually publicizes the regulation or has appropriate signs posted. (361 points)

Activity 610 – Flood Warning and Response: Credit is provided for a program that provides timely identification of impending flood threats, disseminates warnings to appropriate floodplain residents, and coordinates flood response activities. Credit is also provided for the designation as a Storm Ready Community by the National Weather Service. (283 points)

Activity 710 – County Growth Adjustment: All credit in the 400 series is multiplied by the growth rate of the county to account for growth pressures. The growth rate for St. Johns County, FL is 1.20.

Attached is the Community Calculations Worksheet that lists the verified credit points for the Community Rating System.

CEO Name / Address:

John Regan
City Manager
75 King Street
St. Augustine, Florida 32084

CRS Coordinator Name / Address:

Richard Schauland
Building Official
75 King Street
St. Augustine, Florida 32084
(904) 209-4327

Date Report Prepared: April 17, 2019

Community : City of St. Augustine, FL

NFIP Number : 125145

720 COMMUNITY CREDIT CALCULATIONS (Cycle):

CALCULATION SECTION :

Verified Activity Calculations:				Credit
c310	34			34
c320	90			90
c330	200			200
c340	5			5
c350	66			66
c360	64			64
c370				
c410		x CGA	=	
c420	551	x CGA 1.20	=	661
c430	208	x CGA 1.20	=	250
c440	119	x CGA 1.20	=	143
c450	123	x CGA 1.20	=	148
c510	198			198
c520				
c530				
c540	361			361
c610	283			283
c620				
c630				

Community Classification Calculation:

cT = total of above

cT = 2503

Community Classification (from Table 110-1):

Class = 5

CEO Name/Address:

John Regan
City Manager
75 King Street
St. Augustine, Florida 32084

CRS Coordinator Name/Address:

Richard Schauland
Building Official
75 King Street
St. Augustine, Florida 32084
(904) 209-4327

Date Report Prepared: April 17, 2019

AW-720

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: October 14, 2019

RE: QUARTERLY REPORT: 4TH QUARTER FY 2018-2019

Please find enclosed the following documents reflecting the fiscal year 2018-2019 4th quarter in review for the City Attorney's office:

- ❖ **WORK LOG DRAFTING & REVIEW CHART (195 ITEMS)**
- ❖ **PUBLIC MEETINGS ATTENDANCE CHART (56.5 HOURS)**
- ❖ **CITY ORDINANCE VIOLATION DISPOSITION CHART (32 CASES)**
- ❖ **STAFF & NEW BOARD MEMBER TRAINING CHART (13 HOURS)**
- ❖ **ORDINANCE & RESOLUTION CHART (31 ITEMS)**

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

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

- 1) Seavin, Inc. v. City (*Real estate transactional dispute involving City*)

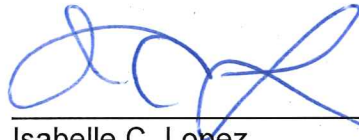
Pending charter and code review updates our office is continuing to work on are:

- 1) Zoning and Land Development Regulations: The Evaluation and Appraisal Report (EAR) comprehensive plan amendments are due by November 2019, and the land development regulation updates in the code will likely be adopted thereafter, but there may be some overlap in the schedule. (*Ch. 3: Advertising and Signs; Ch. 11: Environmental Protection; Ch. 21: Planning and Development; Ch. 25: Trees and Landscaping; Ch. 28: Zoning*).
- 2) Tree Code: On December 10, 2018, the City adopted Resolution 2018-46, creating a Tree Mitigation Fund. This should lead to some code implementation or stand-alone issue specific amendments. (*Ch. 25: Trees & Landscaping*).
- 3) Implementation of Event Policy in Public Spaces: This is a continuation of the adopted event policy, including a review of terms of use for special events, and legal updates to clarify and conform to existing law, including terms of use for public spaces. A draft ordinance, 2019-20 is currently under review. (*Multiple Chapters*).

- 4) Charter Amendments – On April 3, 2019, the kick-off workshop was held to provide a broad overview of possible changes. Ordinances 2019-13, 2019-14, 2019-16, 2019-17, 2019-18, and 2019-22 have already been passed by the Commission. Ordinance 2019-15, providing gender neutral terminology throughout the City's Charter will be heard for third reading at the October 14th regular meeting. Ordinance 2019-23 regarding general powers of the City, Ordinance 2019-24 regarding executive and administrative powers and duties, and Ordinance 2019-25 regarding the City Attorney's responsibility concerning resident petitioned and emergency ordinances will be heard for second and first readings, respectively, at the October 14th regular meeting. Additional ordinances are forthcoming for further amendments requested by the Commission. (*Multiple Sections*).

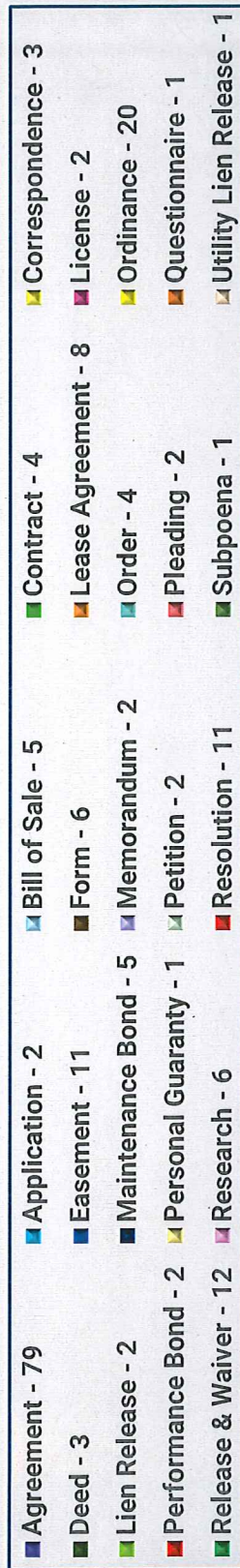
Consistent with City Commission consensus at its August 12, 2019 meeting, this quarterly report is placed on the consent agenda for the October 28, 2019 City Commission meeting. The attached charts are included for the Commission's information and I am available for a presentation if the Commission pulls the item from the consent agenda.

Sincerely,



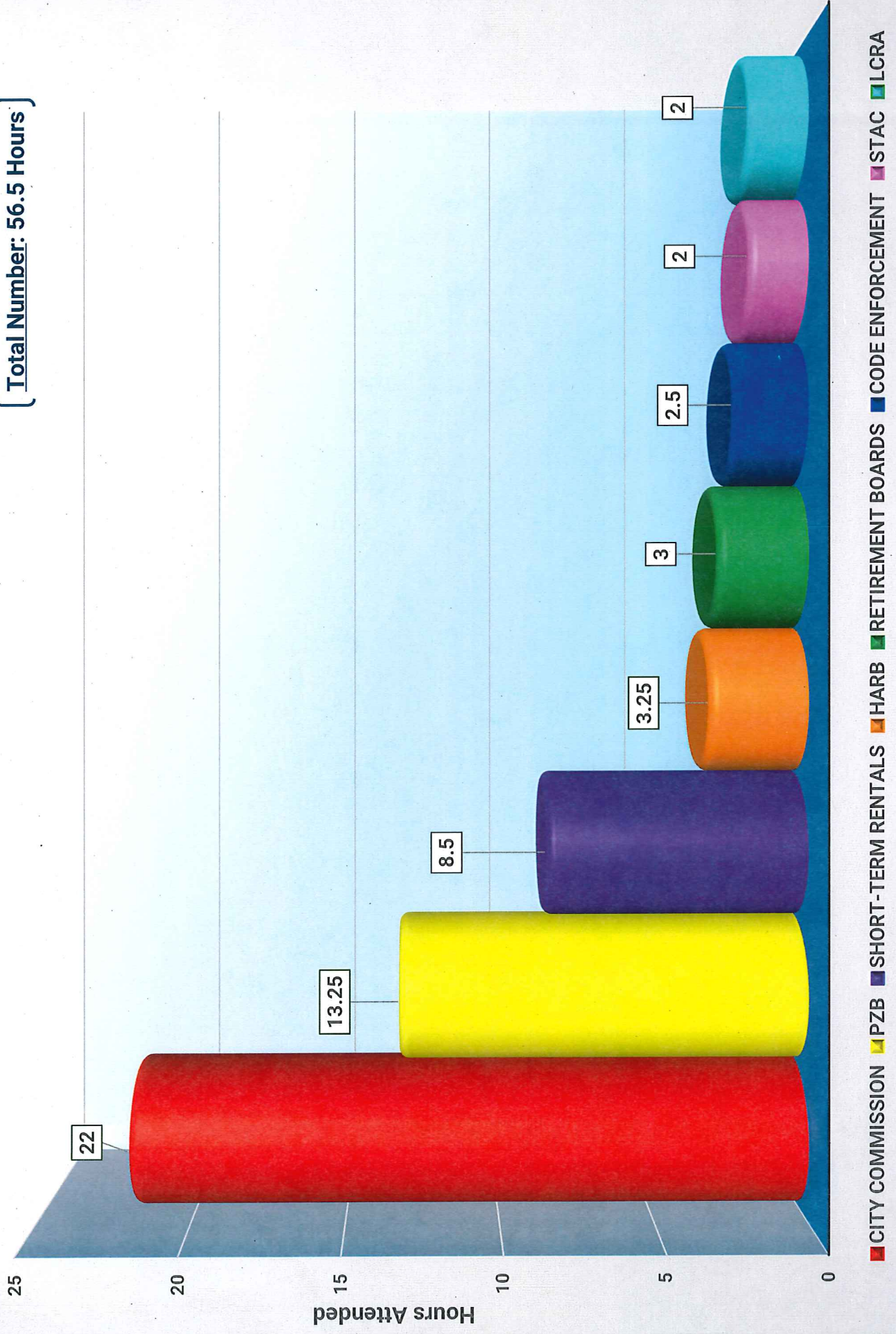
Isabelle C. Lopez
City Attorney

Attachments



PUBLIC MEETING ATTENDANCE: 4TH QUARTER FY 2018-2019

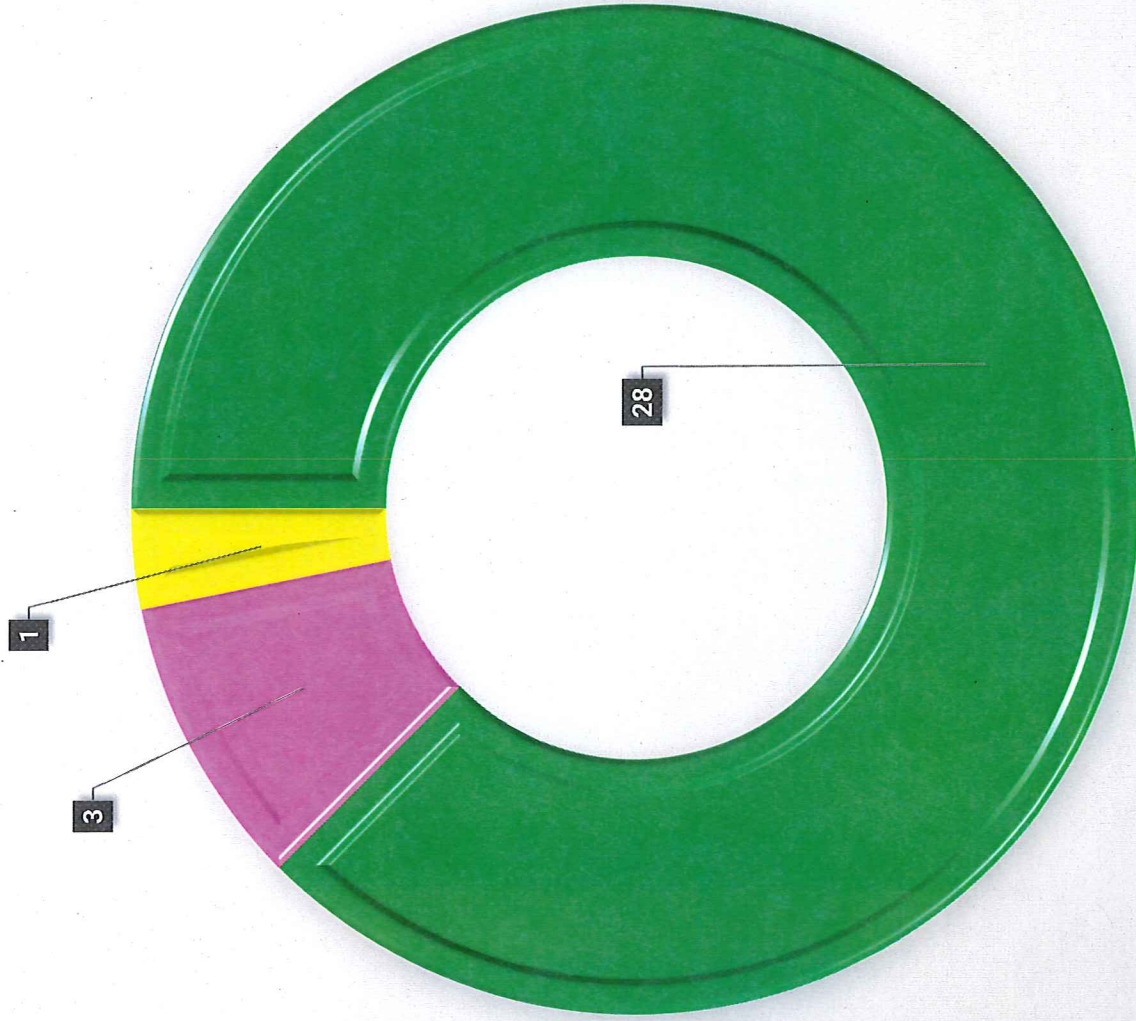
[Total Number: 56.5 Hours]



CITY ORDINANCE VIOLATIONS: 4TH QUARTER FY 2018-2019

[BY NUMBER OF CASES]

[TOTAL: 32 CASES]



■ Adjudicated Guilty - 28

■ Nolle Prossed - 3

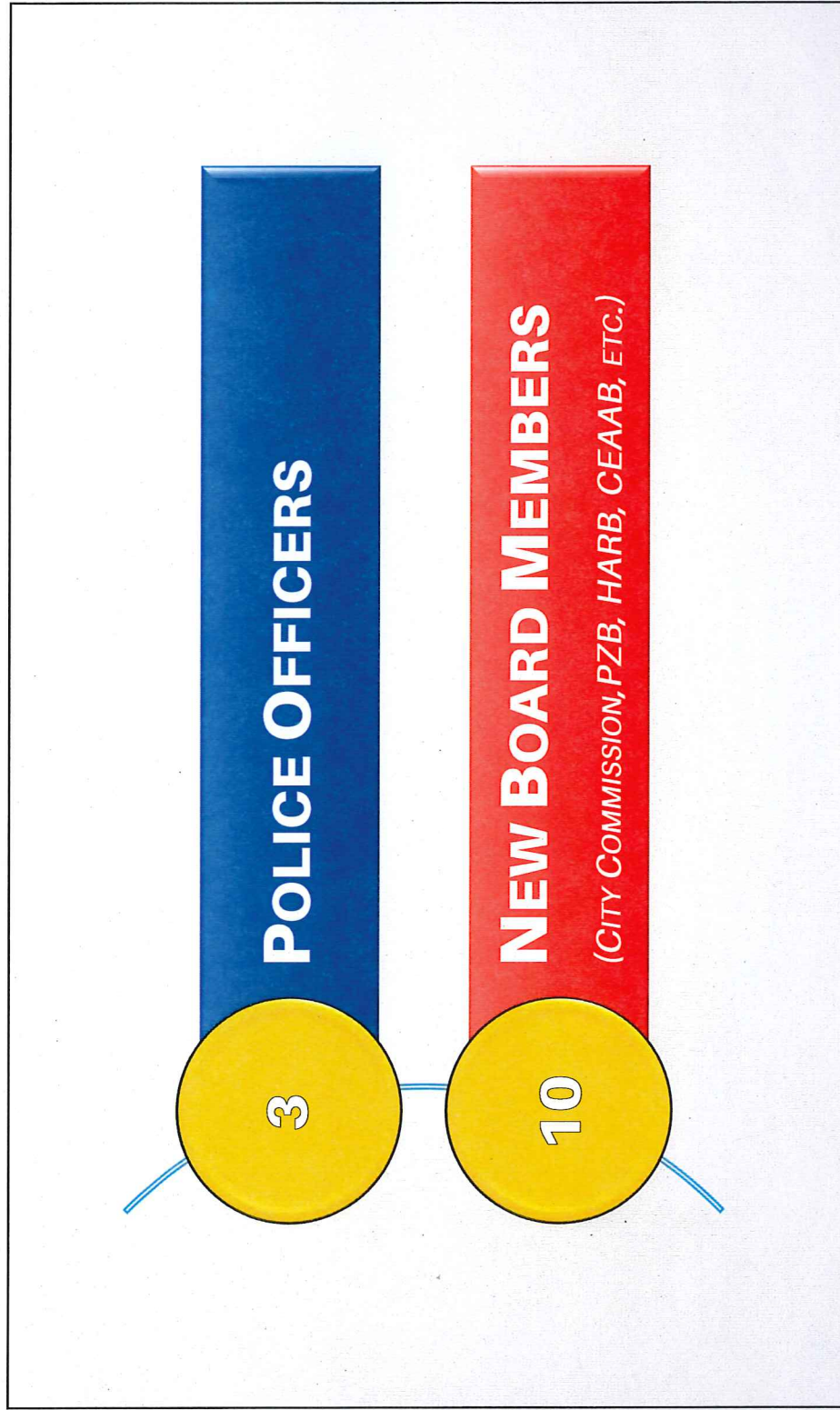
■ Dismissed - 1

[THIS QUARTER OUR OFFICE, WORKING IN CONNECTION WITH THE SAPD OUTREACH OFFICERS, WAS ABLE TO PLACE ONE (1) DEFENDANT INTO A REHABILITATION PROGRAM AND HAVE HIS SENTENCE COMMUTED.]

STAFF & NEW BOARD MEMBER TRAINING: 4TH QUARTER FY 2018-2019

[BY NUMBER OF HOURS]

[TOTAL: 13 HOURS]



ORDINANCES & RESOLUTIONS – 4TH QUARTER FY 2018-2019

[TOTAL: 31 ITEMS]

ORDINANCES

2019-11: Waivers - Sec. 28-29(5)
2019-19: Civil Service Board Term Extensions
2019-20: Parks, Public Spaces and Events
2019-21: Removal of Sec. 1.04
2019-22: City Commission Procedures
2019-23: Powers of the City
2019-24: Executive and Administrative Officers
2019-25: Ordinances and Emergencies
2019-33: Outdoor Retail Seating Area
2019-34: Tattoo Parlors and Micropigmentation
2019-35: Annual Budget
2019-36: Stormwater Fee Increase
2019-37: Telecommunications
2019-38: Hemp Regulations
2019-40: Review of Conflicting Documents
2019-41: Residency Requirements
2019-42: Selection of Mayor
2019-43: HP Lot Coverage
2019-44: Appeals – Sec. 28-29(g)
2019-45: Creating the CRC

RESOLUTIONS

2019-22: Fire Assessments
2019-23: Authorize City Mgr to Sign Sub-Land Leases
2019-24: Request to Reduce Permit Application Fees
2019-26: HACRA Budget
2019-27: LCRA Budget
2019-28: Authorizing City Mgr to Sign Flagler Agreements
2019-29: Amendment to Francis Field Events
2019-30: Authorize City Mgr to Sign School Bd Agreements
2019-36: Grant Application for Disaster Recovery
2019-37: Tentative Millage Rate
2019-38: Final Millage Rate



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

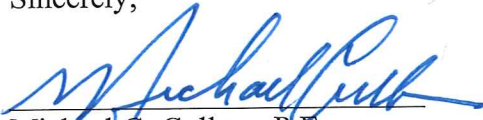
DATE: October 17, 2019

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

I would like to provide the Public Works Update to the City Commission; and request that the presentation be placed on the Consent Agenda for the October 28, 2019 meeting.

Attached, is a copy of the Public Works Presentation; and if you should have any questions, please contact me. Thank you.

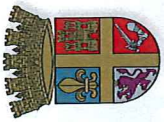
Sincerely,



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

Attachment: PW PowerPoint Presentation

cc: COSA Directors



CITY OF
ST. AUGUSTINE
— EST. 1565 —

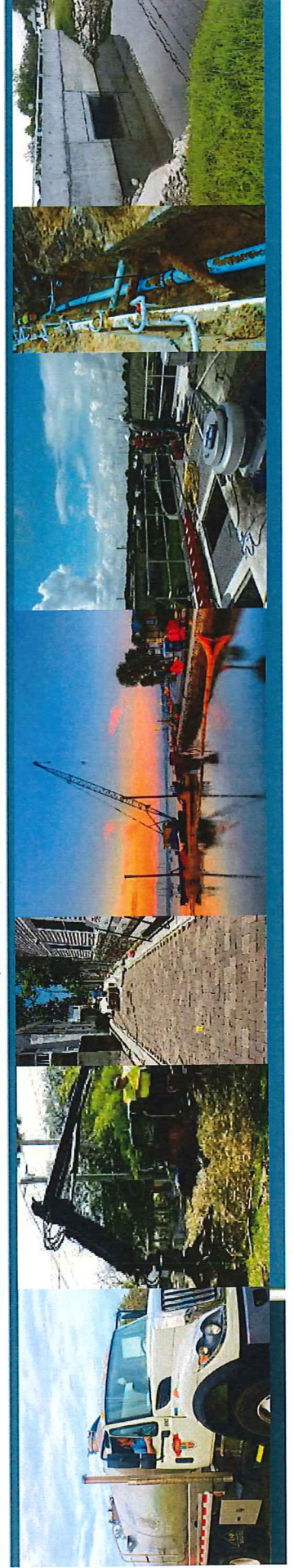
COSA City Commission

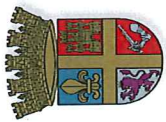
“Public Works Update”

October 28, 2019

Michael G. Cullum, P.E.

Director, Public Works





CITY OF
ST. AUGUSTINE
— EST. 1565 —

Public Works Update Agenda

Key Projects Update

- Paving Program
- North City Water Main Improvements
- Major Projects in Design Phase
- Nights of Lights Preparation

Project Overview

- CIP Overall Status Summary

Completed during FY 2019

Road Name	From	To	Length (linear feet)	Cost
Aletha St	Atlantic	Seminole	775	\$14,332.56
Bravo St.	Sanford	Weeden	332	\$23,906.39
CedarSt	Riberia	Granada St.	731	\$31,943.46
CenterSt	US1	San Marco Ave.	618	\$31,363.73
Charlotte St.	Bridge St.	South St.	2,507	\$48,997.61
DeHavenSt	MLK	Washington St.	651	\$13,088.90
DeHavenSt	Riberia St.	MLK	744	\$16,298.82
DouglasAve	Hildreth Dr.	Macaris St.	1,516	\$30,511.26
Duero St.	MLK Ave.	Twine St.	264	\$29,094.00
Dumas St.	Bridge St.	St. Francis St.	579	\$13,806.14
EParkAv	Park Ave.	Dead End South	1,442	\$44,672.66
Fern	Aletha	Seminole	370	\$17,779.30
Grant St.	Picolata Road	Perpall St.	1,887	\$39,965.98
Keith St.	ML King Ave	Oneida St.	501	\$20,858.17
KingsFerry	Riberia St.	Washington St.	1,233	\$29,603.88
LincolnSt	Riberia St.	Washington St.	1,235	\$31,187.27
Lovett St.	Riberia St.	Washington St.	1,275	\$32,389.74
MacarisSt	San Marco Ave	Rainey Ave	1,725	\$57,232.34
Marine St	Bridge St.	St. Francis St.	840	\$18,075.92
PacificSt	US1	San Marco Ave.	658	\$15,064.72
PomarSt	Riberia St.	ML King Ave	681	\$13,352.55
RaineyAve	E. Park Ave.	Macaris St.	658	\$14,513.16
SanMarcoAv	Picolata Ave.	US1	2,792	\$132,507.37
Seminole Drive	Atlantic Ave	Fern St	991	\$14,332.56
SBenedict	St. Francis St.	DeHaven St.	331	\$17,630.98
WeedenSt	Bravo St.	Bridge St.	319	\$15,841.05
WeedenSt	Bridge St.	DeHaven St.	868	\$15,841.05
Miles Paved:			5.02	\$784,191.57

Paving Program

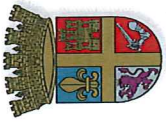
Additional Planned, Following Lincolnville Drainage Project

Road Name	From	To	Length (linear feet)	Cost
* Blanco St	Cerro St.	South St.	1,072	\$33,875.20
* Cerro St.	Riberia St.	Oneida St.	996	\$28,319.92
DeSoto Pl.	Granada St	ML King Ave	721	\$22,783.60
* Duero St.	MLK Ave.	Riberia St.	447	\$12,712.68
* Duero St.	Oneida St.	MLK Ave	503	\$14,305.32
* MLKingAve	DeHaven St.	Cerro St.	2,513	\$91,322.42
* Moore St.	Riberia St.	ML King Ave	703	\$19,979.10
* SanfordSt	Bridge St.	Cedar St.	511	\$15,347.73
School St.	Pomar St.	Kings Ferry Way	162	\$5,120.78
* SouthSt	Riberia St.	ML King Ave.	452	\$16,425.68
StFrancisS	Weeden St.	Park	1,228	\$27,478.59
* Twine St.	Lovett St.	Cerro St.	1,559	\$49,270.72
Miles Planned, Following Utility Work:			2.06	\$336,941.74

* Portions of streets transferred to Lincolnville CDBG project for FY19-20

SUMMARY

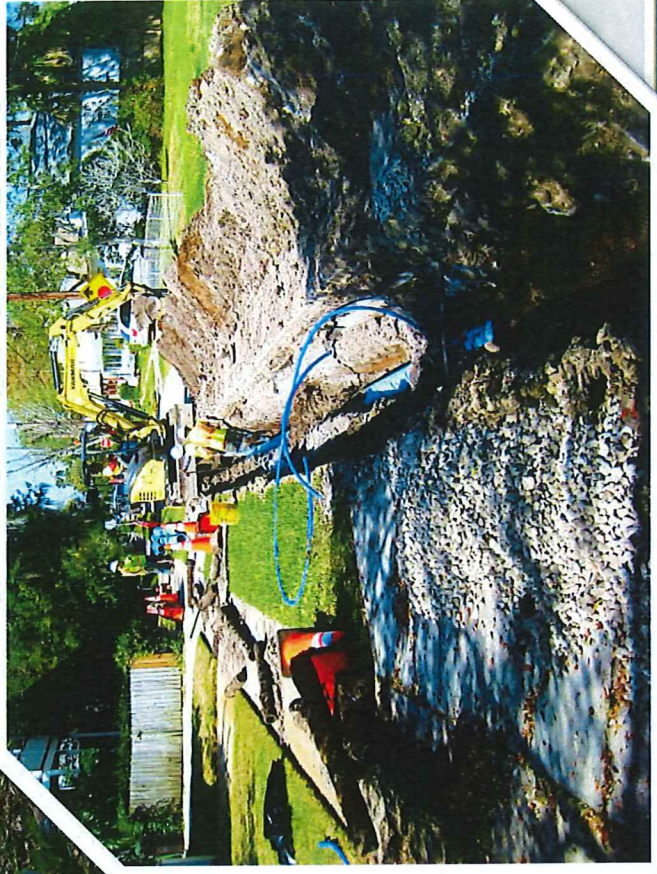
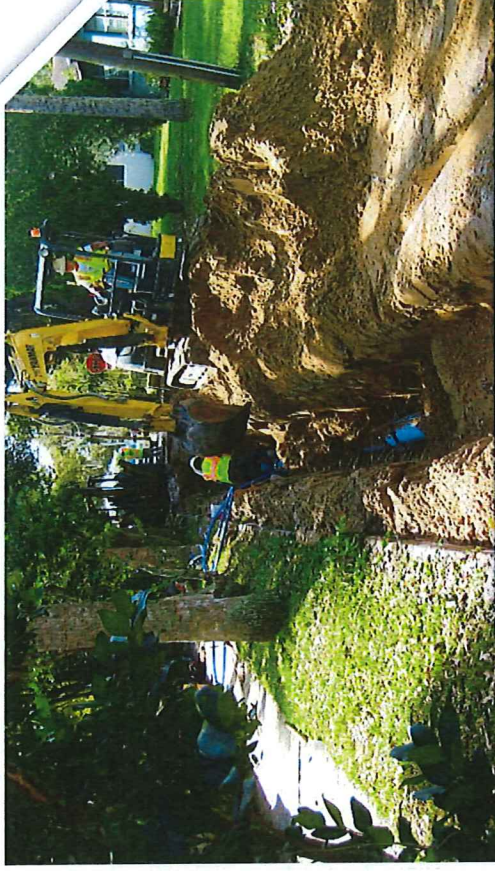
Previously Paved 2014 – 2017:	12.8 miles
Paved FY 2018:	6.4 miles (actual)
Paved FY 2019:	5.02 miles (actual)
Total Miles Paved to Date:	24.22 miles
Additional Planned, Following Lincolnville Drainage Project:	2.06 miles (estimate)
Total Miles, Including Forecast After Completion of Utility Work:	26.28 miles

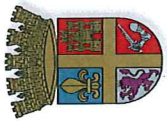


CITY OF
ST. AUGUSTINE
— EST. 1565 —

North City Water Main Improvements

- ❖ SRF Funded; Replace aging, small diameter, cast iron water mains with new, larger mains
- ❖ Construction is on schedule; Estimated final completion December, 2019
- ❖ Installation of new water main is complete
- ❖ Currently abandoning old cast iron water main
- ❖ Next phase of work is to mill and resurface full width of all asphalt streets affected by project



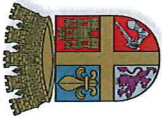


CITY OF
ST. AUGUSTINE
— EST. 1565 —

Major Projects in Design Phase

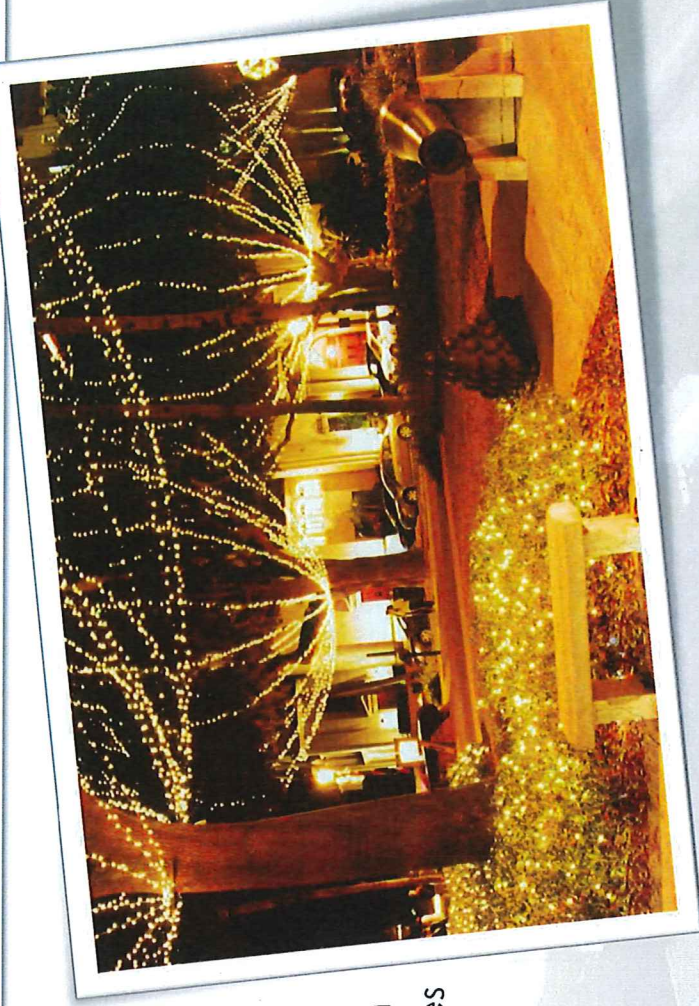
Design Milestones Achieved This Quarter

- ❖ **Lake Maria Sanchez Stormwater Project**
 - 60% Draft Design, Public Meeting 10/10/19
- ❖ **South Whitney Street Box Culvert and West King Street Flood Mitigation**
 - 60% Design, Coordination with St. Johns County 10/16/19
- ❖ **Hurricane Matthew FEMA Lift Station Rehabilitation (13 stations) CMAR Project**
 - 90% Design



CITY OF
ST. AUGUSTINE
— EST. 1565 —

Nights of Lights Preparation



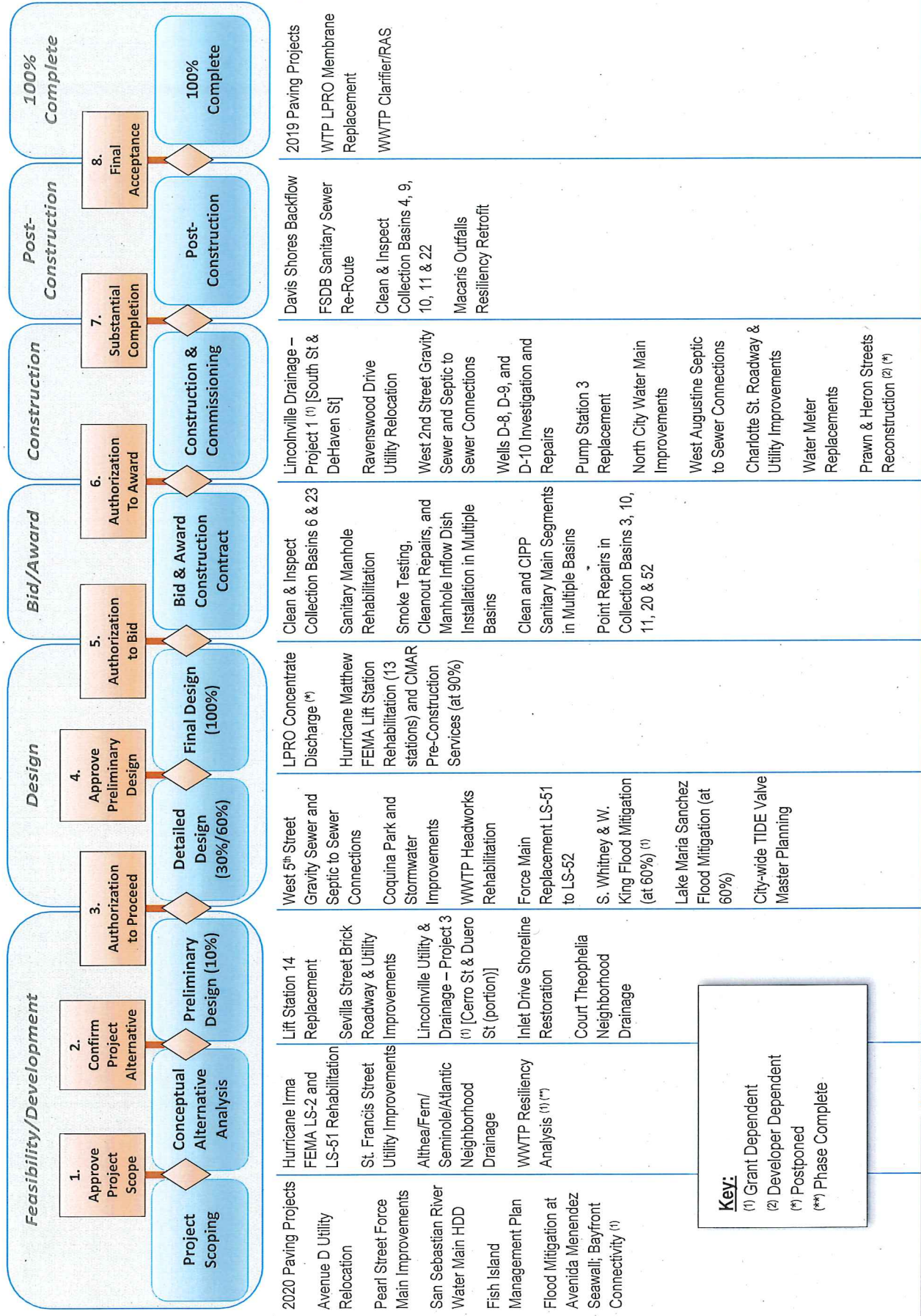
Plaza Electrical Upgrade Project

❖ SCOPE OF WORK:

- ❖ Installed new wiring and connection boxes at all Oak trees and Palm trees
- ❖ New wiring and connection for the Gazebo and Peoples Market
- ❖ Replacement of old electrical infrastructure was needed due to damage from storm surge "saltwater intrusion", and the age of the system
- ❖ The old system was overloaded, especially during Nights of Lights
- ❖ The new system demand load will be at maximum level of 60%, even during Nights of lights
- ❖ Project cost: \$33,450
- ❖ Project COMPLETED September 2019, by Heath Electric, Inc.

CIP Overall Status Summary

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



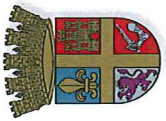
Key:

⁽¹⁾ Grant Dependent

⁽²⁾ Developer Dependent

^(*) Postponed

^(**) Phase Complete



CITY OF
ST. AUGUSTINE
— EST. 1665 —

Additional Questions and Commission Discussion

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan
City Manager

DATE: October 17, 2019

RE: Memorandum of Understanding

The attached is a memorandum of understanding (MOU) between the City of St. Augustine and the Florida Carpenters Regional Council, Local 2038. This MOU modifies the months of services and vacation accrual rates for bargaining unit members. This MOU will provide members the same vacation leave as all other full-time City employees. The MOU needs to be ratified by the Commission.

Please add this to the consent agenda for the City Commission meeting on October 28th for approval.

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



Donna S. Hayes
Human Resources Director

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into between the City of St. Augustine (City) and the Florida Carpenters Regional Council, Local No. 2038 (Union). The parties agree as follows:

1. The vacation accrual rates will be modified to reflect the following:

<u>Months of Service</u>	<u>Hours Per Pay Period</u>	<u>Annual Hours of Vacation</u>
0 – 60	3.0770	80 hours
61 – 72	3.3847	88 hours
73 – 84	3.6924	96 hours
85 – 96	4.0000	104 hours
97 – 108	4.3077	112 hours
109 – 168	4.6154	120 hours
169 – 180	4.9231	128 hours
181 – 192	5.2308	136 hours
193 – 204	5.5385	144 hours
203 – 216	5.8462	152 hours
217 – 228	6.1539	160 hours
229 +	6.4615	168 hours

2. The City added an additional 8 hours per year for employees with 229 months or more of service.
3. Employees vacation leave may be accumulated to a maximum of 400 hours plus annual hours of vacation leave accrued yearly as outlined above to a maximum of 160 hours (560 maximum after 217 months or more of service).
4. This Memorandum of Understanding shall be subject to ratification by both the bargaining unit members and the City Commission.

CITY OF ST. AUGUSTINE

FLORIDA CARPENTERS REGIONAL
COUNCIL, LOCAL 2038

By: _____
John P. Regan P.E., City Manager

By: _____
Jason Weitzel, Council Representative

O. Dayle Johns, Union Steward

Anthony Esposito, Union Steward

Date: _____

Date: _____

Subject to ratification by the City of St. Augustine City Commission

CITY OF ST. AUGUSTINE

RATIFIED BY CITY COMMISSION:

Darlene Galambos

Date

ITEM CA.10
City Branding

CITY OF ST. AUGUSTINE

MEMORANDUM

To: John Regan, City Manager

Re: City Crest and Logo Consolidated Branding

Date: October 17, 2019

As directed, and after thoughtful consideration, city staff has selected and recommends the attached consolidated branding style and samples for the trademarked city crest and "EST. 1565 ST. AUGUSTINE" logo to be used in all forms of correspondence, signage, advertising, and online.

The city crest and "EST. 1565 ST. AUGUSTINE" has been trademarked with the Florida Department of State.

All official print and online materials, to include but not limited to business cards, letterhead, staff presentations, agendas, reports, memos, and email signatures will be updated with the approved crest and logo. Proclamations and recognitions from the City Clerk's office will continue to use the antique format letterhead and city gate watermark.

The following consolidated branding examples are provided:

- City crest and logo "brand"
- Color formulas style sheet (including recommended email signature templates)
- Business card
- Letterhead

With the approval of the City Commission, the standardized style sheet will be distributed to all city staff and electronic versions of the files will be saved and available on the U:/ drive of the city server.

The Public Affairs Department will be responsible for maintaining and managing the internal and external distribution of the city crest and its affiliated branding.

Respectfully,



Melissa Wissel
Public Information Coordinator

City of St. Augustine Use of City Crest Style Sheet

Landscape:



CITY OF
ST AUGUSTINE[™]
— EST. 1565 —

Portrait:



CITY OF
ST AUGUSTINE[™]
— EST. 1565 —

City crest and logo files are saved at U:/City Logos

Color formulas for city crest:

 PANTONE 640 C
Hex: 0082BA
RGB: 0, 130, 186

 PANTONE 248 C
Hex: 9B1889
RGB: 155, 24, 137

 PANTONE 193 C
Hex: BF0D3E
RGB: 191, 13, 62

 PANTONE 871 C
Hex: 89764B
RGB: 137, 118, 75

 PANTONE 877 C
Hex: BD9093
RGB: 192, 192, 192

Signature Block Suggestion 1:

Employee Name

Employee Title

E: youremail@citystaug.com | M: XXX.XXX.XXXX | W: www.CityStAug.com



City of St. Augustine
Your Department
P.O. Box 210
St. Augustine, FL 32085



Please Note: Florida has a very broad Public Records Law. Unless specifically exempt by state law, written communications to city officials or staff regarding official city business are public records available to the public and media upon request. If your email communication is related to official government business, it may therefore be subject to public disclosure.

Signature Block Suggestion 2:

Employee Name

Employee Title

City of St. Augustine | Your Department

P.O. Box 210 | St. Augustine, FL 32085

Office: XXX.XXX.XXXX | Mobile: XXX.XXX.XXXX

Email: youremail@citystaug.com

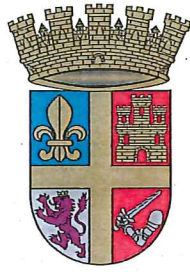
Web: www.CityStAug.com



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City of St. Augustine Business Card





CITY OF
ST. AUGUSTINE[™]
— EST. 1565 —
NATION'S OLDEST CITY
GENERAL SERVICES

Sample
Letterhead



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Cuidad de San Agustín de la Florida

PROCLAMATION

***WHEREAS**, on the 8th day of September, in the year of our Lord fifteen hundred and sixty five, Pedro Menendez de Aviles, by the act of claiming this land for the King of Spain, founded San Augustin, in La Florida, the oldest continuously occupied European settlement in the land to become the United States of America; and*

***WHEREAS**, it is fitting that the events of that historic occasion be observed and re-created in the manner recorded four hundred and forty nine years ago; and*

***WHEREAS**, on the 8th of September, 1565, a solemn Mass was offered on these grounds by Father Francisco Lopez de Mendoza Grajales, thus founding the parish of Saint Augustine and establishing Christianity in these lands; and*

***WHEREAS**, September 8, 2019 marks the Four Hundred and Fifty-fourth Anniversary of the founding of St. Augustine and the very beginning of America, this unbroken history, enduring spirit, and rich cultural diversity.*

***NOW, THEREFORE**, the City Commission of the City of St. Augustine does hereby proclaim September 8, 2019 as **FOUNDER'S DAY**, in commemoration of the 454th Anniversary of the Founding of St. Augustine, Our Nation's Oldest City. And further, in celebration of this 454th Anniversary, we urge all our citizens to participate in the festivities and commemoration of this singular event.*

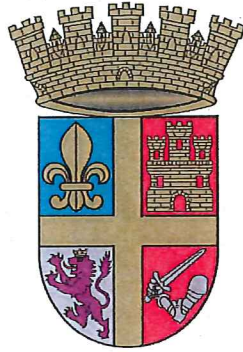
***IN WITNESS WHEREOF** I hereunto set my hand and do cause the Seal and Title of the "Most Loyal and Valorous City" bestowed by His Majesty King Philip V in 1715 – to be affixed hereon, this 8th day of September in the year of our Lord two thousand and nineteen.*

2019-23

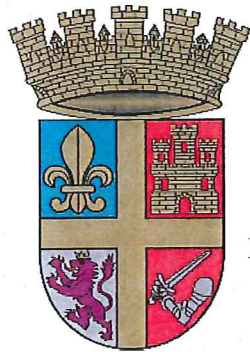
Tracy W. Upchurch, MAYOR

"Most Loyal and Valorous"

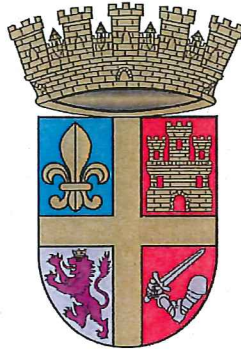
Title conferred on the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715



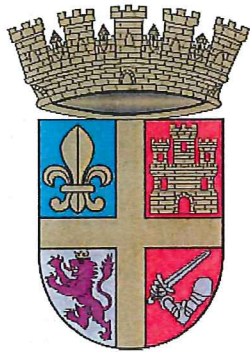
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— EST. 1565 —



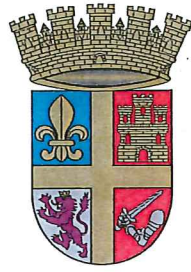
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— EST. 1565 —



CITY OF
ST. AUGUSTINETM
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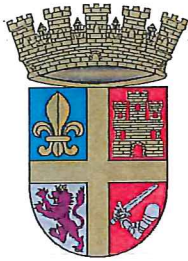
CITY OF
ST. AUGUSTINETM
— EST. 1565 —



CITY OF
ST. AUGUSTINE[™]
EST. 1565
NATION'S OLDEST CITY
GENERAL SERVICES

Sample
Letterhead

PO Box 210 – ST. AUGUSTINE, FLORIDA 32085 – OFFICE 904.825.1010 – www.CityStAug.com



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Cuidad de San Agustín de la Florida

PROCLAMATION

WHEREAS, on the 8th day of September, in the year of our Lord fifteen hundred and sixty five, Pedro Menendez de Aviles, by the act of claiming this land for the King of Spain, founded San Augustin, in La Florida, the oldest continuously occupied European settlement in the land to become the United States of America; and

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IN WITNESS WHEREOF I hereunto set my hand and do cause the Seal and Title of the "Most Loyal and Valorous City" bestowed by His Majesty King Philip V in 1715 – to be affixed hereon, this 8th day of September in the year of our Lord two thousand and nineteen.

2019-23

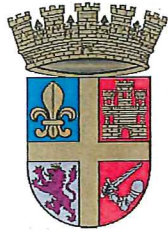
Tracy W. Upchurch, MAYOR

"Most Loyal and Valorous"

Title conferred on the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715

City of St. Augustine Use of City Crest Style Sheet

Landscape:



CITY OF
ST AUGUSTINE™
— EST. 1565 —

Portrait:



CITY OF
ST AUGUSTINE™
— EST. 1565 —

City crest and logo files are saved at U:/City Logos

Color formulas for city crest:

 PANTONE 640 C
Hex: 0082BA
RGB: 0, 130, 186

 PANTONE 248 C
Hex: 9B1889
RGB: 155, 24, 137

 PANTONE 193 C
Hex: BF0D3E
RGB: 191, 13, 62

 PANTONE 871 C
Hex: 89764B
RGB: 137, 118, 75

 PANTONE 877 C
Hex: BD9093
RGB: 192, 192, 192

Signature Block Suggestion 1:

Employee Name

Employee Title

E: youremail@citystaug.com | M: XXX.XXX.XXXX | W: www.CityStAug.com



City of St. Augustine
Your Department
P.O. Box 210
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Signature Block Suggestion 2:

Employee Name

Employee Title

City of St. Augustine | Your Department
P.O. Box 210 | St. Augustine, FL 32085
Office: XXX.XXX.XXXX | Mobile: XXX.XXX.XXXX
Email: youremail@citystaug.com
Web: www.CityStAug.com



Please Note: Florida has a very broad Public Records Law. Unless specifically exempt by state law, written communications to city officials or staff regarding official city business are public records available to the public and media upon request. If your email communication is related to official government business, it may therefore be subject to public disclosure.

City of St. Augustine Business Card



City of St. Augustine
City Commission

Certificate of Appreciation

In Acknowledgement of and

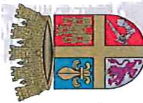
Presented In Honor to

Thomas Jackson

In Recognition of

Your hard work and dedication as a member of the
Confederate Memorial Contextualization Advisory Committee.
We offer our sincerest gratitude for your contributions to interpreting
our city's history for present and future generations.

Friday, September 13, 2019



CITY OF
ST AUGUSTINE
—EST. 1565—

Tracy W. Upchurch, Mayor

ITEM CA.11.
Release of Lien

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, City Manager

DATE: October 28, 2019

RE: **274 S. Matanzas Boulevard**
CEAAB Case# 2018-0386

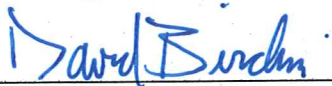
On December 11, 2018, the property at 274 S. Matanzas Boulevard was brought before the Code Enforcement, Adjustments and Appeals Board for violation of City Code, Chapter 19, Section 19-4, weeds and grass. At that time, the CEAAB issued an "Order Imposing Penalties and Lien" in the amount of \$2,150.00 for the fine that had accrued as per the CEAAB's previous order dated October 9, 2018.

On September 30, 2019, the Planning and Building Department received payment in the amount of \$2,150.00 for said fine/lien.

Staff is requesting the City Commission approve an "Order Releasing Lien" to reflect that the lien has been satisfied.

Please place this item on the October 28, 2019, City Commission Consent Agenda for final approval.

If you have any questions, please let me know.



David Birchm, AICP
Director, Planning and Building Department

BEFORE THE
CODE ENFORCEMENT,
ADJUSTMENTS & APPEALS BOARD
OF THE
CITY OF ST. AUGUSTINE, FLORIDA

ORDER RELEASING LIEN
CEAAB CASE NO. 2018-0386

IN THE MATTER OF: **PATRICIA C. POSHVA TRUST**
 274 S. MATANZAS BOULEVARD
 ST. AUGUSTINE, FLORIDA 32084

VIOLATION OF SECTION(S): Code of Law and Ordinances of St. Augustine, Florida:
 CITY CODE, CHAPTER 19, SECTION 19-4

LIEN FILED AGAINST: **PATRICIA C. POSHVA TRUST**

VIOLATION SITE: **274 S. MATANZAS BOULEVARD, ST. AUGUSTINE, FLORIDA 32084**

LEGAL DESCRIPTION: **3-101 DAVIS SHORES LOT 17 & E**

PARCEL NUMBER: **220960-0000**

.....
ORDER

THIS MATTER having come to be heard before the Code Enforcement, Adjustments and Appeals Board of the City of St. Augustine on October 9, 2018 and December 11, 2018, and this Board having entered the following Order:

➤ **ORDER IMPOSING A FINE**

- Dated December 11, 2018
- Recorded in O.R. Book 4674, Page 1828 on February 1, 2019

And the Board, being fully advised in the premises, hereby finds:

➤ **THE ABOVE REFERENCED LIEN HAS BEEN PAID IN FULL.**

THEREFORE, it is hereby ordered that the lien against the property, as established in the Orders referenced herein, is hereby released.

* * * *SIGNATURES APPEAR ON THE FOLLOWING PAGE* * * *

IN WITNESS WHEREOF, this Order Releasing Lien has been duly signed and executed by the Lienor, this _____ day of _____, 2019.

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

By: _____
Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk

(S E A L)

.....
I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **TRACY W. UPCHURCH**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2019.

Notary Public, State of Florida

(S E A L)

CITY OF ST. AUGUSTINE

MEMORANDUM

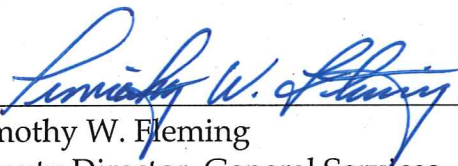
TO: John P. Regan, P.E.
City Manager

DATE: October 15, 2019

RE: Consent Agenda Item – Storm Damage Repairs to Municipal Marina

During the week of September 4, 2019, the City's Municipal Marina suffered significant damage to the breakwater dock as a result of high winds, above normal tides and wave action generated by the passage of Hurricane Dorian just off the coast. It is urgent that repairs be made as quickly as possible as the damage may be exacerbated by any future storm events. City staff solicited repair estimates, on an emergency basis, from qualified firms with the lowest estimate being submitted by Bellingham Marine of Jacksonville, Florida at a total of \$31,413.00. Staff recommends that the City proceed with the repair work as soon as possible.

If you concur with this recommendation, please place on the October 28, 2019 Consent Agenda a request for \$37,000.00 from the Municipal Marina Reserves to fund the work, including any contingencies. As always, please do not hesitate to contact me if you have any questions. Thank you,



Timothy W. Fleming
Deputy Director, General Services

TWF

xc: Meredith Breidenstein, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Jim Piggott, Director, General Services
file

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 17, 2019

RE: Consent Agenda Item for October 28, 2019 City Commission Meeting;
Staff Report: Mobility Program Status

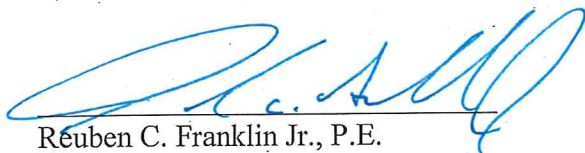
The following is a mobility program update including the active initiatives, tentative schedule and project information. Please find the attached PowerPoint to be added to the agenda.

In general, mobility initiatives are moving forward on a timely manner. Progress is being made on the long range mobility plan and element that will be incorporated into the City's 2040 Comprehensive Plan and in conjunction with the North Florida Transportation Planning Organizations long range transportation plan.

The bikeshare program received HARB approval in July and a target launch date has been set for this upcoming September. However, since the last update the launch date has been pushed back to Spring 2020 due to technical and inventory issues that the company is working through.

Finally, it is anticipated that a resolution supporting the St. Johns River to Sea Loop preferred alignment will be brought to the City Commission for consideration once the final public meeting is held on October 24, 2019. The resolution is anticipated to be presented on the November 12, 2019 meeting.

Staff will continue to provide quarterly program updates to the Commission and will seek advice and direction as needed.

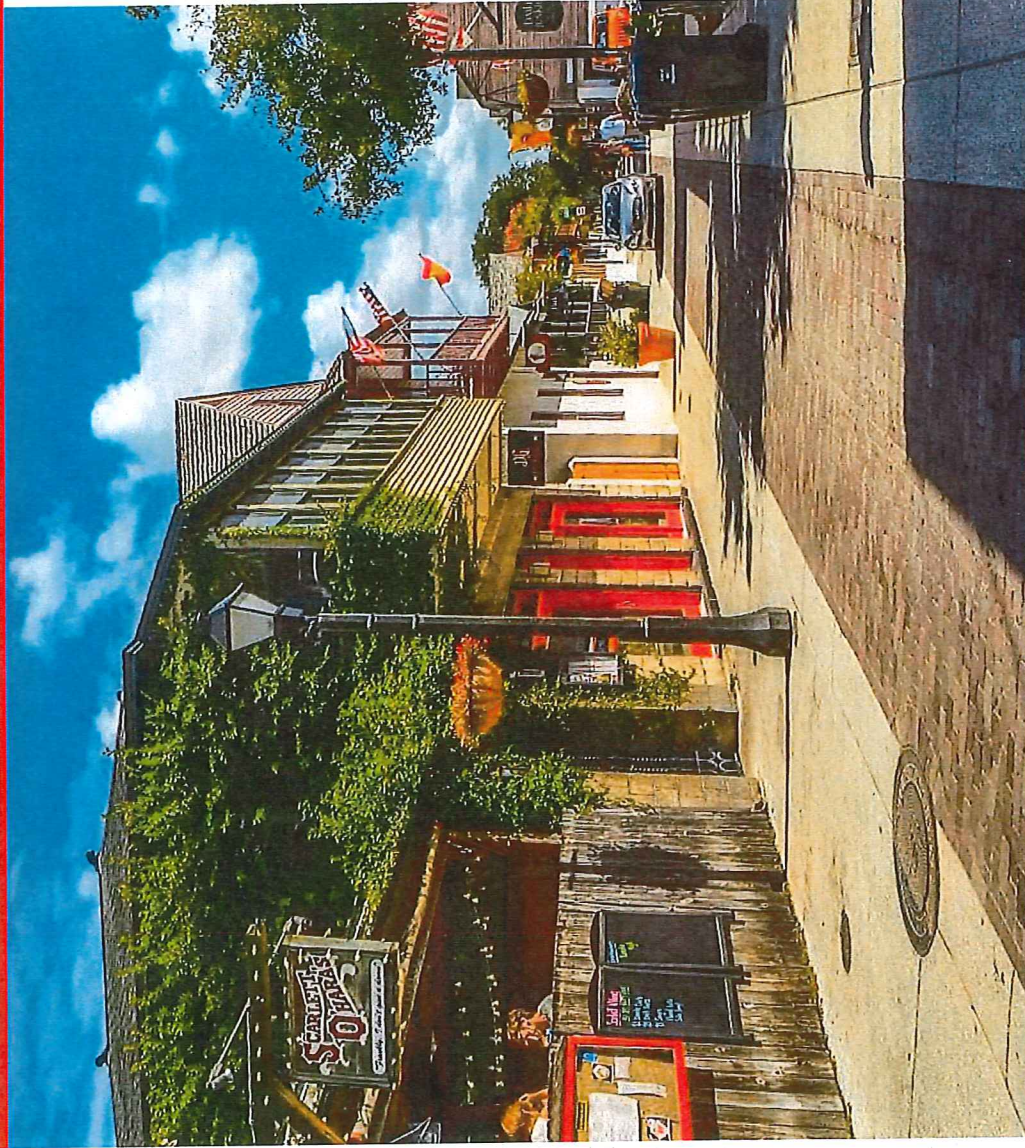


Reuben C. Franklin Jr., P.E.
Mobility Program Manager

cc: City Attorney & Department Heads

Attachment: Mobility Program Update PowerPoint

Mobility Program



City of St. Augustine

Mobility Program
Quarterly Update

City Commission Meeting
Monday, October 28, 2019

“Moving People Through History”



Program Update: Activity Management

Progress to Date				
Level/Initiative	Deliverable/Activity	% Complete	Est. Finish	Notes
Neighborhood				
Plantation Island Sidewalk	Bid & Construct 8-ft Sidewalk along Plantation Island Dr	90%	12/6/2019	Expected to be complete at the end of October
Ravenswood Framework	Develop conceptual plan for walking, biking and signage	90%	12/21/2018	Finalizing preferred concept
City				
King St Complete St MP	Complete Street Master Plan for King St Corridor	90%	1/31/2020	4th workshop completed; Need to schedule 5th workshop
Mobility Plan	Develop statutorily compliant mobility plan for Comprehensive Plan	90%	10/31/2019	Approve by PZB and Adopt by City Commission
Smart Parking System	Phase 2 Integrate Parking Garage with On/Off Street Parking	30%	2/28/2020	Purchased new Point of Sale system
Commercial Delivery (CD)	Implement parking & truck delivery management system	35%	TBD	Approved by HARB; SJRWMD Permitting
Bike Share Program	Develop a sponsored bike share program for the City	70%	Spring 2020	Delayed due to technical issues with app and product inventory
BoL Tallship Policy Analysis	Analyze bridge openings based on adopted schedule for tenants	80%	1/31/2020	Jan and Feb 2019 saw a decrease in bridge openings
US 1 Landscape Imp	Develop landscape concept plans to submit to FDOT for funding	100%	-	Application to be submitted to FDOT
NoL Shuttle	Provide park and ride shuttle during Nights of Lights	0%	12/31/2019	
Local (SIC, CoSAB, TPO, etc.)				
SJR2C Loop Planning Study	Plan route for shared-use non-motorized trail	90%	12/2/2019	City will be asked to pass a resolution in support of alignment
EV Charging Stations	Install EV charging stations at the garage, city hall parking, etc..	50%	TBD	Parking Garage and Davenport Park to be installed
NETPO LRTP 2045	Develop and adopt long range transportation plan for region	80%	11/12/2019	

Legend

on target	at risk	corrective action required
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Program Update: Activity Management continued

Progress to Date				
Level/Initiative	Deliverable/Activity	% Complete	Est. Finish	Notes
State (FDOT, SURWMD, DEP)				
San Marco Ave & May Street	Intersection and drainage improvements	80%	Late Fall 2019	Began October 30, 2017, Intersection pushed to Fall 2019
San Marco Resurfacing	Resurface and improve ped crossings along San Marco Ave	100%	-	
US 1 SW (Fairbanks-Big Oak)	Design/construct sidewalk along US 1	60%	12/4/2019	Design Phase, Construction expected to begin 6/10/2020
US 1 Rehab Design	Traffic and pavement improvements from SR207 to North City Gates	60%	5/18/2020	Public Meeting on November 18, 2019
Red Cox Rd/Anastasia Blvd	Intersection improvements	30%	-	Data Collection Complete, FDOT working on concept
Zorayda/A1A Ped Crossing	Design	90%	TBD	Easement required; delayed; waiting on FDOT response
San Marco Ave Shared Path	Design and construct shared path between Pine and Ocean Ave	60%	TBD	Need decision on palm tree removal
Federal				
Major Accomplishments (since April 22, 2019)				
Upcoming Activities				
✓ San Marco Resurfacing		✓	Historic Downtown Parking Facility Access Management Evaluation	
✓ US 1 Landscape Improvements Application		✓	Pedestrian Crossing Comparison along Anastasia Blvd	
✓ King Street Complete Street Master Plan Workshop No. 4		✓	King Street Complete Street Master Plan Workshop No. 5	
✓ HARB Approval of Tolomato Lot		✓	Draft Mobility Plan	
		✓	On Demand Transit RFP	
Challenges, Risks & Issues				
❖ Land Acquisition for Park and Ride Program				
❖				
Key Decisions				
Decisions Required:				
■ SR2C Loop - approval of resolution and maintenance of the preferred alignment (plan to bring to the Nov 12th Commission Meeting)				

Legend		
on target	at risk	corrective action required

Program Update: Tentative Schedule

Level/Initiative	Status	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20
Neighborhood														
Lemon St Res Permit Parking	Complete													
Plantation Island Dr. Sidewalk														
Bid & Construction														
North Davis Shores Study	Active													
Oyster Creek Study	Complete													
Ravenswood Framework	Active													
City														
King St Complete St MP	Active													
Mobility Plan	Active													
Smart Parking System														
HDPF Access Management	Active													
CD - Tolomato Lot Redesign														
Design & Permitting	Active													
Bid & Construction	Inactive													
Bike Share Program														
Retain Sponsors and Launch	Active													
NoL/Spring Park n Ride	Inactive													
Bol Tall Ship Policy Analysis	Active													
US 1 Landscape Improvements	Active													
Local (SIG, COSAB, TPO, etc.)														
SJR2C Loop Planning Study	Active													
EV Charging Stations	Active													
State (FDOT)														
San Marco / May														
Construction	Active													
King Street Drainage Design	Active													
Zorayda / A1A Ped Crossing	Active													
San Marco Ave Resurface														
Construction	Active													
US 1 Rehab														
Design	Active													
US 1 Sidewalk (Stokes-Grumman)														
US1 Sidewalk (Fairbanks-Big Oak)	Active													



CITY OF
ST AUGUSTINE
EST. 1565

Program Update: Complete King Street Master Plan and Mobility Plan

King Street Workshop Schedule

- No. 1 February 13, 2019; 5:30pm - 7:00pm
- No. 2 March 6, 2019; 5:30pm - 7:00pm
- No. 3 April 11, 2019; 5:30pm - 7:00pm
- No. 4 September 19, 2019; 5:30pm - 7:00pm
- No. 5 - TBD (Preferred Alignment)

Mobility Plan Workshop Schedule

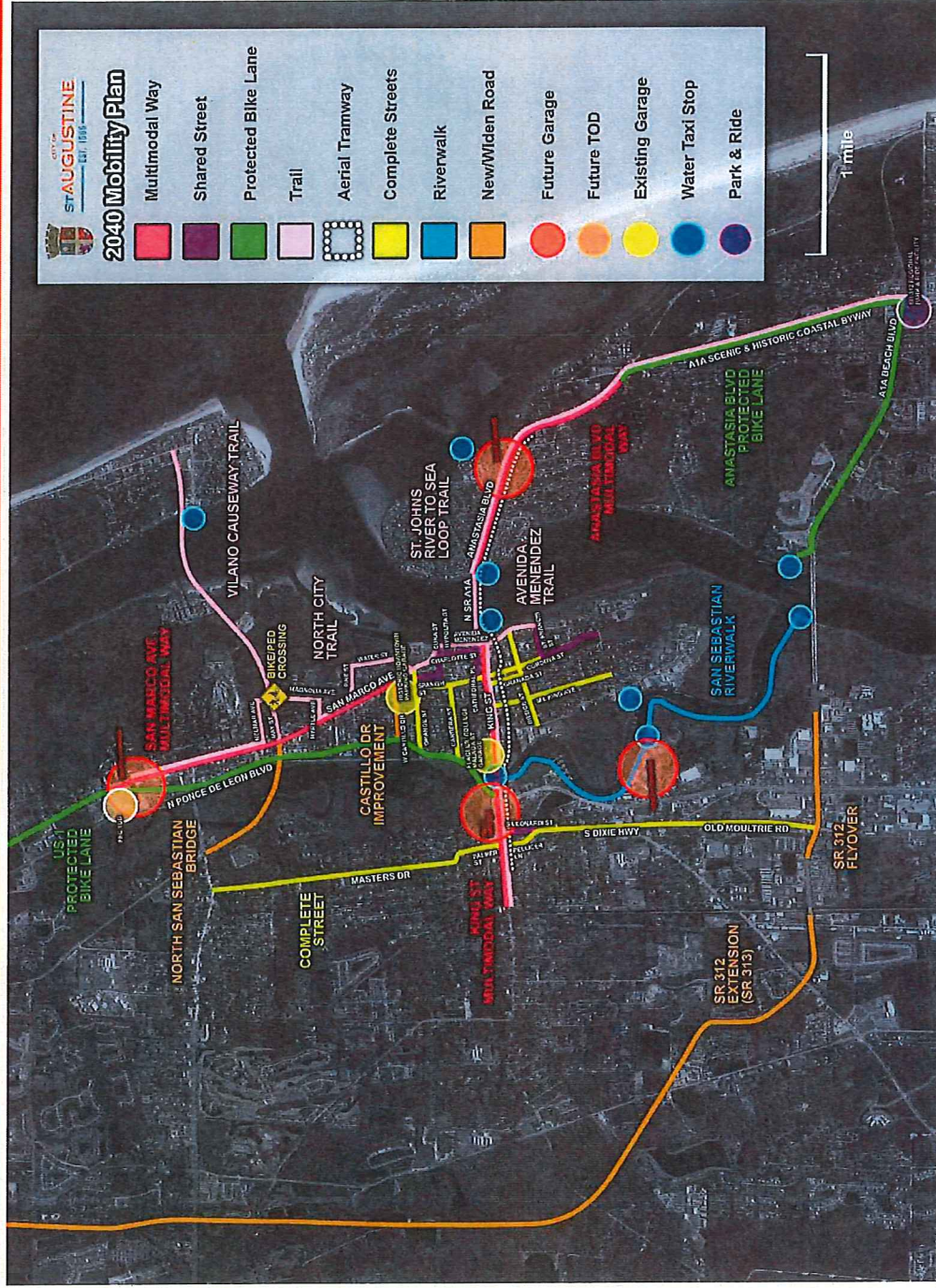
- No. 1 May 21, 2019 (PZB); 9:00am
- No. 2 June 18, 2019 (PZB); 1:00pm
- No. 3 July 23, 2019 (PZB); 9:00am
- Sept-Nov (formal recommendations /transmittal hearings)

SEGMENT C: TYPICAL ROADWAY SECTIONS King at Cordova Street - Alternative

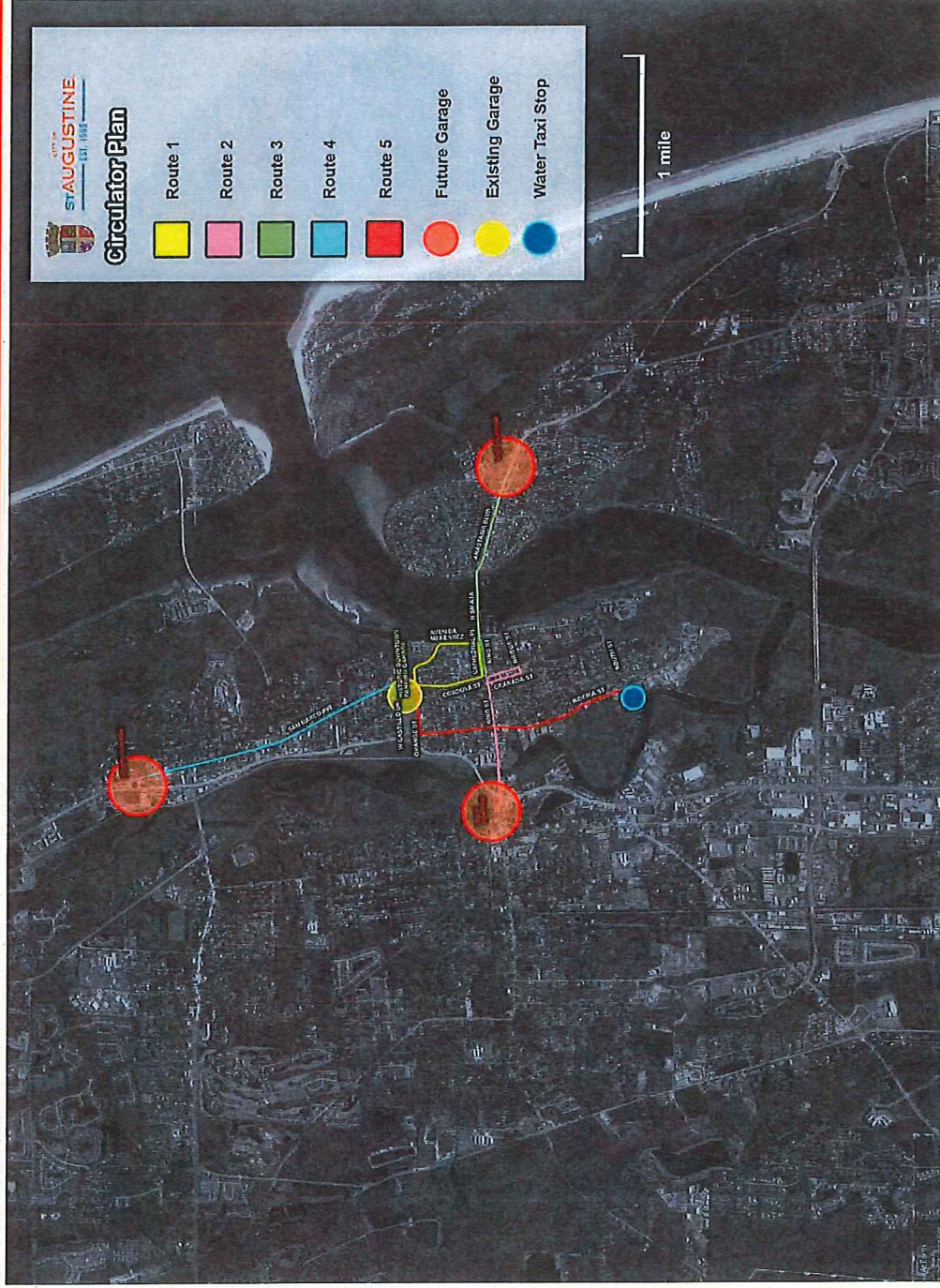
Features	Today	Proposed
2-Way Traffic Lanes	X	✓
Parallel Parking	✓	X
Center Turn Lane	X	X
Bicycle	X	X
Street Trees	✓	✓
Site Furniture	✓	✓
Pedestrian Lights	✓	✓
Underground Power Lines	✓	✓



Program Update: Draft Mobility Plan 2040



Program Update: Draft Mobility Plan 2040 - Circulators

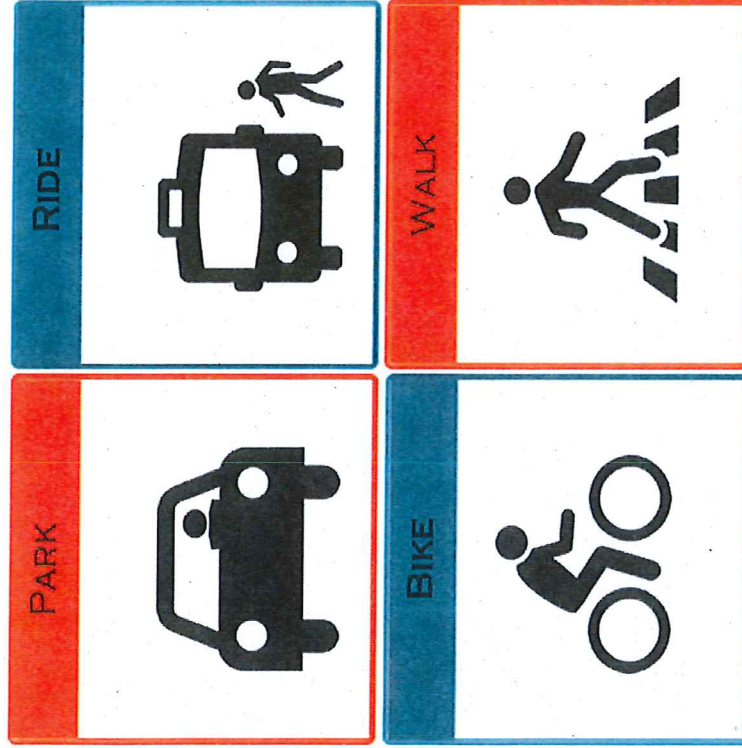


Program Update: *Plantation Island Dr*

Construction is on
schedule and on
budget



MOBILITY IN MOTION



Discussion / Questions

Reuben C. Franklin Jr., P.E.
Program Manager
Mobility Office
City of St. Augustine
rfranklin@citystaug.com

“Moving People Through History”

 A mobility improvement project
by the City of St. Augustine
 www.CityStAugMobility.com

