

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting October 1, 2024

The Planning and Zoning Board met in formal session Tuesday, October 1, 2024, at 1:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Christine Tucker, Vice- Chairperson and the following were present:

1. Roll Call: Christine Tucker, Vice- Chairperson
Mike Davis
Carl Blow
Matthew Shaffer
Ashleigh Barnes
Susan Johns

Absent Charles Pappas, Chairperson (Excused)

City Staff: Amy Skinner, Director, Planning & Building Department
Jacob Fredriksson, Planning Manager
Sarah Daugherty, Senior Planner
Isabelle Lopez, City Attorney
Michele Fudo, Recording Secretary

2. General Public hearings for Items Not on the Agenda

none

3. Approval of Minutes

MOTION

Mr. Davis MOVED to APPROVE the September 3, 2024 minutes as presented. The motion was SECONDED by Mr. Blow and PASSED BY UNANIMOUS VOICE VOTE.

4. Modification and Approval of Agenda

Item 7.a PZB2024-0061 requested a continuance to the November 5, 2024 meeting.

MOTION

Mr. Blow MOVED to continue item 7.a PZB2024-0061 to the November 5, 2024 meeting. The motion was SECONDED by

Mr. Davis and PASSED BY UNANIMOUS VOICE VOTE.

MOTION

Mr. Blow MOVED to APPROVE the agenda as amended. The motion was SECONDED by Mr. Davis and PASSED BY UNANIMOUS VOICE VOTE.

5. Variance

5. (a) PZB2024- 0067 – Trevor Worley c/o CW Thompson Investment Group – Applicant
Gloria Worley c/o CW Thompson Investment Group– Owner
14 S. Leonardi Street

To approve a variance request to reduce side yard setback requirements.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may **APPROVE** the variance request to reduce the minimum side yard

setback at 14 S. Leonardi Street / PID 120220-0000

Gloria Worley reviewed the application.

The Board presented their Ex Parte Communication.

22 certified notices were sent, 0 were returned in favor, 0 were returned opposed and 0 had comments.

Public hearing was opened.

BJ Kalaidi felt that due diligence should be conducted when purchasing property. She asked that there be no parking on Mackey Lane.

Aurora Sanks, 10 Mackey Lane, lived behind the property that had been well restored. She said that she had no issues with the variance.

Jim Beard at 16 S. Leonardi Street felt that the building should be grandfathered in. He spoke in support of the variance request.

Public hearing was closed.

The Board discussed:

- The variance would continue with the land and future owners would benefit
- The four criteria did not appear to be met
- What was the definition of reasonable use of the property

Ms. Lopez explained the code.

- Due diligence should be conducted when purchasing property
- The structure was existing
- There was a rental history for the structure
- The lot was small and narrow
- The neighbors were not concerned
- Parking would be on the property only
- The property had been a rental for a significant amount of time

- The testimony of the neighbor held a lot of weight as they would be the most impacted
- If there was no approval, the owner would not be able to have a guest house
- The building in question was a shed
- There were permits in the past for a shed
- The setback was the only issue
- The plans for the guest house showed a kitchen area, it was determined that there was only a sink area and no stove

MOTION

Mr. Shaffer MOVED to APPROVE variance request PZB2024-0067 to reduce the side yard setback at 14 S. Leonardi Street as it met the criteria as stated in Sec. 28-29. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: Shaffer, Davis, Johns, Blow, Tucker

NAYES: Barnes

MOTION CARRIED 5/1

5. (b) PZB2024-0068 – Susanne Sellars – Applicant The Blue Pelican of St. Augustine LLC – Owner 91 Kings Ferry Way

To approve a variance request to increase the maximum fence height within the front yard setback.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may **APPROVE, DENY, or CONTINUE** the variance request for increased fence height within the required front yard setback at 91 Kings Ferry Way / PID 20-640-0000.

Daniel Lang, representative for the applicant, reviewed the application.

Jeff and Susanne Sellars were sworn in for the record.

The Board presented their Ex Parte Communication.

35 certified notices were sent, 2 were returned in favor, 1 was returned opposed and 1 had comments.

Public hearing was opened.

Bob Thomas, 91 Lincoln Street, spoke in favor of the applicant.

BJ Kalaidi was not in favor because the fence would block the view of people trying to get onto the street.

Public hearing was closed.

The Board discussed:

- This would keep the character of the neighborhood intact
- Neighbors did not want to look into people's back yards
- The property was unique because it was a thru yard
- There was concern about the safety aspect of getting out of driveways
- Testimony of the neighbor held a lot of weight
- Lot was originally platted as a thru lot
- This would be considered a disadvantage
- This would be a security issue and a disadvantage
- The fence was on the property line
- No permit was issued for the fence
- Allowed height was eight feet
- The singular disadvantage were the two front setbacks
- The fence could be moved off the property line
- Safety issues mentioned in comments from the public were a general statement, not from an adjacent neighbor

MOTION

Mr. Shaffer MOVED to APPROVE variance request PZB2024-0068 at 91 Kings Ferry

Way, to increase the maximum fence height within a front yard setback, with the disadvantage being that this was a thru lot with two street frontages and based on testimony that the variance would not be contrary to the public interest and all other criteria were met. The motion was SECONDED by Carl Blow.

VOTE ON MOTION:

AYES: Shaffer, Blow, Johns, Davis, Tucker

NAYES: Barnes

MOTION CARRIED 5/1

5. (c) PZB2024-0073 – Will Tunstall c/o Cape Run Tunstall Construction – Applicant Justin Casey – Owner 25 Menendez Road

To approve a variance request to reduce side and rear yard setback requirements and increase the guest house square footage limitation.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may **APPROVE** the variance requests for reduced setbacks and increased square footage for a guest house at 25 Menendez Road / PID 221610-0050.

Magda and Justin Casey reviewed the application.

The Board presented their Ex Parte Communication.

16 certified notices were sent, 1 was returned in favor, 0 were returned opposed and 0 had comments.

Public hearing was opened.

BJ Kalaidi asked about the increase in the square footage of the guest house.

Ms. Tucker confirmed that the applicant was only adding a second floor. There would be no expansion of the existing footprint.

Public hearing was closed.

The Board discussed:

- This was an existing structure, and the only change was to add a second story
- This would only be used for family, no rentals
- This property suffered a singular disadvantage
- Applicant met the impervious area requirement
- The stairs on the back of the building were the cause of the setback problem
- Could the stairs be moved
- The garage would be blocked if the stairs were in the front
- All options had been explored
- The buildings on the lot were being used as permitted
- Building a second floor made sense because of flooding issues
- The application met the four criteria

MOTION

Ms. Tucker MOVED to APPROVE application PZB2024-0073 as it did suffer a disadvantage, there was nowhere to build the guest house other than going up on the existing garage, the owner was unable to make reasonable use of the affected property, the disadvantage did not exist because of conditions created by the owner and, it was not contrary to the public interest. The motion was SECONDED by Ms. Barnes.

VOTE ON MOTION:

AYES: Tucker, Barnes, Shaffer, Johns, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (a) PZB2024-0062 – Andrea Brown c/o Ancient City Hideaways – Applicant Michael Wilcox c/o Masa Properties LLC – Owner 72 Abbott Street

Continued from the September 3, 2024 Regular Meeting

To approve one (1) off-site parking space within the Municipal Parking Garage.

Ms. Daugherty read the staff report and said based on a review of Sec. 28-29 staff finds that the Board can **APPROVE** a use by exception for one (1) parking space within the Municipal Parking Garage at 72 Abbott Street / PID 194990-0000 to satisfy the requirements of Sec. 28-151.

Andrea Brown reviewed the application.

The Board presented their Ex Parte Communication.

Public hearing was opened.

BJ Kalaidi asked how many spaces in the garage were set aside for short term rentals.

Ms. Daugherty advised that there were 22 spaces set aside.

Public hearing was closed.

Ms. Lopez advised, for the benefit of Ms. Johns, the new board member, the state law that required a certain amount of parking for Short Term Rentals.

The Board discussed:

- The applicant had provided documentation that there was no available parking near her Short-Term Rental
- There was no parking on the property and no driveway
- It was made clear to the applicant that any advertisement for the rental should include the location of the parking
- Thought that the city should have a better plan for these types of requests

MOTION

Mr. Blow **MOVED to APPROVE** application PZB2024-0062. The motion was **SECONDED** by Ms. Barnes

VOTE ON MOTION:

AYES: Blow, Barnes, Johns, Davis, Tucker

NAYES: Shaffer

MOTION CARRIED 5/1

6. (b) PZB2024-0075 – James G. Whitehouse, Esq. c/o St. Johns Law Group & Savannah Bee Company, LLC – Applicant
J.D. Adams, LLC / David Border– Owner
136 St. George Street

To approve a use by exception for a business in the craft alcohol industry and its retail sales.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-29 staff finds that the Board may **APPROVE, APPROVE with conditions, CONTINUE, or DENY** a craft alcohol industry use by exception at 136 St. George Street / PID 197640-0000.

Mr. Whitehouse reviewed the application on behalf of the Savannah Bee Company.

The Board presented their Ex Parte Communication.

20 certified notices were sent, 0 were returned in favor, 2 were returned opposed and 1 had comments.

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

The Board discussed:

- Percent of business sales was nineteen percent
- The alcoholic content would be commensurate with the other businesses on St. George Street
- Hours of operation would be like other Savannah Bee Company locations

- Use by Exception stays with the applicant, if the business was sold the use by exception would expire

Mr. Shaffer asked about the change in the code that applied to this application.

Ms. Lopez said that the intent of the change in the code was to create an easier path for the micro-brewery and micro cidery concepts rather than an old school tavern.

- As a retail outlet this would be a benefit to the area
- The hours of operation needed to be clarified
- Limit the type of alcohol to mead and fourteen percent content
- 9 pm was a reasonable time

MOTION

Mr. Davis **MOVED to APPROVE** application PZB2024-0075 use by exception for craft alcohol specifically mead at 136 St. George Street between the hours of 9 am and 9 pm. The motion was **SECONDED** by Ms. Barnes.

Further discussion determined that there would be only mead for tasting as stated in the motion and the limit for alcoholic content would be regulated by the state licensing bureau.

VOTE ON MOTION:

AYES: Davis, Barnes, Shaffer, Johns, Blow, Tucker

NAYES: NONE

MOTION CARRIED UNANIMOUSLY¹

7. Conservation Zone Development

7. (a) PZB2024-0061 – Ryan Carter c/o Carter Environmental Services – Applicant
William Wolkoff – Owner
Pelican Reef Drive / PID 158573-0130

¹ Break 2:38 – 2:48

Continued from the September 3, 2024
Regular Meeting

**To approve a request to construct a
bulkhead and dock within Conservation
Overlay Zones 1 & 2.**

The applicant had requested a continuance
to the November 5, 2024 Planning and
Zoning Board Meeting. See Item 4.

**7. (b) PZB2024-0064 – Arthur Wells c/o AJ
Wells Roofing and Construction –
Applicant**

**Arthur Wells c/o First Coast Properties of
Jacksonville, Inc. – Owner**

Arricola Avenue / PID 219010-0270

Continued from the September 3, 2024
Regular Meeting

**To approve the removal of significant
trees and tree canopy within
Conservation Overlay Zone 3.**

Mr. Fredriksson read the staff report and said
review of Section 11-29 is the responsibility
of the Planning and Zoning Board for the
proposed development within Conservation
Overlay Zone 3 at Arricola Avenue / PID
219010-0270

Arthur Welles, Jay Devine and Jim Quina
reviewed the application.

Ex Parte Communication: none

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

The Board discussed:

- The tree credits had been made clear
- A landscape design was provided as requested
- Additional requested information had been provided
- There was a brief review of the trees that would be removed
- There would be a significant amount of fill on the property

- The four units/townhomes proposed for construction would be sold
- There was storm water retention for each unit
- The drainage being built on the property and was designed to percolate on site within 48 hours

MOTION

**Mr. Davis MOVED to APPROVE
application PZB2024-0064 Arricola
Avenue for the removal of significant
trees and tree canopy within
Conservation Overlay Zone 3. The motion
was SECONDED by Mr. Blow.**

VOTE ON MOTION:

**AYES: Davis, Blow, Shaffer, Barnes,
Johns, Tucker**

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**7. (c) PZB2024-0070 – Ryan Carter c/o
Carter Environmental Services –
Applicant Marian Burkhardt – Owner
157 Inlet Drive**

**To approve a request to construct a dock
within Conservation Overlay Zone 1 & 2.**

Ms. Daugherty read the staff report and said
review of Section 11-29 is the responsibility
of the Planning and Zoning Board for the
proposed development within Conservation
Overlay Zone 1. This application is for the
construction of a dock at 157 Inlet Drive / PID
213860-0000.

Ryan Carter reviewed the application.

The Board presented their Ex Parte
Communication.

20 certified notices were sent, 1 were
returned in favor, 0 returned opposed and 0
had comments.

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

The Board discussed:

There was consensus with the Board that there would be no obstructions to navigation and the criteria had been met.

MOTION

Mr. Davis MOVED to APPROVE application PZB2024-0070 at 157 Inlet Drive to approve the request to construct a dock within conservation overlay zones 1 and 2. The motion was SECONDED by Ms. Barnes.

VOTE ON MOTION:

AYES: Davis, Barnes, Shaffer, Johns, Blow, Tucker

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. (d) PZB2024-0074 – Brad Beach c/o New Day Design Co. – Applicant Daniel and Barbara Burkhardt – Owner 191 Inlet Drive

To approve the construction of a new single-family home within Conservation Overlay Zones 2 & 3.

Mr. Davis recused himself from this application.²

Ms. Daugherty read the staff report and said review of Section 11-29 is the responsibility of the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 1 and 2. This application is for the removal of one significant tree at 191 Inlet Drive / PID 213770-0000.

Staff recommends **Continuation** for additional information or **reconsideration** or **Denial** of the application until the applicant is prepared to apply for all COZ 2 development simultaneously.

If the Board chooses to approve the significant tree removal separately, Staff

advises it be approved with the condition that future COZ 2 development may require PZB approval according to Sec 11-18(b)

Brad Beach, Dan and Barbara Burkhardt reviewed the application.

The Board presented their Ex Parte Communication.

8 certified notices were sent, 0 were returned in favor, 0 were returned opposed and 0 had comments.

Public hearing was opened.

BJ Kalaidi asked if there was a possibility of building a smaller house to save the tree.

Public hearing was closed.

The Board discussed:

- Theoretically there could be changes in the plans that could save the tree in question
- The arborist report indicated that the trunk was in good shape, but the roots were not
- The tree was in poor condition and could be a safety hazard
- This application was a one for one tree removal and replacement
- The site plan was for one house over three lots
- Requirement was to have the finished floor at nine- and one-half feet
- If construction stayed within the setbacks and lot coverage, the structure could be very large
- There was some flexibility in the criteria and tree removal was to allow for reasonable use of the property

Ms. Daugherty advised that this was a review of the entire project slated for this property to determine that if the tree was removed, the rest of the project could go forward.

² Recusal form attached to original minutes

Ms. Barnes was in favor of continuing the application.

Mr. Shaffer supported the application to remove the tree.

MOTION

Mr. Blow MOVED to APPROVE application PZB2024-0074 at 191 Inlet Drive for removal of a significant tree, future COZ 2 development may require PZB approval according to Sec 11-18(b). The motion was SECONDED by Ms. Tucker

VOTE ON MOTION:

AYES: Blow, Tucker, Shaffer, Barnes, Johns

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. (e) PZB2024-0076 – Ryan Carter c/o Carter Environmental Services – Applicant Robert Taliaferro – Owner 106 N. St. Augustine Boulevard

To approve a request to modify a dock within Conservation Overlay Zones 1 & 2.

Ms. Daugherty read the staff report and said review of Section 11-29 is the responsibility of the Planning and Zoning Board for the proposed development within Conservation Overlay Zone 1. This application is for the modification of a dock at 106 N. St. Augustine Boulevard / PID 213700-0000

Ryan Carter reviewed the application.

Ex Parte Communication: none

27 certified notices were sent, 1 was returned in favor, 0 were returned opposed and 0 had comments.

Public hearing was opened.
BJ Kalaidi thought adjusting the time of launch to high tide would help the situation.

Public hearing was closed.

Mr. Carter provided his rebuttal.

The Board discussed:

- There appeared to be adequate distance to the channel
- The application was in line with the specific criteria
- There had been major renourishment projects in the area and that was probably a cause of the sand beginning to collect at the shore in this area
- Dredging was cost prohibitive
- Consistent with other docks in the area

MOTION

Ms. Barnes MOVED to APPROVE application PZB2024-0076 the request to modify the dock within Conservation Overlay Zone 1 & 2.. The motion was SECONDED by Ms. Tucker.

VOTE ON MOTION:

AYES: Barnes, Tucker, Shaffer, Johns, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

8. Rezoning

8. (a) PZB2024-0066 – James G. Whitehouse, Esq. c/o St. Johns Law Group – Applicant St. Augustine Marine Center Partners, LLC – Owner 404 Riberia Street

To rezone approximately 30.15 acres of property from Industrial and Warehousing: IW to the San Sebastian River – St. Augustine Marine Center Planned Unit Development: PUD

Mr. Fredriksson read the staff report and said the Board is tasked with making

³ Break 3:54 – 4:07

recommendations to the city commission which shall show that the Board has studied and considered:

1. No adverse effect finding:
 - a. The proposed PUD does not adversely affect the orderly development of the city, the health and safety of residents in the area, the natural environment, the use and development of adjacent properties or the general neighborhood.
2. Consistency with the Comprehensive Plan and PUD regulations finding.
 - a. The proposed PUD is consistent with the comprehensive plan and meets the intent and criteria of sections 28-286 through 28-292, as applicable
3. Need and justification finding.
 - a. In order to permit the use of more flexible land use regulations and the most advantageous techniques of land development, the PUD must affirmatively comply with each applicable PUD regulation found in this section and clearly identify the need and justification for rezoning to PUD. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of the builders, architects, site planners and developers to produce residential, commercial, industrial or institutional developments, or combinations thereof, that effectively integrate existing historic and neighborhood patterns, or effectively transition between adjacent development uses.

Given the scale and complicated nature of PUDs the PZB shall require review of a planned unit development final development plan, and narrative requirements with at least two (2) public hearing(s) in an effort to garner as much information and public input as possible, as well as, to finalize any recommendations to the city commission.

The PZB reserves the right to require only one (1) public hearing, if deemed appropriate

by the PZB, the project may move straight to the city commission for rezoning.

Mr. Whitehouse and Mr. Carter reviewed the application.

The Board presented their Ex Parte Communication.

17 certified notices were sent, 0 were returned in favor, 1 was returned opposed and 1 had comments.

Public hearing was opened.

BJ Kalaidi questioned the purpose of the request to rezone to a PUD.

Public hearing was closed.

Mr. Whitehouse provided his rebuttal and described the discussion at a community meeting.

Mr. Carter addressed Ms. Tuckers question about the finished height of the proposed building. He explained that this was not a habitable structure and did not require measurement from a finished floor height. He said construction could start at grade.

Ms. Lopez suggested that the finished height starting at grade should be mentioned in the verbiage of the PUD.

Mr. Whitehouse explained that the intent was to follow city code for the entire project.

The Board discussed:

Mr. Blow stated that the current zoning allowed for all the proposed uses. He addressed the height of the Homeland Security building. He said that the uses now, as well as the proposed uses were a lot less than had been in previous decades. He said that the scenic vistas in Freedom Park had great elevations. He reminded the board that they had eliminated the restaurant from the plan. He said that there appeared to be no one from the community to oppose the

project. He asked staff what could happen if the project went out of business, what would the process be to make changes in the PUD.

Ms. Lopez advised that if there were concerns about the language of the PUD, they should address it now. She said that if there were certain concerns about the language being open, then a discussion with the applicant would be appropriate.

Mr. Blow said there should be a certain termination date of the PUD.

Ms. Lopez answered that there were dates for commencement and dates for completion, that could be phased. She said that there was flexibility with PUD's.

Mr. Blow proposed a ten-year completion date.

Mr. Whitehouse agreed that the ten-year completion date would be included in the language.

Mr. Davis confirmed the allowed height for the buildings so there was consistency with other PUDs in the area. He asked for clarification regarding the finished height of the buildings and requested that that language be included in the text. He said that it seemed to be automatic that another community meeting be held for residents to weigh in on the project.

Ms. Johns felt that the project was consistent with the code and there was not a significant change in the scenic vista.

Ms. Barnes asked how large the sidewalk would be and where the crosswalks would be located.

Mr. Whitehouse advised the width of the sidewalk to be six feet, and the PUD was coordinating with the Lincolnville CRA to tie the crosswalks into the sidewalks connected to the project.

Ms. Barnes continued and asked if there would be a boardwalk on the property, or if there was a way to connect the property to Freedom Park. She mentioned the flooding problem in the area and wanted to know what the stormwater management plan would be and how the landscape plan would be incorporated. She said that another community meeting would be a benefit, but it needed to be better advertised for more attendance from the neighboring area.

Mr. Whitehouse advised that this needed to be a secure sight because of the Border Patrol building and there was not a place to build a boardwalk for occasional use. He advised that they were working with the Department of Environmental Protection and were committed to meeting the city codes for stormwater retention.

Mr. Shaffer wanted more information about the restaurant that had been previously approved on Iberia Street.

It was determined that there was a Use by Exception approval that expired with the sale of the property to new owners, as long as there was no relationship between the new owners and the old, such as an LLC, etc.

Ms. Lopez advised the board that any activities that they did not want to occur with the new PUD should be verbalized and placed in the text of the PUD so there were no questions. She said the board would be able to stipulate specific uses in the PUD.

Mr. Shaffer wanted to get as much detail as possible before the final approval and recommendation to the city commission. He specifically mentioned the intensity of the project.

Mr. Blow asked Mr. Whitehouse to confirm that current zoning of the property was IW-Industrial Warehouse. He reviewed the allowed activities for that zoning. He felt that there were no activities listed that would increase the flow of traffic in the area.

Ms. Tucker agreed that there were many positive improvements with the proposed PUD. She liked the fact that the maximum lot coverage was fifty percent. She said the text regarding the height of the building needed to be revised to remove the reference to the finished floor elevation being ten feet.

Mr. Davis and Mr. Whitehouse agreed that the language from the Cats Paw project would be a good starting point for this project.

Ms. Tucker wanted to add text in the PUD to address the landscape code. She asked for specific dates for the commencement and termination dates. She said that topography mapping needed to be provided. She reiterated that there would be no space for a restaurant in the project, or nothing that would generate a lot of traffic in the area.

Ms. Barnes asked for consideration to add some type of public access to the area.

MOTION

Mr. Davis made a **MOTION to MOVE** application PZB2024-0066 at 404 Riberia Street to a second PUD hearing at the November 5, 2024 meeting. The motion was **SECONDED** by Ms. Barnes.

VOTE ON MOTION:

AYES: Davis, Barnes, Shaffer, Johns, Blow, Tucker

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Other Business

9. (a) Election of Chair and Vice- Chair

Mr. Davis **MOVED** to **NOMINATE** Ms. Tucker to the position of Chairperson for the Board. The motion was **SECONDED** by Ms. Barnes and **PASSED** by **UNANIMOUS VOICE VOTE**.

Mr. Blow MOVED to NOMINATE Ms. Barnes as the Vice Chair for the Board. The motion was SECONDED by Mr. Davis and PASSED by UNANIMOUS VOICE VOTE.

10. Adjournment

Having no further business, Ms. Tucker adjourned the meeting at 5:35 P.M.⁴



Christina Tucker, Chairperson

⁴ Transcribed by Michele Fudo

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME DAVIS MICHAEL ALAN		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING AND ZONING BOARD	
MAILING ADDRESS 23 PARK TERRACE DR ST. JOHNS		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY 10/1/24	COUNTY	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED		NAME OF POLITICAL SUBDIVISION: CITY OF ST. AUGUSTINE	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Michael A. Davis, hereby disclose that on OCTOBER 1, 20 24:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I'm the contractor for Mr. - Mrs. Dan Burkhardt @ 191 West Dr.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

10/1/2024
Date Filed

Michael A. Davis
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.