



AMENDED

**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, DECEMBER 9, 2019 - 5:00
PM
ALCAZAR ROOM**

1. CALL TO ORDER

- ☐ Roll Call
- ☐ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- ☐ Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

- 3.A.** Presentations to Commissioners Horvath and Sikes-Kline of their 20-years of service awards by Mark Raymond Sittig, Membership Services Manager, Florida League of Cities, Inc. (*J. Regan, City Manager*)

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

- ☐ 3 minutes per individual

5. CONSENT AGENDA

6. APPEALS

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

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

7.A. General Public Presentations

7.B. Items of Great Public Importance

7.C. Other Items Requiring Public Hearing

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

- 8.A.1. Ordinance 2019-41:** 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. *(I. Lopez, City Attorney)*
- 8.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)*
- 8.A.3. Ordinance 2019-46:** Vacates the street rights-of-way in the Antigua Phase One residential subdivision. *(R. Franklin, Director, Public Works)*
- 8.A.4. 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)*
- 8.A.5. 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)*
- 8.A.6. 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)*

8.A.7. 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)*

8.A.8. 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)*

8.A.9. 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)*

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

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

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

9.A.1. Ordinance 2019-50: Provides regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts and violations and penalties. *(I. Lopez, City Attorney)*

9.A.2. Ordinance 2019-51: Codifies the findings, intent, purpose and interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories. *(I. Lopez, City Attorney)*

9.A.3. Ordinance 2019-52: Confirms regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51. *(I. Lopez, City Attorney)*

9.B. Resolutions

10. STAFF REPORTS AND PRESENTATIONS

10.A. Mobility update. *(R. Franklin, Director, Public Works)*

- Bridge of Lions update
- San Marco sidewalk

11. ITEMS BY CITY ATTORNEY

12. ITEMS BY CITY CLERK

- 12.A.** Review of applications and appointment of one board member to the Planning and Zoning Board. *(D. Galambos, City Clerk)*
- 12.B.** Notification of extension of time for accepting applications to the Code Enforcement Adjustment and Appeals Board for two board members to fill vacancies to expire on December 27, 2019. *(D. Galambos, City Clerk)*
- 12.C.** Request for appointments to fill two term seat expirations on the St. Augustine Firefighters' Pension Fund Board of Trustees. *(D. Galambos, City Clerk)*

13. ITEMS BY CITY MANAGER

14. ITEMS BY MAYOR AND COMMISSIONERS

- 14.A.** Review of City Manager's annual evaluation synopsis. *(T. Upchurch, Mayor)*
- 14.B.** Discussion regarding the creation of a citizen advisory committee regarding building code and land development code amendments. *(J. Valdes, Commissioner)*

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 - DECEMBER 9, 2019

CA.1. PREVIEW OF UPCOMING COMMISSION MEETINGS:

The following Ordinances are tentatively scheduled for second reading on January 13, 2020:

- Ordinance 2019-50
- Ordinance 2019-51
- Ordinance 2019-52

Remainder of Upcoming Meetings :

- January 6, 2020, 7 p.m., Lincolnville CRA Steering Committee, Galimore Center
- January 13, 2020, 5 p.m., Regular Meeting
- January 27, 2020, 5 p.m., Regular Meeting

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

- October 28, 2019, Regular Commission Meeting
- November 12, 2019, Regular Commission Meeting

CA.3. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S): *None.*

CA.4. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED AND TO BE READ AT A SUBSEQUENT MEETING). *None.*

CA.5. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: *None.*

CA.6. Approval of the license agreement between the City and Green Our Planet, LLC regarding a farmer's market in Lincolnville at Eddie Vickers Park. *(J. Piggott, Director, General Services).*

CA.7. Acceptance of Petition for Voluntary Annexation and Pre-Annexation Agreement for the retail store located at 1830 A1A South. *(D. Birchim, Director, Planning and Building)*

CA.8. Authorization of a letter to the County supporting proposed projects by the St. Johns County Transportation Advisory Group (TAG). *(R. Franklin, Director, Public Works)*

CA.9. Authorizing the City Manager to execute the agreement between the City and the Lightner Museum updating the 1967 agreement consistent with the terms of the 1947 Trust setting out the mutual responsibilities for management and maintenance of the property. *(I. Lopez, City Attorney)*

CA.10. Authorizes the Intergovernmental Agreement implementing Section 365.179, Florida Statutes, mandating direct radio communication between 9-1-1 first responders. *(I. Lopez, City Attorney)*

- CA.11.** Invoice in the amount of \$4,760.00 dated November 1 from Cavendish Partners, P.A. for legal services regarding the Seavin v. City of St. Augustine matter. *(I Lopez, City Attorney).*

Invoice in the amount of \$1,008.00 dated November 1 from Cavendish Partners, P.A. for legal services regarding the Parker L. Doan Revocable Trust litigation matter. *(I. Lopez, City Attorney).*

End of Consent Agenda



301 South Bronough Street • Suite 300 • P.O. Box 1757 • Tallahassee, FL 32302-1757 • (850) 222-9684 • Fax (850) 222-3806 • www.floridaleagueofcities.com

July 8, 2019

The Honorable Roxanne Horvath
Commissioner, City of St. Augustine
75 King St Ste 432
St. Augustine, FL 32084

Dear Commissioner Horvath:

On behalf of the Florida League of Cities, I want to congratulate you on earning a John Land Years of Service award for twenty years of service to the City of St. Augustine. You should be very proud of this honor.

If you are attending the 93rd Florida League of Cities Annual Conference at the World Center Marriot Orlando August 15-17, 2019, a general recognition will be given at the general session on Friday, August 16th at 10:45 a.m. in the Crystal Ballroom H-J. The presentation of the honorary resolution will not occur at this time.

The Florida League of Cities will make the actual presentation of the resolution to you at either a local/regional league meeting or at your council/commission meeting. Our staff will be in touch with you in September to set up the presentation.

If you are attending the annual conference, we will give you a twenty years of service ribbon in your conference packet. If you have not received conference information, it is available on the League's website at www.flcities.com. Please contact Eryn Russell if you have any questions or need additional information at erussell@flcities.com or (850) 222-9684.

Again, my congratulations on your achievement!

Sincerely,

Leo E. Longworth

President, Florida League of Cities
Commissioner, City of Bartow

CC: Darlene Galamb



301 South Bronough Street • Suite 300 • P.O. Box 1757 • Tallahassee, FL 32302-1757 • (850) 222-9684 • Fax (850) 222-3806 • www.floridaleagueofcities.com

July 8, 2019

The Honorable Nancy Sikes-Kline
Commissioner, City of St. Augustine
75 King St Ste 432
St. Augustine, FL 32084

Dear Commissioner Sikes-Kline:

On behalf of the Florida League of Cities, I want to congratulate you on earning a John Land Years of Service award for twenty years of service to the City of St. Augustine. You should be very proud of this honor.

If you are attending the 93rd Florida League of Cities Annual Conference at the World Center Marriot Orlando August 15-17, 2019, a general recognition will be given at the general session on Friday, August 16th at 10:45 a.m. in the Crystal Ballroom H-J. The presentation of the honorary resolution will not occur at this time.

The Florida League of Cities will make the actual presentation of the resolution to you at either a local/regional league meeting or at your council/commission meeting. Our staff will be in touch with you in September to set up the presentation.

If you are attending the annual conference, we will give you a twenty years of service ribbon in your conference packet. If you have not received conference information, it is available on the League's website at www.flcities.com. Please contact Eryn Russell if you have any questions or need additional information at erussell@flcities.com or (850) 222-9684.

Again, my congratulations on your achievement!

Sincerely,

Leo E. Longworth

President, Florida League of Cities
Commissioner, City of Bartow

CC: Darlene Galambos

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: November 8, 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 selected be the Presidential Preference election scheduled for March 17, 2020. Qualifying for the November 2020 elections will be held in June of 2020.

Please place Ordinance 2019-41 on the regular City Commission agenda for second reading, and as directed by the City Commission for public hearing, on December 9, 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 maintained continuous physical residency and voter registration in 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 or appointed, city commissioners must maintain continuous physical residency and voter registration in the City of St. Augustine 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 election of the City of St. Augustine, Florida, shall contain the following proposition title and summary consistent with Chapter 101.161, Florida Statutes:

Proposition 2

Candidate Residency Requirements

Shall the City of St. Augustine Charter be amended to require continuous physical residency and voter registration in the City of St. Augustine for candidates for election or appointment to the City Commission for one year prior to qualification for election or appointment and maintain continuous physical residency and voter registration in the City of St. Augustine during officeholding?

Requisitos de residencia del candidato

¿Deben ser modificados los Estatutos de la Ciudad de San Agustín para requerir que el candidato para ser elegido o nombrado a la Comisión de la Ciudad mantenga una residencia física continua y registro como elector en la Ciudad der San Agustín por un año previo a la calificación como candidato por elección o nombramiento y mantener una residencia física continua y un registro de lector en la Ciudad de San Agustín durante su mandato?

☐ Yes/Sí
☐ No

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. Presidential Preference Primary Election May Serve as Special Election. The presidential preference primary election, scheduled for March 17, 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 P. Regan, City Manager

DATE: November 8, 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 selected be the Presidential Preference election scheduled for March 17, 2020.

Please place Ordinance 2019-19 on the regular City Commission agenda for second reading on December 9, 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 election of the City of St. Augustine, Florida, shall contain the following proposition title and summary consistent with Chapter 101.161, Florida Statutes:

Proposition 1

Extension of Civil Service Board Terms

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

Extensión de los términos del Comité de Servicios Civiles

¿Deben ser modificados los Estatutos de la Ciudad de San Agustín para extender los términos de los representantes de la policía y el departamento de los bomberos del Comité de Servicios Civiles de uno a tres años para proveer para proveer una mayor continuidad y la capacidad de tratar y revisar asuntos que puedan requerir un contexto de múltiples años?

☐ Yes/Sí

☐ No

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. Presidential Preference Primary Election May Serve as Special Election. The presidential preference primary election, scheduled for March 17, 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: November 21, 2019

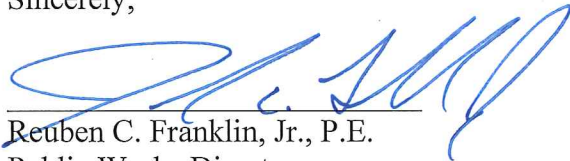
RE: Agenda Item for December 9, 2019 City Commission Meeting;
Ordinance No. 2019-46 to Vacate Rights-of-Way in Antigua Phase One
subdivision; second reading.

In accordance with the petition to vacate street rights-of-way in the "Antigua Phase One" residential subdivision approved by the City Commission at the September 23, 2019 regular meeting; and hence, following the requirements in City Code Sections 22-176 through 22-179, the Public Works Department presents Ordinance No. 2019-46 for second reading, which serves to vacate the street rights-of-way in the "Antigua Phase One" residential subdivision.

Ordinance No. 2019-46, and Exhibit "A" easement for utilities, are attached.

If you should have any questions, please contact me. Thank you.

Sincerely,



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

Attachment: Ordinance and easement for utilities

cc: COSA Directors

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.

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

WHEREAS, Sections 22-176 through 22-179 of the municipal code of the City of St. Augustine, provides a procedure for vacating streets;

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

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

THE RIGHTS-OF-WAY DEPICTED AS LEEWARD ISLAND DRIVE, ANCIENT ISLAND DRIVE, SAINT BARTS AVENUE, AND BIRD ISLAND DRIVE IN ST. AUGUSTINE, FL 32080, ON THE PLAT OF ANTIGUA PHASE ONE, RECORDED IN MAP BOOK 93, PAGES 18-25, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

be, and the same is hereby, vacated, discontinued and abandoned and is hereby declared no longer to be a public street, avenue or road of the City of St. Augustine, Florida. The City is vacating its interest in the rights-of-way, excluding the water and wastewater utilities; an easement for which is attached as Exhibit "A" to this Ordinance, and conveying to The Islands at Antigua Homeowners Association, Inc. as a private road for the benefit of the residents. There is hereby reserved unto the City of St. Augustine and to all public utilities a utility easement over, under and across portions of the street hereby vacated for present and future utilities. No permanent structures may be erected over any such utilities, and property within such utility easement shall be used for vehicular parking only. All expense

incurred for relocation or modification of existing utilities on account of any use put to such property by the owners of the servient estate shall be at the expense of such property owners.

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

Section 3. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

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

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

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

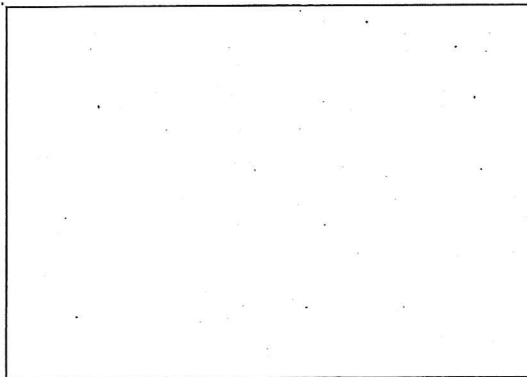
Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

Exhibit "A" to Ordinance No. 2019-46

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



EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 10th day of September, 20 19 by Ant Jv Owner, LLC, whose mailing address is 14701 Philips Hwy, Suite 300, Jacksonville, FL 32256, hereinafter called "GRANTOR", to THE CITY OF ST. AUGUSTINE, FLORIDA, a municipal corporation, E.I.D. No. 59-6000420, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210, hereinafter called "GRANTEE."

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, GRANTOR agrees as follows:

1. GRANTOR does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto GRANTEE a non-exclusive permanent easement and right-of-way to install, construct, operate, maintain, repair, replace and remove pipes and mains constituting the underground water distribution system, gravity sewer collection system, sewer force main, and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground utility services (hereinafter referred to as "UTILITY LINES AND ASSOCIATED EQUIPMENT") over and upon the real property described in **Exhibit "A"** attached hereto and incorporated herein (the "EASEMENT AREA"); together with rights of ingress and egress to access the EASEMENT AREA as necessary for the use and enjoyment of the easement herein granted. The location of the ingress and egress area to the EASEMENT AREA has been mutually agreed upon by the GRANTOR and GRANTEE. As a result, the ingress and egress area is noted on **Exhibit "B"** attached hereto and incorporated herein (the "INGRESS/EGRESS AREA"). This easement is for water and/or sewer utility services only and does not convey any right to install other such utilities such as cable television service lines.

TO HAVE AND TO HOLD, unto GRANTEE, its successors and assigns for the purposes aforesaid. Said GRANTOR is lawfully seized of said land in fee simple and thereby has the authority to grant said easement.

The Easement herein granted is subject to covenants, restrictions, easements, liens and encumbrances of record.

- (a) GRANTOR reserves the right and privilege to use and occupy and to grant to others the right to use and occupy:
 - (i) The surface and air space over the EASEMENT AREA for any purpose which is consistent with the rights herein granted to GRANTEE; and
 - (ii) The subsurface of the EASEMENT AREA for other utility services or other purposes which do not interfere with the rights herein granted to GRANTEE, including, without limitation, the right to install, construct, operate, maintain, repair, replace and remove telecommunications, telephone, telegraph, electric, gas and drainage facilities and foundations, footings and/or anchors for surface improvements.
 - (b) All UTILITY LINES AND ASSOCIATED EQUIPMENT will be installed, operated and maintained at all times beneath the surface of the EASEMENT AREA provided that the same may be temporarily exposed or removed to the surface when necessary or desirable for the purpose of repairing and/or replacing the same. Provided, however, that Associated Equipment that is customarily installed above ground may be installed above ground subject to the right of GRANTOR, consistent with good engineering practices to approve the location of such above ground installation in its reasonable discretion.
 - (c) The Easement granted by this instrument may be relocated to a location acceptable to the GRANTEE at any time upon GRANTOR's request provided that GRANTOR bears the cost of relocating the underground utility lines and facilities located within the EASEMENT AREA. At GRANTOR's request, and upon relocation of such lines at GRANTOR's expense, GRANTEE and GRANTOR shall execute an instrument in recordable form relocating the easement hereby granted to the new EASEMENT AREA designated by and in the title of the GRANTOR.
 - (d) GRANTEE shall exercise the easement rights conveyed herein in a manner which will not unreasonably interfere with use and occupancy of residential or commercial improvements constructed upon the adjacent property owned by GRANTOR. In the event that GRANTEE's inspection, construction, maintenance or repair of the utilities interrupts GRANTOR's ability to park on GRANTOR's property, GRANTEE shall provide similar parking spaces to GRANTOR for the duration of the interruption in parking.
2. (a) WATER SYSTEM - The GRANTEE shall maintain all water mains and other elements of the water distribution system up to and including the water meter or meters. GRANTOR or GRANTOR's successors and assigns shall be responsible for maintaining any water lines between the water meter and the improvements served by the utility system.

(b) SEWER FORCE MAINS - GRANTEE, by acceptance of this Easement, hereby agrees to maintain the sewer force mains located within the EASEMENT AREA.

(c) GRAVITY SEWER SYSTEM - GRANTEE, by acceptance of this Easement, hereby agrees to maintain sewer force mains and gravity sewer lines located within the EASEMENT AREA. The GRANTEE'S maintenance of gravity sewer lines shall extend 'manhole to manhole', but shall not include a responsibility for maintenance of sewer service laterals; The GRANTOR or GRANTOR'S successors and assigns shall be responsible for the maintenance of such sewer service laterals. GRANTOR hereby specifically indemnifies and holds GRANTEE harmless from and against costs and expenses associated with installation, maintenance, repair or replacement of sewer service laterals.

3. After any installation, construction, repair, replacement or removal of any utility lines or equipment as to which easement rights are granted, GRANTEE shall refill any holes or trenches in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair, replacement or removal, but GRANTEE shall not be responsible for restoration of sod, landscaping, planting, pavement or other surface improvements which are required to be removed in connection with installation, construction, repair, replacement or removal of utility lines or equipment. To the extent permitted by law, however, GRANTEE shall be responsible for damage to improvements that are caused by GRANTEE's negligence.

4. This Grant of Easement shall inure to the benefit of and be binding upon GRANTEE and its successors and assigns.

5. For the purposes of the terms and conditions of this Grant of Easement, "GRANTOR" means the owner from time to time of the EASEMENT AREA or any part thereof.

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

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed by its duly authorized officer as of the day and year first above written.

GRANTOR

Signed, sealed and delivered in the presence of:

Witness:

[Signature]
Print Name: DONALD A. GUCCIONE

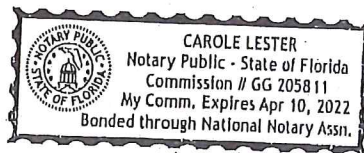
Witness:

Vickie M. Filler
Print Name: VICKIE M. FILLER

By: [Signature]
Print Name: ROBERT RIVA
Title: VICE PRESIDENT

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this 12 day of September, 20 19, by Robert Riva who is personally known to me or has produced _____ as identification.



Carole Lester
Notary Public

EXHIBIT "A"

EASEMENT AREA

The rights-of-way depicted as Leeward Island Drive, Ancient Island Drive, Saint Barts Avenue, and Bird Island Drive in St. Augustine, FL 32080, on the plat of Antigua Phase One, recorded in Map Book 93, pages 18-25, public records of St. Johns County, Florida.

EXHIBIT "B"

INGRESS/EGRESS AREA

The rights-of-way depicted as Leeward Island Drive, Ancient Island Drive, Saint Barts Avenue, and Bird Island Drive in St. Augustine, FL 32080, on the plat of Antigua Phase One, recorded in Map Book 93, pages 18-25, public records of St. Johns County, Florida.



NOTICE OF PUBLIC HEARING



NOTICE IS HEREBY GIVEN OF A PUBLIC HEARING - SECOND READING TO BE HELD BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, DURING THE REGULAR CITY COMMISSION MEETING OF **MONDAY, DECEMBER 9, 2019**. THE MEETING BEGINS AT **5:00 P.M. IN THE ALCAZAR ROOM**, 1ST FLOOR, WEST WING, CITY HALL, 75 KING STREET, ST. AUGUSTINE, FLORIDA, AT WHICH TIME COMMENTS ARE INVITED ON THE FOLLOWING MATTER:

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.

Said document may be inspected by the public in the office the City Clerk, 2nd Floor, Lobby B, 75 King Street, St. Augustine, FL 32084, during the hours of 8:00 A.M. to 5:00 P.M. except weekends and holidays. Should you be unable to attend the public hearing and have comments, you may submit your remarks on this form and return to the City Clerk's Office, 2nd Floor, Lobby B, City Hall, or mail to the City Clerk's Office, P.O. Box 210, St. Augustine, FL 32085-0210. **The completed form must be received no later than 5:00 p.m. WEDNESDAY, NOVEMBER 27, 2019.**

COMMENTS:

Please see the attached letter

SIGNATURE

ADDRESS

PRINT NAME

In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services.

David Mucci, MD - DAMMD@comcast.net
Jeanne Mucci - JTMucci@comcast.net, 860-558-9351
129 Saint Barts Avenue
St. Augustine, FL 32080

November 24, 2019

City Clerk's Office, City of St. Augustine
Post Office Box 210
St. Augustine, FL 32085-0210

RE: Ordinance No. 2019-46

We are would like the City of St. Augustine to protect the financial interests of its Antigua Development homeowners by **NOT passing** proposed ordinance 2019-46. Our impression is that Dream Finders is requesting the roads be made private to assist with their bottom-line profits, rather than take the time to fix the infrastructure issues at hand in the Antigua Development. The costs to maintain the Antigua Development roads would be pushed onto the homeowners of the development, and those costs could be considerable.

Kyle Meagher, the Florida Property Management company responsible for the Antigua Development Homeowners Association explained to us when we spoke on November 20th that the Antigua Home Owners Association (HOA) documents do not reflect the HOA being responsible for the roadways of the Antigua Development, and the budget for the HOA does not reflect it either. He learned of this ordinance proposal on November 18th and was quite surprised to hear that Dream Finders was supporting making the roadways "private" since the Florida Property Management contract with Dream Finders to handle running the HOA does not reflect resources for roadway maintenance. As prospective homeowners we were told by the Dream Finders sales representatives an approximation of what our HOA fee would be and made our purchase decision knowing our HOA fee would be at or near the current level. Kyle Meagher had even developed a proposed 2020 budget that Antigua HOA fees remain at the same level.

The City of St. Augustine choosing to go along with making the Antigua Development roads private would be allowing a large profitable business to push significant costs off onto the small homeowner, when the homeowners were made promises upfront what the HOA fees would be. This appears very unethical on the part of the City of St. Augustine as well as Dream Finders as a company.

We respectfully request that the City of St. Augustine support its homeowners by NOT passing the proposed ordinance.

Sincerely,



Jeanne Mucci & David Mucci, MD

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: November 12, 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.

Please place Ordinance 2019-47 on the regular City Commission agenda for second reading on December 9, 2019.

Thank you.



John M. Cary
Assistant City Attorney

Attachment

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

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.

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 through 2-343.
Chapter 2, Division 3, Sections 2-340 through 2-343 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 P. Regan, City Manager

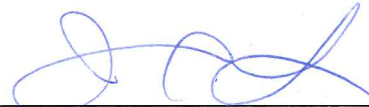
DATE: November 8, 2019

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 second reading on December 9, 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)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

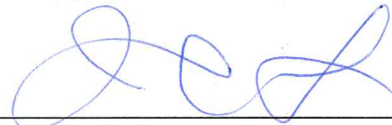
DATE: November 8, 2019

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 second reading on December 9, 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: November 8, 2019

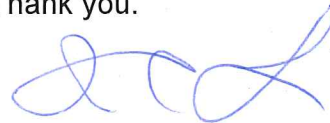
RE: ORDINANCE 2019-26: UPDATES TO CHARTER TO CONFORM WITH FLORIDA ELECTION CODE

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 second reading on December 9, 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 VI 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: November 8, 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 second reading on December 9, 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 at 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 at 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 substantive~~An appeal hearing before the city commission shall be scheduled at the next reasonably available city commission meeting. The hearing shall be based on the record below and no new evidence or testimony shall be considered unless the appellant requests a modification to the action under appeal. If a modification is requested, the only new evidence and testimony allowed shall be limited to the modification. 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)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

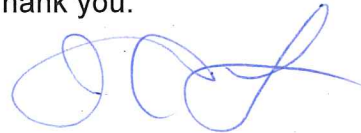
DATE: November 8, 2019

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 second reading on December 9, 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)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice-Mayor and Commissioners

DATE: November 13, 2019

RE: **SHORT-TERM RENTALS**

This memo includes highlights of Ordinance 2019-50, Ordinance 2019-51, and Ordinance 2019-52. Together they will form the new codified sections of 28-145 through 28-156 encompassing vacation rentals (also known as short-term rentals). This is part of the ongoing review of the effects of vacation rentals initiated by the city commission, with recommendations from the Short-Term Rental Committee.

Part One: New Regulations

The proposed new regulations do not restrict frequency or duration of stays, consistent with state preemption law. The proposed regulations came out of the Short-Term Rental Committee's public meetings, staff discussion, and city commission direction.

Public Policy Issues to be Discussed:

1. What should be the parking requirements?
 - After input from the city commission, the requirements have been revised to include multiple alternatives: onsite, offsite use by exception, street parking permits, or parking garage permits.
 - HP-1 through HP-4 zoning districts do not require onsite parking for uses such as hotels; should the parking requirements for vacation rentals exempt those zoning districts entirely or require them to use one of the alternatives to onsite parking?
 2. Should there be less vacation rental regulations for rooms rented within someone's full-time residence?
 - For instance relaxing the parking requirement, or the emergency lighting requirement.
- ❖ City Commission may raise any other public policy questions for discussion and direction.

Part Two: Existing Regulations

- (a) Confirmation and codification of Ordinance 2010-24 regarding RS-1 and RS-2 zoning
 - This ordinance re-iterates and codifies Ordinance 2010-24 and explains in clear language the existing requirement of weekly rentals for RS-1 and RS-2 zoning as it pertains to vacation rentals. The City Commission at its previous meeting requested that all relevant ordinances be re-stated in this section of the code in order to make it more user friendly for individuals to find and understand vacation rental regulations in one place.
- (b) Confirmation and re-statement of restrictions on Submerged Lands and HP-1 zoning

- Similarly, this ordinance re-states the existing restrictions on income generating uses of the City's submerged lands, and the existing zoning limitation of monthly rentals in HP-1 zoning. Residential docks do not require a submerged land lease, but any income generating use of the dock would trigger the need for obtaining a submerged land lease from the city; for instance, if a boat is docked on a residential dock and used as a vacation rental. Existing commercial operations, such as marinas, are already required to obtain a submerged land lease, therefore use of boats in those marinas would already comply.

Enforcement Issues:

1. Current complaint driven enforcement:

- Historically, the City has enforced all code compliance, whether zoning or other land development regulation, by responding to citizen complaints. The City does not actively monitor websites and social media for code compliance due to staffing limitations.

2. New web-based data aggregator:

- New forms of technology can now provide continuous web-based monitoring and issue reports regarding possible violations of our codes (ie: Host Compliance).

3. Existing Regulations versus New Regulations that affect short-term rentals:

- State law, as interpreted by the court (*Miami v. AirBnB*) and the Attorney General (AGO 2019-07), does not allow the City to modify frequency and duration rules for vacation rentals. The City can enforce duration and frequency rules that pre-date 2011 (ie: RS-1, RS-2 weekly rentals, HP-1 monthly rentals). The City is also legally allowed to repeal those ordinances, but it cannot modify them. The City can also enact new regulations that do not affect frequency or duration at all (*Cinnamon Beach v. Flagler*), such as maximum occupancy, parking requirements, etc.

4. Practical example of compliance with weekly rental requirement:

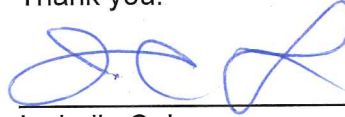
- Assuming a week to be from Sunday through Saturday, a rental must be booked by a customer for the entire week and cannot be double booked. For example, the Smiths book the week of December 8th through the 14th. They are not required to stay the entire week, they can choose to only occupy the rental for some of those nights, but they 'own' that week and that week cannot be booked to someone else.

5. Transient lodging, short-term rentals, vacation rentals:

- *Transient lodging* is an older terminology that encompasses all types of shorter-term rentals (including nightly rentals) than a typical year-to-year lease. It is found in numerous local codes (including the City's definition of 'motel'), it is described in the state's revenue requirements (aka 'bed tax'), and in the state's public lodging statutes.
- *Short-term rental* is also a term that is found in some local codes, and in the City's case it is found in Ord. 2010-24 describing a particular subset of transient lodging allowing weekly rentals for RS-1 and RS-2 zoning.
- *Vacation rental* is a term created by state law, and it describes a particular subset of transient rentals located in condos, single-family homes and multi-family homes.

The three ordinances are being placed for First Reading on the December 9, 2019 City Commission agenda. Based on the discussion and direction given, the ordinances will be forwarded to the Planning and Zoning Board for its recommendation before coming back to the City Commission for Second Reading.

Thank you.



Isabelle C. Lopez
City Attorney

Attachments

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

Agenda Titles:

- 1) Ordinance 2019-50 provides regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts, and violations and penalties.
- 2) Ordinance 2019-51 codifies the findings, intent, purpose, and interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories.
- 3) Ordinance 2019-52 confirms regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51.

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 Rakonczay 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 Rakonczay 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.

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) *Short term Rental.* A short-term rental is synonymous to a vacation rental.
- (4) *Vacation Rental.* A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

(b) Supplemental intent of these regulations:

The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.

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, as set by resolution, at the time of registration and thereafter annually. Each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that do not conform to the registration form information will be considered a separate violation of this code.

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 property maintenance code.

Sec. 28-148 – Intensity of Use

The maximum occupancy of a vacation rental is two (2) persons per bedroom 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. Ancillary use of the vacation rental does not imply or 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, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

Sec. 28-151 Parking

- (i) Each vacation rental will provide at least one (1) stabilized parking space per bedroom offered for rent.
- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass.
- (iii) Vacation rentals in all zoning districts 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, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

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 Existing contracts unaffected.

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

Sec. 28-154 Violations and Penalties

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond to the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156 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.

Sec. 28-155. – Effect of Ordinance 2010-24 on RS-1 and RS-2 Short-Term Rentals.

(a) Codification of Findings and Intent of Ordinance 2010-24.

The rental of single-family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code.

The Residential, Single-family-one (RS-1) and the Residential, Single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character.

The rental of single-family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated.

Large gatherings, twenty (20) or more persons, at a single-family residential dwelling unit are not uncommon in a single-family residential neighborhood on an occasional basis, but the short-term rental of a single-family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood.

On August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the Residential, Single-family-one (RS-1) and Residential, Single-family-two (RS-2) zoning districts.

(b) Code definition of motel enacted by Ordinance 1974-37.

The definition for motel, referenced in Ordinance 2010-24, was enacted on April 28, 1975. Motel is defined as a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are generally for periods of a week or longer and occupancy is generally by residents rather than transients.

(c) RS-1 and RS-2 zoning districts enacted by Ordinance 1974-37.

RS-1 and RS-2 zoning districts, referenced in Ordinance 2010-24, were enacted on April 28, 1975. RS-1 and RS-2 zoning does not allow motels, defined as rentals with daily charge.

(d) Interpretation of weekly short-term rental requirement in RS-1 and RS-2 zoning districts.

Ordinance 2010-24 referenced existing zoning definitions and limitations for short-term rentals in RS-1 and RS-2 zoning districts. Motel uses, defined as rentals with daily charge, are not permitted in RS-1 and RS-2 zoning. Ordinance 2010-24 allows for these residentially zoned properties to be rented as short-term rentals for periods of one week or longer with registration. Nightly rentals are deemed a motel use and are not allowed in RS-1 and RS-2 zoning.

Sec. 28-156. Existing regulations confirmed.

(a) Short-term rentals on submerged lands require submerged land lease.

Ordinance 1995-35 enacted on January 8th, 1996, relating to the city's submerged lands requires a submerged land lease from the city for docks or other structures used in revenue-generating or income-related activities. This existing ordinance applies to the use of boats as short term rentals.

(b) *Short-term rentals in HP-1 zoning require monthly or greater rental period of time.*

Ordinance 1989-51 enacted on August 14th, 1989, relating to the zoning of permitted uses and structures in Historic Preservation One zoning district requires rentals on a monthly or greater period of time. This existing ordinance applies to the use of HP-1 zoned properties as short term rentals.

(c) *Other regulations continue in effect.*

In addition, other local, state, and federal regulations may apply to the use of specific properties, structures, vessels, or vehicles as short term rentals. Specific identification of the above ordinances does not waive any other applicable regulations.

ORDINANCE NO. 2019-50

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-145 THROUGH SECTION 28-154 REGULATING VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR ANNUAL INSPECTIONS; PROVIDING FOR MAXIMUM INTENSITY OF USE; PROVIDING FOR LIMITATIONS ON ANCILLARY USE; PROVIDING FOR LIFE-SAFETY REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR SOLID WASTE REMOVAL; PROVIDING FOR VALIDITY OF CONTRACTS PREDATING THIS ORDINANCE; PROVIDING FOR PRELIMINARY COMPLIANCE COMPLAINT SYSTEM; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; 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 Commission appointed a Short-Term Rental Committee to take public comment, hear expert testimony, accept into the public record evidence, and provide an opportunity to industry members and community stakeholders to give input into possible regulations affecting short term or vacation rentals; and

WHEREAS, the City Commission at its September 9, 2019 public meeting, received the Short-Term Rental Committee's findings and recommendations; and

WHEREAS, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption has been interpreted in the Seventh Circuit case of 30 Cinnamon Beach v. Flagler County (2015 CA 167) to allow other types of local regulations of vacation or short-term rentals; and

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its _____, 20__ regular meeting; and

WHEREAS, the City Commission heard testimony at numerous public hearings from residents, homeowners, professional property managers, bed and breakfast operators, and individuals who self-manage vacation rental units in their homes or as investment properties; and

WHEREAS, the City Commission weighed the negative effects of vacation rentals on quality of life, safety, commercialization, intensification of traditional residential neighborhoods, degradation of community life and cohesion to those neighborhoods and availability and affordability of long-term rental stock, against the positive effects on property values, property maintenance, economic vitality, and diversification of household incomes created by vacation rentals in residential neighborhoods; 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 amendment be adopted.

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

Section 1. Creating Chapter 28, Article III, Division 2., Sections 28-145 through 28-154.
Chapter 28, Article III, Division 2., Sections 28-145 through 28-154 of the Code of the City of St. Augustine, are hereby created as follows:

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) Short term Rental.** A short-term rental is synonymous to a vacation rental.
- (4) Vacation Rental.** A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

(b) Supplemental intent of these regulations:

The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.

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, as set by resolution, at the time of registration and thereafter annually. Each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that do not conform to the registration form information will be considered a separate violation of this code.

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 property maintenance code.

Sec. 28-148 – Intensity of Use

The maximum occupancy of a vacation rental is two (2) persons per bedroom 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. Ancillary use of the vacation rental does not imply or 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, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

Sec. 28-151 Parking

- (i) Each vacation rental will provide at least one (1) stabilized parking space per bedroom offered for rent.

- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass.
- (iii) Vacation rentals in all zoning districts 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, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

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 Existing contracts unaffected.

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

Sec. 28-154 Violations and Penalties

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond to the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156, as well as Section 28-159 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.

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, Sections 28-145 through 28-154 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. 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 4. Effective Date. This ordinance shall become effective on March 1, 2020, 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)

ORDINANCE NO. 2019-51

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-155 WHICH CODIFIES THE FINDINGS, INTENT, PURPOSE, AND INTERPRETATION FOUND IN ORDINANCE 2010-24 THAT ESTABLISHED REGULATIONS FOR REGISTRATION AND PERMISSIBLE ACTIVITIES FOR SHORT-TERM RENTALS IN RS-1 AND RS-2 CATEGORIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, on April 28, 1975, Ordinance 1974-37 enacted a comprehensive scheme of zoning regulations including definitions for motel uses and limitations on permitted uses in Residential Single Family 1 and 2 (RS-1 and RS-2) zoning districts;

WHEREAS, Ordinance 2010-24 was adopted by the St. Augustine City Commission on August 23, 2010; and

WHEREAS, Ordinance 2010-24 included factual findings, described the legislative intent, promulgated the purpose of the regulation, and provided the enacting governmental agency's interpretation of the relevant municipal code; and

WHEREAS, the editorial codification of Ordinance 2010-24 omitted the preamble, also known as the "whereas" clauses, found in the originally adopted ordinance; and

WHEREAS, consistent with Dills v. City of Marietta, 674 F. 2d 1377 (11th Cir. 1982), and Florida Attorney General Opinion 077-49, preambles establish contemporaneous findings of fact and law, as well as, the interpretation, purpose and intent of the enactment; and

WHEREAS, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in RS-1 and RS-2 zoning during the required registration process found in Ordinance 2010-24 and the City's website also provides information regarding RS-1 and RS-2 weekly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding RS-1 and RS-2 weekly rental restrictions; and

WHEREAS, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

WHEREAS, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3^d DCA 2018), this ordinance seeks to codify language “identical in its material provisions” to that found in the 2010 enacted ordinance; and,

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its _____, 20__ regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-155. Chapter 28, Article III, Division 2., Section 28-155 of the Code of the City of St. Augustine, is hereby created as follows:

Sec. 28-155. – Effect of Ordinance 2010-24 on RS-1 and RS-2 Short-Term Rentals.

(a) Codification of Findings and Intent of Ordinance 2010-24.

The rental of single-family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code.

The Residential, Single-family-one (RS-1) and the Residential, Single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character.

The rental of single-family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated.

Large gatherings, twenty (20) or more persons, at a single-family residential dwelling unit are not uncommon in a single-family residential neighborhood on an occasional basis, but the short-term rental of a single-family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood.

On August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the Residential, Single-family-one (RS-1) and Residential, Single-family-two (RS-2) zoning districts.

(b) Code definition of motel enacted by Ordinance 1974-37.

The definition for motel, referenced in Ordinance 2010-24, was enacted on April 28, 1975. Motel is defined as a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are generally for periods of a week or longer and occupancy is generally by residents rather than transients.

(c) RS-1 and RS-2 zoning districts enacted by Ordinance 1974-37.

RS-1 and RS-2 zoning districts, referenced in Ordinance 2010-24, were enacted on April 28, 1975. RS-1 and RS-2 zoning does not allow motels, defined as rentals with daily charge.

(d) Interpretation of weekly short-term rental requirement in RS-1 and RS-2 zoning districts.

Ordinance 2010-24 referenced existing zoning definitions and limitations for short-term rentals in RS-1 and RS-2 zoning districts. Motel uses, defined as rentals with daily charge, are not permitted in RS-1 and RS-2 zoning. Ordinance 2010-24 allows for these residentially zoned properties to be rented as short-term rentals for periods of one week or longer with registration. Nightly rentals are deemed a motel use and are not allowed in RS-1 and RS-2 zoning.

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 28-155 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. 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 4. Effective Date. This ordinance shall become effective on March 1, 2020, 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)

ORDINANCE NO. 2019-52

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-156 CONFIRMING REGULATIONS THAT AFFECT SHORT-TERM RENTALS AS PREVIOUSLY ENACTED IN ORDINANCE 1995-35, REQUIRING SUBMERGED LAND LEASES FOR COMMERCIAL DOCKS, AND ORDINANCE 1989-51 LIMITING RENTAL PERIODS TO MONTHLY OR LONGER RENTALS IN HP-1 ZONING; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; 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, Ordinance 1995-35, enacted on January 8th, 1996, regulates the use of the City's submerged lands and requires a submerged lands lease for use of the City's bottomlands in any revenue generating activity; and

WHEREAS, Ordinance 1989-51, enacted on August 14th, 1989, specifically limits rental units in the Historic Preservation 1 (HP-1) zoning district to monthly or greater periods of time; and

WHEREAS, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in HP-1 zoning and the City's website also provides information regarding HP-1 monthly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding HP-1 monthly rental restrictions; and

WHEREAS, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

WHEREAS, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3^d DCA 2018), this ordinance seeks to confirm language "identical in its material provisions" to that found in the 1989 and 1996 enacted ordinances; and,

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its _____, 20__ regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-156. Chapter 28, Article III, Division 2., Section 28-156 of the Code of the City of St. Augustine, is hereby created as follows:

Sec. 28-156. Existing regulations confirmed.

(a) Short-term rentals on submerged lands require submerged land lease.

Ordinance 1995-35 enacted on January 8th, 1996, relating to the city's submerged lands requires a submerged land lease from the city for docks or other structures used in revenue-generating or income-related activities. This existing ordinance applies to the use of boats as short term rentals.

(b) Short-term rentals in HP-1 zoning require monthly or greater rental period of time.

Ordinance 1989-51 enacted on August 14th, 1989, relating to the zoning of permitted uses and structures in Historic Preservation One zoning district requires rentals on a monthly or greater period of time. This existing ordinance applies to the use of HP-1 zoned properties as short term rentals.

(c) Other regulations continue in effect.

In addition, other local, state, and federal regulations may apply to the use of specific properties, structures, vessels, or vehicles as short term rentals. Specific identification of the above ordinances does not waive any other applicable regulations.

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 28-156 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. 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 4. Effective Date. This ordinance shall become effective on March 1, 2020, 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: Mayor, Vice-Mayor and Commissioners

DATE: November 13, 2019

RE: **SHORT-TERM RENTALS**

This memo includes highlights of Ordinance 2019-50, Ordinance 2019-51, and Ordinance 2019-52. Together they will form the new codified sections of 28-145 through 28-156 encompassing vacation rentals (also known as short-term rentals). This is part of the ongoing review of the effects of vacation rentals initiated by the city commission, with recommendations from the Short-Term Rental Committee.

Part One: New Regulations

The proposed new regulations do not restrict frequency or duration of stays, consistent with state preemption law. The proposed regulations came out of the Short-Term Rental Committee's public meetings, staff discussion, and city commission direction.

Public Policy Issues to be Discussed:

1. What should be the parking requirements?
 - After input from the city commission, the requirements have been revised to include multiple alternatives: onsite, offsite use by exception, street parking permits, or parking garage permits.
 - HP-1 through HP-4 zoning districts do not require onsite parking for uses such as hotels; should the parking requirements for vacation rentals exempt those zoning districts entirely or require them to use one of the alternatives to onsite parking?
 2. Should there be less vacation rental regulations for rooms rented within someone's full-time residence?
 - For instance relaxing the parking requirement, or the emergency lighting requirement.
- ❖ City Commission may raise any other public policy questions for discussion and direction.

Part Two: Existing Regulations

- (a) Confirmation and codification of Ordinance 2010-24 regarding RS-1 and RS-2 zoning
 - This ordinance re-iterates and codifies Ordinance 2010-24 and explains in clear language the existing requirement of weekly rentals for RS-1 and RS-2 zoning as it pertains to vacation rentals. The City Commission at its previous meeting requested that all relevant ordinances be re-stated in this section of the code in order to make it more user friendly for individuals to find and understand vacation rental regulations in one place.
- (b) Confirmation and re-statement of restrictions on Submerged Lands and HP-1 zoning

- Similarly, this ordinance re-states the existing restrictions on income generating uses of the City's submerged lands, and the existing zoning limitation of monthly rentals in HP-1 zoning. Residential docks do not require a submerged land lease, but any income generating use of the dock would trigger the need for obtaining a submerged land lease from the city; for instance, if a boat is docked on a residential dock and used as a vacation rental. Existing commercial operations, such as marinas, are already required to obtain a submerged land lease, therefore use of boats in those marinas would already comply.

Enforcement Issues:

1. Current complaint driven enforcement:

- Historically, the City has enforced all code compliance, whether zoning or other land development regulation, by responding to citizen complaints. The City does not actively monitor websites and social media for code compliance due to staffing limitations.

2. New web-based data aggregator:

- New forms of technology can now provide continuous web-based monitoring and issue reports regarding possible violations of our codes (ie: Host Compliance).

3. Existing Regulations versus New Regulations that affect short-term rentals:

- State law, as interpreted by the court (*Miami v. AirBnB*) and the Attorney General (AGO 2019-07), does not allow the City to modify frequency and duration rules for vacation rentals. The City can enforce duration and frequency rules that pre-date 2011 (ie: RS-1, RS-2 weekly rentals, HP-1 monthly rentals). The City is also legally allowed to repeal those ordinances, but it cannot modify them. The City can also enact new regulations that do not affect frequency or duration at all (*Cinnamon Beach v. Flagler*), such as maximum occupancy, parking requirements, etc.

4. Practical example of compliance with weekly rental requirement:

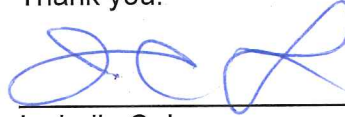
- Assuming a week to be from Sunday through Saturday, a rental must be booked by a customer for the entire week and cannot be double booked. For example, the Smiths book the week of December 8th through the 14th. They are not required to stay the entire week, they can choose to only occupy the rental for some of those nights, but they 'own' that week and that week cannot be booked to someone else.

5. Transient lodging, short-term rentals, vacation rentals:

- *Transient lodging* is an older terminology that encompasses all types of shorter-term rentals (including nightly rentals) than a typical year-to-year lease. It is found in numerous local codes (including the City's definition of 'motel'), it is described in the state's revenue requirements (aka 'bed tax'), and in the state's public lodging statutes.
- *Short-term rental* is also a term that is found in some local codes, and in the City's case it is found in Ord. 2010-24 describing a particular subset of transient lodging allowing weekly rentals for RS-1 and RS-2 zoning.
- *Vacation rental* is a term created by state law, and it describes a particular subset of transient rentals located in condos, single-family homes and multi-family homes.

The three ordinances are being placed for First Reading on the December 9, 2019 City Commission agenda. Based on the discussion and direction given, the ordinances will be forwarded to the Planning and Zoning Board for its recommendation before coming back to the City Commission for Second Reading.

Thank you.



Isabelle C. Lopez
City Attorney

Attachments

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

Agenda Titles:

- 1) Ordinance 2019-50 provides regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts, and violations and penalties.
- 2) Ordinance 2019-51 codifies the findings, intent, purpose, and interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories.
- 3) Ordinance 2019-52 confirms regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51.

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 Rakonczay 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 Rakonca 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.

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) *Short term Rental.* A short-term rental is synonymous to a vacation rental.
- (4) *Vacation Rental.* A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

(b) Supplemental intent of these regulations:

The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.

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, as set by resolution, at the time of registration and thereafter annually. Each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that do not conform to the registration form information will be considered a separate violation of this code.

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 property maintenance code.

Sec. 28-148 – Intensity of Use

The maximum occupancy of a vacation rental is two (2) persons per bedroom 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. Ancillary use of the vacation rental does not imply or 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, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

Sec. 28-151 Parking

- (i) Each vacation rental will provide at least one (1) stabilized parking space per bedroom offered for rent.
- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass.
- (iii) Vacation rentals in all zoning districts 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, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

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 Existing contracts unaffected.

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

Sec. 28-154 Violations and Penalties

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond to the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156 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.

Sec. 28-155. – Effect of Ordinance 2010-24 on RS-1 and RS-2 Short-Term Rentals.

(a) *Codification of Findings and Intent of Ordinance 2010-24.*

The rental of single-family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code.

The Residential, Single-family-one (RS-1) and the Residential, Single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character.

The rental of single-family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated.

Large gatherings, twenty (20) or more persons, at a single-family residential dwelling unit are not uncommon in a single-family residential neighborhood on an occasional basis, but the short-term rental of a single-family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood.

On August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the Residential, Single-family-one (RS-1) and Residential, Single-family-two (RS-2) zoning districts.

(b) *Code definition of motel enacted by Ordinance 1974-37.*

The definition for motel, referenced in Ordinance 2010-24, was enacted on April 28, 1975. Motel is defined as a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are generally for periods of a week or longer and occupancy is generally by residents rather than transients.

(c) *RS-1 and RS-2 zoning districts enacted by Ordinance 1974-37.*

RS-1 and RS-2 zoning districts, referenced in Ordinance 2010-24, were enacted on April 28, 1975. RS-1 and RS-2 zoning does not allow motels, defined as rentals with daily charge.

(d) *Interpretation of weekly short-term rental requirement in RS-1 and RS-2 zoning districts.*

Ordinance 2010-24 referenced existing zoning definitions and limitations for short-term rentals in RS-1 and RS-2 zoning districts. Motel uses, defined as rentals with daily charge, are not permitted in RS-1 and RS-2 zoning. Ordinance 2010-24 allows for these residentially zoned properties to be rented as short-term rentals for periods of one week or longer with registration. Nightly rentals are deemed a motel use and are not allowed in RS-1 and RS-2 zoning.

Sec. 28-156. Existing regulations confirmed.

(a) *Short-term rentals on submerged lands require submerged land lease.*

Ordinance 1995-35 enacted on January 8th, 1996, relating to the city's submerged lands requires a submerged land lease from the city for docks or other structures used in revenue-generating or income-related activities. This existing ordinance applies to the use of boats as short term rentals.

(b) *Short-term rentals in HP-1 zoning require monthly or greater rental period of time.*

Ordinance 1989-51 enacted on August 14th, 1989, relating to the zoning of permitted uses and structures in Historic Preservation One zoning district requires rentals on a monthly or greater period of time. This existing ordinance applies to the use of HP-1 zoned properties as short term rentals.

(c) *Other regulations continue in effect.*

In addition, other local, state, and federal regulations may apply to the use of specific properties, structures, vessels, or vehicles as short term rentals. Specific identification of the above ordinances does not waive any other applicable regulations.

ORDINANCE NO. 2019-50

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-145 THROUGH SECTION 28-154 REGULATING VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR ANNUAL INSPECTIONS; PROVIDING FOR MAXIMUM INTENSITY OF USE; PROVIDING FOR LIMITATIONS ON ANCILLARY USE; PROVIDING FOR LIFE-SAFETY REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR SOLID WASTE REMOVAL; PROVIDING FOR VALIDITY OF CONTRACTS PREDATING THIS ORDINANCE; PROVIDING FOR PRELIMINARY COMPLIANCE COMPLAINT SYSTEM; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; 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 Commission appointed a Short-Term Rental Committee to take public comment, hear expert testimony, accept into the public record evidence, and provide an opportunity to industry members and community stakeholders to give input into possible regulations affecting short term or vacation rentals; and

WHEREAS, the City Commission at its September 9, 2019 public meeting, received the Short-Term Rental Committee's findings and recommendations; and

WHEREAS, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption has been interpreted in the Seventh Circuit case of 30 Cinnamon Beach v. Flagler County (2015 CA 167) to allow other types of local regulations of vacation or short-term rentals; and

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its _____, 20__ regular meeting; and

WHEREAS, the City Commission heard testimony at numerous public hearings from residents, homeowners, professional property managers, bed and breakfast operators, and individuals who self-manage vacation rental units in their homes or as investment properties; and

WHEREAS, the City Commission weighed the negative effects of vacation rentals on quality of life, safety, commercialization, intensification of traditional residential neighborhoods, degradation of community life and cohesion to those neighborhoods and availability and affordability of long-term rental stock, against the positive effects on property values, property maintenance, economic vitality, and diversification of household incomes created by vacation rentals in residential neighborhoods; 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 amendment be adopted.

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

Section 1. Creating Chapter 28, Article III, Division 2., Sections 28-145 through 28-154.
Chapter 28, Article III, Division 2., Sections 28-145 through 28-154 of the Code of the City of St. Augustine, are hereby created as follows:

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) Short term Rental.** A short-term rental is synonymous to a vacation rental.
- (4) Vacation Rental.** A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

(b) Supplemental intent of these regulations:

The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.

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, as set by resolution, at the time of registration and thereafter annually. Each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that do not conform to the registration form information will be considered a separate violation of this code.

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 property maintenance code.

Sec. 28-148 – Intensity of Use

The maximum occupancy of a vacation rental is two (2) persons per bedroom 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. Ancillary use of the vacation rental does not imply or 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, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

Sec. 28-151 Parking

- (i) Each vacation rental will provide at least one (1) stabilized parking space per bedroom offered for rent.

- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass.
- (iii) Vacation rentals in all zoning districts 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, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

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 Existing contracts unaffected.

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

Sec. 28-154 Violations and Penalties

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond to the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156, as well as Section 28-159 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.

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, Sections 28-145 through 28-154 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. 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 4. Effective Date. This ordinance shall become effective on March 1, 2020, 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)

ORDINANCE NO. 2019-51

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-155 WHICH CODIFIES THE FINDINGS, INTENT, PURPOSE, AND INTERPRETATION FOUND IN ORDINANCE 2010-24 THAT ESTABLISHED REGULATIONS FOR REGISTRATION AND PERMISSIBLE ACTIVITIES FOR SHORT-TERM RENTALS IN RS-1 AND RS-2 CATEGORIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, on April 28, 1975, Ordinance 1974-37 enacted a comprehensive scheme of zoning regulations including definitions for motel uses and limitations on permitted uses in Residential Single Family 1 and 2 (RS-1 and RS-2) zoning districts;

WHEREAS, Ordinance 2010-24 was adopted by the St. Augustine City Commission on August 23, 2010; and

WHEREAS, Ordinance 2010-24 included factual findings, described the legislative intent, promulgated the purpose of the regulation, and provided the enacting governmental agency's interpretation of the relevant municipal code; and

WHEREAS, the editorial codification of Ordinance 2010-24 omitted the preamble, also known as the "whereas" clauses, found in the originally adopted ordinance; and

WHEREAS, consistent with Dills v. City of Marietta, 674 F. 2d 1377 (11th Cir. 1982), and Florida Attorney General Opinion 077-49, preambles establish contemporaneous findings of fact and law, as well as, the interpretation, purpose and intent of the enactment; and

WHEREAS, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in RS-1 and RS-2 zoning during the required registration process found in Ordinance 2010-24 and the City's website also provides information regarding RS-1 and RS-2 weekly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding RS-1 and RS-2 weekly rental restrictions; and

WHEREAS, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

WHEREAS, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3^d DCA 2018), this ordinance seeks to codify language “identical in its material provisions” to that found in the 2010 enacted ordinance; and,

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its _____, 20__ regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-155. Chapter 28, Article III, Division 2., Section 28-155 of the Code of the City of St. Augustine, is hereby created as follows:

Sec. 28-155. – Effect of Ordinance 2010-24 on RS-1 and RS-2 Short-Term Rentals.

(a) Codification of Findings and Intent of Ordinance 2010-24.

The rental of single-family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code.

The Residential, Single-family-one (RS-1) and the Residential, Single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character.

The rental of single-family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated.

Large gatherings, twenty (20) or more persons, at a single-family residential dwelling unit are not uncommon in a single-family residential neighborhood on an occasional basis, but the short-term rental of a single-family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood.

On August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the Residential, Single-family-one (RS-1) and Residential, Single-family-two (RS-2) zoning districts.

(b) Code definition of motel enacted by Ordinance 1974-37.

The definition for motel, referenced in Ordinance 2010-24, was enacted on April 28, 1975. Motel is defined as a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are generally for periods of a week or longer and occupancy is generally by residents rather than transients.

(c) RS-1 and RS-2 zoning districts enacted by Ordinance 1974-37.

RS-1 and RS-2 zoning districts, referenced in Ordinance 2010-24, were enacted on April 28, 1975. RS-1 and RS-2 zoning does not allow motels, defined as rentals with daily charge.

(d) Interpretation of weekly short-term rental requirement in RS-1 and RS-2 zoning districts.

Ordinance 2010-24 referenced existing zoning definitions and limitations for short-term rentals in RS-1 and RS-2 zoning districts. Motel uses, defined as rentals with daily charge, are not permitted in RS-1 and RS-2 zoning. Ordinance 2010-24 allows for these residentially zoned properties to be rented as short-term rentals for periods of one week or longer with registration. Nightly rentals are deemed a motel use and are not allowed in RS-1 and RS-2 zoning.

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 28-155 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. 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 4. Effective Date. This ordinance shall become effective on March 1, 2020, 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)

ORDINANCE NO. 2019-52

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-156 CONFIRMING REGULATIONS THAT AFFECT SHORT-TERM RENTALS AS PREVIOUSLY ENACTED IN ORDINANCE 1995-35, REQUIRING SUBMERGED LAND LEASES FOR COMMERCIAL DOCKS, AND ORDINANCE 1989-51 LIMITING RENTAL PERIODS TO MONTHLY OR LONGER RENTALS IN HP-1 ZONING; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; 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, Ordinance 1995-35, enacted on January 8th, 1996, regulates the use of the City's submerged lands and requires a submerged lands lease for use of the City's bottomlands in any revenue generating activity; and

WHEREAS, Ordinance 1989-51, enacted on August 14th, 1989, specifically limits rental units in the Historic Preservation 1 (HP-1) zoning district to monthly or greater periods of time; and

WHEREAS, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in HP-1 zoning and the City's website also provides information regarding HP-1 monthly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding HP-1 monthly rental restrictions; and

WHEREAS, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

WHEREAS, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3^d DCA 2018), this ordinance seeks to confirm language "identical in its material provisions" to that found in the 1989 and 1996 enacted ordinances; and,

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its _____, 20__ regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-156. Chapter 28, Article III, Division 2., Section 28-156 of the Code of the City of St. Augustine, is hereby created as follows:

Sec. 28-156. Existing regulations confirmed.

(a) Short-term rentals on submerged lands require submerged land lease.

Ordinance 1995-35 enacted on January 8th, 1996, relating to the city's submerged lands requires a submerged land lease from the city for docks or other structures used in revenue-generating or income-related activities. This existing ordinance applies to the use of boats as short term rentals.

(b) Short-term rentals in HP-1 zoning require monthly or greater rental period of time.

Ordinance 1989-51 enacted on August 14th, 1989, relating to the zoning of permitted uses and structures in Historic Preservation One zoning district requires rentals on a monthly or greater period of time. This existing ordinance applies to the use of HP-1 zoned properties as short term rentals.

(c) Other regulations continue in effect.

In addition, other local, state, and federal regulations may apply to the use of specific properties, structures, vessels, or vehicles as short term rentals. Specific identification of the above ordinances does not waive any other applicable regulations.

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 28-156 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. 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 4. Effective Date. This ordinance shall become effective on March 1, 2020, 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: Mayor, Vice-Mayor and Commissioners

DATE: November 13, 2019

RE: **SHORT-TERM RENTALS**

This memo includes highlights of Ordinance 2019-50, Ordinance 2019-51, and Ordinance 2019-52. Together they will form the new codified sections of 28-145 through 28-156 encompassing vacation rentals (also known as short-term rentals). This is part of the ongoing review of the effects of vacation rentals initiated by the city commission, with recommendations from the Short-Term Rental Committee.

Part One: New Regulations

The proposed new regulations do not restrict frequency or duration of stays, consistent with state preemption law. The proposed regulations came out of the Short-Term Rental Committee's public meetings, staff discussion, and city commission direction.

Public Policy Issues to be Discussed:

1. What should be the parking requirements?
 - After input from the city commission, the requirements have been revised to include multiple alternatives: onsite, offsite use by exception, street parking permits, or parking garage permits.
 - HP-1 through HP-4 zoning districts do not require onsite parking for uses such as hotels; should the parking requirements for vacation rentals exempt those zoning districts entirely or require them to use one of the alternatives to onsite parking?
 2. Should there be less vacation rental regulations for rooms rented within someone's full-time residence?
 - For instance relaxing the parking requirement, or the emergency lighting requirement.
- ❖ City Commission may raise any other public policy questions for discussion and direction.

Part Two: Existing Regulations

- (a) Confirmation and codification of Ordinance 2010-24 regarding RS-1 and RS-2 zoning
 - This ordinance re-iterates and codifies Ordinance 2010-24 and explains in clear language the existing requirement of weekly rentals for RS-1 and RS-2 zoning as it pertains to vacation rentals. The City Commission at its previous meeting requested that all relevant ordinances be re-stated in this section of the code in order to make it more user friendly for individuals to find and understand vacation rental regulations in one place.
- (b) Confirmation and re-statement of restrictions on Submerged Lands and HP-1 zoning

- Similarly, this ordinance re-states the existing restrictions on income generating uses of the City's submerged lands, and the existing zoning limitation of monthly rentals in HP-1 zoning. Residential docks do not require a submerged land lease, but any income generating use of the dock would trigger the need for obtaining a submerged land lease from the city; for instance, if a boat is docked on a residential dock and used as a vacation rental. Existing commercial operations, such as marinas, are already required to obtain a submerged land lease, therefore use of boats in those marinas would already comply.

Enforcement Issues:

1. Current complaint driven enforcement:

- Historically, the City has enforced all code compliance, whether zoning or other land development regulation, by responding to citizen complaints. The City does not actively monitor websites and social media for code compliance due to staffing limitations.

2. New web-based data aggregator:

- New forms of technology can now provide continuous web-based monitoring and issue reports regarding possible violations of our codes (ie: Host Compliance).

3. Existing Regulations versus New Regulations that affect short-term rentals:

- State law, as interpreted by the court (*Miami v. AirBnB*) and the Attorney General (AGO 2019-07), does not allow the City to modify frequency and duration rules for vacation rentals. The City can enforce duration and frequency rules that pre-date 2011 (ie: RS-1, RS-2 weekly rentals, HP-1 monthly rentals). The City is also legally allowed to repeal those ordinances, but it cannot modify them. The City can also enact new regulations that do not affect frequency or duration at all (*Cinnamon Beach v. Flagler*), such as maximum occupancy, parking requirements, etc.

4. Practical example of compliance with weekly rental requirement:

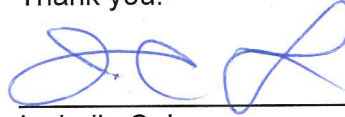
- Assuming a week to be from Sunday through Saturday, a rental must be booked by a customer for the entire week and cannot be double booked. For example, the Smiths book the week of December 8th through the 14th. They are not required to stay the entire week, they can choose to only occupy the rental for some of those nights, but they 'own' that week and that week cannot be booked to someone else.

5. Transient lodging, short-term rentals, vacation rentals:

- *Transient lodging* is an older terminology that encompasses all types of shorter-term rentals (including nightly rentals) than a typical year-to-year lease. It is found in numerous local codes (including the City's definition of 'motel'), it is described in the state's revenue requirements (aka 'bed tax'), and in the state's public lodging statutes.
- *Short-term rental* is also a term that is found in some local codes, and in the City's case it is found in Ord. 2010-24 describing a particular subset of transient lodging allowing weekly rentals for RS-1 and RS-2 zoning.
- *Vacation rental* is a term created by state law, and it describes a particular subset of transient rentals located in condos, single-family homes and multi-family homes.

The three ordinances are being placed for First Reading on the December 9, 2019 City Commission agenda. Based on the discussion and direction given, the ordinances will be forwarded to the Planning and Zoning Board for its recommendation before coming back to the City Commission for Second Reading.

Thank you.



Isabelle C. Lopez
City Attorney

Attachments

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

Agenda Titles:

- 1) Ordinance 2019-50 provides regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts, and violations and penalties.
- 2) Ordinance 2019-51 codifies the findings, intent, purpose, and interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories.
- 3) Ordinance 2019-52 confirms regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51.

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 Rakonczay 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 Rakoncaj 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 Rakoncay 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 Rakoncay 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.

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) *Short term Rental.* A short-term rental is synonymous to a vacation rental.
- (4) *Vacation Rental.* A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

(b) Supplemental intent of these regulations:

The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.

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, as set by resolution, at the time of registration and thereafter annually. Each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that do not conform to the registration form information will be considered a separate violation of this code.

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 property maintenance code.

Sec. 28-148 – Intensity of Use

The maximum occupancy of a vacation rental is two (2) persons per bedroom 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. Ancillary use of the vacation rental does not imply or 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, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

Sec. 28-151 Parking

- (i) Each vacation rental will provide at least one (1) stabilized parking space per bedroom offered for rent.
- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass.
- (iii) Vacation rentals in all zoning districts 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, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

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 Existing contracts unaffected.

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

Sec. 28-154 Violations and Penalties

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond to the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156 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.

Sec. 28-155. – Effect of Ordinance 2010-24 on RS-1 and RS-2 Short-Term Rentals.

(a) Codification of Findings and Intent of Ordinance 2010-24.

The rental of single-family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code.

The Residential, Single-family-one (RS-1) and the Residential, Single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character.

The rental of single-family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated.

Large gatherings, twenty (20) or more persons, at a single-family residential dwelling unit are not uncommon in a single-family residential neighborhood on an occasional basis, but the short-term rental of a single-family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood.

On August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the Residential, Single-family-one (RS-1) and Residential, Single-family-two (RS-2) zoning districts.

(b) Code definition of motel enacted by Ordinance 1974-37.

The definition for motel, referenced in Ordinance 2010-24, was enacted on April 28, 1975. Motel is defined as a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are generally for periods of a week or longer and occupancy is generally by residents rather than transients.

(c) RS-1 and RS-2 zoning districts enacted by Ordinance 1974-37.

RS-1 and RS-2 zoning districts, referenced in Ordinance 2010-24, were enacted on April 28, 1975. RS-1 and RS-2 zoning does not allow motels, defined as rentals with daily charge.

(d) Interpretation of weekly short-term rental requirement in RS-1 and RS-2 zoning districts.

Ordinance 2010-24 referenced existing zoning definitions and limitations for short-term rentals in RS-1 and RS-2 zoning districts. Motel uses, defined as rentals with daily charge, are not permitted in RS-1 and RS-2 zoning. Ordinance 2010-24 allows for these residentially zoned properties to be rented as short-term rentals for periods of one week or longer with registration. Nightly rentals are deemed a motel use and are not allowed in RS-1 and RS-2 zoning.

Sec. 28-156. Existing regulations confirmed.

(a) Short-term rentals on submerged lands require submerged land lease.

Ordinance 1995-35 enacted on January 8th, 1996, relating to the city's submerged lands requires a submerged land lease from the city for docks or other structures used in revenue-generating or income-related activities. This existing ordinance applies to the use of boats as short term rentals.

(b) *Short-term rentals in HP-1 zoning require monthly or greater rental period of time.*

Ordinance 1989-51 enacted on August 14th, 1989, relating to the zoning of permitted uses and structures in Historic Preservation One zoning district requires rentals on a monthly or greater period of time. This existing ordinance applies to the use of HP-1 zoned properties as short term rentals.

(c) *Other regulations continue in effect.*

In addition, other local, state, and federal regulations may apply to the use of specific properties, structures, vessels, or vehicles as short term rentals. Specific identification of the above ordinances does not waive any other applicable regulations.

ORDINANCE NO. 2019-50

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-145 THROUGH SECTION 28-154 REGULATING VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR ANNUAL INSPECTIONS; PROVIDING FOR MAXIMUM INTENSITY OF USE; PROVIDING FOR LIMITATIONS ON ANCILLARY USE; PROVIDING FOR LIFE-SAFETY REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR SOLID WASTE REMOVAL; PROVIDING FOR VALIDITY OF CONTRACTS PREDATING THIS ORDINANCE; PROVIDING FOR PRELIMINARY COMPLIANCE COMPLAINT SYSTEM; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; 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 Commission appointed a Short-Term Rental Committee to take public comment, hear expert testimony, accept into the public record evidence, and provide an opportunity to industry members and community stakeholders to give input into possible regulations affecting short term or vacation rentals; and

WHEREAS, the City Commission at its September 9, 2019 public meeting, received the Short-Term Rental Committee's findings and recommendations; and

WHEREAS, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption has been interpreted in the Seventh Circuit case of 30 Cinnamon Beach v. Flagler County (2015 CA 167) to allow other types of local regulations of vacation or short-term rentals; and

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its _____, 20__ regular meeting; and

WHEREAS, the City Commission heard testimony at numerous public hearings from residents, homeowners, professional property managers, bed and breakfast operators, and individuals who self-manage vacation rental units in their homes or as investment properties; and

WHEREAS, the City Commission weighed the negative effects of vacation rentals on quality of life, safety, commercialization, intensification of traditional residential neighborhoods, degradation of community life and cohesion to those neighborhoods and availability and affordability of long-term rental stock, against the positive effects on property values, property maintenance, economic vitality, and diversification of household incomes created by vacation rentals in residential neighborhoods; 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 amendment be adopted.

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

Section 1. Creating Chapter 28, Article III, Division 2., Sections 28-145 through 28-154.
Chapter 28, Article III, Division 2., Sections 28-145 through 28-154 of the Code of the City of St. Augustine, are hereby created as follows:

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) Short term Rental.** A short-term rental is synonymous to a vacation rental.
- (4) Vacation Rental.** A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

(b) Supplemental intent of these regulations:

The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.

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, as set by resolution, at the time of registration and thereafter annually. Each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that do not conform to the registration form information will be considered a separate violation of this code.

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 property maintenance code.

Sec. 28-148 – Intensity of Use

The maximum occupancy of a vacation rental is two (2) persons per bedroom 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. Ancillary use of the vacation rental does not imply or 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, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

Sec. 28-151 Parking

- (i) Each vacation rental will provide at least one (1) stabilized parking space per bedroom offered for rent.

- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass.
- (iii) Vacation rentals in all zoning districts 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, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

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 Existing contracts unaffected.

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

Sec. 28-154 Violations and Penalties

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond to the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156, as well as Section 28-159 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.

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, Sections 28-145 through 28-154 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. 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 4. Effective Date. This ordinance shall become effective on March 1, 2020, 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)

ORDINANCE NO. 2019-51

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-155 WHICH CODIFIES THE FINDINGS, INTENT, PURPOSE, AND INTERPRETATION FOUND IN ORDINANCE 2010-24 THAT ESTABLISHED REGULATIONS FOR REGISTRATION AND PERMISSIBLE ACTIVITIES FOR SHORT-TERM RENTALS IN RS-1 AND RS-2 CATEGORIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, on April 28, 1975, Ordinance 1974-37 enacted a comprehensive scheme of zoning regulations including definitions for motel uses and limitations on permitted uses in Residential Single Family 1 and 2 (RS-1 and RS-2) zoning districts;

WHEREAS, Ordinance 2010-24 was adopted by the St. Augustine City Commission on August 23, 2010; and

WHEREAS, Ordinance 2010-24 included factual findings, described the legislative intent, promulgated the purpose of the regulation, and provided the enacting governmental agency's interpretation of the relevant municipal code; and

WHEREAS, the editorial codification of Ordinance 2010-24 omitted the preamble, also known as the "whereas" clauses, found in the originally adopted ordinance; and

WHEREAS, consistent with Dills v. City of Marietta, 674 F. 2d 1377 (11th Cir. 1982), and Florida Attorney General Opinion 077-49, preambles establish contemporaneous findings of fact and law, as well as, the interpretation, purpose and intent of the enactment; and

WHEREAS, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in RS-1 and RS-2 zoning during the required registration process found in Ordinance 2010-24 and the City's website also provides information regarding RS-1 and RS-2 weekly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding RS-1 and RS-2 weekly rental restrictions; and

WHEREAS, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

WHEREAS, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3^d DCA 2018), this ordinance seeks to codify language “identical in its material provisions” to that found in the 2010 enacted ordinance; and,

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its _____, 20__ regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-155. Chapter 28, Article III, Division 2., Section 28-155 of the Code of the City of St. Augustine, is hereby created as follows:

Sec. 28-155. – Effect of Ordinance 2010-24 on RS-1 and RS-2 Short-Term Rentals.

(a) Codification of Findings and Intent of Ordinance 2010-24.

The rental of single-family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code.

The Residential, Single-family-one (RS-1) and the Residential, Single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character.

The rental of single-family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated.

Large gatherings, twenty (20) or more persons, at a single-family residential dwelling unit are not uncommon in a single-family residential neighborhood on an occasional basis, but the short-term rental of a single-family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood.

On August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the Residential, Single-family-one (RS-1) and Residential, Single-family-two (RS-2) zoning districts.

(b) Code definition of motel enacted by Ordinance 1974-37.

The definition for motel, referenced in Ordinance 2010-24, was enacted on April 28, 1975. Motel is defined as a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are generally for periods of a week or longer and occupancy is generally by residents rather than transients.

(c) RS-1 and RS-2 zoning districts enacted by Ordinance 1974-37.

RS-1 and RS-2 zoning districts, referenced in Ordinance 2010-24, were enacted on April 28, 1975. RS-1 and RS-2 zoning does not allow motels, defined as rentals with daily charge.

(d) Interpretation of weekly short-term rental requirement in RS-1 and RS-2 zoning districts.

Ordinance 2010-24 referenced existing zoning definitions and limitations for short-term rentals in RS-1 and RS-2 zoning districts. Motel uses, defined as rentals with daily charge, are not permitted in RS-1 and RS-2 zoning. Ordinance 2010-24 allows for these residentially zoned properties to be rented as short-term rentals for periods of one week or longer with registration. Nightly rentals are deemed a motel use and are not allowed in RS-1 and RS-2 zoning.

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 28-155 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. 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 4. Effective Date. This ordinance shall become effective on March 1, 2020, 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)

ORDINANCE NO. 2019-52

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-156 CONFIRMING REGULATIONS THAT AFFECT SHORT-TERM RENTALS AS PREVIOUSLY ENACTED IN ORDINANCE 1995-35, REQUIRING SUBMERGED LAND LEASES FOR COMMERCIAL DOCKS, AND ORDINANCE 1989-51 LIMITING RENTAL PERIODS TO MONTHLY OR LONGER RENTALS IN HP-1 ZONING; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; 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, Ordinance 1995-35, enacted on January 8th, 1996, regulates the use of the City's submerged lands and requires a submerged lands lease for use of the City's bottomlands in any revenue generating activity; and

WHEREAS, Ordinance 1989-51, enacted on August 14th, 1989, specifically limits rental units in the Historic Preservation 1 (HP-1) zoning district to monthly or greater periods of time; and

WHEREAS, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in HP-1 zoning and the City's website also provides information regarding HP-1 monthly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding HP-1 monthly rental restrictions; and

WHEREAS, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

WHEREAS, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3^d DCA 2018), this ordinance seeks to confirm language "identical in its material provisions" to that found in the 1989 and 1996 enacted ordinances; and,

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its _____, 20__ regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-156. Chapter 28, Article III, Division 2., Section 28-156 of the Code of the City of St. Augustine, is hereby created as follows:

Sec. 28-156. Existing regulations confirmed.

(a) Short-term rentals on submerged lands require submerged land lease.

Ordinance 1995-35 enacted on January 8th, 1996, relating to the city's submerged lands requires a submerged land lease from the city for docks or other structures used in revenue-generating or income-related activities. This existing ordinance applies to the use of boats as short term rentals.

(b) Short-term rentals in HP-1 zoning require monthly or greater rental period of time.

Ordinance 1989-51 enacted on August 14th, 1989, relating to the zoning of permitted uses and structures in Historic Preservation One zoning district requires rentals on a monthly or greater period of time. This existing ordinance applies to the use of HP-1 zoned properties as short term rentals.

(c) Other regulations continue in effect.

In addition, other local, state, and federal regulations may apply to the use of specific properties, structures, vessels, or vehicles as short term rentals. Specific identification of the above ordinances does not waive any other applicable regulations.

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 28-156 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. 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 4. Effective Date. This ordinance shall become effective on March 1, 2020, 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 Regan, P.E.
City Manager

DATE: November 26, 2019

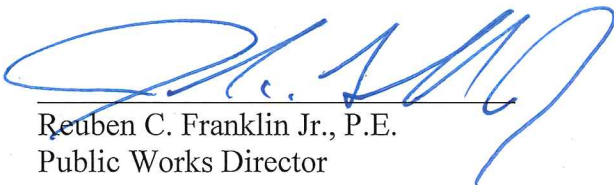
RE: Staff Report: Bridge of Lions Opening Analysis Update and San Marco Avenue Shared Path Discussion

The following is a mobility program update including results of the latest Bridge of Lions Opening Analysis and an overview of FDOT's shared path project along San Marco Avenue between Pine Street and Ocean Way.

In general, after implementing a new schedule to limit the number of bridge openings caused by City Marina commercial tenants, the tenants are adhering to the new schedule and bridge openings have been reduced every month since beginning in January 2019. There was a dramatic reduction in bridge openings during the summer months. For instance, in July 2019 there were 89 less openings than the previous year. This equates to almost 3 openings per day by following the new schedule.

The Florida Department of Transportation (FDOT) is designing a 10-12 ft wide sidewalk to be used as a shared path connecting Pine Street to Ocean Way. This section is part of the North City Trail route as identified in the City's Mobility Plan. During the design, FDOT made City staff aware that in order to construct the sidewalk the existing palm trees behind the curb are required to be removed. FDOT is requesting approval from the City to move forward with the project with the acknowledgement that the palms will be removed during construction.

As always, I'm available to discuss or answer any questions pertaining to these agenda items.



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

cc: City Attorney & Department Heads

Attachment: BoL Opening Analysis and San Marco Avenue Presentation



Mobility Program

Bridge of Lions Opening Analysis & San Marco Avenue Sidewalk

City of St. Augustine
Public Works Department

*City Commission Meeting
December 9, 2019*

“Moving People Through History”

BoL Opening Analysis – City Marina Commercial Tenant Schedule

February Schedule Check

DAY OF WEEK	DATE	GATES DROP	GATES OPEN	DIRECTION	NAME OF VESSEL	CITY NOTES
Fri	8-Feb			North	Freedom	4:30PM (out)
Fri	8-Feb	6:00PM	6:05PM	South	Freedom	
Sun	10-Feb	4:30PM	4:34PM	North	Freedom	
Sun	10-Feb	6:00PM	6:04PM	South	Freedom	
Mon	11-Feb	4:30PM	4:34PM	North	Freedom	
Mon	11-Feb	6:04PM	6:04PM	South	Freedom	
Tues	12-Feb	4:30PM	4:34PM	North	Freedom	
Tues	12-Feb	6:05PM	6:05PM	South	Freedom	
Wed	13-Feb	4:30PM	4:34PM	North	Freedom	
Wed	13-Feb	6:05PM	6:05PM	South	Freedom	
Thurs	14-Feb	12:30PM	12:35PM	North	Freedom	
Thurs	14-Feb	2:00PM	2:05PM	South	Freedom	
Thurs	14-Feb	4:30PM	4:35PM	North	Freedom	
Thurs	14-Feb	6:00PM	6:04PM	South	Freedom	
Fri	15-Feb	4:30PM		North	Freedom	
Fri	15-Feb	6:00PM	6:04PM	South	Freedom	
Sat	16-Feb	12:30PM	12:35PM	North	Freedom	
Sat	16-Feb		4:38PM	South	Freedom	
Sat	16-Feb	6:00PM	6:05PM	North	Freedom	
Sun	17-Feb	12:30PM	12:36PM	North	Freedom	
Sun	17-Feb	2:00PM		South	Freedom	
Sun	17-Feb	4:30PM	4:35PM	North	Freedom	
Sun	17-Feb	6:00PM	6:05PM	South	Freedom	
Mon	18-Feb	4:30PM	4:34PM	North	Freedom	
Mon	18-Feb	6:00PM	6:04PM	South	Freedom	
Thurs	21-Feb	2:00PM	2:04PM	North	Freedom	City approved schedule mod
Thurs	21-Feb		3:35PM	South	Freedom	4:30PM (out)
Thurs	21-Feb	6:00PM	6:04PM	North	Freedom	
Fri	22-Feb	4:30PM	4:35PM	South	Freedom	
Fri	22-Feb	6:00PM	6:05PM	North	Freedom	
Sat	23-Feb		12:36PM	South	Freedom	
Sat	23-Feb	2:00PM	2:05PM	North	Freedom	
Sat	23-Feb	4:30PM		South	Freedom	
Sun	24-Feb	6:00PM		North	Freedom	4:30PM (out)
Sun	24-Feb	6:00PM		South	Freedom	
Mon	25-Feb	4:30PM	4:35PM	North	Freedom	
Mon	25-Feb	6:00PM	6:05PM	South	Freedom	
Tues	26-Feb	12:30PM	12:35PM	North	Freedom	
Tues	26-Feb	2:00PM	2:05PM	South	Freedom	
Tues	26-Feb		4:38PM	North	Freedom	
Tues	26-Feb	6:00PM	6:05PM	South	Freedom	
Wed	27-Feb	4:30PM	4:34PM	North	Freedom	5:30PM (in), bad weather
Thurs	28-Feb			South	Freedom	4:30PM (out)
Thurs	28-Feb	6:00PM		North	Freedom	

Approved schedule modification
Unapproved schedule modification

WINTER (November 4 – March 11)

12:30pm (out) 2:00pm (in)
4:30pm (out) 6:00pm (in)

SPRING (March 12 – May 31)

2:30pm (out) 4:00pm (in)
6:30pm (out) 8:00pm (in)
9:00pm (out) 10:00pm (in)

NOTE: 9:00pm sailings not to exceed 2 times per week

SUMMER (June 1 – August 31)

2:30pm (out) 4:00pm (in)
7:00pm (out) 8:30pm (in)
9:30pm (out) 10:30pm (in)

NOTE: 9:00pm sailing not to exceed 2 times per week

FALL (September 1 – November 3)

2:30pm (out) 4:00pm (in)
6:00pm (out) 7:30pm (in)
9:00pm (out) 10:00pm (in)

NOTE: 9:00pm sailings not to exceed 2 times per week

BoL Opening Analysis – Log Sheet (typ.)

850-010-34
MAINTENANCE
01/05

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION REPORT OF DRAWBRIDGE OPENINGS

BRIDGE NUMBER 780074 SECTION NUMBER 78040
REPORT FOR THE MONTH OF July 2016
NAME OF BRIDGE LIONS
LOCATION SR 91A ITCW

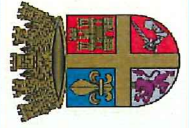
DAY OF WEEK	DATE	DRAW OPENING NUMBER	TIME GATES DROP AM OR PM		TIME GATES OPEN AM OR PM		DIRECTION		CONDITION OF WEATHER & RIVER	TYPE OF VESSEL PASSING THROUGH	NAME OR NUMBER OF VESSEL	NAME OF TENDER IN CHARGE OF DRAW
			AM	PM	AM	PM	NORTH	SOUTH				
Fri	7/1	1	12:48 AM		12:57 AM		X		NSWC	T/B	Marnay	J. Sundale
Fri	7/1	2	7:00 AM		7:05 AM		X		SWC	PLC	Marie Mae	J. Sundale
Fri	7/1	3	8:30 AM				X		SWC	PC	KAPA	G. Pieper
Fri	7/1				8:35 AM		X		SWC	PC	Ray G. Kellings	G. Pieper
Fri	7/1	4	9:30 AM		9:34 AM			X	SWC	SB	Cross Roads	G. Pieper
Fri	7/1	5	10:30 AM		10:36 AM		X		SWC	SB	Diamond	G. Pieper
Fri	7/1	6	11:30 AM				X		PSWC	SB	Selena	G. Pieper
Fri	7/1				11:35 AM		X		PSWC	C	Privateer	G. Pieper
Fri	7/1	7	12:30 PM				X		PSWC	SB	Indian Rebel	G. Pieper
Fri	7/1						X		PSWC	SB	Diamond	G. Pieper
Fri	7/1						X		PSWC	C	Freedom	G. Pieper
Fri	7/1				12:37 PM		X		PSWC	SB	Dobson	G. Pieper
Fri	7/1	8	1:30 PM				X		PSWC	C	Freedom	G. Pieper
Fri	7/1				1:36 PM		X		PSWC	C	Eco Tour	G. Pieper
Fri	7/1	9	2:00 PM				X		PSWC	SB	Destiny	G. Pieper
Fri	7/1				2:05 PM		X		PSWC	SB	Double Happiness	G. Pieper
Fri	7/1	10	2:30 PM				X		NSWC	C	Eco Tour	G. Pieper
Fri	7/1				2:35 PM		X		NSWC	C	Black Raven	G. Pieper
Fri	7/1	11	3:30 PM		3:34 PM		X		NSWC	C	Black Raven	G. Pieper

SECTION NO
COUNTY NAME

BoL Opening Analysis – January to August (2016, 17, 18, 19)

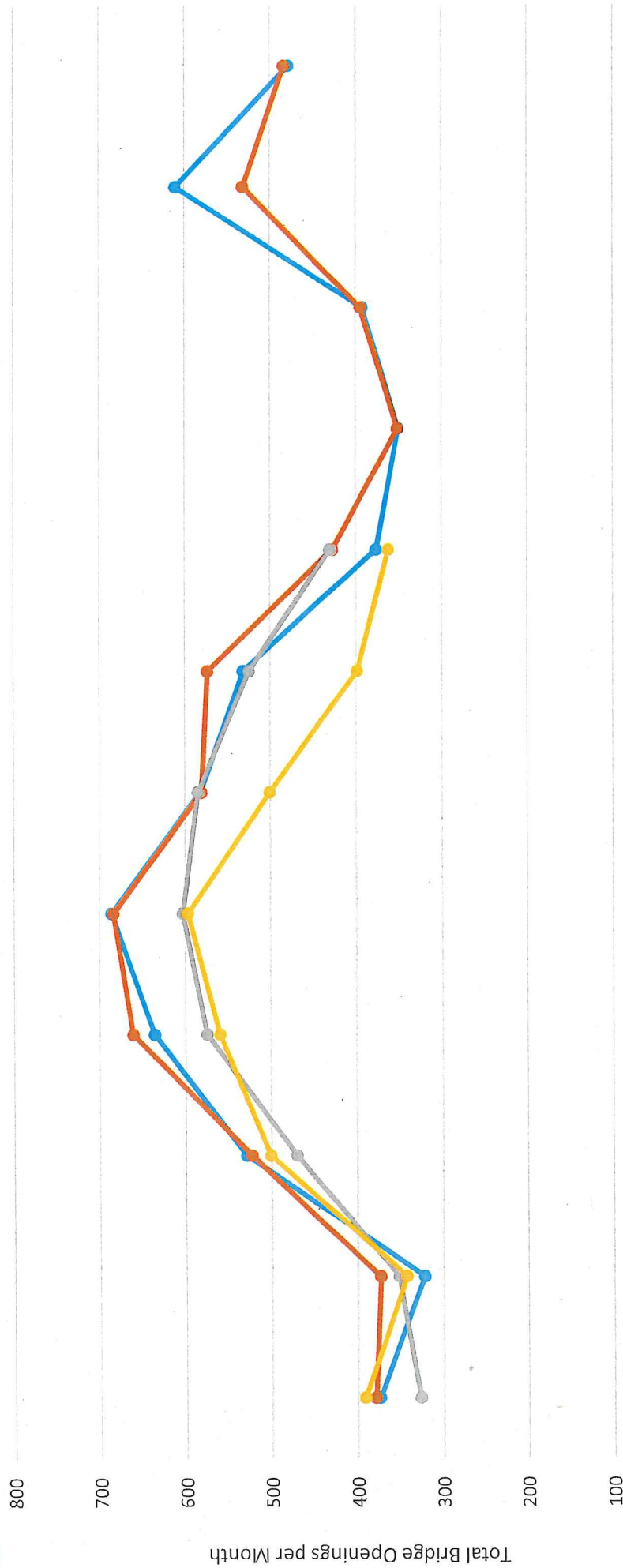
2016-2019 Tenant Schedule Analysis

Month	No. of Vessels	Total (Ttl) BoL Opns	City Marina Tenants									
			Bridge of Lions (BoL) Openings (Opns)									
			Ttl ¹	% of Ttl BoL	BR Alone	BR % of Ttl BoL	FRDM Alone	FRDM % of Ttl BoL	ECO Alone	ECO % of Ttl BoL	Sirenia Alone	Sirenia % of Ttl BoL
19-Jan	632	392	24	6.1%	0	0.0%	10	2.6%	0	0.0%	0	0.0%
18-Jan	467	327	27	8.3%	11	3.4%	8	2.4%	0	0.0%	0	0.0%
17-Jan	594	380	56	14.7%	13	3.4%	5	1.3%	0	0.0%	8	2.1%
16-Jan	610	375	33	8.8%	13	3.5%	4	1.1%	0	0.0%	0	0.0%
19-Feb	487	343	48	14.0%	0	0.0%	29	8.5%	0	0.0%	0	0.0%
18-Feb	542	352	85	24.1%	13	3.7%	28	8.0%	0	0.0%	0	0.0%
17-Feb	547	374	107	28.6%	13	3.5%	23	6.1%	0	0.0%	3	0.8%
16-Feb	474	322	80	24.8%	17	5.3%	27	8.4%	2	0.6%	0	0.0%
19-Mar	902	501	77	15.4%	0	0.0%	44	8.8%	0	0.0%	0	0.0%
18-Mar	769	470	153	32.6%	30	6.4%	50	10.6%	0	0.0%	0	0.0%
17-Mar	936	523	197	37.7%	33	6.3%	39	7.5%	0	0.0%	19	3.6%
16-Mar	1006	529	230	43.5%	27	5.1%	52	9.8%	9	1.7%	1	0.2%
19-Apr	1071	560	78	13.9%	0	0.0%	33	5.9%	0	0.0%	0	0.0%
18-Apr	1126	575	165	28.7%	22	3.8%	50	8.7%	0	0.0%	0	0.0%
17-Apr	1356	661	280	42.4%	28	4.2%	36	5.4%	0	0.0%	12	1.8%
16-Apr	1325	636	235	36.9%	23	3.6%	55	8.6%	2	0.3%	0	0.0%
19-May	1178	597	105	17.6%	0	0.0%	41	6.9%	0	0.0%	0	0.0%
18-May	1061	603	161	26.7%	24	4.0%	53	8.8%	0	0.0%	0	0.0%
17-May	1262	684	223	32.6%	22	3.2%	47	6.9%	2	0.3%	7	1.0%
16-May	1213	686	225	32.8%	19	2.8%	64	9.3%	6	0.9%	0	0.0%
19-Jun	709	501	64	12.8%	2	0.4%	32	6.4%	0	0.0%	0	0.0%
18-Jun	929	585	228	39.0%	58	9.9%	64	10.9%	0	0.0%	0	0.0%
17-Jun	875	581	260	44.8%	48	8.3%	63	10.8%	1	0.2%	10	1.7%
16-Jun	893	582	267	45.9%	57	9.8%	60	10.3%	13	2.2%	3	0.5%
19-Jul	575	399	101	25.3%	1	0.3%	49	12.3%	0	0.0%	0	0.0%
18-Jul	762	525	242	46.1%	66	12.6%	73	13.9%	0	0.0%	0	0.0%
17-Jul	865	574	327	57.0%	69	12.0%	53	9.2%	4	0.7%	19	3.3%
16-Jul	750	532	347	65.2%	79	14.8%	70	13.2%	3	0.6%	19	3.6%
19-Aug	463	363	63	17.4%	0	0.0%	43	11.8%	0	0.0%	0	0.0%
18-Aug	579	430	176	40.9%	38	8.8%	58	13.5%	0	0.0%	0	0.0%
17-Aug	585	428	235	54.9%	45	10.5%	49	11.4%	2	0.5%	12	2.8%
16-Aug	516	377	205	54.4%	42	11.1%	48	12.7%	2	0.5%	9	2.4%



CITY OF
ST. AUGUSTINE
EST. 1565

BoL Opening Analysis – January to August (2016, 17, 18, 19)



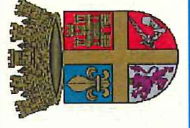
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2016	375	322	529	636	686	582	532	377	351	393	611	479
2017	380	374	523	661	684	581	574	428	352	395	532	484
2018	327	352	470	575	603	585	525	430				
2019	392	343	501	560	597	501	399	363				

San Marco Avenue Sidewalk Project

FDOT Project

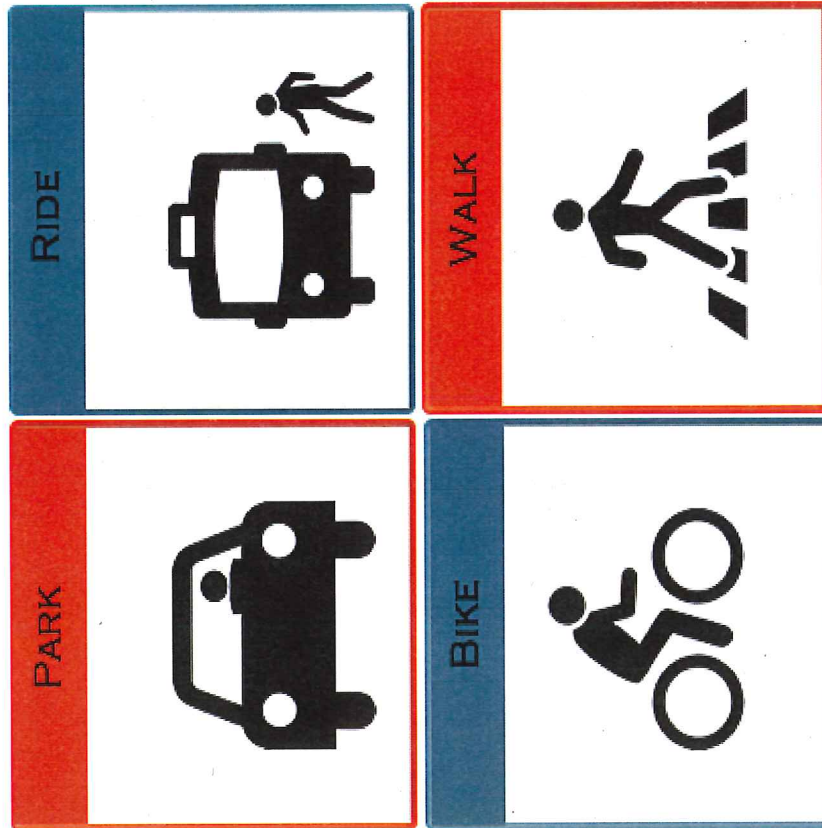
Pine Street to Ocean Way

- Remove existing palms on the west side of sidewalk
- New palms installed on east side of sidewalk as part of the Mission fence
- Improvement is part of the City's Mobility Plan



CITY OF
ST. AUGUSTINE
EST. 1565

MOBILITY IN MOTION



A mobility improvement project
by the City of St. Augustine



ST. AUGUSTINE
EST. 1565

www.CityStAugMobility.com

Discussion / Questions

Reuben C. Franklin Jr., P.E.

Mobility Program
Public Works Department
rfranklin@citystaug.com

"Moving People Through History"



ST. AUGUSTINE
EST. 1565

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: December 9, 2019

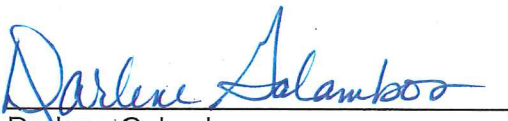
RE: Request for **one (1)** appointment for the PLANNING AND ZONING BOARD (PZB)

Notification was previously given regarding a vacancy on the Planning and Zoning Board, due to the resignation of Maurice Morrisette. This term will expire September 30, 2021

Advertisements requesting applications were placed in the St. Augustine Record and posted on the City's website. Applications were received from the following:

William Masson
Charles Pappas
Matthew Shaffer
Janet Cragg
Carl Blow

Attached are the applications received, in addition to the current PZB roster, board profile and responsibilities.



Darlene Galambos
City Clerk

Xc: City Clerk Files

October 24, 2019

Mayor and Commissioners,

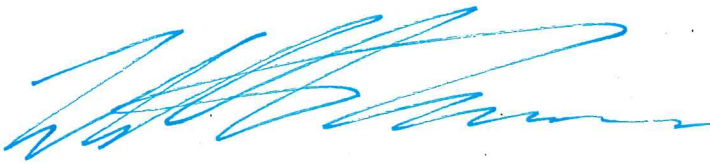
Please accept this letter as well as the attached resume and application as my complete application for the vacancy on the Planning and Zoning Board (PZB).

I am a lifelong resident of St. Augustine and passion for the city and its well-being is in my blood. My parents have been involved in this community since moving here decades ago and they instilled in me a passion for public service and a desire to give my time and talents towards being stewards of our town. I believe I can do that well as a member of PZB.

Beyond my love of St. Augustine and my desire to be a good steward, I bring professional qualifications to the table. I am a practicing attorney and a member in good standing of the Florida Bar. I was admitted to practice in April 2017 and have been working without interruption since then. While being an attorney does not *sua sponte* make me qualified for a seat on PZB, it has provided me with the tools necessary to view those issues before the board with a critical eye and to appreciate the potentially far-reaching consequences of the board's decisions, much as I have done in my time on the Code Enforcement, Adjustment and Appeals Board.

All of this is to say, I am a St. Augustine native with the time, talent, and passion to serve the City in this capacity and it would be a pleasure to do so. I appreciate your time and consideration and I anxiously await your decision.

Sincerely,



William S. Masson

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee. In accordance with Ordinance 2003-14 citizen boards that assist in the governing of the City of St. Augustine shall be made up of persons who reside within the City Limits. Exceptions to this City Commission policy may be made for members of ad-hoc committees on a case-by-case basis by the City Commission.

1. APPLICANT William S. Masson
2. RESIDENCE 35 Park Ave PHONE 904-687-8403
(address)
3. BUSINESS OWNED (Address) N/A PHONE N/A
4. PROPERTY OWNED (Address) N/A
5. MAILING ADDRESS PREFERRED 35 Park Ave, St. Augustine, 32084
6. E-mail Address wsmasson@outlook.com
7. BOARD DESIRED PZB
8. OCCUPATION (include resume if available) Attorney
9. PROFESSIONAL QUALIFICATIONS: (If necessary, attach additional information)

Member in good standing of the Florida Bar

10. OTHER COMMENTS OR INFORMATION See attached letter

11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. **Regardless of your answer to question 1, go to question 2.**

Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) Yes No

Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.

RACIAL CATEGORY (Check as many as apply)

- | | |
|--|--------------------------|
| ☐ American Indian or Alaska Native | ☐ |
| ☐ Asian | |
| ☐ Black or African American | |
| ☐ Native Hawaiian or Other Pacific Islander | |
| ☒ White | |

12. SIGNATURE OF APPLICANT



DATE 10/24/19

12. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, FL 32085

WSM

Initial

William S. Masson
35 Park Ave, St. Augustine, FL 32084
(904) 687-8403
Wsmasson@outlook.com

Qualifications

- Positive, responsible worker
- Proven record of academic and professional success
- Member in good standing of the Florida Bar – Florida Bar Number 0127164

Education

- **Bachelor of Science in International Affairs**, August 2012
Florida State University, Tallahassee, FL
Overall GPA: 3.5
- **Honors:** 2010, 2011, 2012 FSU Dean's List
- **Florida State University College of Law**, August 2012 – January 2013
- **Juris Doctor**, December 2016
Florida Coastal School of Law, Jacksonville, FL

Experience

- **Attorney**, Boles Law Firm, September 2019 – Present
 - Practicing primarily elder law including estate planning, pre-Medicaid eligibility, etc.
- **Attorney**, Delgado and Romanik, PLLC, January 2018 – August 2019
 - Practice areas included divorce, child custody, and other collateral family matters, with emphasis on criminal defense
 - Handled cases ranging from civil traffic citations to first degree murder
 - Worked as part of a team of seven attorneys and helped manage an office of ~20 people
- **Assistant State Attorney**, 7th Circuit, Daytona Beach, FL, April 2017 – Present
 - Misdemeanor ASA
 - Attended court every week for Arraignment, Pre-Trial, Case Management, Domestic Violence/In-Custody Arraignment, etc.
 - Regularly represented the State at hearings on motions to suppress and dismiss as well as bond hearings, violation of probation hearings, and all other matters in which the state requires representation
 - Organized and participated in trial including jury selection, witness management, presentation of evidence, argument and all other facets of trial
 - Attended the Gerald T. Bennett Prosecutor/Public Defender Trial Training program, TSRP Basic DUI preparation (for law enforcement officers), and TSRP Advanced DUI Seminar
- **Intern**, State Attorney's Office, 7th Circuit, St. John's County, FL, January 2016 – December 2016
 - Prepared sentencing guideline scoresheets
 - Drafted motions and responses to motions
 - Argued at hearings on motions to dismiss, motions in limine, and a motion to suppress
 - Participated in multiple jury selections and trial with supervising attorneys
- **General Manager**, First Colony Exhibition, September 2013-August 2014
 - Oversaw all functions of museum and retail operation, including:
 - Financial management, budgeting, marketing
 - Maintaining the exhibit and providing reports and feedback to Florida Museum of Natural History and the University of Florida

Activities

- Pi Kappa Phi Fraternity Risk Management Chairman, Spring 2011-Summer 2012
- Member of the Catholic Charities of St. Augustine Advisory Board and the Code Enforcement, Adjustment and Appeals Board.
- Current member of the St. Augustine Business Coalition and Sister Cities St. Augustine, and prospective member of Rotary International.
- Studied abroad in Valencia, Spain in Summer 2011
- Producer of "The COA Show with Joe Boles"

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee

1. APPLICANT Charles Pappas
2. RESIDENCE
(address) 3015 Aqua Vista Ln. Unit 133 32084 PHONE 617-519-3017
3. BUSINESS OWNED (Address) NA PHONE _____
4. PROPERTY OWNED (Address) 3015 Aqua Vista Ln. Unit 133 32084
1001 Bella Vista Blvd Unit 103 32084
5. MAILING ADDRESS PREFERRED 3015 Aqua Vista Ln. Unit 133 32084
6. E-mail Address charlespappas@mac.com
7. BOARD DESIRED Planing and Zoning Board
8. OCCUPATION (include resume if available) Retired - Owned Arlington Swifty Printing 37 years
9. PROFESSIONAL QUALIFICATIONS: (you are encouraged to submit a cover letter)
Please see attached. I can bring a unique perspective to the board through my diverse experiences. It is
important to have professionals in the field for this board, but I feel strongly it is equally important to have
residents on these boards who may have a different perspective than someone in the field.
10. OTHER COMMENTS OR INFORMATION
Please see attached. Over the last 2 years I have regularly attended the PZB, HARB and Commission meetings to
learn all aspects of the city.

11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.	
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) <u>Yes</u> <u>No</u> <u>X</u>	
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.	
RACIAL CATEGORY (Check as many as apply)	
<u> </u> American Indian or Alaska Native <u> </u>	
<u> </u> Asian	
<u> </u> Black or African American	
<u> </u> Native Hawaiian or Other Pacific Islander	
<u>X</u> White	

12. SIGNATURE OF APPLICANT

C. Pappas

DATE August 14, 2019

13. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, FL 32085

CP
Initial

QUALIFICATIONS FOR PLANNING AND ZONING BOARD (PZB):

Authorization: Chapter 28, Zoning, Code of the City of St. Augustine, Art II, Div. II. Section 28-57
Amended 4.14.2003, Ordinance 2003-14.

Qualifications: All members of the planning and zoning board shall reside in the city and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two (2) consecutive full terms.

Please check those qualifications that apply to you:

- ☐ Architect, Florida registered
- ☐ Planner, member APA or AICP
- ☐ Real Estate broker, with County occupational license
- ☐ Educator, college level
- ☐ Engineer, Florida registered
- ☐ Landscape architect Florida registered
- ☐ Preservation organization officer
- ☐ Environmental or land use organization officer
- ☐ Attorney, Florida Bar
- ☐ Merchant/business person, City occupational license
- ☐ Contractor, City contractor's license

QUALIFICATIONS FOR HISTORIC ARCHITECTURAL REVIEW BOARD (HARB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 3 and Ordinance 2005-15.

Qualifications: All members of the historic architectural review board shall hold no government office nor receive any salary or compensation for their services to the board herein created. While preference shall be given to current city residents, the city commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified. No member shall be appointed for more than two (2) consecutive full terms. Alternates shall be appointed for a three (3) year term. Alternates shall have previously served as regular members and shall comply with all local and state requirements of office. Alternates will only be called upon to participate and vote at meetings in the event of an anticipated lack of quorum or bare minimum quorum of the regular members.

Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines who do not have a professional degree in any of the fields set forth in this section may be appointed by the city commission when persons with such degrees are not available for appointment, or when such appointment is determined to be in the best interest of the city.

Please check those qualifications that apply to you:

- ☐ History or related fields
- ☐ Archaeology
- ☐ Architectural history
- ☐ Historic architecture
- ☐ Art history
- ☐ Former HARB member
- ☒ Other

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee

1. APPLICANT MATTHEW SHAFFER
2. RESIDENCE (address) 7 NELMAR AVE PHONE 904-806-5020
3. BUSINESS OWNED (Address) N/A PHONE _____
4. PROPERTY OWNED (Address) 7 NELMAR AVE, ST AUG 32084
5. MAILING ADDRESS PREFERRED _____
6. E-mail Address matthew.shaffer@att.net
7. BOARD DESIRED PLANNING & ZONING BOARD
8. OCCUPATION (include resume if available) REALTOR, RE/MAX 100 REALTY
9. PROFESSIONAL QUALIFICATIONS: (you are encouraged to submit a cover letter)
ACTIVE LOCAL REALTOR SINCE 2011; FIVE STAR PRO AWARD 2015-20
MBA W/ CONCENTRATIONS IN FINANCE, INT'L BUSINESS MGMT;
14 YRS MGMT EXPERIENCE IN COMMERCIAL CONSTRUCTION;
10. OTHER COMMENTS OR INFORMATION
SERVED (2) CONSECUTIVE 3-YR TERMS ON CO SA PZB 2012-2014
SERVED ON PLEASANT RIDGE, MI HISTORICAL COMMISSION
NELMAR TERRACE NEIGHBORHOOD ASSN BOARD MEMBER
11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.	
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) Yes No	
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.	
RACIAL CATEGORY (Check as many as apply)	RECEIVED NOV 20 2019 CITY CLERK
☐ American Indian or Alaska Native	
☐ Asian	
☐ Black or African American	
☐ Native Hawaiian or Other Pacific Islander	
☒ White	

12. SIGNATURE OF APPLICANT  DATE 11/20/19
2/28/19 MA

13. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, FL 32085

MA
Initial

QUALIFICATIONS FOR PLANNING AND ZONING BOARD (PZB):

Authorization: Chapter 28, Zoning, Code of the City of St. Augustine, Art II, Div. II. Section 28-57
Amended 4.14.2003, Ordinance 2003-14.

Qualifications: All members of the planning and zoning board shall reside in the city and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two (2) consecutive full terms.

Please check those qualifications that apply to you:

- ☐ Architect, Florida registered
- ☐ Planner, member APA or AICP
- ☒ Real Estate broker, with County occupational license
- ☐ Educator, college level
- ☐ Engineer, Florida registered
- ☐ Landscape architect Florida registered
- ☐ Preservation organization officer
- ☐ Environmental or land use organization officer
- ☐ Attorney, Florida Bar
- ☐ Merchant/business person, City occupational license
- ☐ Contractor, City contractor's license

QUALIFICATIONS FOR HISTORIC ARCHITECTURAL REVIEW BOARD (HARB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 3 and Ordinance 2005-15.

Qualifications: All members of the historic architectural review board shall hold no government office nor receive any salary or compensation for their services to the board herein created. While preference shall be given to current city residents, the city commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified. No member shall be appointed for more than two (2) consecutive full terms. Alternates shall be appointed for a three (3) year term. Alternates shall have previously served as regular members and shall comply with all local and state requirements of office. Alternates will only be called upon to participate and vote at meetings in the event of an anticipated lack of quorum or bare minimum quorum of the regular members.

Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines who do not have a professional degree in any of the fields set forth in this section may be appointed by the city commission when persons with such degrees are not available for appointment, or when such appointment is determined to be in the best interest of the city.

Please check those qualifications that apply to you:

- ☐ History or related fields
- ☐ Archaeology
- ☐ Architectural history
- ☐ Historic architecture
- ☐ Art history
- ☐ Former HARB member
- ☐ Other

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee

1. APPLICANT JANET A. CRAIG
2. RESIDENCE (address) 264 S. MATANZAS BLVD. PHONE 904-829-5113
3. BUSINESS OWNED (Address) _____ PHONE _____
4. PROPERTY OWNED (Address) 264 S. MATANZAS BLVD. St. Augustine, FL 32080
5. MAILING ADDRESS PREFERRED 264 S. MATANZAS BLVD. 32080
6. E-mail Address craggjanet@aol.com
7. BOARD DESIRED Planning and Zoning
8. OCCUPATION (include resume if available) Refined teacher
9. PROFESSIONAL QUALIFICATIONS: (you are encouraged to submit a cover letter)
- TEACHING - Elementary grades and GED teacher

10. OTHER COMMENTS OR INFORMATION

I have lived in St. Augustine since 1973.
I am very concerned about the rapid growth.

11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.	
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) Yes <u>(No)</u>	
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.	
RACIAL CATEGORY (Check as many as apply)	
☐ American Indian or Alaska Native	
☐ Asian	
☐ Black or African American	
☐ Native Hawaiian or Other Pacific Islander	
☒ White	

12. SIGNATURE OF APPLICANT

Janet A. Craig DATE 11/14/2019

13. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, FL 32085

J.C.
Initial

QUALIFICATIONS FOR PLANNING AND ZONING BOARD (PZB):

Authorization: Chapter 28, Zoning, Code of the City of St. Augustine, Art II, Div. II. Section 28-57
Amended 4.14.2003, Ordinance 2003-14.

Qualifications: All members of the planning and zoning board shall reside in the city and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two (2) consecutive full terms.

Please check those qualifications that apply to you:

- ☐ Architect, Florida registered
- ☐ Planner, member APA or AICP
- ☐ Real Estate broker, with County occupational license
- ☒ Educator, college level
- ☐ Engineer, Florida registered
- ☐ Landscape architect Florida registered
- ☐ Preservation organization officer
- ☐ Environmental or land use organization officer
- ☐ Attorney, Florida Bar
- ☐ Merchant/business person, City occupational license
- ☐ Contractor, City contractor's license

Retired teacher elementary and GED

QUALIFICATIONS FOR HISTORIC ARCHITECTURAL REVIEW BOARD (HARB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 3 and Ordinance 2005-15.

Qualifications: All members of the historic architectural review board shall hold no government office nor receive any salary or compensation for their services to the board herein created. While preference shall be given to current city residents, the city commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified. No member shall be appointed for more than two (2) consecutive full terms. Alternates shall be appointed for a three (3) year term. Alternates shall have previously served as regular members and shall comply with all local and state requirements of office. Alternates will only be called upon to participate and vote at meetings in the event of an anticipated lack of quorum or bare minimum quorum of the regular members. Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines who do not have a professional degree in any of the fields set forth in this section may be appointed by the city commission when persons with such degrees are not available for appointment, or when such appointment is determined to be in the best interest of the city.

Please check those qualifications that apply to you:

- ☐ History or related fields
- ☐ Archaeology
- ☐ Architectural history
- ☐ Historic architecture
- ☐ Art history
- ☐ Former HARB member
- ☐ Other

John Carl Blow
100 Santa Monica Avenue
St Augustine, Florida 32080-5417
john.carl.blow@gmail.com
904-710-2655

November 25, 2019

Mayor Tracy UpChurch
Vice Mayor Leanna Freeman
Commission Roxanne Horvath
Commissioner Nancy Sikes-Kline
Commissioner John Valdez

Re: Planning & Zoning Board - Vacant Seat

Dear Mayor & Commissioners:

Please find attached my application for the vacant seat on the St Augustine Planning & Zoning Board. Please note that I currently do not own any investment property nor do I manage any investment property in the City. Therefore I do not foresee any potential conflicts of interest issues if you choose to appoint me to this vacant PZB seat. The only real estate I own is our home on Santa Monica Avenue which we purchased in 1998.

If you have any questions please contact me and thank you for your consideration.

Sincerely;



J. Carl Blow

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee

J. Carl Blow

1. APPLICANT _____
2. RESIDENCE _____
(address) 100 Santa Monica Avenue, St Augustine, FL 32080-5417 PHONE 904-710-2655
3. BUSINESS OWNED (Address) Great Oaks Properties PHONE 904-710-2655
4. PROPERTY OWNED (Address) 100 Santa Monica Avenue, St Augustine, FL 32080-5417
5. MAILING ADDRESS PREFERRED 100 Santa Monica Avenue, St Augustine, FL 32080-5417
6. E-mail Address john.carl.blow@gmail.com
7. BOARD DESIRED Planning & Zoning Board
8. OCCUPATION (include resume if available) Commercial Real Estate Property Manager and Broker
9. PROFESSIONAL QUALIFICATIONS: (you are encouraged to submit a cover letter)
I have worked as a project manager developing and managing commercial properties in Florida and Georgia for over 40 years. I hold a BBA in Finance and a BS Building Construction Technology from UNF. I am a Florida licensed General Contractor, Real Estate Broker, Pollutant Storage Contractor and Home Inspector. I also hold a USCG 100 ton Masters license with Towing Endorsement.

10. OTHER COMMENTS OR INFORMATION

In addition to past service on the PZB I currently serve as the Florida Inland Navigation District Commissioner representing St Johns County. I have also served as a Commissioner on the St Augustine Port Waterway & Beach District and I served on the Board of the St Johns County Industrial Development Authority.

11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.	
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) Yes No ☒	
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.	
RACIAL CATEGORY (Check as many as apply)	
☐ American Indian or Alaska Native	RECEIVED NOV 25 2019 CITY CLERK
☐ Asian	
☐ Black or African American	
☐ Native Hawaiian or Other Pacific Islander	
☒ White	

12. SIGNATURE OF APPLICANT



DATE 11/25/2019

13. **AGREEMENT:** In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, FL 32085


Initial

QUALIFICATIONS FOR PLANNING AND ZONING BOARD (PZB):

Authorization: Chapter 28, Zoning, Code of the City of St. Augustine, Art II, Div. II. Section 28-57
Amended 4.14.2003, Ordinance 2003-14.

Qualifications: All members of the planning and zoning board shall reside in the city and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two (2) consecutive full terms.

Please check those qualifications that apply to you:

- ☐ Architect, Florida registered
- ☐ Planner, member APA or AICP
- ☒ Real Estate broker, with County occupational license
- ☐ Educator, college level
- ☐ Engineer, Florida registered
- ☐ Landscape architect Florida registered
- ☐ Preservation organization officer
- ☐ Environmental or land use organization officer
- ☐ Attorney, Florida Bar
- ☐ Merchant/business person, City occupational license
- ☐ Contractor, City contractor's license

QUALIFICATIONS FOR HISTORIC ARCHITECTURAL REVIEW BOARD (HARB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 3 and Ordinance 2005-15.

Qualifications: All members of the historic architectural review board shall hold no government office nor receive any salary or compensation for their services to the board herein created. While preference shall be given to current city residents, the city commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified. No member shall be appointed for more than two (2) consecutive full terms. Alternates shall be appointed for a three (3) year term. Alternates shall have previously served as regular members and shall comply with all local and state requirements of office. Alternates will only be called upon to participate and vote at meetings in the event of an anticipated lack of quorum or bare minimum quorum of the regular members.

Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines who do not have a professional degree in any of the fields set forth in this section may be appointed by the city commission when persons with such degrees are not available for appointment, or when such appointment is determined to be in the best interest of the city.

Please check those qualifications that apply to you:

- ☐ History or related fields
- ☐ Archaeology
- ☐ Architectural history
- ☐ Historic architecture
- ☐ Art history
- ☐ Former HARB member
- ☐ Other

Biographical Summary

J. Carl Blow

December, 2019

Educational Background: Carl holds two bachelor degrees the first a Bachelor of Business Administration and the second a Bachelor of Building Construction Technology from the University of North Florida in Jacksonville.

Professional Experience: Carl has spent the last 40 years in the real estate and construction industries in northeast Florida and southeast Georgia. Serving as both a construction project manager and a real estate broker Carl has developed multiple family, commercial retail and industrial projects for both the private sector and government clients. In the 1990's Carl was also an active environmental contractor specializing in the replacement and clean up of petroleum tank installations and petroleum spill response and cleanup activities. Carl currently provides property management services for retail properties located in Florida, Georgia and Mississippi.

Professional Affiliations, Certifications:

Florida Real Estate Broker

Florida General Contractor

Florida Pollutant Storage Contractor

Florida Licensed Home Inspector

US Coast Guard Master License (Near Coastal 100 Ton with Towing Endorsement)

Florida Inland Navigation District – Commissioner for St Johns County

Former Member of the City of St Augustine Planning & Zoning Board

Past Commissioner St Augustine Port, Waterway & Beach District

Former Board Member St Johns County Industrial Development Authority

Interests: Carl was born in Jacksonville and grew up boating on the St Johns River. He is a boat owner who fishes and sails the AICW and offshore area around St Augustine. He works to maintain and improve the public access to the AICW and the surrounding waters. Carl is also devoted to his Golden Retriever Luke.

PLANNING & ZONING BOARD

Meets Monthly, 1st Tuesday - 2:00 p.m.
Alcazar Room, City Hall

Board Member	Contact information	Appointment	3-Year Terms Expire
VACANT			09/30/2021
Jon DePreter Retired	73 Magnolia Dr., 32080 845-901-9065 jondepreter@gmail.com	08/27/18 fill vacancy	09/30/2020
Christina Opsahl Attorney	P.O. Box 3743, 32085 904-907-7011 opsahl@opsahlaw.com	09/24/18 1st full term	09/30/2021
Michael Davis General Contractor	3940 Lewis Speedway, Ste. 2201, 32084 904-824-3533 mikedavis@addavis.com	09/23/19 1 st full term	09/30/2022
Sarah S. Ryan Architect	252 S. Matanzas Blvd, 32080 547-9430 sshipp@gmail.com	11/10/14 fill vacancy 09/26/16 1 st full term 09/23/19 2 nd full term	09/30/2022
Grant Misterly CHAIR Professional Engineer	3 Alfred Street, 32084 904-501-9345 gmisterly@gmail.com	09/26/16 1 st full term 09/23/19 2 nd full term	09/30/2022
Karen Zander VICE CHAIR Real Estate Broker	62 Hypolita St, 32084 904-673-4764 Karen@97Park.com	09/25/17 1 st full term	09/30/2020

PLANNING & ZONING BOARD

09/15/16

Authorization: Chapter 28, Zoning, Code of the City of St. Augustine, Art II, Div. II. Section 28-57 Amended 4.14.2003, Ordinance 2003-14.

Number of Members: Seven (7)

Terms of Office: Three (3) years Original appointments staggered. No member may be appointed for more than two (2) consecutive full terms.

Appointment: By City Commission

Reappointment: Normal terms to expire on September 30 of each year.

Qualifications: **All members of the planning and zoning board shall reside in the city and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two 2 consecutive full terms.**

Member composition: architect, Florida registered; planner member APA or AICP; real estate broker, with County occupational license; educator, college level; engineer, Florida registered; landscape architect Florida registered; preservation organization officer; environmental or land use organization officer; attorney, Florida Bar; merchant/business person, City occupational license; or contractor, City contractor's license.

Duties: The Planning & Zoning Board is established as the St. Augustine Local Comprehensive Planning Agency. The board may grant zoning exceptions and variances as provided in the zoning code ordinances; hear appeals of any decision of the Planning and Building Department; recommend to the Commission in the rezoning of land and changes to the Comprehensive Plan.

Attendance: Absences unexcused by the chairman for two (2) of three (3) consecutive meetings shall constitute a resignation of the position.

Meetings: First Tuesday of each month, 2 P.M., the Alcazar Room, City Hall.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: December 9, 2019

RE: Notification of advertising extension for applications to the CODE
ENFORCEMENT ADJUSTMENT AND APPEALS BOARD

At the regularly scheduled meeting City Commission meeting of November 12, 2019 notice was provided regarding the term expiration of two positions, which expire December 27, 2019.

Advertisements requesting applications were placed in the St. Augustine Record and posted on the City's website.

As of the agenda deadline, no applications were received. The Clerk's Office will re-advertise and bring the matter back to the Commission in January.

Attached is the current Civil Service roster and board profile, responsibilities.



Darlene Galambos
City Clerk

Xc: City Clerk Files

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

Updated 1/11/18

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.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: December 9, 2019

RE: Request for appointment to fill two (2) Term Expirations – St. Augustine Firefighters' Pension Fund Board of Trustees

At the regularly scheduled meeting City Commission meeting of October 28, 2019, notice was provided regarding the term expirations of James "Jim" Springfield and Richard "Rick" Hernandez, both of which have indicated their willingness to continue serving.

An advertisement requesting applications was placed in the St. Augustine Record and a notice was posted on the City website.

The only applications received were from Mr. Springfield and Mr. Hernandez and are attached, in addition to the current roster, board profile and responsibilities, and I respectfully request approval for re-appointment.



Darlene Galambos
City Clerk

Attachments: Applications

xc: Clerk's Office

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee. In accordance with Ordinance 2003-14 citizen boards that assist in the governing of the City of St. Augustine shall be made up of persons who reside within the City Limits. Exceptions to this City Commission policy may be made for members of ad-hoc committees on a case-by-case basis by the City Commission.

1. APPLICANT RICHARD M HERNANDEZ
2. RESIDENCE
(address) 215 SMATAVZAS BLVD PHONE 904-829-3866
3. BUSINESS OWNED (Address) _____ PHONE _____
4. PROPERTY OWNED (Address) _____
5. MAILING ADDRESS PREFERRED _____
6. E-mail Address ISLANDMASONRY@COMCAST.NET
7. BOARD DESIRED FIREFIGHTERS PENSION TRUST FUND
8. OCCUPATION (include resume if available) MASONRY CONTRACTOR
9. PROFESSIONAL QUALIFICATIONS: (If necessary, attach additional information)

10. OTHER COMMENTS OR INFORMATION

11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.	
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) Yes ☐ No ☐	
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.	
RACIAL CATEGORY (Check as many as apply)	
☐ American Indian or Alaska Native	
☐ Asian	
☐ Black or African American	
☐ Native Hawaiian or Other Pacific Islander	
☒ White	

12. SIGNATURE OF APPLICANT

Richard M Hernandez DATE 11-12-19

12. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to Alison Ratkovic, City Clerk, P.O. Box 210, St. Augustine, FL 32085

BH
Initial

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee. In accordance with Ordinance 2003-14 citizen boards that assist in the governing of the City of St. Augustine shall be made up of persons who reside within the City Limits. Exceptions to this City Commission policy may be made for members of ad-hoc committees on a case-by-case basis by the City Commission.

1. APPLICANT James T. Springfield (Jim)
2. RESIDENCE
(address) 6 ALTHEA ST PHONE 904-669-3225
3. BUSINESS OWNED (Address) _____ PHONE _____
4. PROPERTY OWNED (Address) 6 ALTHEA ST
5. MAILING ADDRESS PREFERRED 6 ALTHEA ST, SA, 32084
6. E-mail Address Jspringfield@mac.com
7. BOARD DESIRED Fireman's Fund
8. OCCUPATION (include resume if available) CHRO - Flagler College
9. PROFESSIONAL QUALIFICATIONS: (If necessary, attach additional information)

10. OTHER COMMENTS OR INFORMATION

Serve many years on this board for COSA

11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. **Regardless of your answer to question 1, go to question 2.**

Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) Yes ☒ No

Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.

RACIAL CATEGORY (Check as many as apply)

- ☐ American Indian or Alaska Native
☐ Asian
☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander
☒ White

12. SIGNATURE OF APPLICANT



DATE 11-19-14

12. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to Alison Ratkovic, City Clerk, P.O. Box 210, St. Augustine, FL 32085



Initial

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 11/2019	01/01/2022

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 (Board appointed)			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
Bld, 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

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice-Mayor and Commissioners

DATE: November 26, 2019

RE: CITY MANAGER'S ANNUAL EVALUATION SYNOPSIS

At the request of the City Commission, I have reviewed the individual evaluations and summarized them for the Commission's consideration.

Format

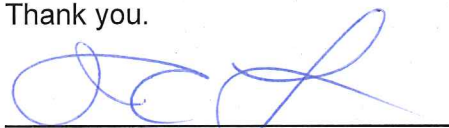
Some commissioners filled out a two-part form consisting of numerical scores and short-answer narratives, while others provided alternative evaluations through a combination of scores and verbal narrative, or overall written evaluations. The numerical scores received have been summarized in chart format for ease of reference.

Summary

Overall, the Commissioners were highly satisfied with the City Manager's performance. All key performance metrics received high scores, averaging 4.80 on a scale of 0-5 encompassing ten (10) categories: Individual Characteristics, Relationships with Commissioners, Reporting, Staffing, Fiscal Management, Professional Skills, Policy Execution, Citizen Relations, Supervision, and Community.

Mr. Regan's substantive core competencies were emphasized in each review. Mr. Regan's emotional intelligence and compassion directly correlated to effective leadership. In addition, Mr. Regan was described as even-tempered, accessible, enthusiastic and a creative problem solver. His ability to foster intergovernmental cooperation was highlighted in his relationships with county, state, and even international leaders. Storm preparedness and post-storm outreach during Hurricane Dorian was identified as a particular strength. Mr. Regan was praised in his ability to hire and retain quality senior staff, and he was encouraged to continue succession planning and training, as well as, making an intentional effort to maintain a staff that includes a healthy variety of opinions and opposing views. Areas identified as needing improvement included more prompt communication with Commissioners on emerging City issues, and developing a clear policy on communicating items of urgency to the Commission. Long-term planning for mobility and resiliency, as well as, public outreach and education were identified as administrative goals. The continued use of the administrative Task List was encouraged, with the City Manager's thoughtful consideration and Commission feedback on key issues.

Thank you.



Isabelle C. Lopez
City Attorney

Attachments

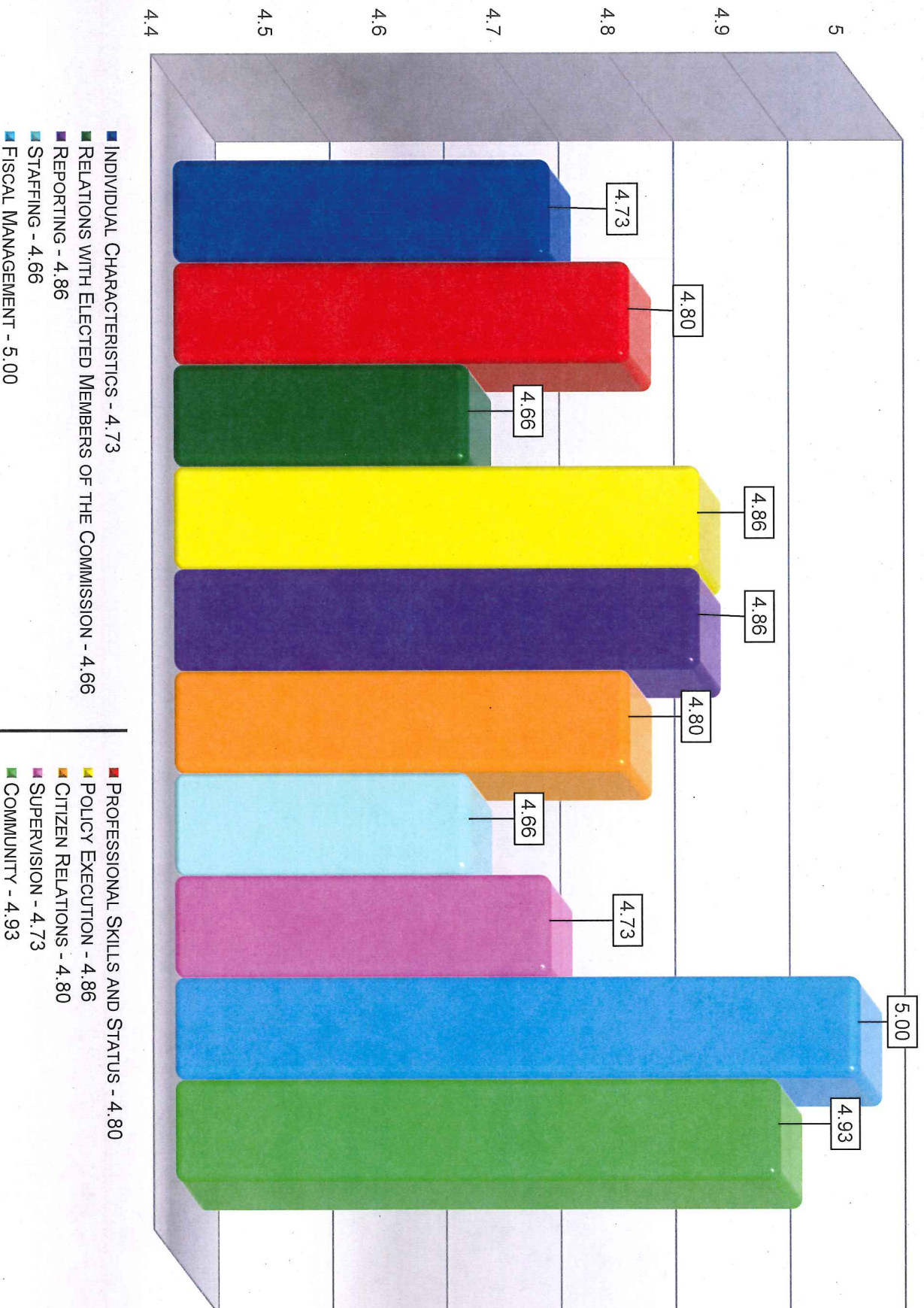
xc: John Regan, City Manager
Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk

Agenda Title:

City Manager's annual evaluation synopsis.

PERFORMANCE CATEGORIES

(BASED ON A SCALE OF 0 – 5)



(* AVERAGE SCORES DERIVED FROM THREE (3) EVALUATIONS)

To: John Regan, P.E.
City Manager

From: T.W. Upchurch
Mayor and Commissioner

Re: Annual Evaluation: FY 2019

Date: November 22, 2019

It has been my pleasure to work with you since my appointment to the office of mayor on March 4, 2019. During this relatively short time I have been very impressed with your leadership, compassion, and energy in serving the citizens of our community and the visitors to our city.

You have demonstrated your ability to be a very effective leader. You have proactively made changes in the organizational structure of the city when necessary to meet new demands. This has been illustrated by the recent changes you have made in the public works department and the pending reorganization of the public affairs department. Changing priorities in our city, retirements, and the evolving environment in which the city operates drove these organizational changes. You are to be commended for recognizing the benefits of the changes and being willing to do the hard work to redesign the organization.

I have also been very impressed with the quality of senior staff that you have gathered around you to help lead the city forward. This is a testament to your leadership that you are able to hire and retain a staff of this quality.

During the preparation for Hurricane Dorian I watched your willingness to directly engage with the citizens of our community as they prepared for the approaching storm. You and I rode for several hours throughout the city "checking" on citizens. Further, you continued this practice after the storm passed to determine how our residents had fared. I was touched by your ability to reach out to others as you and your family prepared your own home for the storm. Your ability to manage these emotional and demanding tasks at the same time was impressive.

During the storm you were active at the emergency operations center. You worked in a collegial manner with the county administrators and first responders to prepare our entire county for the approach of Dorian. You also demonstrated a significant compassion for our city employees whom we expected to be available to respond to the community's needs as soon as the storm moved north. You correctly understand that we cannot expect our employees to serve the city if they are worried about their own families and property. Therefore, on behalf of the city, you took steps to address their personal concerns so these employees could focus on helping our citizens.

I find you very even-tempered and accessible. You are a people person and work hard to create and nurture relationships with individuals throughout our city, state, nation, and even internationally through your numerous contacts in Spain. You have a great heart for the cultural and historical life of our community.

Finally, you are proactive in addressing the challenges before our community. Many in your position would consider it a good day if the phone never rang. You however, are actively working to address current challenges but also anticipating the future needs of the community.

You are a pleasure to work with and a true asset to the city and our larger community. In the future, after a longer period working together, I will be in a position to offer more constructive suggestions. At this point however, this memo captures my sentiments about your performance as the city manager.

CITY OF ST. AUGUSTINE
CITY MANAGER PERFORMANCE EVALUATION

November 2019

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

1. **INDIVIDUAL CHARACTERISTICS:** City Manager John Regan exhibits excellent individual characteristics that compliment his ability to manage the City effectively.
2. **PROFESSIONAL SKILLS AND STATUS:** The City Manager effectively maintains knowledge of current developments which gives him the ability to be creative when analyzing problems and developing methods for problem solving.
3. **RELATIONS WITH ELECTED MEMBERS OF THE COMMISSION:** The City Manager responds appropriately to directives from the commission and makes himself readily available to Commissioners to provide information and address concerns. The Manager can strive to keep commissioners informed on minor topics as they occur in addition to major issues and time sensitive matters. The City Manager gives thoughtful consideration to input and feedback from Commissioners.
4. **POLICY EXECUTION:** The City Manager implements actions based on the intent of counsel and supports decisions made by the elective board. As mentioned with regard to his "Professional Skills and Status," he uses his varied knowledge to allow for innovative creativity when conflicts arise.
5. **REPORTING:** The City Manager appropriately provides information and reports and responds in a timely manner to requests. It would be beneficial to implement a clear policy for the reporting and dissemination for "immediate and urgent" information for emergency events.
6. **CITIZEN RELATIONS:** The City Manager has an excellent record of receiving and responding to community members and their concerns.
7. **STAFFING:** The City Manager dedicates time to the various departments as well as the individual employees of the City. He respects and values input from staff and it is suggested that he make an intentional effort to maintain a staff that includes a healthy variety of opinions and opposing views.
8. **SUPERVISION:** While departments are encouraged to operate with minimal manager involvement, the City Manager has been willing to step in where his

expertise is beneficial. Developing staff to head up important and sometimes controversial matters is valuable.

9. **FISCAL MANAGEMENT:** The City has excelled and been a leader in the areas of fiscal management and even in times of economic challenges. While the success has relied heavily on various members of the staff and policy, the City Manager has led the effort.
10. **COMMUNITY:** The City Manager excels in problem solving and even in the face of economic or political adversity. He has earned a reputation for his efforts and it reflects positively on the entire City by having a City Manager who is a leader in the world of other Managers and leaders.

By 

Leanna S. A. Freeman
City of St. Augustine
Vice Mayor

Dated: November 26, 2019

City Manager Performance Evaluation

City of St. Augustine

Evaluation period: Oct 1, 2018 to Oct. 13, 2019

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

By Nancy Sikes Kline
(Printed Name)

[Signature]
Mayor/Commissioner Signature

10/18/19
Date

Received by: [Signature]
City Manager's Signature

10/18/19
Date

PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS

- 4 Diligent and thorough in the discharge of duties, "self-starter"
- 4 Exercises good judgment
- 5 Displays enthusiasm, cooperation, and will to adapt
- 4 Mental and physical stamina appropriate for the position
- 4 Exhibits composure, appearance and attitude appropriate for executive position

Comments: _____

Add the values from above and enter the subtotal 21 $\div 5 =$ 4.2 score for this category

2. PROFESSIONAL SKILLS AND STATUS

- 4 Maintains knowledge of current developments affecting the practice of local government management
- 5 Demonstrates a capacity for innovation and creativity
- 4 Anticipates and analyzes problems to develop effective approaches for solving them
- 5 Willing to try new ideas proposed by governing body members and/or staff
- 4 Sets a professional example by handling affairs of the public office in a fair and impartial manner

Comments: _____

Add the values from above and enter the subtotal 22 $\div 5 =$ 4.4 score for this category

3. RELATIONS WITH ELECTED MEMBERS OF THE COMMISSION

- 4 Carries out directives of the body as a whole as opposed to those of any one member or minority group
- 4 Sets meeting agendas that reflect the guidance of the commission and avoids unnecessary involvement in administrative actions
- 4 Disseminates complete and accurate information equally to all members in a timely manner
- 4 Assists by facilitating decision making without usurping authority
- 4 Responds well to requests, advice, and constructive criticism

Comments: _____

Add the values from above and enter the subtotal 25 $\div 5 =$ 5 score for this category

4. POLICY EXECUTION

- 5 Implements governing body actions in accordance with the intent of council
- 5 Supports the actions of the governing body after a decision has been reached, both inside and outside the organization
- 4 Understands, supports, and enforces local government's laws, policies, and ordinances
- 4 Reviews ordinance & policy procedures periodically to suggest improvements to their effectiveness
- 5 Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

Comments: _____

Add the values from above and enter the subtotal 23 ÷ 5 = 4.6 score for this category

5. REPORTING

- 4 Provides regular information & reports to the governing body concerning matters of importance to the local government, using the city charter as guide
- 4 Responds in a timely manner to requests from the governing body for special reports
- 5 Takes the initiative to provide information, advice, and recommendations to the governing body on matters that are non-routine and not administrative in nature
- 5 Reports produced by the manager are accurate, comprehensive, concise & written to their intended audience
- 5 Produces and handles reports in a way to convey the message that affairs of the organization are open to public scrutiny

Comments: _____

Add the values from above and enter the subtotal 23 ÷ 5 = 4.6 score for this category

6. CITIZEN RELATIONS

- 4 Responsive to requests from citizens
- 5 Demonstrates a dedication to service to the community and its citizens
- 4 Maintains a nonpartisan approach in dealing with the news media
- 5 Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
- 4 Gives an appropriate effort to maintain citizen satisfaction with city services

Comments: _____

Add the values from above and enter the subtotal 22 ÷ 5 = 4.4 score for this category

7. STAFFING

- 4 Recruits and retains competent personnel for staff positions
- 4 Applies an appropriate level of supervision to improve any areas of substandard performance
- 4 Stays accurately informed and appropriately concerned about employee relations
- 4 Professionally manages the compensation and benefits plan
- 4 Promotes training and development opportunities for employees at all levels of the organization

Comments: _____

Add the values from above and enter the subtotal 20 ÷ 5 = 4 score for this category

8. SUPERVISION

- 4 Encourages heads of departments to make decisions within their jurisdictions with minimal city manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff
- 4 Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- 4 Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the city manager's office
- 5 Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- 4 Encourages teamwork, innovation, and effective problem-solving among the staff members

Comments: _____

Add the values from above and enter the subtotal 21 ÷ 5 = 4.2 score for this category

9. FISCAL MANAGEMENT

- 5 Prepares a balanced budget to provide services at a level directed by the commission
- 5 Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- 5 Prepares a budget and budgetary recommendations in an intelligent and accessible format
- 5 Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- 5 Appropriately monitors and manages fiscal activities of the organization

Comments: * Area of excellence!

Add the values from above and enter the subtotal 25 ÷ 5 = 5 score for this category

10. COMMUNITY

- 5 Shares responsibility for addressing the difficult issues facing the city
- 5 Avoids unnecessary controversy
- 4 Cooperates with neighboring communities and the county
- 5 Helps the council address future needs and develop adequate plans to address long term trends
- 5 Cooperates with other regional, state and federal government agencies

Comments: _____

Add the values from above and enter the subtotal 24 ÷ 5 = 4.8 score for this category

NARRATIVE EVALUATION

What would you identify as the manager's strength(s), expressed in terms of the principle results achieved during the rating period? (Optional)

Openness, enthusiasm and positive attitude.

What performance area(s) would you identify as most critical for improvement? (Optional)

Continue to improve in communications with Commissioners on important topics in "fluid" situations.

What constructive suggestions or assistance can you offer the manager to enhance performance? (Optional)

Continue succession planning, continue to seek professional training, improve knowledge of agenda items and continue to improve interdepartmental coordination and communication.

What other comments do you have for the manager; e.g., priorities, expectations, goals or objectives for the new rating period? (Optional)

Continue to prioritize long term planning in mobility
Continue the use of "task list."
Continue to prioritize resiliency and citizen education.

City Manager Performance Evaluation

City of St. Augustine

Evaluation period: OCTOBER 1, 2018 to SEPTEMBER 30, 2019

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

By ROXANNE HORVATH
(Printed Name)

[Signature]
Mayor/Commissioner Signature

OCTOBER 8, 2019
Date

Received by: [Signature]
City Manager's Signature

10/11/19
Date

INSTRUCTIONS

This evaluation form contains ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the city manager's performance.

- 5 = Excellent** (almost always exceeds the performance standard)
- 4 = Above average** (generally exceeds the performance standard)
- 3 = Average** (generally meets the performance standard)
- 2 = Below average** (usually does not meet the performance standard)
- 1 = Poor** (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering narrative comments, including an opportunity to enter responses to specific questions and an opportunity to list any comments you believe appropriate and pertinent to the rating period. Please write legibly.

Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations presented prior to the deadline identified on the cover page will be summarized into a performance evaluation to be presented by the governing body to the city manager as part of the agenda for the meeting indicated on the cover page.

PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS

- 5 Diligent and thorough in the discharge of duties, "self-starter"
- 5 Exercises good judgment
- 5 Displays enthusiasm, cooperation, and will to adapt
- 5 Mental and physical stamina appropriate for the position
- 5 Exhibits composure, appearance and attitude appropriate for executive position

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 125 score for this category

2. PROFESSIONAL SKILLS AND STATUS

- 5 Maintains knowledge of current developments affecting the practice of local government management
- 5 Demonstrates a capacity for innovation and creativity
- 5 Anticipates and analyzes problems to develop effective approaches for solving them
- 5 Willing to try new ideas proposed by governing body members and/or staff
- 5 Sets a professional example by handling affairs of the public office in a fair and impartial manner

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 125 score for this category

3. RELATIONS WITH ELECTED MEMBERS OF THE COMMISSION

- 5 Carries out directives of the body as a whole as opposed to those of any one member or minority group
- 5 Sets meeting agendas that reflect the guidance of the commission and avoids unnecessary involvement in administrative actions
- 5 Disseminates complete and accurate information equally to all members in a timely manner
- 5 Assists by facilitating decision making without usurping authority
- 5 Responds well to requests, advice, and constructive criticism

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 125 score for this category

4. POLICY EXECUTION

- 5 Implements governing body actions in accordance with the intent of council
- 5 Supports the actions of the governing body after a decision has been reached, both inside and outside the organization
- 5 Understands, supports, and enforces local government's laws, policies, and ordinances
- 5 Reviews ordinance & policy procedures periodically to suggest improvements to their effectiveness
- 5 Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

Comments: EVENT PLANNING DISCUSSION

Add the values from above and enter the subtotal 25 ÷ 5 = 125 score for this category

5. REPORTING

- 5 Provides regular information & reports to the governing body concerning matters of importance to the local government, using the city charter as guide
- 5 Responds in a timely manner to requests from the governing body for special reports
- 5 Takes the initiative to provide information, advice, and recommendations to the governing body on matters that are non-routine and not administrative in nature
- 5 Reports produced by the manager are accurate, comprehensive, concise & written to their intended audience
- 5 Produces and handles reports in a way to convey the message that affairs of the organization are open to public scrutiny

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 125 score for this category

6. CITIZEN RELATIONS

- 5 Responsive to requests from citizens
- 5 Demonstrates a dedication to service to the community and its citizens
- 5 Maintains a nonpartisan approach in dealing with the news media
- 5 Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
- 5 Gives an appropriate effort to maintain citizen satisfaction with city services

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 125 score for this category

7. STAFFING

- 5 Recruits and retains competent personnel for staff positions
- 5 Applies an appropriate level of supervision to improve any areas of substandard performance
- 5 Stays accurately informed and appropriately concerned about employee relations
- 5 Professionally manages the compensation and benefits plan
- 5 Promotes training and development opportunities for employees at all levels of the organization

Comments: APPROPRIATE STAFF INVOLVEMENT WITH LCRA

Add the values from above and enter the subtotal 25 ÷ 5 = 125 score for this category

8. SUPERVISION

- 5 Encourages heads of departments to make decisions within their jurisdictions with minimal city manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff
- 5 Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- 5 Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the city manager's office
- 5 Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- 5 Encourages teamwork, innovation, and effective problem-solving among the staff members

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 125 score for this category

9. FISCAL MANAGEMENT

- 5 Prepares a balanced budget to provide services at a level directed by the commission
- 5 Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- 5 Prepares a budget and budgetary recommendations in an intelligent and accessible format
- 5 Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- 5 Appropriately monitors and manages fiscal activities of the organization

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 125 score for this category

10. COMMUNITY

- 5 Shares responsibility for addressing the difficult issues facing the city
- 5 Avoids unnecessary controversy
- 5 Cooperates with neighboring communities and the county
- 5 Helps the council address future needs and develop adequate plans to address long term trends
- 5 Cooperates with other regional, state and federal government agencies

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 125 score for this category

NARRATIVE EVALUATION

What would you identify as the manager's strength(s), expressed in terms of the principle results achieved during the rating period? (Optional)

What performance area(s) would you identify as most critical for improvement? (Optional)

What constructive suggestions or assistance can you offer the manager to enhance performance? (Optional)

What other comments do you have for the manager; e.g., priorities, expectations, goals or objectives for the new rating period? (Optional)

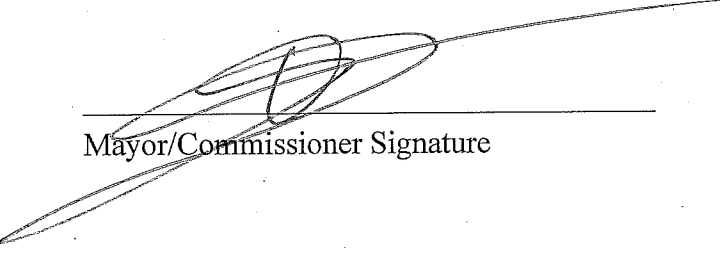
City Manager Performance Evaluation

City of St. Augustine

Evaluation period: OCT 1, 2018 to SEPT 30, 2019

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

By JOHN VALDES
(Printed Name)



Mayor/Commissioner Signature

NOV 25, 2019
Date

Received by: _____
City Manager's Signature

Date

INSTRUCTIONS

This evaluation form contains ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the city manager's performance.

5 = Excellent (almost always exceeds the performance standard)

4 = Above average (generally exceeds the performance standard)

3 = Average (generally meets the performance standard)

2 = Below average (usually does not meet the performance standard)

1 = Poor (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering narrative comments, including an opportunity to enter responses to specific questions and an opportunity to list any comments you believe appropriate and pertinent to the rating period. Please write legibly.

Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations presented prior to the deadline identified on the cover page will be summarized into a performance evaluation to be presented by the governing body to the city manager as part of the agenda for the meeting indicated on the cover page.

PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS

- 5 Diligent and thorough in the discharge of duties, "self-starter"
- 5 Exercises good judgment
- 5 Displays enthusiasm, cooperation, and will to adapt
- 5 Mental and physical stamina appropriate for the position
- 5 Exhibits composure, appearance and attitude appropriate for executive position

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 5 score for this category

2. PROFESSIONAL SKILLS AND STATUS

- 5 Maintains knowledge of current developments affecting the practice of local government management
- 5 Demonstrates a capacity for innovation and creativity
- 5 Anticipates and analyzes problems to develop effective approaches for solving them
- 5 Willing to try new ideas proposed by governing body members and/or staff
- 5 Sets a professional example by handling affairs of the public office in a fair and impartial manner

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 5 score for this category

3. RELATIONS WITH ELECTED MEMBERS OF THE COMMISSION

- 5 Carries out directives of the body as a whole as opposed to those of any one member or minority group
- 5 Sets meeting agendas that reflect the guidance of the commission and avoids unnecessary involvement in administrative actions
- 5 Disseminates complete and accurate information equally to all members in a timely manner
- 5 Assists by facilitating decision making without usurping authority
- 5 Responds well to requests, advice, and constructive criticism

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 5 score for this category

4. POLICY EXECUTION

- 5 Implements governing body actions in accordance with the intent of council
- 5 Supports the actions of the governing body after a decision has been reached, both inside and outside the organization
- 5 Understands, supports, and enforces local government's laws, policies, and ordinances
- 5 Reviews ordinance & policy procedures periodically to suggest improvements to their effectiveness
- 5 Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 5 score for this category

5. REPORTING

- 5 Provides regular information & reports to the governing body concerning matters of importance to the local government, using the city charter as guide
- 5 Responds in a timely manner to requests from the governing body for special reports
- 5 Takes the initiative to provide information, advice, and recommendations to the governing body on matters that are non-routine and not administrative in nature
- 5 Reports produced by the manager are accurate, comprehensive, concise & written to their intended audience
- 5 Produces and handles reports in a way to convey the message that affairs of the organization are open to public scrutiny

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 5 score for this category

6. CITIZEN RELATIONS

- 5 Responsive to requests from citizens
- 5 Demonstrates a dedication to service to the community and its citizens
- 5 Maintains a nonpartisan approach in dealing with the news media
- 5 Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
- 5 Gives an appropriate effort to maintain citizen satisfaction with city services

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 5 score for this category

7. STAFFING

- 5 Recruits and retains competent personnel for staff positions
- 5 Applies an appropriate level of supervision to improve any areas of substandard performance
- 5 Stays accurately informed and appropriately concerned about employee relations
- 5 Professionally manages the compensation and benefits plan
- 5 Promotes training and development opportunities for employees at all levels of the organization

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 5 score for this category

8. SUPERVISION

- 5 Encourages heads of departments to make decisions within their jurisdictions with minimal city manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff
- 5 Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- 5 Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the city manager's office
- 5 Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- 5 Encourages teamwork, innovation, and effective problem-solving among the staff members

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 5 score for this category

9. FISCAL MANAGEMENT

- 5 Prepares a balanced budget to provide services at a level directed by the commission
- 5 Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- 5 Prepares a budget and budgetary recommendations in an intelligent and accessible format
- 5 Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- 5 Appropriately monitors and manages fiscal activities of the organization

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 5 score for this category

10. COMMUNITY

- 5 Shares responsibility for addressing the difficult issues facing the city
- 5 Avoids unnecessary controversy
- 5 Cooperates with neighboring communities and the county
- 5 Helps the council address future needs and develop adequate plans to address long term trends
- 5 Cooperates with other regional, state and federal government agencies

Comments: _____

Add the values from above and enter the subtotal 25 ÷ 5 = 5 score for this category

NARRATIVE EVALUATION

What would you identify as the manager's strength(s), expressed in terms of the principle results achieved during the rating period? (Optional)

What performance area(s) would you identify as most critical for improvement? (Optional)

What constructive suggestions or assistance can you offer the manager to enhance performance? (Optional)

What other comments do you have for the manager; e.g., priorities, expectations, goals or objectives for the new rating period? (Optional)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Johns Regan, P.E.
City Manager

DATE: December 9, 2019

RE: **Creation of a Citizen Advisory Committee to Consider Building Code and Land Development Code Amendments Related to Building Construction and Flood Protection**

City Commissioner John Valdes is interested in creating a citizen advisory committee to explore ways to make new building construction more resilient to flooding and to protect existing homes from the drainage impacts of new development. The formation of a committee could be similar to the Short Term Rental Committee, which was a 7 member committee that had a 60 day window to conduct public meetings related to the topic and then report to the City Commission. This effort could lead to formal recommendations to the City Commission on new policies or code amendments.

A committee with experience in these disciplines is worth consideration;

- Architecture
- Structural Engineering
- Civil Engineering
- Building Construction
- Building Contractors
- Historic Preservation
- Real Estate

Some examples for discussion can include;

- “No-Fill” of land (no change to site elevation by introducing fill material to property in floodplains)
- Mandatory pier or stem-wall (without backfill) foundations for new homes in floodplains
- Incentives for use of pier foundations for new construction in floodplains
- Penalties for use of “slab-on-grade” foundations for new construction in floodplains
- Protection of front yards in residential districts from paving and parking
- Incentives for the use of Low Impact Design methods for new construction
- Creating an Impervious Surface Ratio to limit paving or covering of land

Changes to the city's Land Development Code can be done locally, but any changes to the Building Code will require approval by the state Building Commission.

Please place this discussion item on the December 9, 2019 City Commission agenda.

If you have any questions, please let me know.

David Birchim

David Birchim, AICP

Director, Planning and Building Department

CONSENT AGENDA - DECEMBER 9, 2019

CA.1. PREVIEW OF UPCOMING COMMISSION MEETINGS:

The following Ordinances are tentatively scheduled for second reading on January 13, 2020:

- Ordinance 2019-50
- Ordinance 2019-51
- Ordinance 2019-52

Remainder of Upcoming Meetings :

- January 6, 2020, 7 p.m., Lincolnville CRA Steering Committee, Galimore Center
- January 13, 2020, 5 p.m., Regular Meeting
- January 27, 2020, 5 p.m., Regular Meeting

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

- October 28, 2019, Regular Commission Meeting
- November 12, 2019, Regular Commission Meeting

CA.3. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S): *None.*

CA.4. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED AND TO BE READ AT A SUBSEQUENT MEETING). *None.*

CA.5. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: *None.*

CA.6. Approval of the license agreement between the City and Green Our Planet, LLC regarding a farmer's market in Lincolnville at Eddie Vickers Park. *(J. Piggott, Director, General Services).*

CA.7. Acceptance of Petition for Voluntary Annexation and Pre-Annexation Agreement for the retail store located at 1830 A1A South. *(D. Birchim, Director, Planning and Building)*

CA.8. Authorization of a letter to the County supporting proposed projects by the St. Johns County Transportation Advisory Group (TAG). *(R. Franklin, Director, Public Works)*

CA.9. Authorizing the City Manager to execute the agreement between the City and the Lightner Museum updating the 1967 agreement consistent with the terms of the 1947 Trust setting out the mutual responsibilities for management and maintenance of the property. *(I. Lopez, City Attorney)*

CA.10. Authorizes the Intergovernmental Agreement implementing Section 365.179, Florida Statutes, mandating direct radio communication between 9-1-1 first responders. *(I. Lopez, City Attorney)*

CA.11. Invoice in the amount of \$4,760.00 dated November 1 from Cavendish Partners, P.A. for legal services regarding the Seavin v. City of St. Augustine matter. (*I Lopez, City Attorney*).

Invoice in the amount of \$1,008.00 dated November 1 from Cavendish Partners, P.A. for legal services regarding the Parker L. Doan Revocable Trust litigation matter. (*I. Lopez, City Attorney*).

End of Consent Agenda

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, October 28, 2019

The City Commission met in formal session Monday, October 28, 2019 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

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

John Regan, City Manager
Meredith Breidenstein, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
David Birchim, Director, Planning and Building
Jim Piggott, Director, General Services
Mark Litzinger, Director, Financial Services
Paul K. Williamson, Director, Public Affairs
Reuben Franklin, Director, Public Works
Donna Hayes, Director, Human Resources
Barry Fox, Police Chief
Bob Growick, Fire Marshall
Carlos Aviles, Fire Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Father Kuhlman of Cathedral Basilica Parish delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mayor Upchurch requested to pull Item CA4, Proposed Proclamation 2019-27 and place on Agenda as Item 3. He requested to pull Item CA6, Notification from FEMA, so that the City Manager could explain in further detail.

Commissioner Sikes Kline requested to pull Item CA13 from the Consent Agenda for review of the 'River to Sea Loop', and add as Item 13.A.

MOTION

Commissioner Horvath **MOVED** to approve the Agenda as amended. The motion was **SECONDED** by Commissioner Valdes and **APPROVED BY UNANIMOUS VOICE VOTE.**

3. Special Presentations, Recognitions and Proclamations

- Proclamation 2019-27: Declares

October 21-27, 2019 as *Florida City Government Week*.

Mayor Upchurch read the proclamation and presented it to the Student Government Association of Flagler: Gregory Leo, President, Omega Adams, Secretary, and Evan Driscoll, Treasurer

MOTION

Commissioner Horvath MOVED to approve the Proclamation as read. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Valdes, Upchurch, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Ed Slavin
- Chris Fulmer
- Jay Neumark
- Anthony Sexton
- Merrill Roland
- Nancy Noloboff
- Parrish Jones
- BJ Kalaidi

5. Consent Agenda

John Regan, City Manager, read the Consent Agenda as follows:

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

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

- Item CA.6. moved to Item 13: 'Items by City Manager'
- Item CA.4. Proclamation 2019-27 moved to Item 3: 'Special Presentations, Recognitions and Proclamations'
- Item CA.13. moved to Item 13: 'Items by City Manager'

:

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

Isabelle Lopez, City Attorney, discussed the Memo and Committee recommendations.¹

Mayor Upchurch noted the parking issue, and opportunity to apply to the Planning and Zoning Board (PZB) for off-site parking within 400 yards of residence.

Mayor Upchurch suggested the following changes:

- Property owner/manager 'response time' be specific
- Section 28-194 'Ancillary Use': delete the word "automatically" in 3rd line, to clarify idea that having a short-term rental had nothing to do with being a special event venue
- Change short-term rental curfew time to 10:00 PM, instead of 11:00 PM
- Chapter 28 Zoning, Section 28-150 Life-Safety (ii): First Aid Kit requirement unreasonable, as hotels and other accommodations did not require this

The Commission furthered discussion with Ms. Lopez and Bob Growick, Fire Marshall:

¹ Attached to original minutes

- Two persons per bedroom OK, but eliminate extra two persons
- Eight persons in a three-bedroom meant four cars, hence parking issue would exist
- Paving yards to park vehicles would promote flooding issues; therefore, ordinances should be strengthened
- Rental period of seven to thirty days required language modification for zoning limitation, to eliminate confusion
- One car per bedroom restriction, to avoid front yards becoming paved lots
- Agreeable to 10:00 PM curfew
- Two means of ingress and egress required: Code allowance for a window or door from sleeping area, whether rental is two story or single per Fire Marshall
- Concern expressed for residential structures being turned into commercial usage could place lives at risk
- Sprinkler system requirement not pursued by the Commission, and other communities threatened with litigation on same subject
- Early warning devices installed per Code; however, second story egress remained a concern
- Addressed the language of Section 28-150 (iv), to make emergency evacuation language more specific, such as clearly marking designated exits, or require EXIT signs such as used in hotels

Mayor Upchurch clarified the consensus of the Commission as follows:

- Inclusion of emergency lighting, egress clearly marked, strike word 'emergency' in Section 28-150 (iv) and replace with 'fire and emergency evacuation information'
- Intensity of Use: Two people per bedroom maximum, no extra
- Parking issues for existing and any future short and long term

residential rentals required code modification

- Placement of an ordinance for off street parking could affect existing rentals that did not have the option
- Potential use of the parking garage if there was limited or no on-site or on-street parking

Mayor Upchurch suggested that the parking issue be left 'as is' for time being, since it was a draft and would come back to the Commission as first and second reading, which would provide the opportunity for additional consideration and public input.

Ms. Lopez stated that no language was included in the draft to address response times for noise or other nuisance violations because of the varying opinions of the committee on how to manage. She said one recommendation was to establish a hotline number through a management company such as Host Compliance to report issues. She requested direction from the Commission to either codify language related to response times or the issue could be handled administratively through property owners or managers prior to law enforcement being contacted.

After brief consideration, it was determined to allow property owners or managers handle matters of minor violations administratively.

B. Items of Great Public Importance

7.B.1. 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 members of the City Commission.

The Commission heard from the following members of the public:

- David Spalding
- Melinda Rakonzay
- Chris Fulmer
- Ed Slavin
- Nancy Noloboff
- BJ Kalaidi

Public comment was closed.

Commissioner Sikes-Kline stated that there were citizens misunderstanding the purpose of the item. She advised the Commission could only decide if it should be placed on the ballot for the people to decide.

Commissioner Valdez felt that the current form of government for a city with a population of approximately 14,000 residents was appropriate; however, it could be confusing for new residents from cities that had a strong mayor form of government such as Jacksonville.

Commissioner Freeman commented on the confusion that an appointed mayor would somehow be different than an elected mayor, since citizens had option to vote Commissioners out. She felt placing the item on ballot would be a fair process for voters to decide; however, it would not change anything substantively.

Mayor Upchurch stated that Commission's role was to pass judgement on whether Charter amendments go to the ballot or not, and that policy decisions must be made as a Board. He felt a two-year term for mayor ensured the seat was more responsible. He noted his opportunity to meet with mayors from eighteen different cities, and only one of them was appointed by Commission, not elected.

The Commissioners discussed:

- Keep Seat 3 a two-year term
- Provide voters the option to vote via ballot re: elected form vs. appointed form

- Could be disruptive; however, may also be best way for citizens to learn how it works
- All Commissioners were the check for the city manager, not just the mayor

MOTION

Mayor Upchurch MOVED to table Item 7.B. The motion was SECONDED by Commissioner Horvath.

The Commission discussed the Motion to table Item 7.B.

Mayor Upchurch WITHDREW his MOTION. Commissioner Horvath WITHDREW her second.

Ms. Lopez stated that she would need a few clarifications on the details of the ordinance.

MOTION

Commissioner Valdes MOVED to place Item 7.B. on First Reading. The Motion was SECONDED by Commissioner Freeman.

VOTE ON MOTION

**AYES: Valdes, Freeman, Horvath
NAYES: Sikes-Kline, Upchurch
MOTION APPROVED**

The Commission concluded the following in response to Ms. Lopez's request:

- Phrasing to be a two-year term
- Mayoral selection to be specified for every two years, if appointed by the Commission
- Item would be placed on March 17th referendum for 2020 election; therefore, first reading required in November, second reading required in December
- Should there not be a Republican presidential primary, then concern

for voter turnout, and Commission would revise in December

C. Other Items Requiring Public Hearing

(None)

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.

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

MOTION

Commissioner Freeman MOVED to pass Ordinance 2019-40 on second reading. The motion was SECONDED by Mayor Upchurch.

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: Freeman, Upchurch, Valdes, Horvath, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

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.

Ms. Lopez reviewed the Ordinance and noted that it would be open to Public Hearing.

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

- Merrill Roland
- Ed Slavin

The Commission requested adding the words 'continuous physical' residency for one year to the ordinance for clarification.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2019-41 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. 2019-41

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 OR GENERAL ELECTION; 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
Freeman, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

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.

David Birchim, Director, Planning and Building, reviewed the Ordinance.

MOTION

Commission Horvath MOVED to place Ordinance 2019-43 on first reading, read by title only and passed. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

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.

VOTE ON MOTION

AYES: Horvath, Upchurch, Sikes-Kline
Freeman, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

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.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Freeman MOVED to place Ordinance 2019-19 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. 2019-19

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 OR GENERAL

ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Freeman, Horvath, Upchurch, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY²

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.

Ms. Lopez reviewed the Ordinance.

MOTION

Mayor Upchurch MOVED to place Ordinance 2019-24 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Freeman.

Ms. Lopez read the title as follows:

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

² Commissioner Valdes took a brief recess and was absent for the vote.

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.

VOTE ON MOTION

AYES: Upchurch, Freeman, Valdes, Horvath, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch requested that Ordinance 2019-19 be held for second reading until December.

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.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Freeman MOVED to place Ordinance 2019-25 on first reading, read by title only and passed. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-25

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE IV OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; 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; AMENDING SECTION 5.28 TO PROVIDE THAT ORDINANCES PASSED AS EMERGENCY MEASURES SHALL BE SUBJECT TO FEDERAL AND STATE REQUIREMENTS AND REMOVING REFERENDUM TYPE PROCEDURES; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Freeman, Upchurch, Sikes-Kline, Horvath, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

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.

Ms. Lopez noted the inaccuracy of the memo title, since this was a modification required by the Florida Election Code to comply with Florida election dates.

Ms. Lopez reviewed the Ordinance and advised of corrections.

MOTION

Commissioner Freeman MOVED to place Ordinance 2019-26 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. 2019-26

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.

VOTE ON MOTION

AYES: Freeman, Horvath, Upchurch,
Valdes, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

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.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2019-44 on first reading, read by title only and passed. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

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.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch,
Freeman, Valdes, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY

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.

Ms. Lopez reviewed the Ordinance.

Mayor Upchurch commented on the possible challenge to find two architects for the board.

Discussion ensued about having flexibility for meetings, a review board, and that planners, contractors and design and landscape architects should be included. The consensus was that should it not work, it would be revisited.

MOTION

Commissioner Freeman MOVED to place Ordinance 2019-45 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. 2019-45

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.

VOTE ON MOTION

AYES: Freeman, Horvath, Valdes, Upchurch, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

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.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2019-47 on second reading, read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

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.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Freeman, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

B. Resolutions

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

Paul Williamson, Director, Public Affairs, reviewed the Resolution.

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-41. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

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

Mr. Williamson reviewed the Resolution. He stated that the purpose was the lights were not turned off on a Friday or Saturday night.

MOTION

Mayor Upchurch MOVED to pass Resolution 2019-42. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

10. Staff Reports and Presentations

(None)

11. ITEMS BY CITY ATTORNEY

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

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

12. ITEMS BY CITY CLERK

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.

Ms. Galambos presented the following items:

- One vacancy and two term expirations upcoming for the Firefighters' Pension Board
- One vacancy and one term expiration upcoming for the Code Enforcement Board
- Maurice Morissette resigned position from P&Z Board effective immediately, applications were being sought for replacement

13. ITEMS BY CITY MANAGER

Mr. Regan presented the first item moved from the Consent Agenda for discussion:

C.A.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).

Mr. Birchim discussed the program highlights:

- Community rating improved from Class 7 to Class 5 (a rarity)
- An additional 10% discount applied to federally backed flood insurance premiums, for a discount total of 25%
- Higher regulatory standards adopted
- All elevation certificates transmitted directly to FEMA to show compliance
- Tied Flex Valve Program by Public Works to reduce flooding in Davis Shores and Downtown
- Public outreach included on annual basis
- Point system goes along with Federally backed program that City had participated in since 1972

Reuben Franklin, Director, Public Works, presented the second item moved from the Consent Agenda for discussion and presented the highlights of the program.

CA.13. Fourth quarter review of the mobility program. (R. Franklin, Mobility Manager).³

- St. Johns River Sea Loop study funded by State, given to St Johns County to administer
- County in planning study, which included two public meetings
- First public meeting unveiled alternative routes and gained public feedback
- Second public meeting unveiled preferred alignment and a secondary route
- Route planned to tie into existing trail by SR207 into Palatka, with overall 260-mile loop going through multiple counties, including City of St. Augustine and City of St. Augustine Beach
- Each jurisdiction would be asked to pass a Resolution, adopting support for preferred alignment,

³ Attached to Commission Packet

that would permit next steps: funding for preliminary design and engineering

- November 12th Commission meeting would provide the resolution, along with acknowledgement of entering into a maintenance agreement for trail construction costs for trail within our own boundary
- December would be deadline for application, therefore, the County, Beach and City need resolutions passed, to keep project moving forward

Mayor Upchurch requested further detail on the route plan and maintenance construction coming through the City of St. Augustine, which was visually clarified with the map shown to the Commission by Mr. Franklin.

Mayor Upchurch expressed concern for constructing 'separated' path on Anastasia without removing parking and to include a dedicated bike lane.

After a brief discussion it was determined that a resolution would be presented during the next meeting.

13.A. Discussion regarding right-of-way use permit application by the Diocese of St. Augustine, Inc. to allow a fence to remain on Pine Street.

Application withdrawn by applicant.

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.

Tracy Upchurch discussed the meeting and commended all persons involved:

- Discussion of exhibit being moved to St. Augustine and placed into the VIC
- Continuance of Sister City student exchange program and desire to expand into other high schools
- Expanded college adult internships and exchanges, particularly in hospitality tourism industry
- Aviles interested in a needed business to business enterprise engagement, and they were re-developing sites and moving into more high-tech industry

The Commission expressed appreciation for Mayor Upchurch's attendance and the success of the City's participation.

Mayor Upchurch discussed the Representative from Island of Menorca and the knowledge possessed about the history of Menorcans, their intent for being gastronomy focused in the community and excitement to actively work with the City.

Mr. Regan commented that the Menorcans have been working on proposals on how to bring an understanding of their gastronomy to our community. He felt that their trip ignited a positive government to government connection.

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

Mayor Upchurch discussed the American Flood Coalition:

- Non-partisan group of political, military, business, and local leaders who drive adaptation of higher sea levels, stronger storms, and more frequent flooding
- Newly developed as not-for-profit, with a full-time staff of twelve
- Sought to advance national solutions supporting flood affected communities and protect our

nation's residence economy and military installations

- Consistent thought of new and required creative ways to live with water
- The City of St. Augustine wonderfully positioned to take the lead on the issue
- Our brand as Nation's Oldest City has promoted a recognition and a platform
- Shared effort needed by the Commission and future Commissions

Mayor Upchurch discussed a meeting with Senator Rubio and Senator Scott and Congressman Rutherford and Congressman Waltz, who were members of Coalition to discuss concerns, and the grant cycle with Army Corp of Engineers.

Commissioner Sikes Kline requested an adaptation plan. She said all residents and business owners were intimately impacted.

Commissioner Sikes-Kline discussed a recent meeting with the Florida League of Cities in Washington, D.C. for an outreach effort. She was accompanied by Mr. Regan, and Mike Cullum at that meeting, along with fifty elected official representatives from around the State. There was discussion of these items:

- Risk Rating
- Cyber Security
- ADA Compliance for municipal websites
- Federal pre-emption of small wireless infrastructure employment
- Re-authorization and Investing in infrastructure bill
- Advanced re-funding on municipal bonds
- Request for supplemental emergency declaration
- National Flood Insurance Program approved Resolution sent to Congressmen

Commissioner Sikes-Kline stated that she also met with Congressman Rutherford to seek support for the West Augustine free standing medical clinic.

15. Adjournment

There being no further business, the meeting was adjourned at 7:57P.M.⁴

Tracy W. Upchurch, MAYOR

Darlene Galambos, CITY CLERK

⁴ Transcribed by Laura Morse

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Tuesday, November 12, 2019

The City Commission met in formal session Tuesday, November 12, 2019 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

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

Absent: Leanna S. A. Freeman, Vice Mayor/City Commissioner (excused)

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
David Birchim, Director, Planning and Building
Mike Cullum, Director, Public Works
Meredith Breidenstein, Director, Budget & Performance Management
Paul K. Williamson, Director, Public Affairs
Reuben Franklin, Manager, Mobility Program
Melissa Wissel, Public Information Coordinator
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Eliut Alicea, Bridge of Life Church, delivered the invocation, and the Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Commissioner Sikes-Kline requested to move Item 10. 'Staff Reports and Presentations' Items 10.A. and 10.B. to Item 7.B. 'Items of Great Importance' as Items 7.B.1. and 7.B.2.

MOTION

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

3. Special Presentations, Recognitions and Proclamations

- Presentations to Commissioners Horvath and Sikes-Kline of their 20-years of service awards by Mark Raymond Sittig, Membership Services Manager, Florida League of Cities, Inc.

Mayor Upchurch noted Mark Sittig's absence, and that the Commission would pass on Item 3.; however, they would return to this Item should Mr. Sittig arrive during the meeting.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

Cindy Wasserbauer
Elisa Nevel
Mike Jagielski
Ed Slavin
Diane Ballard
Karen Andes
Parrish Jones
Michael Southerland
Amanda Southerland
Chris Fulmer
Michael Grossman
Jay Neumark
Charles Pappas
Melinda Rekoncay
Heather Neville
BJ Kalaidi

Mayor Upchurch addressed concerns regarding short-term rentals and rental requirements and requested that Isabelle Lopez, City Attorney, provide clarity.

Ms. Lopez discussed the following:

- In 1975 the City adopted the first comprehensive zoning code, Ordinance 1974-37, which was the root of the RS1, RS2 zoning district
- 99% of every jurisdiction in the US adopted '*euclidean zoning*', a type of zoning that included specific permitted land uses that were allowed and not allowed
- The ordinance defined nightly rentals, and long-term rentals
- In 2010, the ordinance was 'softened' to state that an RS1 and RS2 would not consider weekly rentals as motel uses; therefore, they were not prohibited in those

zoning areas, which was the target of confusion since those involved had not researched back far enough to realize that RS1 and RS2 since the 1970s had not allowed nightly rentals

- The definition section expressly said nightly rentals were 'motel uses' and motel uses were not allowed in RS1 and RS2 zoning; however, nightly rentals were allowed in other districts
- Weekly rentals have been allowed since 2010, which was the dilemma for this topic

Ms. Lopez noted that an ordinance regarding short-term rentals would be presented for first reading during the December 9th regular Commission meeting.

5. Consent Agenda

Mr. Regan read the Consent Agenda:

CONSENT AGENDA – NOVEMBER 12, 2019

CA.1. Preview of upcoming Commission meetings.

- a) The following Ordinances are tentatively scheduled for second reading on December 9, 2019:

- Ordinance 2019-41
- Ordinance 2019-19
- Ordinance 2019-24
- Ordinance 2019-25
- Ordinance 2019-26
- Ordinance 2019-44
- Ordinance 2019-45
- Ordinance 2019-47

- b) Reminder of upcoming meetings:

- December 9, 2019, 5 p.m.,
Regular Meeting
- January 13, 2020, 5 p.m.,
Regular Meeting

- January 27, 2020, 5 p.m.,
Regular Meeting

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

(None)

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

(None)

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

(None)

CA.5. Notification of
Proclamations/Certificates of Recognition
issued:

(None)

CA.6. Approval of the 2020 City
Commission meeting and holiday
schedule. (D. Galambos, City
Clerk)

End of Consent Agenda

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

(None)

5.B. Approval of Consent Agenda

MOTION

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

6. Appeals

(None)

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

7.A. General Public Presentations

(None)

7.B. Items of Great Public Importance

*'Item 10. Staff Reports and Presentations',
10.A. and 10.B. were moved here as Items
7.B.1. and 7.B.2.*

Mayor Upchurch requested that Items in
7.B. that pertained to St. Augustine sewer
(Items 7.B.1. and 7.B.2.) be presented
together, and then public comment would
be opened for both Items.

**7.B.1. Request for an amount not to
exceed \$700,000 to further the mini-
grant program for sewer connections in
West Augustine as well as requesting
authorization for the City Manager to
negotiate and execute the necessary
agreements on the project.**

Reuben Franklin, Director, Public Works,
discussed his presentation on the West
Augustine sewer program.¹

- Additional funding requested was
already available for sewer
improvements in the West
Augustine area
- The request involved a mini-grant
program for sewer conversions
along St. Johns and Duval Street
- Approximately forty conversions
had taken place to date, thirty had
been done, and ten or eleven
required completion
- Additional funding requested for up
to \$400,000 to complete remainder
of conversions
- Requested \$300,000 for expansion
of the grant program outside the
limits of the St. Johns and Duval

¹ Attached to Commission Packet

Street areas, for total not to exceed \$700,000

- Drain fields had been removed and areas leveled, which provided more livable space for the homes and community

7.B.2. Request for additional funding not to exceed \$96,000 for the West Second Street sewer expansion and connections project from the West Augustine sewer set-aside fund.

Mr. Franklin discussed his presentation on the West Second Street sewer expansion.²

- \$400,000 was received for the West Second Street expansion through a grant from the FDEP, sponsored by State Representatives, Cyndi Stevenson and Travis Hutson
- Project was put out for bid, and the project costs showed an additional \$96,000 was needed for completion, which made the total project for sewer expansion \$796,000
- The expansion monies were to come from a fund with slightly more than \$1 million, and the monies used specifically for sewer conversions in West Augustine

Public comment was opened and the Commission heard from the following members of the public:

Laverne March
Brennan Mitchell Gagnon
Henry Dean
David Williamson
Bethann Hamann Vidmar
Katrina Mayers
Kenneth McClair
Norsalos Jackson
Dwala Willis
Gregory White
Ed Slavin

Public comment was closed.

Mr. Regan expressed appreciation for local and state representative's dedication and initiatives to ensure West Augustine had the available services to improve the community.

He acknowledged two members of the City's staff for their upstanding commitment and work on the projects and commented that they had taken things to a new level with putting these programs together:

- Bobby Jo Manning, Development and Management Support Manager
- Jonathan Foster, Project Engineer

Mayor Upchurch acknowledged Mr. Regan's leadership, compassion and his ability to think progressively and proactively. He also noted his appreciation for the leadership of the Commission, the work of the City staff, the support of the community, and the partners at the County and State levels.

MOTION

Commissioner Sikes-Kline MOVED to approve the request for \$796,000 to move the sewer expansion project forward. The motion was SECONDED by Roxanne Horvath.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

Commissioner Sikes-Kline acknowledged the positiveness and affirmation for the years of hard work that had been done by all involved on this project, and she noted that support had been requested, and given, at every visit with State Representatives. She also thanked St. Johns County Commissioner Henry Dean.

² Attached to Commission Packet

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2019-43: Provides lot coverage variances for handicapped accessibility in specific zoning districts.

David Birchim, Director, Planning and Building reviewed the ordinance.

- The ordinance was an update to Section 28-29 of the zoning code, that allowed existing buildings in HP1, HP2, and HP3 to apply for a lot coverage variance if improvements were related to handicap accessibility
- There was no current mechanism to do this, therefore, this was simply an update to the Code

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

BJ Kalaidi

Public comment was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-43 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-43

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDNING 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.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Horvath, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch requested a brief recess.³

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

8.B.1. Ordinance 2019-49: Review and discussion of the updated Comprehensive Plan which is projected to the year 2040 in order to transmit to Florida's reviewing agencies. See the complete Comprehensive Plan at <http://www.citystaug.com/204/Comprehensive-Plan> (A. Skinner, Deputy Director, Planning and Building)

Amy Skinner, Deputy Director, Planning and Building, reviewed the Plan:⁴

- 'Comprehensive planning' determined community goals and aspirations, established broad goals, achievable objectives, and implemented policies
- Existing plan was adopted in 2011
- Long-term planning had looked out twenty years with the hope to set a direction for the City (vs. short-term or 'day-to-day' planning)
- By statute, every seven years the City was required to review their

³ Recess taken from 6:31 PM until 6:41 PM.

⁴ Attached to Commission Packet

Comprehensive Plan, called the 'Evaluation and Appraisal Report' process

Ms. Skinner noted that in 2018, the City determined that the following three issues required statutory change in the Comprehensive Plan:

1. Mobility planning
2. Water supply planning
3. Recognizing perils of flooding and sea level rise

Ms. Skinner said the process of updating the Plan was through one and one-half years of hearings, local workshops, citizens boards, neighborhood meetings, and a Chamber of Commerce meeting. She stated that the goal was to preserve community character and maintain the City's authenticity, viable economy and vital community and options were looked at for transition to an urban environment.

She noted the goals as follows:

- Balance cultural and economic resources, while protecting others and preserving the City
- Look at heritage issues
- Quality of life
- Conservation issues
- Mobility issues
- Sea-level rise
- Traffic, wear and tear on the City, and alternative forms of transportation
- Infrastructure improvement
- Development pressures, capability, affordability, re-development and how it had increased intensity
- Implications of change with population growth in St. Johns County

Ms. Skinner requested that the Commission transmit the proposed Plan to the State and the reviewing agencies for their review.

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

BJ Kalaidi
Ed Slavin

Public comment was closed.

Commissioner Horvath questioned the reason height and maximum coverage were removed from the Plan and moved to zoning.

Ms. Skinner replied that the Comprehensive Plan and land use definitions helped set the tone for the zoning districts. She said the Zoning Code was adopted in the land development regulations and included lot coverage and height limitations in zoning; therefore, specificity was not needed in the Comprehensive Plan. She noted that the State could push back because of the requirement for density and intensity in the Comprehensive Plan; however, they wanted to submit without it because the limitation in the Zoning Code were what governed the stipulations.

Commissioner Sikes-Kline discussed the following:

- The process had been made longer and more difficult in the Comprehensive Plan
- The Zoning Code was easier to change, and noted that they opted for more flexibility
- Appreciation for the historic preservation element being expanded, and that it went far beyond what plans they had seen in the past
- She discussed the issue of 'new' building materials within the historic districts from page 30
- Historic Preservation 10.5.7 'administrative review of authority of staff' and that there was no change to anything, as it said 'with consideration and public hearing it can be changed'

- Mobility Plan provided important framework and expressed pride in the work that had been done on the plan
- Perils of Flooding, Adaptation Plan
- Storm Water Master Plan would be in budget for next year and she recommended that it be updated every five years

Ms. Skinner advised that the Comprehensive Plan had to be submitted before November 26, 2019. She said the State agencies had sixty days to review the document, with comments expected back by mid-January. She stated that the City had one-hundred-eighty days to respond to the State's comments before adopting the Plan.

Ms. Skinner stated that after the process was completed, the City intended to update the land development regulations and the Zoning Code.

The Commission thanked and commended Ms. Skinner for her hard work and noted that her expertise was truly presented in this document.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-49 on first reading and transmit to Florida's reviewing agencies. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-49

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN TO INCORPORATE CHANGES RECOMMENDED IN THE EVALUATION AND APPRAISAL REPORT; AMENDING THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT, HISTORIC PRESERVATION

ELEMENT, CONSERVATION AND COASTAL MANAGEMENT ELEMENT, RECREATION AND OPEN SPACE ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT; AMENDING THE TRANSPORTATION ELEMENT TO CREATE A TRANSPORTATION AND MOBILITY ELEMENT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

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

(None)

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

9.A.1. Ordinance 2019-42: Places on the March 2020 Presidential Preference Election the question of election of the candidate for Seat 3 (Mayoral seat) to the City Commission.

Mayor Upchurch reviewed the Ordinance.

Commissioner Sikes-Kline did not understand why a voter would give up their option or choice to elect a mayor.

Commissioner Valdes commented that he wanted to provide the people a choice by placing the question on the ballot, as it had created a situation over years past that could have been avoided. He had no desire to remove any rights away from

anyone and wanted to direct the energies to other things.

Commissioner Horvath stated that without Commissioner Freeman at the meeting, the decision was difficult. She had observed that the local majority did not want to give up their vote for mayor and believed if placed on the ballot, that it would not pass.

Mayor Upchurch remained opposed to the ordinance and believed that the issue was disruptive and distracted from more important community issues, such as the Comprehensive Plan.

MOTION

Commissioner Sikes-Kline MOVED to table Ordinance 2019-42 indefinitely. The motion was SECONDED by Mayor Upchurch.

Commissioner Sikes-Kline commented that the issue had been mis-characterized and felt it should be noted there was no ill intent by anyone involved.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Valdes, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

9.B.1. Resolution 2019-43: Grants an ad valorem tax exemption for property located at 9 Milton Street which has been deemed an historic property.

Jenny Wolfe, Historic Preservation Officer, reviewed the resolution.

- The tax exemption came from Article 7, Section 2 of Code of City Ordinances, which was an incentive for property owners to “do the right thing” to rehabilitate a property they might not otherwise be required to

- It provided incentive by giving a reduction on property taxes which would have increased resulting from qualified re-habilitation
- Property taxes were still paid, the exemption was only for ten years from their qualified re-habilitation up to the value invested in the property
- Qualification requirements and processes were reviewed by HARB, who had supported property tax exemptions based on review of the application materials and the standards of rehabilitation
- The Commission had final approval and the applicant had option to go forward to the Board of County Commissioners
- The City would work with the applicant to ensure the process

MOTION

Mayor Upchurch MOVED to pass Resolution 2019-43. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

9.B.2. Resolution 2019-44: Grants an ad valorem tax exemption for property located at 34 Granada Street which has been deemed an historic property.

Ms. Wolfe reviewed the resolution.

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-44. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

9.B.3. Resolution 2019-45: Supports the proposed alignment and complimentary route of the St. Johns River to Sea Loop.⁵

⁵ Attached to Commission Packet

Mr. Franklin collectively reviewed Resolution 2019-45 and 2019-46:

- The Resolution allowed the City to take the next steps
- In 2017 the County entered into an agreement with the DOT to conduct a planning study
- As a result, existing conditions were looked at for the River to Sea Loop, and the northern part of the two-hundred-sixty-mile loop was to be completed through St. Johns County
- Two public meetings were held, and the final recommended route was presented
- The first resolution was to adopt the route
- The second resolution was to acknowledge that if a facility was constructed, a landscape maintenance agreement would be required to provide similar maintenance as the King's Street and Anastasia Boulevard agreements
- Authorization was needed to move forward with 'easiest' applications along the trail targeted for December
- All funded through Suntrails, which provided a mechanism to fund these projects

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-45. The motion was SECONDED by Mayor Upchurch and APPROVED BY UNANIMOUS VOICE VOTE.

9.B.4. Resolution 2019-46: Authorizes the City to enter into a future maintenance agreement with the Florida Department of Transportation and authorizes the City to apply for funds available for the design and construction of the proposed trail.

Mr. Franklin reviewed this Resolution under Item 9.B.3.

MOTION

Mayor Upchurch MOVED to pass Resolution 2019-46. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

10. Staff Reports and Presentations

Items 10.A. and 10.B. were moved to 'Item 7.B. Items of Great Public Importance' as 7.B.1. and 7.B.2.

10.A. Request for an amount not to exceed \$700,000 to further the mini-grant program for sewer connections in West Augustine as well as requesting authorization for the City Manager to negotiate and execute the necessary agreements on the project. (R. Franklin, Director, Public Works)

10.B. Request for additional funding not to exceed \$96,000 for the West Second Street sewer expansion and connections project from the West Augustine sewer set-aside fund. (R. Franklin, Director, Public Works)

11. ITEMS BY CITY ATTORNEY

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

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

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

13.A. Appointment of Commissioner Roxanne Horvath as co-chair of the Resiliency Florida Coalition.

Mr. Regan discussed the history of the Resiliency Florida Coalition, which was a state-wide coalition to effect sea level rise and climate change policy at the State level. He noted that former Mayor Nancy Shaver had previously held the co-chair position; however, the position was vacant because of her retirement. He believed that Commissioner Horvath had kept well informed with the Coalition, and that she would fit the capacity well.

MOTION

Mayor Upchurch MOVED to appoint Commissioner Horvath to serve on the Resiliency Florida Coalition. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

AYES: Upchurch, Valdes, Sikes-Kline, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mr. Regan mentioned that this was the last meeting for Paul Williamson, Director, Public Affairs. Mr. Williamson was commended for his incredible work ethic, job performance and tenacity at the City, and all his colleagues thanked him for his twenty years of service and bid him farewell.

14. Items by Mayor and Commissioners

Mayor Upchurch requested that Mr. Williamson light the City Christmas tree at the annual Night of Lights and deemed this a perfect farewell and thanked him for his years of service.

Ms. Lopez noted that Mark Sittig, Florida League of Cities, did not arrive at the meeting; therefore Item 3. 'Presentations to Commissioners Horvath and Sikes-Kline of their 20-years of service awards' would be scheduled for a subsequent meeting.

Commissioner Valdes noted his opportunity to tour the City's religious sites and explore the City's religious history that revolved around the churches and the depth of the history that was such a part of the City.

Commissioner Horvath mentioned the CRA, Lincolnville, and the educational programs that would show how the institutional buildings would be brought back to their original condition.

Mayor Upchurch noted this was a season of reflection and thanksgiving and expressed his thankfulness for the opportunity to work with his fellow commissioners, and staff, and his pride and gratitude of the progress made for our City.

15. Adjournment

There being no further business, the meeting was adjourned at 7:42 P.M.⁶

Tracy W. Upchurch, MAYOR

Darlene Galambos, CITY CLERK

⁶ Transcribed by Laura Morse

CITY OF ST. AUGUSTINE

M E M O R A N D U M

TO: John P. Regan
City Manager

DATE: November 6, 2019

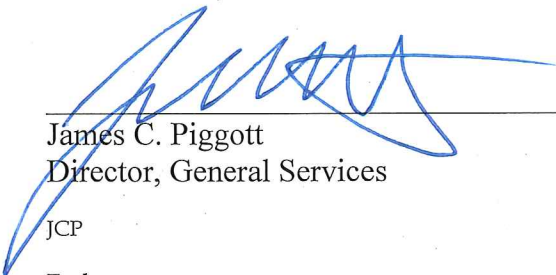
RE: Lincolnville Farmers Market

Green our Planet, LLC d/b/a STA Farmers Market wants to reopen a farmer's market in Lincolnville, at Eddie Vickers Park. The market will operate each saturday from 10:00am to 3:00pm.

Attached is a license agreement (similar to the one previously used in 2014) for your review. Staff recommends approval of this item.

Therefore, if you concur with this matter, please place this item on the December 9th city commission consent agenda for the commissions consideration and approval..

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

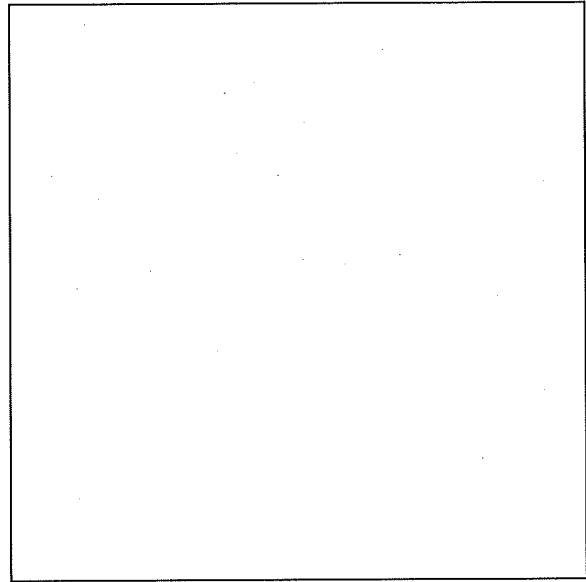


James C. Piggott
Director, General Services

JCP

Enclosure

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



LICENSE FOR LIMITED USE OF CITY PROPERTY

THE CITY OF ST. AUGUSTINE, FLORIDA, a municipal corporation, whose address is P.O. Box 210, St. Augustine, Florida, 32085-0210 ("Grantor"), hereby grants a revocable temporary license to **GREEN OUR PLANET, LLC, d/b/a/ STA FARMERS' MARKET**, whose address is 101 F. Street, St. Augustine, Florida, 32080 ("Grantee"), to operate a community farmers' market upon the Grantor's Property in the area located adjacent to the Willie Galimore Center, 399 Riberia Street, St. Augustine, Florida, 32084, and situated in the State of Florida, County of St. Johns, and City of St. Augustine, and more specifically described as follows ("Property"):

**SEE EXHIBIT "A," ATTACHED HERETO
AND INCORPORATED HEREIN.**

RECITALS.

1. The parties agree that the operation of a community farmers' market located on public recreational property would serve the interests of the public, and promote the use of this recreational property by the citizens of the City of St. Augustine.

2. The Grantor finds it appropriate to grant this temporary license for Grantee's occupation and non-exclusive use of the Grantor's Property under terms and conditions which are intended to protect Grantor's rights while accommodating the requested use by the Grantee until such time as necessity or the public interest requires Grantor to terminate this License.

3. In consideration of the foregoing recitals and the mutual covenants and conditions contained herein, the Grantor grants to the Grantee a license for the limited use of the City Property as follows:

GRANT OF LICENSE.

1. **LICENSE:** Grantor grants this revocable temporary License to Grantee to use the Property under the terms and conditions provided below but with the understanding that the use of this area is non-exclusive and strictly limited to a community farmers' market. The Grantee also may provide support services associated with and required for the use of the Property as a farmers' market subject to the prior written approval of the Grantor who shall exercise sole discretion in granting such approval.

2. **LICENSE FEE:** As consideration for this License, the Grantee agrees to pay and the Grantor agrees to accept the sum of \$2.00 per day of operation for each vendor booth or space occupied by a vendor. The consideration shall be payable no later than the 15th day of the month following each calendar month of operation of the community farmer's market.

3. **TERM:**

A. The term of this License shall be for a period of 36 months beginning at 12:01 a.m. on December 14,, 2019 and ending at 11:59 p.m. on December 13, 2022.

B. The term is subject to the right of the Grantor to terminate this license as provided in Paragraph 5, below.

4. **HOLD HARMLESS; INSURANCE:**

A. Grantee agrees that Grantee will at all times indemnify and save and keep Grantor harmless from any and all claims for damage and liability to persons or property occasioned, either directly or indirectly, by the use and occupancy of the Property by the Grantee and the Grantee's invitees, guests, agents and employees, including any court costs and attorney's fees, including any appeals, and shall defend the Grantor against any and all such claims.

B. Grantee, at Grantee's expense, shall provide policies of insurance generally known as public liability and property damage insurance and/or "Owner's Landlord and Tenant Insurance" insuring Grantor and Grantee against all claims and demands made by any persons whomsoever for injuries of any type and/or kind to

persons or property incurred in connection with the operation and/or maintenance of the Property in a coverage amount of not less than \$1,000,000 for each occurrence for damages to persons or property and \$500,000 for damages to the Property. **Grantee shall obtain and deliver to Grantor prior to or at commencement of this License a copy of the original policy showing the Grantor as a named insured along with a corresponding certificate of insurance and thereafter shall provide copies of all renewals of said policy.** Failure to so provide such a policy or renewals shall constitute a default hereunder. The Grantee also shall provide to the Grantor proof of current Worker's Compensation coverage to the extent such coverage is required by law.

5. **TERMINATION:** The Grantor may revoke this License at any time by delivery to the Grantee of written notice of revocation directed to the Grantee. Upon the notice of termination or cancellation of this License by Grantor or Grantee, this License shall become null and void at which time Grantee shall remove all improvements located on the Property within thirty (30) days of receipt of such notice of termination or cancellation. If such improvements are not removed within thirty (30) days of initial notice, Grantor may remove such structures, and Grantee shall pay Grantor's costs of such removal within thirty (30) days of receipt of notice of such costs. If Grantee fails to pay such costs within thirty (30) days of notice, Grantee shall be liable for all costs of collection, including court costs and attorney's fees incurred by Grantor to collect such costs.

6. **OCCUPANCY:** Grantee shall not occupy or use this Property and shall not permit the occupation or use of the Property for any purpose other than those purposes expressly permitted by this License and shall return the Property at the time of termination of this License to substantially the same condition as existed prior to the commencement of this License.

7. **UTILITIES:** All utilities and all property and equipment related to the provision of said utilities are the responsibility of Grantee. Those utilities include, but are not limited to, water, sewer, electricity and trash removal.

8. **PERMITS AND LICENSING:** Grantee shall be responsible for obtaining and maintaining at Grantee's expense all licenses necessary and required for the operation of the business or businesses conducted by the Grantee on the Property.

9. **USE OF PROPERTY:**

A. Grantee shall supervise and shall bear total financial responsibility for all aspects of the set-up, operation, takedown and clean-up of the farmer's market. This License grants to the Grantee the authority to use the Property on each Saturday of each month, legal holidays excluded, according to the following schedule:

- i). 9:00 a.m. to 10:00 a.m.: Set-up
- ii). 10:00 a.m. to 3:00 p.m.: Operation of farmer's market
- iii). 3:00 p.m. to 3:30 p.m.: Take down and clean-up of site.

B. Should the Grantee desire to operate the farmer's market at other times, the Grantee must obtain the prior written approval of the Grantor.

C. Grantee shall not perform nor shall Grantee permit anyone to perform any unlawful acts on said Property nor shall Grantee permit or suffer any noise, disturbance or nuisance on said Property detrimental to or annoying to Grantee's neighbors. Grantee shall use the Property solely for the purpose of operating a community farmer's market.

D. Grantor reserves the right to require Grantee to remove any item, either displayed and/or for sale that is not in compliance with applicable legal authority. Failure to remove the items constitutes a default hereunder and will result in termination of this License.

E. Grantee shall not be permitted to:

(1) Use said Property in any manner that will obstruct or interfere with or encroach on the walks or approaches to said Property.

(2) Make or suffer any waste or unlawful, improper or offensive use of said Property or any use of which the Grantor disapproves.

(3) Sell, serve, consume, allow the consumption of or otherwise dispose of on said Property any intoxicating beverages of any type.

(4) Hold or conduct any type of auction sales on said Property.

(5) Occupy the Property without all required city, county and state licenses.

F. Grantee shall provide, at the Grantee's sole expense, sufficient solid waste dumpster and trash cart capacity to ensure that all solid waste generated or created by the Grantee's use of the Property is fully contained in such dumpsters and

carts. The Grantee shall procure the dumpsters and carts from the City of St. Augustine Public Works Department and shall pay the applicable standard rates.

10. **INSPECTION AND REPAIRS:**

A. Grantor and Grantor's agents shall have the right to make such inspections of the Property as Grantor may from time to time desire, such inspection to be at reasonable times.

B. If Grantor or Grantor's agents find that the Property is not in good order and repair and in order to protect and preserve said Property, Grantor may serve written notice upon Grantee notifying Grantee to make the desired repairs within fifteen (15) days after receipt of said notice. Upon the failure of Grantee to make all such repairs within said fifteen (15) days, Grantor may enter upon the Property and make repairs at Grantee's expense, and the costs of same shall be due and payable to Grantor upon written demand. Failure to immediately pay for repairs made by Grantor at Grantee's expense shall constitute a default hereunder.

11. **SIGNS, ADVERTISING AND OTHER ITEMS:** All signs, advertising, painting on any portion of the Property must be approved in writing in advance by the Grantor and shall comply with all existing laws and ordinances, including the Code of the City of St. Augustine relating to signs and zoning. The Grantee shall not place any items, furniture, fixtures, merchandise or other items of any description at any location other than inside the boundaries of the Property.

12. **ALTERATIONS, REPAIRS:** Grantee shall not make changes in or to the Property without prior written consent of Grantor. Any approved changes,

additions, alterations, improvements or repairs shall be made at the sole cost of Grantee. Any such changes, additions, alterations, improvements or repairs shall immediately become part of the realty and the property of Grantor and shall remain upon said Property and be surrendered therewith upon expiration or other termination of this License without any reimbursement being due Grantee, therefore, except for free-standing items not secured to the Property.

13. **ITEMS FURNISHED BY GRANTEE:** Grantee will furnish all equipment, fixtures, furnishings, supplies, housewares, decoration and all other items as necessary to operate the farmers' market. Items furnished by Grantee under this paragraph shall remain the property of Grantee and may be removed upon vacation by Grantee.

14. **ABANDONED PROPERTY:** BY SIGNING THIS GRANT OF LICENSE, THE GRANTEE AGREES THAT UPON SURRENDER OR ABANDONMENT, AS DEFINED BY FLORIDA STATUTES, THE GRANTOR SHALL NOT BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE GRANTEE'S PERSONAL PROPERTY AND MAY EXERCISE ALL RIGHTS OF A GRANTOR AS PROVIDED BY FLORIDA LAW REGARDING DISPOSITION OF ABANDONED PROPERTY.

15. **NO ASSIGNMENT:**

Grantee shall not assign said License, or any part thereof, or mortgage this License or any interest therein, or, if Grantee is a corporation, Grantee's shareholders shall not transfer a majority interest in the company to any party or parties.

16. **FORCE MAJEURE:**

A. In the event the Property shall be damaged or rendered untenable in whole or in part as a result of the consequences of fire or other casualty, including all weather events and acts of God, during the Term hereof, Grantor at Grantor's option shall:

(1) Restore same to tenantable condition within a reasonable period of time; or

(2) Terminate this License without liability of any kind to Grantee.

B. In the event Grantor elects to restore the Property, the Rent shall abate pro rata during the untenability of the Property. If only a portion of the Property is deemed untenable, the Rent shall abate pro rata based on square footage deemed untenable until same shall be restored to a tenantable condition.

17. **RESPONSIBILITY FOR DAMAGE TO CONTENTS:** Grantee

covenants and agrees to assume full responsibility for all damage to the personal property and contents of the Property, whether such personal property is owned by Grantee or in possession of Grantee, and agrees to hold Grantor harmless for any damage to said personal property and contents from any cause whatever. Grantee shall be responsible for all costs necessary to procure and maintain insurance coverage for the personal property and contents.

18. **NOTICES:**

A. Any notices called for hereunder required to be delivered to Grantor shall be mailed to Grantor, postage prepaid, certified mail, return receipt requested, at the following address:

James C. Piggott
Director, General Services
City of St. Augustine
P.O. Box 210
St. Augustine, Florida 32085-0210

B. For purposes of any notices or correspondence to Grantee, Grantor shall mail same, postage prepaid, certified mail, return receipt requested, to the following address:

Green Our Planet, LLC
d/b/a STA Farmers Market
101 F. Street
St. Augustine, Florida 32080

19. **NO DISCRIMINATION:** The Grantee shall not discriminate against employees, applicants for employment or the public because of age, race, religion, creed, color, handicap, national origin, marital status or sex.

20. **PARTIAL INVALIDITY:** If any term or provision of this License or the application thereof to any person or circumstance to any extent shall be held invalid or unenforceable, the remainder of this License shall not be affected thereby, and all other terms or provisions of this License shall be deemed valid and enforceable to the extent permitted by law.

21. **NON-WAIVER:** No waiver or any covenants or condition of this License by either party shall be deemed to imply or constitute a further waiver of the same covenants or condition or any other covenants or condition of this License.

22. **ENTIRE UNDERSTANDING:** This License represents the entire understanding between the parties and incorporates or supersedes all communication or understandings, whether written or oral, occurring prior to or contemporaneously with the execution of this License. No amendment or modification to this License shall be effective unless made in writing and signed by all parties. This License supersedes all Licenses of any description purporting to license the Property or any portion of the Property to any person or entity.

23. **CHOICE OF LAW; VENUE:** This License shall be interpreted according to the laws of the State of Florida, and venue for any action regarding this License shall lie in a court of competent jurisdiction located in St. Johns County, Florida.

24. **RELATIONSHIP OF THE PARTIES:** This License creates only the legal relationship of Grantee and Grantor and shall not be interpreted or deemed to create any other relationship including, but not limited to, agency, partnership of any type, informal association or joint venture.

IN WITNESS WHEREOF, Grantor has caused this License to be executed in its name by its duly authorized officers, and its corporate seal to be hereunto fixed, and Grantee has hereunto set his hand and seal, this _____ day of _____, 2019.

ATTEST:

Darlene Galambos, City Clerk

(S E A L)

"GRANTOR"

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

BY: _____
John P. Regan, City Manager

ATTEST:

Corporate Secretary
Printed Name: _____

(S E A L)

"GRANTEE"

Green Our Planet, LLC,
d/b/a STA FARMERS' MARKET

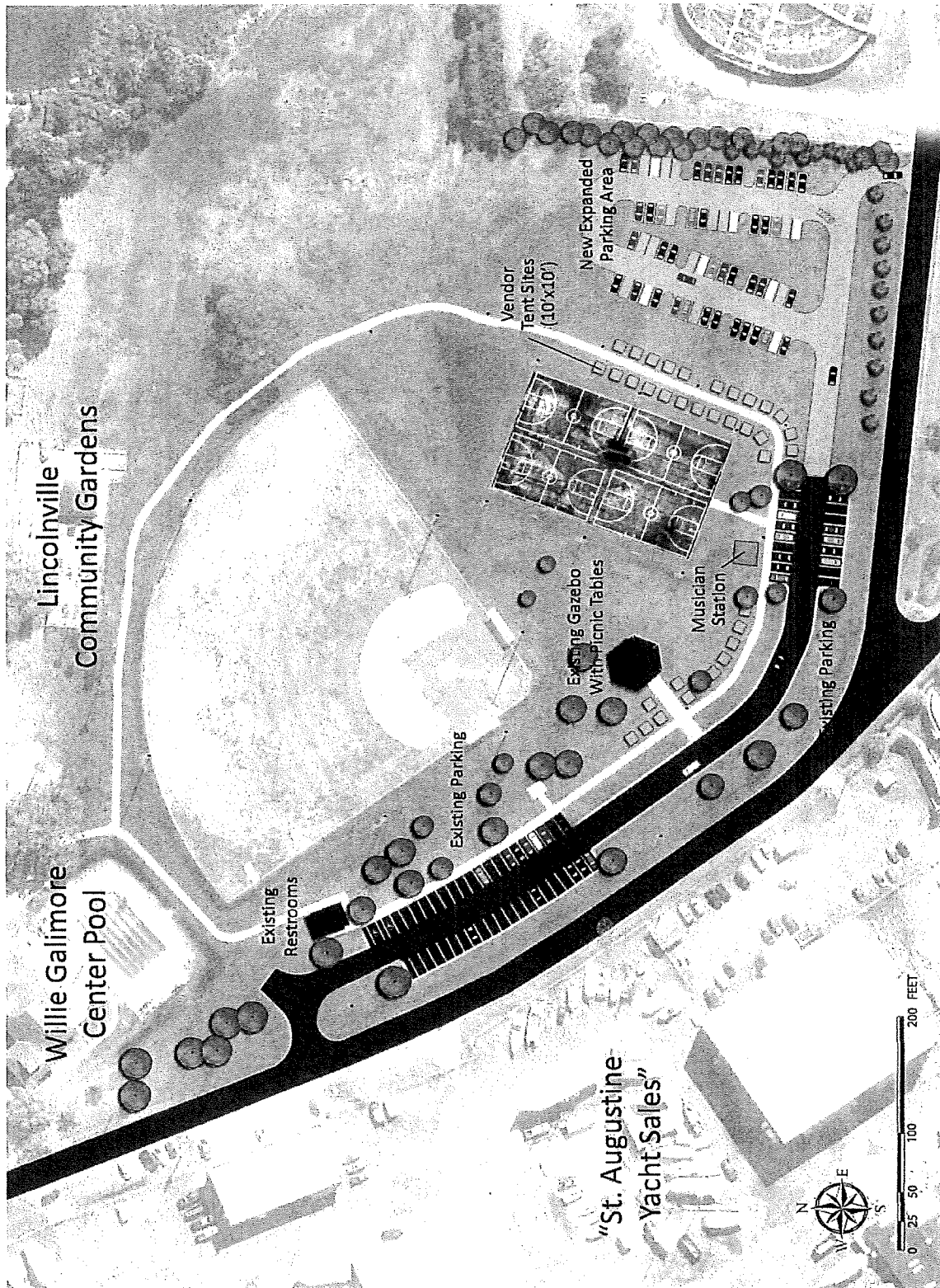
BY: _____
Kendra Turley, President

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Isabelle C. Lopez, City Attorney

EXHIBIT "A"

That portion of City-owned lands located in the photograph attached hereto.



Lincolnville Farmers' Market Plan

Ex. A

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Johns Regan, P.E.
City Manager

DATE: December 9, 2019

RE: **Petition for Voluntary Annexation and Pre-Annexation Agreement for a Parcel of Land Located at 1830 A1A South, as described in the attached legal description.**

Please place the attached Petition for Voluntary Annexation and Pre-Annexation Agreement on the December 9, 2019 City Commission consent agenda.

This property is in St. Johns County, it is currently a retail store (ABC Liquors) and associated parking lot and the property is approximately 0.89 acres in size and it is contiguous to the St. Augustine city limits via the Atlantic Self Storage property directly to the west at 1865 A1A South.

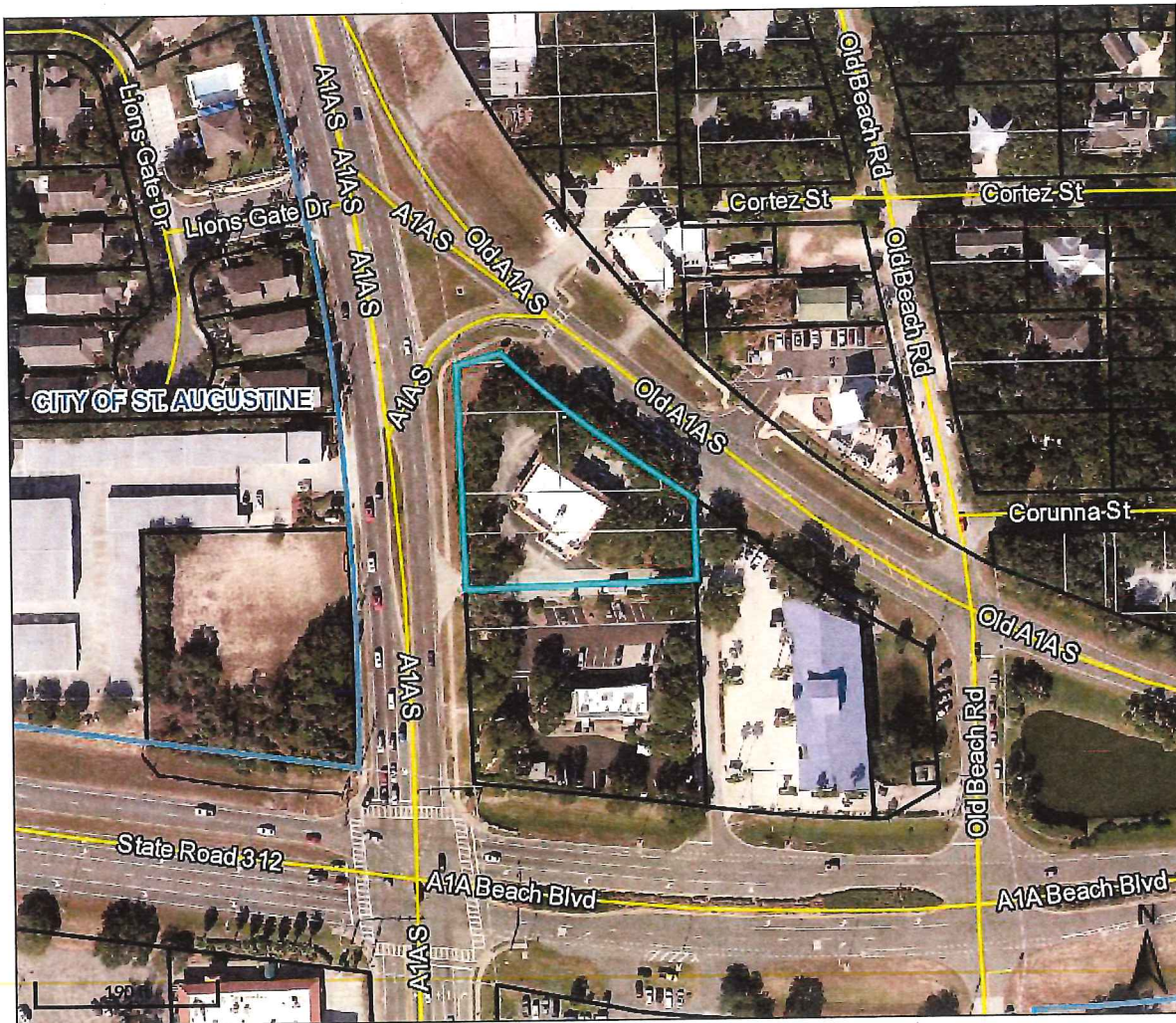
St. Johns County has assigned a future land use designation for the property as Commercial and the county zoning designation is Commercial General (CG). The property is also within the county's Mid-Anastasia Overlay District, which governs the design of new construction. The petitioner has requested identified the proposed use of the property as a car wash. The city's Commercial Medium Intensity future land use designation and Commercial Medium two (CM-2) zoning allow this use.

If the City Commission accepts the Petition for Voluntary Annexation and approves the Pre-Annexation Agreement, then the petitioner will appear before the city's Planning and Zoning Board with an application to assign a city future land use designation to the property and to amend the county zoning designation to a city zoning designation.

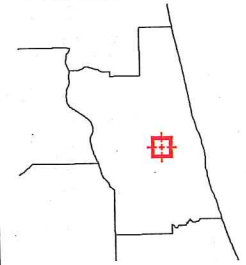
If you have any questions, please let me know.



David Birchim, AICP
Director, Planning and Building Department



Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID 1664300050
Property Class 1100 - Stores
Taxing District St Augustine Beach Area
Outside City Limits
Acres 0.89

Physical Address 1830 A1A S
Mailing Address SAINT AUGUSTINE
Address ABC LIQUORS INC
8989 S ORANGE AVE
ORLANDO FL 32824-0000

Building Value		Last 2 Sales		Reason	Qual
Extra Feature	Value	Date	Price		
	\$14,160	7/1/2013	\$1300000	11	U
Total Land Value	\$385,770	6/20/1995	\$767800	11	U
Just Value	\$528,284				
Total	N/A				
Deferred Assessed Value	\$528,284				
Total	N/A				
Exemptions					
Taxable Value	\$528,284				

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

Date created: 11/20/2019
Last Data Uploaded: 11/19/2019 11:51:18 PM

Developed by  **Schneider**
GEOSPATIAL



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID	1664300050
Location	1830 A1A S
Address	SAINT AUGUSTINE 32080-0000
Neighborhood	Liquor Store Countywide (COM) (680.16)
Tax Description*	3-31 MENENDEZ PARK BLK 29 ALL LYING SW OF CR A1A & W1/2 VAC ALCAZAR ST & N1/2 VAC CORUNNA ST LYING W OF ALCAZAR ST & UNPLATTED PT LYING SOUTH OR3760/543
	<i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Stores (1100)
Subdivision	Menendez Park
Sec/Twp/Rng	28-7-30
District	St Augustine Beach Area Outside City Limits (District 550)
Millage Rate	14.0203
Acreage	0.890
Homestead	N

Owner Information

Owner Name	Abc Liquors Inc 100%
Mailing Address	8989 S ORANGE AVE ORLANDO, FL 32824-0000

Map



Valuation Information

	2020
Building Value	\$128,354
Extra Features Value	\$14,160
Total Land Value	\$385,770
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$528,284
Total Deferred	\$0
Assessed Value	\$528,284
Total Exemptions	\$0
Taxable Value	\$528,284

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$135,355	\$14,160	\$385,770	\$0	\$0	\$535,285	\$535,285	\$0	\$535,285
2018	\$140,022	\$14,160	\$385,770	\$0	\$0	\$539,952	\$539,952	\$0	\$539,952
2017	\$147,024	\$10,338	\$385,770	\$0	\$0	\$543,132	\$543,132	\$0	\$543,132
2016	\$144,480	\$10,338	\$385,770	\$0	\$0	\$540,588	\$540,588	\$0	\$540,588
2015	\$148,925	\$10,338	\$385,770	\$0	\$0	\$545,033	\$545,033	\$0	\$545,033
2014	\$144,349	\$10,338	\$385,770	\$0	\$0	\$540,457	\$540,457	\$0	\$540,457
2013	\$148,533	\$10,338	\$385,770	\$0	\$0	\$544,641	\$544,641	\$0	\$544,641
2012	\$152,717	\$10,338	\$385,770	\$0	\$0	\$548,825	\$548,825	\$0	\$548,825
2011	\$128,968	\$10,338	\$505,359	\$0	\$0	\$644,665	\$644,665	\$0	\$644,665
2010	\$131,131	\$10,338	\$559,366	\$0	\$0	\$700,835	\$700,835	\$0	\$700,835

Building Information

Building 1
 Actual Area 5057
 Conditioned Area 4140
 Actual Year Built 1990
 Use Stores (Retail)
 Style 04
 Class N
 Exterior Wall Concrete Stucco

Roof Structure Rigid Frame
 Roof Cover Built Up, Clay Tile
 Interior Flooring Sheet Vinyl
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Rigid Frame	100%
Roofing Cover	Built Up	90%
Roofing Cover	Clay Tile	10%
Interior Walls	Drywall	100%
Interior Flooring	Sheet Vinyl	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	6 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Insulation	2" Fiberglass	100%
Floor System	Concrete Slab	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
BASE AREA	4140	4140
CANOPY (COMMERCIAL)	0	488
FRAME UTILITY	0	429
Total SqFt	4140	5057

Code Description	BLD	Length	Width	Height	Units
Asphalt Paving	0	0	0	0	7000
Curb	0	0	0	0	990
Pole Light	0	0	0	0	1
Masonry Wall	0	0	0	0	288
Wood Fence	0	0	0	0	11

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Stores	0	0	38577	SF	\$385,770

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
7/11/2013	7/1/2013	\$1,300,000.00	WD	3760	543	U	I	ABC PROPERTIES LTD	ABC LIQUORS INC
8/6/2009	7/29/2009	\$100.00	CD	3226	971	U	I	ABC LIQUORS INC	ABC PROPERTIES LTD
	6/20/1995	\$767,800.00	WD	1126	1670	U	I	ABC LIQUORS INC	ABC PROPERTIES LTD
	11/1/1990	\$0.00		874	857	U	V		ABC LIQUORS INC
	3/1/1990	\$0.00		849	173	U	V		

Recent Sales in Area

Room Type	Area
FUT	0
CCN	0
Base	0

The diagram shows a room layout with the following dimensions and area calculations:

- Main Room Dimensions:**
 - Left wall: 53
 - Bottom wall: 80
 - Right wall: 43
 - Top wall (main): 70
- Inset Room (Top Left):**
 - Top wall: 33
 - Left wall: 13
 - Right wall: 13
 - Bottom wall: 33
- Yellow Highlighted Area (Bottom):**
 - Left vertical segment: 4
 - Bottom horizontal segment: 88
 - Right vertical segment: 4
 - Inner vertical segments (left and right): 6 each
 - Outer vertical segments (left and right): 11 each

https://qpublic.schneidercorp.com/Application.aspx?AppID=960&LayerID=21179&PageTypeID=4&PageID=9059&KeyValue=1664300050 Page 258 of 296

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



Version 2.3.21

Last Data Upload: 11/19/2019, 11:51:18 PM

PETITION FOR VOLUNTARY ANNEXATION

Pursuant to Section 171.044, Florida Statutes, the following identified owner or owners of real property in the unincorporated area of St. Johns County ("County"), Florida: ABC LIQUORS, INC. a Florida profit corporation, hereinafter referred to as "Petitioner" whose address is 8989 S. Orange Ave., Orlando, FL, 32824, here now, respectfully petition the City Commission for the City of St. Augustine ("City"), Florida, to annex certain real property into the City and in support states:

1. Petitioner is the fee simple owner, as established in the deeds attached hereto and incorporated herein as Exhibit "A," of that certain property ("Real Property") in the unincorporated area of the County, described in Exhibit "B," attached hereto and incorporated herein by reference.
2. The Real Property is contiguous to the City and reasonably compact, and the annexation of the Real Property into the City will not result in the creation of an enclave or enclaves.
3. The Real Property is presently X improved, unimproved, and the proposed use of the Real Property is for car wash.
4. Petitioner understands that upon annexation into the City a future land use designation and zoning category will be established by the City for the Real Property, and further understands that any future land use designation adopted by the City may be subject to the approval of the State of Florida. However, prior to the establishment of a future land use designation and zoning category by the City, Petitioner shall be entitled to use of the property under the future land use designation(s) and zoning in effect in the County immediately prior to the annexation, which will continue to be in effect as provided for in Section 171.062(2), Florida Statutes. Until such time as the City establishes a future land use designation and zoning category, Petitioner shall be allowed to develop the Real Property pursuant to any land development order or land development permit issued by the County and in effect at the time the annexation becomes final, provided said development order or development permit has not expired.

5. The Petitioner hereby consents to any non-ad valorem assessments adopted by the City.

NOW, THEREFORE, Petitioner requests the City Commission for the City of St. Augustine, Florida, to:

- A. Adopt a non-emergency ordinance at a regular meeting to annex the Real Property into the City and re-define the boundaries of the City to include the Real Property.
- B. Prior to adoption of said ordinance, publish notice of the annexation, at Petitioner's expense, at least once each week for two consecutive weeks as required by Section 171.044(2), Florida Statutes, and to provide notice to the County pursuant to the Annexation Interlocal Agreement and Section 171.044(6) (legal notice, map and County notice attached hereto and incorporated herein as composite Exhibit "C").
- C. Initiate proceedings within twelve (12) months, at Petitioner's expense, to designate the Real Property under the Future Land Use Element of the City Comprehensive Plan and to designate the zoning classification of the Real Property under the Code of the City. City does not warrant any particular outcome of the public hearings.
- D. Upon adoption of said ordinance, file the annexation ordinance with the Clerk of the Circuit Court of St. Johns County, Florida; the Chief Administrative Officer of the County; and the Department of State of the State of Florida, within seven (7) days after the adoption of the annexation ordinance as required by Section 171.044(3), Florida Statutes.

DATED this 18th day of November, 2019.

Respectfully Submitted, for Owner(s): ABC LIQUORS, INC.

Signed: Charles E. Bailes, III.

Charles E. Bailes, III.
President & CEO

Robin L. Martin
NOTARY PUBLIC as to Owner(s)

My Commission Expires: 10-3-20

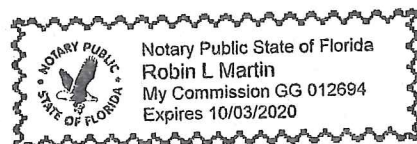


Exhibit “A”

(proof of ownership)

Warranty Deed – 3 pages

This Instrument Prepared by and Return to:
JOHN F. BENNETT, ESQUIRE
1947 Lee Road
Winter Park, Florida 32789-1834

Parcel ID #166430-0050

WARRANTY DEED

THIS WARRANTY DEED, made the 1st day of July, 2013, by **ABC PROPERTIES, LTD.**, a Florida Limited Partnership, whose mailing address is 8989 S. Orange Avenue, Orlando, Florida 32824, hereinafter called the grantor, to **ABC LIQUORS, INC.**, a corporation existing under the laws of the State of Florida, whose post office address is 8989 S. Orange Avenue, Orlando, Florida 32824, hereinafter called the grantee.

WITNESSETH:

That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in St. Johns County, Florida, to-wit:

A portion of the Menendez Park Subdivision as recorded in Map Book 3, Page 31 of the Public Records of St. Johns County, Florida, together with a portion of the Southeast Quarter of Section 28, Township 7 South, Range 30 East of said County, more particularly described as follows: For a point of reference, commence at the intersection of the Easterly right-of-way line of State Road No. S-3 (a right-of-way of varying width) with the Northerly right-of-way line of State Road No. 312, (a 200 foot right-of-way as now established by the Florida Department of Transportation right-of-way map, Section 78002-2502); thence North 01°54'09" West along said Easterly right-of-way line of State Road No. S-3, a distance of 193.00 feet to the Point of Beginning; thence continue North 01°54'09" West along said Easterly right-of-way line, a distance of 222.52 feet to a point; thence North 75°06'08" East along a line that intersects the Easterly right-of-way line of State Road No. S-3, with the Southwesterly right-of-way line of State Road A-1-A, a distance of 46.34 feet, said intersection lying on a curve, said curve being concave Northeasterly, having a radius of 1000.37 feet; thence Southeasterly along the arc of said curve and along said Southwesterly right-of-way line of State Road No. A-1-A, an arc distance of 167.42 feet, said arc being subtended by a chord bearing of South 51°08'51" East and a chord distance of 167.23 feet to the point of tangency of said curve; thence South 55°56'32" East continuing along said Southwesterly right-of-way line, a distance of 74.94 feet to a point on said right-of-way line, said point lying on a curve, said curve being concave Easterly, having a radius of 60.00 feet; thence Southerly along the arc of said curve and leaving said Southwesterly right-of-way line, an arc distance of 13.38 feet,

said arc being subtended by a chord bearing of South 04°29'13" West and a chord distance of 13.35 feet to the point of tangency of said curve; thence South 01°54'09" East, a distance of 66.50 feet; thence South 88°05'51" West along a line to its intersection with aforementioned Easterly right-of-way line of State Road No. S-3, a distance of 231.00 feet to the Point of Beginning.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

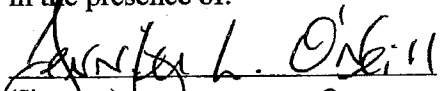
AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except the following:

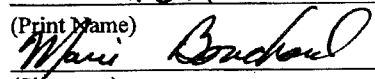
1. Taxes for the year 2013 and subsequent years, which are not yet due and payable.
2. Matters as shown on the Plat as recorded in Plat Book 3, Page 31, of the Public Records of St. Johns County, Florida.
3. Easement granted to Florida Power & Light Company by instrument in Official Records Book 878, Page 779, of the Public Records of St. Johns County, Florida.

Wherever used herein, the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

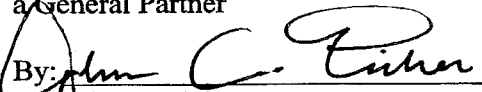
Signed, sealed and delivered
in the presence of:


(Signature)
JENNIFER L. O'NEILL


(Print Name)
Marie Bouckard
(Signature)
Marie Bouckard
(Print Name)

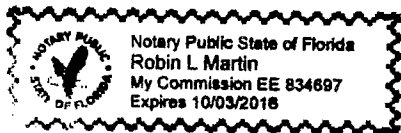
ABC PROPERTIES, LTD.

By: H & B Management Properties, Inc.,
a General Partner


By: John C. Eicher
Its: Vice President

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 1st day July, 2013, by John C. Eicher as Vice President of H & B Management Properties, Inc., a General Partner of ABC Properties, Ltd. He is personally known to me.



Robin L. Martin
(Signature of Notary Public - State of Florida)
Robin L. Martin
(Print, Type, or Stamp Commissioned Name of Notary Public)

Exhibit "B"

(legal description of the Real Property)

A PORTION OF THE MENENDEZ PARK, SUBDIVISION AS RECORDED IN MAP BOOK 3, PAGE 31, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 7 SOUTH, RANGE 30 EAST OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. S-3 (A RIGHT-OF-WAY OF VARYING WIDTH) WITH THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 312, (A 200 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 78002-2502); THENCE NORTH 01°54'09" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. S-3, A DISTANCE OF 193.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°54'09" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 222.52 FEET TO A POINT; THENCE NORTH 75°06'08" EAST ALONG A LINE THAT INTERSECTS THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. S-3, WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD A-1-A, A DISTANCE OF 46.34 FEET, SAID INTERSECTION LYING ON A CURVE, SAID CURVE BEING CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1000.37 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. A-1-A, AN ARC DISTANCE OF 167.42 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 51°08'51" EAST AND A CHORD DISTANCE OF 167.23 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 55°56'32" EAST CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 74.94 FEET TO A POINT ON SAID RIGHT-OF-WAY LINE, SAID POINT LYING ON A CURVE SAID CURVE BEING CONCAVE EASTERLY, HAVING A RADIUS OF 60.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 13.38 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 04°29'13" WEST AND A CHORD DISTANCE OF 13.35 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 01°54'09" EAST, A DISTANCE OF 66.50 FEET; THENCE SOUTH 88°05'51" WEST ALONG A LINE TO ITS INTERSECTION WITH AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. S-3, A DISTANCE OF 231.00 FEET TO THE POINT OF BEGINNING.

Exhibit “C”

(composite legal notice, map & County notice)

Exhibit "C" will be generated for publication of the Annexation Ordinance if the Petition for Voluntary Annexation is accepted and the Pre-Annexation Agreement is approved by the City Commission

PRE-ANNEXATION AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2019 between CITY OF AUGUSTINE, FLORIDA ("City"), a municipal corporation, Post Office Drawer 210, St. Augustine, Florida 32085-0210, and ABC LIQUORS, INC., a Florida profit corporation, 8989 South Orange Ave., Orlando, Florida, 32824, ("Owner").

RECITALS

1. Owner is the fee simple owner of certain real property described on Exhibit "A", located in St. Johns County, Florida, contiguous to, but outside of, the corporate limits of City (the "Property").

2. Owner has filed a petition with City seeking to have the Property voluntarily annexed to the City.

3. As a condition to such annexation, Owner requires that City diligently and expeditiously process certain zoning and Comprehensive Plan amendment applications and Owner shall provide for payment of water/sewer connection fees and stormwater fees at the time of issuance of a building permit.

4. Owner understands and agrees the Property shall be subject to all laws, ordinances, and regulations in force in City and that any existing or proposed uses or structures on the Property shall be a lawfully permissible use and/or structure upon the effective date of the annexation.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein set forth, the parties mutually agree as follows:

1. **Recitals.** The foregoing recitals are true and correct in all respects.

2. **Zoning Application.** City shall diligently and expeditiously process, to conclusion, at the Owner's expense, the Owner's application for zoning classification applicable to the Property. City does not warrant any particular outcome of the public hearing.

3. **Payment of Water/Sewer Connection/Stormwater Fees and other Permit Fees and Costs of Infrastructure.** The Owner or developer of the property shall pay water/sewer connection/tap and stormwater fees for lots, units or structures within the project at the time of issuance of a building permit for the particular improvement. Any cost incurred to extend municipal services to the project will be paid for by the Owner or developer. Owner/developer shall be responsible for payment of all other fees and costs at the time of permitting. Owner may contribute in kind improvements, as approved in advance and found compliant for acceptance by the City's Public Works Department, in lieu of payment for fees and costs of infrastructure improvements. Each request for contribution of in kind improvements shall be reviewed and approved or disapproved on a case-by-case basis by the City. Owner/developer may be required to provide supplemental documentation, to include but not limited to, performance and maintenance bonds for any in kind contribution in a form acceptable to the City.

4. **Comprehensive Plan Amendments.**

A. City will diligently and expeditiously process, to conclusion, at the Owner's expense, appropriate amendments to the City's Comprehensive Plan, to make the project use a conforming use under the City's land use designation and to establish

a future land use designation(s) for any undeveloped land within the Property which would allow development consistent with the project. City shall also process at the Owner's expense, additional future Comprehensive Plan amendments as necessary, to permit the relocation of uses within the Property as may be permitted. City does not warrant any particular outcome of the public hearing.

5. **Assessment.** The Owner/developer will comply with and pay any non-ad valorem assessment adopted by the City for this Property.

6. **Applicable Law.** This agreement shall be governed and construed under the laws of the State of Florida.

7. **Effective Agreement.** This agreement shall run with the Property and all of its terms and conditions shall be binding upon the respective successors and assigns of the parties hereto and this agreement shall be recorded in the public records of St. Johns County, Florida.

8. **Entire Agreement.** No prior or present agreements or representations shall be binding upon the parties unless included in this agreement. No modification or change in this agreement shall be valid or binding upon the parties unless in writing and executed by the party or parties to be bound thereby.

9. **Waiver.** The failure of either party to take any action with respect to any breach of any term, covenant or condition contained herein, or any instance of default shall not be deemed to be a waiver of any default or breach.

10. **Notices.** Any notice necessary under this agreement shall be in writing and sent by U.S. or express mail or hand delivered to the parties at the following addresses and shall be deemed given upon receipt:

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

OWNER: Elizabeth Zimmerman, Property Manager
ABC Liquors, Inc.
8989 S. Orange Ave.
Orlando, FL 32824

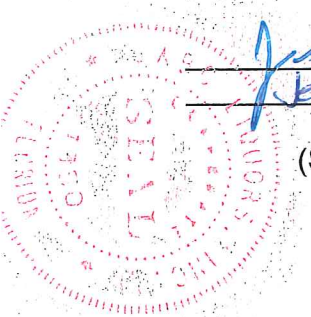
11. **Binding Effect.** This agreement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the respective parties.

12. **Section Headings.** The Section Headings in this agreement are intended for convenience only and shall not be taken into consideration in any construction or interpretation of this agreement or any of its provisions.

13. **Judicial Interpretation.** Should any of the provisions of this agreement require judicial interpretation, the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agents prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the dates set forth below.

ATTEST:


Charles E. Bailes, III
_____, Secretary
(SEAL) NOV 18 2019

ABC LIQUORS, INC.
a Florida profit corporation

By: Charles E. Bailes, III
Printed Name: Charles E. Bailes, III
Title: President & CEO

Date: 11-18-19

ATTEST:

City Clerk
(SEAL)

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

By: _____
City Manager

Date: _____

Approved as to Form and Content:

City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

A PORTION OF THE MENENDEZ PARK, SUBDIVISION AS RECORDED IN MAP BOOK 3, PAGE 31, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 7 SOUTH, RANGE 30 EAST OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. S-3 (A RIGHT-OF-WAY OF VARYING WIDTH) WITH THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 312, (A 200 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 78002-2502); THENCE NORTH 01°54'09" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. S-3, A DISTANCE OF 193.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°54'09" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 222.52 FEET TO A POINT; THENCE NORTH 75°06'08" EAST ALONG A LINE THAT INTERSECTS THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. S-3, WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD A-1-A, A DISTANCE OF 46.34 FEET, SAID INTERSECTION LYING ON A CURVE, SAID CURVE BEING CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1000.37 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. A-1-A, AN ARC DISTANCE OF 167.42 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 51°08'51" EAST AND A CHORD DISTANCE OF 167.23 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 55°56'32" EAST CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 74.94 FEET TO A POINT ON SAID RIGHT-OF-WAY LINE, SAID POINT LYING ON A CURVE SAID CURVE BEING CONCAVE EASTERLY, HAVING A RADIUS OF 60.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 13.38 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 04°29'13" WEST AND A CHORD DISTANCE OF 13.35 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 01°54'09" EAST, A DISTANCE OF 66.50 FEET; THENCE SOUTH 88°05'51" WEST ALONG A LINE TO ITS INTERSECTION WITH AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. S-3, A DISTANCE OF 231.00 FEET TO THE POINT OF BEGINNING.

CITY OF ST. AUGUSTINE

MEMORANDUM

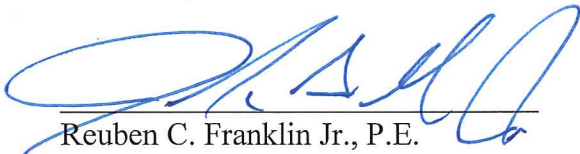
TO: John Regan, P.E.
City Manager

DATE: November 26, 2019

RE: Agenda Item for December 9, 2019 City Commission Meeting;
Consent Agenda - Transportation Advisory Group (TAG) Update

The following is an update on the proposed 2019 project rankings for road capacity, local and transportation alternative projects. The project rankings were discussed and agreed upon by the St. Johns County Transportation Advisory Group (TAG) on November 22, 2019 and will be sent to the St. Johns County Board of County Commissioners (SJCBC) for approval in early 2020. Once approved the project list will be sent to the North Florida Transportation Planning Organization (NFTPO).

Staff is requesting the City Commission to authorize a letter to the SJCBC supporting the proposed projects and rankings. If you have any questions or concerns please do not hesitate to contact me.



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

cc: City Attorney & Department Heads

Attachment: Transportation Advisory Group (TAG) Update

2019 RECOMMENDED ST. JOHNS COUNTY ROAD CAPACITY PROJECT PRIORITIES

FOR FY 2020/2021 TO 2024/2025

PROPOSED

2019 Proposed Ranking	ROADWAY	MAJOR PROJECTS WITHIN TPO AREA	PROJECT DESCRIPTION	Roadway ID
Regional Priority Projects				
1	SR 313 (SR 312 Extension)	Extension - SR 207 to US 1	Final Design, Right-of Way Acquisition & Construction	R1
2	CR 2209	CR 210 to International Golf Pkwy	New Roadway (6 Lane)	R2
3	First Coast Expressway	I-95 to US 17	New Roadway (Funded 2023)	R3
4	SR 16/CR 208	@ I-95	Interchange Area Improvements (Funded 2020)	R4
5	Race Track Rd	Bartram Park Blvd to Bartram Springs Pkwy	Widen to 4 Lanes (includes I-95 overpass)	R5
6	St. Johns Pkwy (CR 2209)	@ CR 210	New Interchange	R6
7	US 1/CR 210 Interchange	Interchange at CR 210 (Phase II Add Ramps)	Final Design, Right-of Way Acquisition & Construction	R7
8	St. Johns Pkwy (CR 2209)	CR 210 to SR 9B	Widen to 6 Lanes	R8
9	SR A1A	Mickler Rd. to Sawgrass Dr W.	Widen to 4 Lanes & Bike Lanes - Construction	R9
10	Palm Valley Rd	ICW to Mickler Rd	Widen to 4 Lanes	R10
11	Mickler Rd	Roundabout to SR A1A	Widen to 4 Lanes	R11
12	SR 16	International Golf Pkwy to S. Francis Rd	Widen to 4 Lanes	R12
13	SR 16	S. Francis Rd. to Outlet Mall Entrance	Widen to 4 Lanes	R13
14	SR A1A	Ponte Vedra Lakes Blvd to Marshlanding Pkwy/JTB	Intersection Improvements recommended by North Ponte Vedra Beach Traffic Study (2016)	R14
15	SR A1A	SR A1A Corridor from Mickler Rd to Ponte Vedra Lakes Blvd.	Intersection Improvements recommended by Ponte Vedra/Palm Valley Traffic Study (2017)	R15
16	CR 2209	IGP to SR 16	New Roadway (4-lane)	R16
17	Old Moultrie Rd	SR 312 to US 1	3-lane w/bike lanes and sidewalks	R17
18	I-95/SR 207 Interchange	I-95 @ SR 207	Interchange Modification Report	R18
19	I-95/SR 206 Interchange	I-95 @ SR 206	Interchange Modification Report	R19
20	Intermodal Center	Intermodal Transportation Center	Planning Study	R20
21	I-95/CR 210 Interchange	I-95 at CR 210	IMR, Final Design, Right-of Way Acquisition & Construction	R21
22	Wildwood Drive	US 1 to SR 207	Three-lane section	R22
23	SR 207	I-95 to SR 312	Widen to 6-Lanes	R23
24	Big Oak Road	US 1 to I-95	Feasibility Study for new road and interchange with I-95	R24
25	Southeast Commuter Rail Service	Downtown Jacksonville to St. Augustine	Develop plans to provide a commuter rail service between Jacksonville and St. Augustine	R25
Local Priority Projects				
1	South Dixie Highway	SR 207 to King Street	Complete Streets	L1
2	King St	US 1 to SR A1A	Multimodal Way w/Drainage Improvements	L2
3	SR 16	@ IGP	Intersection Improvements (East leg)	L3
4	US 1	@ Wildwood Drive	Intersection Improvements (Funding 2020 LAP)	L4
5	Palm Valley Rd	@Mickler Rd	Intersection Improvements recommended by Ponte Vedra/Palm Valley Traffic Study (2017)	L5
6	Palm Valley Rd	@Roscoe Blvd./Vilano Bridge	Intersection Improvements recommended by Ponte Vedra/Palm Valley Traffic Study (2017)	L6
7	US 1	San Sebastian View to CR 5A (Old Moultrie)	Sidewalks from San Sebastian View to SR 16 and sidewalks from SR 207 to CR 5A (complete sidewalks both sides as needed)	L7
8	SR A1A	Treasure Beach Rd. to Ocean Palms Entr. (San Julian Blvd)	Add Sidewalk on West Side; or SJR2C Trail	L8
9	SR A1A (San Marco Ave)	SR 16 to Bridge of Lions	Shared Use Path (North City)	L9
10	US 1	Stokes Landing Rd to IGP	Add Sidewalk on East Side (approx. 1 mile)	L11
11	SR 312	Plantation Island Dr to SR A1A	Add Sidewalks or SJR2C Trail	L12
12	SR A1A/Anastasia Blvd	N. St. Augustine Blvd to Red Cox Rd	Multimodal Way (includes intersection improvements at Red Cox Dr/Old Quarry Rd)	L13
13	A Street	A1A Beach Blvd to the Beach	Add Sidewalks	L14
14	Countywide Sidewalk Program	Countywide	Projects will be identified by SJC Sidewalk Gap Study	L15

2019 RECOMMENDED ST. JOHNS COUNTY TRANSPORTATION ALTERNATIVES PROJECT PRIORITIES

FOR FY 2020/2021 TO 2024/2025

PROPOSED

2019 Proposed Ranking	ROAD OR PROJECT	LOCATION	PROJECT DESCRIPTION	Roadway ID
Trails				
1	St. Johns River to Sea Loop Trail (SJR2C Trail)	Just West of I-95 to City of St. Augustine to Flagler County Line	Trail Project (SunTrail Funded)	T1
2	Vilano Trail	Cedar Ave. (Vilano Beach) to Mickler Rd	Multi-Purpose Path/Trail along SR A1A	T2
3	P. V. Trail	SJR2C Loop to Mickler Rd/SR A1A	Trail Connector from SJR2C Loop to Ponte Vedra via SR 313 and Nocatee	T3
4	Palm Valley Rd./Mickler Rd.	ICW to SR A1A	Add Bike Lanes and/or paths	T4
5	N. A1A Trail	Mickler Rd to Duval County Line	Multi-Purpose Path/Trail along SR A1A	T5
Sidewalks to Schools				
1	Palm Valley Road	From Walden Chase neighborhood to Valley Ridge Blvd.	Sidewalk on south side	S4
2	Old Dixie Highway	From Walden Chase Lane to Goodson Way	Sidewalk on east side	S5
3	Russell Sampson Road	From Chanterelle Way to Heritage Oaks Dr.	Sidewalk on west side	S6
4	Palm Valley Road	Mickler Rd to SR A1A	Sidewalk on west side	S1
5	SR 16	From CR 13 to CR 16A	Sidewalks on both sides preferred, but on the south side at a minimum	S2
6	Roberts Road	From Bedstone Drive to 1333 Roberts Road	Sidewalk on west side	S7

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice-Mayor and Commissioners

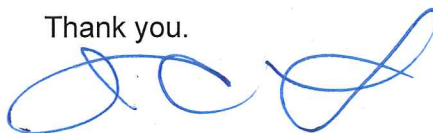
DATE: November 26, 2019

RE: CITY AND LIGHTNER MUSEUM AGREEMENT

Please find enclosed an agreement setting out the key responsibilities for building and grounds maintenance and insurance for the Lightner Building and Financial Services Building property. The terms of the agreement are consistent with the original 1947 indenture and trust, and clarify and update mutual rights and responsibilities for the maintenance, rental, and management of the property between the Lightner Museum Board of Trustees and the City.

Please place the Agreement on the consent agenda for the December 9th, 2019 City Commission meeting.

Thank you.



Isabelle C. Lopez
City Attorney

Attachments

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

Agenda Title:

Consent Agenda: City and Lightner Museum agreement updating the 1967 agreement consistent with the terms of the 1947 Trust setting out the mutual responsibilities for management and maintenance of the property.

AGREEMENT

This Agreement, made and entered into in duplicate this _____ day of _____, 20____, by and between the **BOARD OF TRUSTEES OF THE LIGHTNER MUSEUM OF HOBBIES, INC.**, hereinafter called "TRUSTEES" and the **CITY OF ST. AUGUSTINE, FLORIDA** a municipal corporation, organized and existing by virtue of the laws of the State of Florida, hereinafter called "CITY";

WHEREAS, the CITY and TRUSTEES are both bound by the terms of that certain INDENTURE regarding the PREMISES, and;

WHEREAS, the parties wish to further confirm their mutual agreement and understanding, and clarify their respective rights and obligations, pursuant to the INDENTURE, in order to facilitate cooperation in the operations and maintenance of the PREMISES;

WITNESSETH: That in consideration of the covenants herein contained and consideration given, TRUSTEES and CITY agree as follows:

1. DEFINITIONS:

CITY: means the City of St. Augustine, a Florida municipal corporation.

FINANCIAL SERVICES BUILDING: means the structure located on the southern boundary of the PREMISES, and generally identified as being located at 50 Bridge Street, St. Augustine, St. Johns County, Florida, and its driving aisle and parking area.

INDENTURE: means that July 5, 1947 indenture from O.C. Lightner to the City of St. Augustine, Florida, as trustee of a perpetual trust of the buildings and collection of the trust property to be held, used, managed, and administered by the city in the public interest, for the use, operation, and maintained as housing and exhibiting of museums and other exhibits, with absolute management and control vested in a board of trustees of the Lightner Museum of Hobbies, with neither the city nor the board of trustees having authority to mortgage, sell, or dispose of the trust property, the terms of which are more fully described and recorded in the public records of St. Johns County at OR Book 167, Page 565.

LIGHTNER BUILDING: means the exterior elements of the structure located on the PREMISES, and generally identified as 75 King Street, including exterior roofs, walls, doors, windows, staircases, ramps, loggias, courtyard, pond, bridge, fountains, gardens, fencing, gates, landscaping, outdoor statuary and decorative building ornamentation, parking lots and driving aisles. This term also includes the structural interior elements, such as, structural walls, beams and trusses, the unfinished floor and ceiling substructure, as well as, the centralized fire suppression system. Areas identified as being part of the LIGHTNER MUSEUM are excluded from this definition.

LIGHTNER MUSEUM: means that area consisting of approximately 4,526 interior square feet on the first floor parlor area immediately adjacent to and south of the internal courtyard, and 85,394 interior square feet on all floors of the southern wing (located south of the parlor area), and the exterior elevated promenade at the second floor southern wing entry, along with the exterior and interior area below the promenade, the adjacent southerly outdoor garden consisting of an exterior staircase, fountain, fencing, wall, gates, landscaping, outdoor statuary and decorative building ornamentation. All interiors located in the LIGHTNER MUSEUM, including but not limited to, elevators, HVAC systems, utilities,

electrical, plumbing, telecommunication wiring and equipment, interior staircases, doors, walls, fixtures, finishes, ceilings, and flooring, along with its collections and personal property are included in this definition.

PREMISES: means that real property located in St. Augustine, St. Johns County, Florida, more fully described as follows:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY LINE OF KING STREET WITH THE WESTERLY LINE OF CORDOVA STREET; THENCE SOUTHWESTERLY ALONG SOUTHERLY LINE OF KING STREET TO THE EASTERLY LINE OF GRANADA STREET; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF GRANADA STREET TO THE NORTHERLY LINE OF BRIDGE STREET; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF BRIDGE STREET TO THE WESTERLY LINE OF CORDOVA STREET; THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF CORDOVA STREET TO POINT OF COMMENCEMENT. BEING THE SAME LAND BEING DESIGNATED AS BLOCK 36-A IN THE CURRENT TAX AND OTHER RECORDS OF THE CITY OF ST. AUGUSTINE.

TRUSTEES: means the Board of Trustees of the Lightner Museum of Hobbies, Inc. that owns and operates the LIGHTNER MUSEUM, and its successors, and assigns.

2. TERM OF AGREEMENT:

This Agreement will be for a term of fifty (50) years from the ____ day, of _____, 20____.

3. RENTAL: for the use and occupancy of the PREMISES by CITY, except for the area set aside as mutually agreed to by the parties for the LIGHTNER MUSEUM, it is agreed as follows:

CITY Responsibility:

- (a) Keep and maintain the LIGHTNER BUILDING and the FINANCIAL SERVICES BUILDING in good, sound condition, order and repair.
- (b) Insure, or self-insure, for liability, flood, loss, or damage, the LIGHTNER BUILDING and the FINANCIAL SERVICES BUILDING. CITY may independently seek funds, grants, or other reimbursements from private persons or organizations, as well as, local, state, and federal agencies for the repair and maintenance of the LIGHTNER BUILDING and the FINANCIAL SERVICES BUILDING. In the event such funds, grants, or other reimbursements are obtained, CITY is and shall be solely responsible for all legal requirements of compliance with their terms. Insurance for the perils of damage to the LIGHTNER BUILDING will include the entire building including the physical building areas of the LIGHTNER MUSEUM. Flood insurance will be a shared fifty-fifty (50%-50%) cost between the CITY and TRUSTEES.
- (c) Not cause or suffer any lien to be filed against the PREMISES by reason of any repairs, restoration, reconstruction, alteration or change made to the LIGHTNER BUILDING and the FINANCIAL SERVICES BUILDING by the CITY. A lien which is filed as a result of any action of CITY and which is not removed within ninety (90) days after being filed, or as expeditiously as legally possible, shall constitute a default by CITY hereunder. CITY shall save TRUSTEES harmless from all legal cost and fees, including attorney's fees, reasonably incurred in and about the defense and/or prosecution of any suit or proceeding in discharging the said PREMISES, or any part thereof, from any lien caused by CITY.

TRUSTEES Responsibility:

- (a) Keep and maintain the LIGHTNER MUSEUM, in good, sound condition, order and repair.
 - (b) Insure, or self-insure for liability, in addition to, insure for loss or damage to the collection or personal property of the LIGHTNER MUSEUM. Flood insurance will be a shared fifty-fifty (50%-50%) cost between the CITY and TRUSTEES.
 - (c) TRUSTEES may independently seek funds, grants, or other reimbursements from private persons or organizations, as well as, local, state, and federal agencies for the repair and maintenance of the LIGHTNER MUSEUM. In the event such funds, grants, or other reimbursements are obtained, TRUSTEES are and shall be solely responsible for all legal requirements of compliance with their terms.
 - (d) Not cause or suffer any lien to be filed against the PREMISES by reason of any repairs, restoration, reconstruction, alteration or change made to the LIGHTNER MUSEUM by the TRUSTEES. A lien which is filed as a result of any action of TRUSTEES and which is not removed within ninety (90) days after being filed, or as expeditiously as legally possible, shall constitute a default by TRUSTEES hereunder. TRUSTEE shall save CITY harmless from all legal cost and fees, including attorney's fees, reasonably incurred in and about the defense and/or prosecution of any suit or proceeding in discharging the said PREMISES, or any part thereof, from any lien caused by TRUSTEES.
4. USE OF PREMISES: CITY will use the LIGHTNER BUILDING and the FINANCIAL SERVICES BUILDING as its City Hall, offices, and departments of the municipal government, as well as, any sublet tenant uses. TRUSTEES will use the LIGHTNER MUSEUM consistent with its mission as a museum.
5. ASSIGNING AND SUBLETTING: CITY may sublet any part or portion of the PREMISES not occupied by the CITY or the LIGHTNER MUSEUM, upon whatever terms, conditions and rentals the CITY deems reasonable and proper. CITY will submit a notice for TRUSTEES' review and comment for any new CITY tenants in units on the ground floor area adjacent to the interior courtyard. TRUSTEES will have fifteen (15) days to provide comments in writing to the City Manager regarding reasonable concerns with the compatibility of uses of these proposed CITY tenants. If CITY does not receive any written comments within the review period, TRUSTEES will be deemed to have concurred with the proposed CITY tenants. Both parties will endeavor in good faith to resolve any concerns or conflicts regarding proposed CITY tenants. Should the City Manager and TRUSTEES not reach an agreement regarding the proposed CITY tenants within thirty (30) days from the CITY's notice to TRUSTEES, TRUSTEES may seek a resolution of the issue from the City Commission. The City Commission's decision regarding CITY tenants shall be final and binding. Both parties understand and agree that current CITY tenants are deemed to be compatible, and CITY may approve, renew, or modify current CITY tenants' leases for units on the ground floor area adjacent to the interior courtyard. All other CITY tenants on the PREMISES are at the discretion of CITY, and not subject to TRUSTEES' review.

6. ALTERATIONS AND REPAIRS: TRUSTEES grant CITY the right to make repairs to the PREMISES in accordance with CITY's obligations under this Agreement, providing, however, that CITY shall not make structural or substantial changes to the LIGHTNER BUILDING without prior consent of TRUSTEES, which consent shall not be unreasonably withheld. Any changes, additions, alterations, improvements or repairs to the LIGHTNER BUILDING or to the FINANCIAL SERVICES BUILDING made by the CITY shall be at the sole cost of the CITY and shall immediately become a part of the realty and the property held in trust pursuant to the terms of the INDENTURE. Any changes, additions, alterations, improvements or repairs to the LIGHTNER MUSEUM made by the TRUSTEES shall be at the sole cost of the TRUSTEES and shall immediately become a part of the realty and the property held in trust pursuant to the terms of the INDENTURE.
7. CITY REGULATIONS: the parties acknowledge and agree that the CITY has home rule authority under Florida law, and pursuant to duly enacted ordinances and resolutions, it may regulate and govern the activities allowed on the PREMISES.
8. PRIOR AGREEMENT SUPERSEDED: The parties acknowledge and agree that the terms of this Agreement are intended to completely supersede that prior agreement, by and between them, entered into on February 13th, 1967.
9. COOPERATION OF PARTIES: Without waiving any legal right that each party may have, CITY and TRUSTEES agree to cooperate in good faith in carrying out the terms and intent of this agreement.
10. ENTIRE AGREEMENT: This constitutes the entire and complete agreement between the parties hereto and all the terms and conditions agreed upon.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date written above.

Signed, sealed and delivered in
the presence of:

Shanna Lee
Witness

Print: Shanna Lee

Era C. Fountain
Witness

Print: Era C. Fountain

**BOARD OF TRUSTEES OF THE
LIGHTNER MUSEUM OF HOBBIES, INC.**

Teresa A. Radzinski

Title: _____ its Chairperson

Print: Teresa Radzinski

Attest:

CITY OF ST. AUGUSTINE, LESSOR

Darlene Galambos, City Clerk
(SEAL)

John P. Regan, City Manager

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Isabelle Lopez, City Attorney

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice-Mayor and Commissioners

DATE: November 26, 2019

RE: INTERGOVERNMENTAL AGREEMENT FIRST RESPONDERS

The County Attorney will be presenting the enclosed Intergovernmental Agreement between St. Johns County first responder agencies to the Board of County Commission of St. Johns County for its approval, and has requested same from our City Commission. The Interlocal provides for protocols and training between first responder agencies in order to comply with a new state statute regarding direct radio communication between 9-1-1 public safety answering points and first responders.

Please place this Interlocal Agreement on the consent agenda for the December 9th, 2019 City Commission meeting.

Thank you.



Isabelle C. Lopez
City Attorney

Attachments

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

Agenda Title:

Consent agenda: Intergovernmental Agreement implementing F.S. 365.179 mandating direct radio communication between 9-1-1 first responders.

**INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY
FIRST RESPONDER AGENCIES**

THIS INTERLOCAL AGREEMENT ("agreement") is made and entered into this _____ day of _____, 2019, by and between the primary first responder agencies within St. Johns County.

WITNESSETH:

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969" authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, Part 1 of Chapter 163 of the Florida Statutes permits public agencies as defined therein to enter into interlocal agreements with each other to exercise jointly any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, the Marjory Stoneman Douglas High School Public Safety Commission recommended that counties be required to develop and implement communication systems that allow direct radio communication between public safety answering points (PSAPs) and first responders outside the PSAPs normal service area to provide for more efficient dispatch of first responders; and

WHEREAS, in response to the Commission's recommendations, the Florida Legislature created Section 365.179, Florida Statutes (Direct radio communication between 9-1-1 public safety answering points and first responders); and

WHEREAS, FSS 365.179 requires each County Sheriff to facilitate an interlocal agreement between all first responder agencies ("AGENCY" or collectively "AGENCIES" or "Parties") within the county which provides for interagency communications as required under this law.

NOW, THEREFORE, in consideration of the foregoing, the AGENCIES agree as follows:

Section 1. Purpose

This agreement sets forth the protocols under which the St. Johns County Sheriff's Office's PSAP, the St. Johns County Fire Rescue's PSAP and the St. Augustine Police Department's PSAP will directly provide notice by radio of a public safety emergency to the on – duty personnel of a first responder agency for which the PSAP does not provide primary dispatch functions.

Section 2. Definitions

- A. "9-1-1 public safety answering point" or "PSAP" means a municipal or county emergency communications or 9-1-1 call center in the state that receives cellular, landline, or text –to– 9-1-1 communications.
- B. "First responder agency" includes each law enforcement agency and fire service agency, other than a state agency, and each emergency medical services provider, as is designated as a primary first responder for the service area in which a 9-1-1 public safety answering point receives 9-1-1 calls. See list of St. Johns County First Responder Agencies, Exhibit A.

C. "Public safety emergency" or "event" for purposes of this Interlocal Agreement includes, but is not limited to an incident that has occurred, is occurring or will occur in the immediate future—that poses a major threat to public safety and causes or threatens to cause loss of life, serious injury, significant damage to property, or major harm to public health or the environment, i.e., mass casualty event such as an active shooter.

Section 3. Each AGENCY agrees that:

A. The St. Johns County Sheriff's Office's PSAP, the St. Johns County Fire Rescue's PSAP and the St. Augustine Police Department's PSAP will directly provide notice by radio of a public safety emergency to the on – duty personnel of an AGENCY for which the PSAP does not provide primary dispatch functions as follows:

1. The St. Johns County Sheriff's Office's PSAP, the St. Johns County Fire Rescue's PSAP and the St. Augustine Police Department's PSAPs shall have the ability to have direct radio contact with all primary first responder agencies and their dispatchers for whom the PSAP can reasonably receive 9-1-1 communications.
2. Upon the occurrence of a public safety emergency, if the primary PSAP with jurisdiction has not yet dispatched the event, the PSAP receiving the event from 9-1-1 shall, upon supervisor approval, immediately broadcast all 9-1-1 communications or public safety information regarding the emergency over the primary talk group/dispatch channel designated for such communications

to the first responders and dispatchers with jurisdiction over the service area where the event is occurring.

3. Notwithstanding, once the event has been dispatched by the primary PSAP with jurisdiction, PSAPs outside the service area of the event will transfer additional 9-1-1 calls to the primary PSAP.

B. Training shall be provided to all applicable agency personnel regarding the procedures and protocols set forth in this Agreement; such training shall also include radio functionality and how to readily access the necessary dispatch channel. Each AGENCY, and/or PSAP shall be responsible for training their respective personnel.

Section 4. Effective Date and Term of Agreement

This Agreement shall take effect upon execution and approval by the hereinafter named AGENCIES and shall continue in full force and effect unless terminated by an Agency with 30 days' notice.

Section 5. Liability

Each AGENCY shall be liable for its own actions and negligence and agrees to assume responsibility for the acts, omissions, or conduct of such agency's employees, subject to the provisions of Section 768.28, Florida Statutes, where applicable. The foregoing shall not constitute a waiver of sovereign immunity beyond the limits set forth in Section 768.28, Florida Statutes, or of any defense available to any agency. Nothing herein shall be construed as consent

by any agency to be sued by third parties in any matter, whether arising out of this agreement or any other contract.

Section 6. Non-Discrimination

The Parties shall not discriminate on the basis of race, age, religion, color, gender, national origin, marital status, disability or sexual orientation.

Section 7. Relationship of the Parties

Except as set forth herein, no party to this Agreement shall have any responsibility whatsoever with respect to services provided or contractual obligations of any other party and nothing in this Agreement shall be deemed to constitute any party a partner, agent, or local representative of any other party or to create any type of fiduciary responsibility or relationship of any kind whatsoever between the Parties.

Section 8. Delegation of Duty

Nothing contained herein shall be deemed to authorize the delegation of the constitutional or statutory duties of any Agency.

Section 9. No Third Party Beneficiaries

This Agreement and the provisions hereof are for the exclusive benefit of the Parties hereto and their affiliates and not for the benefit of any third person, nor shall this Agreement be deemed to confer or have conferred any rights, express or implied, upon any other third person.

Article 10. Severability

The invalidity or unenforceability of any provision or clause hereof shall in no way effect the validity or enforceability of any other clause or provision hereof.

Section 11. Amendments to this Agreement

Any amendments to this Agreement shall be by written instrument executed by all AGENCIES.

Section 12. Assignment; Binding Agreement

This Agreement and the duties and obligations hereunder may not be transferred or assigned by any of the Parties. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors.

Section 13. Governing Law and Venue

This Agreement shall be construed in accordance with the laws of the State of Florida. Venue shall lie in St. Johns County, Florida.

Section 14. Entirety of Contractual Agreement

The AGENCIES agree that this Agreement sets forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein.

Section 15. Recording of Agreement

Upon execution by the AGENCIES hereto, the County shall record this agreement in the Official Records of St. Johns County.

IN WITNESS WHEREOF, the AGENCIES hereto have caused this Interlocal Agreement to be executed for the uses and purposes set forth herein.

ST. JOHNS COUNTY SHERIFF

By: _____
David B. Shoar, Sheriff

CITY OF ST. AUGUSTINE POLICE DEPARTMENT

By _____
Barry Fox, Chief of Police

CITY OF ST. AUGUSTINE BEACH POLICE DEPARTMENT

By: _____
Robert Hardwick, Chief of Police

FLORIDA SCHOOL FOR DEAF AND BLIND POLICE DEPARTMENT

By: _____
Jerry Chandlee, Chief of Police

ST. JOHNS COUNTY FIRE RESCUE

By: _____
Jeffrey Prevatt, Fire Rescue Chief

CITY OF ST. AUGUSTINE FIRE DEPARTMENT

By: _____
Carlos Aviles, Fire Chief

EXHIBIT A
FIRST RESPONDER AGENCIES WITHIN THE JURISDICTIONAL BOUNDARIES
OF St. JOHNS COUNTY

LAW ENFORCEMENT AGENCIES

St. Johns County Sheriff's Office
St. Augustine Police Department
St. Augustine Beach Police Department
Florida School for the Deaf and Blind Police Department

FIRE SERVICE AGENCIES

St. Johns County Fire and Rescue
City of St. Augustine Fire Department

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: November 4, 2019

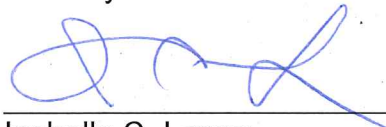
RE: **SEAVIN, INC. V. CITY OF ST. AUGUSTINE – INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find Invoice No. 16-2019-10-1711 dated November 1, 2019, from Cavendish Partners, P.A. for legal services rendered in October 2019, regarding the Seavin, Inc. v. City of St. Augustine matter.

The amount currently due is **\$4,760.00**. We have reviewed the billing and submit same to you for placement on the consent agenda for the December 9, 2019 City Commission meeting.

*WITH THIS INVOICE THE TOTAL EXPENDED TO DATE FOR ATTORNEY'S
FEES AND COSTS ON THIS MATTER EQUALS \$56,169.65.*

Thank you.



Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Meredith Breidenstein, Assistant City Manager
John M. Cary, Assistant City Attorney
Darlene Galambos, City Clerk
Mark Litzinger, Financial Services

CAVENDISH PARTNERS

P.A.

200 West Forsyth Street, Suite 1610
Jacksonville, FL 32202

INVOICE

Date: 11/01/2019
Invoice #: 16-2019-10-1711
Matter: Seavin, Inc.
File #: 1711

INVOICE TOTAL AND BALANCE DUE \$4,760.00

Bill To:

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

Due Date: 12/02/2019

Please Remit Payment To:

Cavendish Partners, P.A.
200 West Forsyth Street,
Suite 1610
Jacksonville, FL 32202

**PAYMENTS RECEIVED AFTER 11/03/2019 ARE
NOT REFLECTED IN THIS BALANCE DUE INVOICE**

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

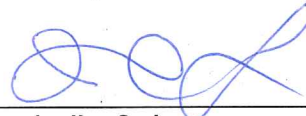
DATE: November 4, 2019

RE: **PARKER L. DOAN REVOCABLE TRUST LITIGATION – INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find Invoice No. 01-2019-10-1820 dated November 1, 2019, from Cavendish Partners, P.A. for legal services rendered in October 2019, regarding the Parker L. Doan Revocable Trust litigation matter.

The amount currently due is **\$1,008.00**. We have reviewed the billing and submit same to you for placement on the consent agenda for the December 9, 2019 City Commission meeting.

Thank you.



Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Meredith Breidenstein, Assistant City Manager
John M. Cary, Assistant City Attorney
Darlene Galambos, City Clerk
Mark Litzinger, Financial Services

CAVENDISH PARTNERS

P.A.

200 West Forsyth Street, Suite 1610
Jacksonville, FL 32202

INVOICE

Date: 11/01/2019
Invoice #: 01-2019-10-1820
Matter: Doan Trust
File #: 1820

INVOICE TOTAL AND BALANCE DUE **\$1,008.00**

Bill To:

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

Due Date: 12/02/2019

Please Remit Payment To:

Cavendish Partners, P.A.
200 West Forsyth Street,
Suite 1610
Jacksonville, FL 32202

**PAYMENTS RECEIVED AFTER 11/03/2019 ARE
NOT REFLECTED IN THIS BALANCE DUE INVOICE**