

**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, FEBRUARY 10, 2020 - 5:00 PM
ALCAZAR ROOM**

1. CALL TO ORDER

- ◆ Roll Call
- ◆ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- ◆ Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

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

- ◆ 3 minutes per individual

5. CONSENT AGENDA

6. APPEALS

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

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

7.A. General Public Presentations

7.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 2020-03:** Addresses the zoning for both artistic expression tattoo studios and esthetic procedures such as micropigmentation. *(I. Lopez, City Attorney)*
- 8.A.2. Ordinance 2020-04:** Creates Chapter 7, section 7-94 enacting regulations and penalties for dockage at Lighthouse Park. *(J. Cary, Assistant City Attorney)*
- 8.A.3. Ordinance 2020-05:** Amends Chapter 25, section 25-56 codifying and implementing the Tree Mitigation Fund. *(J. Cary, Assistant City Attorney)*
- 8.A.4. Ordinance 2020-06:** Amends section 24-46, section 27-23 and creates section 27-88 allowing Transportation Network Company vehicles to purchase a medallion. *(J. Cary, Assistant 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 Ordinance 2020-09:** Charter update to Article IX, Sections 9.06, 9.08, 9.09 and 9.10 revising outdated language regarding the powers and duties of the Chief of Police and providing compliance with Florida law concerning the disposition of property. *(I. Lopez, City Attorney)*
- 9.A.2. Ordinance 2020-10:** Charter update to X.5, Section 10.5.08 providing the City Manager or their designee the authority to take charge of the City Police Department when the City Commission determines that an emergency exists. *(I. Lopez, City Attorney)*
- 9.A.3. Ordinance 2020-11:** Charter update to Article XIII, Section 13.05 providing for compliance with Florida law regarding the dedication of public streets. *(I. Lopez, City Attorney)*
- 9.A.4. Ordinance 2020-12:** Charter update to Article XIV, Section 14.13 removing reference to the St. Augustine Restoration and Historical Commission as it is no longer in existence, providing for the purchase of buildings through appropriations and repealing redundant sections regarding budgetary appropriations. *(I. Lopez, City Attorney)*
- 9.A.5. Ordinance 2020-13:** Charter update to Article XVI, Sections 16.01 through 16.18 removing sections regarding slum clearance and urban renewal as redundant to existing Florida Law. *(I. Lopez, City Attorney)*

9.A.6. Ordinance 2020-14: Charter update to Article XX, Section 20.01 removing the ratification requirement for powers and authority regarding pensions. *(I. Lopez, City Attorney)*

9.B. Resolutions

10. STAFF REPORTS AND PRESENTATIONS

11. ITEMS BY CITY ATTORNEY

11.A. 2020 Legislative Bill Tracking Information. No Presentation

12. ITEMS BY CITY CLERK

12.A. Notification of applications being accepted to fill one term expiration and one alternate member term on the Historic Architectural Review Board. *(D. Galambos, City Clerk)*

12.B. Request to confirm appointment to fill one term expiration on the St. Augustine Firefighters' Pension Fund Board of Trustees. *(D. Galambos, City Clerk)*

13. ITEMS BY CITY MANAGER

13.A. Discussion on possible events for the 200th Anniversary Florida Territorial Celebration. *(J. Regan, City Manager)*

14. ITEMS BY MAYOR AND COMMISSIONERS

15. ADJOURN

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

CONSENT AGENDA - February 10, 2020

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON FEBRUARY 24, 2020:

- Ordinance 2020-09
- Ordinance 2020-10
- Ordinance 2020-11
- Ordinance 2020-12
- Ordinance 2020-13
- Ordinance 2020-14

CA.3. Reminder of Upcoming Meetings :

- February 19, 2020, 2-4pm, Workshop regarding sustainability
- February 24, 2020, 5pm, Regular Commission Meeting
- March 9, 2020, 5pm, Regular Commission Meeting
- March 12, 2020, 2-4pm, Workshop regarding mobility
- March 17, 2020, Presidential Preference Primary Election
- March 23, 2020, 5pm, Regular Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- January 13, 2020 Regular Commission Meeting

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

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING). NONE.

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

CA.8. Final subdivision plat approval of Villa Calissa Townhomes subdivision. *(D. Birchim, Director Planning and Building)*

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: January 28, 2020

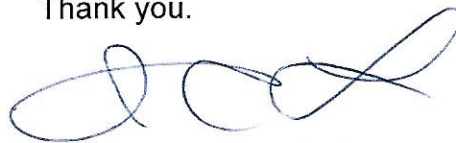
RE: **ORDINANCE 2020-03: TATTOO STUDIOS AND MICROPIGMENTATION**

Please find attached Ordinance 2020-03. As part of our code updates following transmittal of our Evaluation and Appraisal Report amendments to the comprehensive plan, we are addressing the zoning for both artistic expression tattoo studios, and esthetic procedures such as micropigmentation.

Tattooing has been recognized as a form of artistic expression by the courts, therefore, any regulation of this form of First Amendment protected expression must be the least restrictive means to achieve a compelling public purpose. In reviewing our zoning districts, staff recognized the public health need to control the sanitation and waste disposal of biomedical waste (sharps). Biomedical waste cannot be comingled with the City's regular trash collection, and must remain under continuous control from use through disposal by licensed biomedical waste haulers. The historic preservation districts (HP1-4) that do not require onsite parking cannot provide the level of biomedical waste contractor control necessary for essential health and safety purposes. Therefore, this ordinance provides for tattoo studios in other zoning districts by right, but does not provide for this use in HP-1, HP-2, HP-3, and HP-4 districts. Similarly, micropigmentation esthetic procedures are limited to zoning districts that have required onsite parking, and in addition are more limited as they do not affect a protected First Amendment activity.

Please place Ordinance 2020-03 on the regular City Commission agenda for second reading on February 10, 2020.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

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

Agenda Title:

Addresses the zoning for both artistic expression tattoo studios and esthetic procedures such as micropigmentation.

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 28-2 TO MODIFY THE DEFINITION OF TATTOO PARLOR OR STUDIO AND TO CREATE A NEW DEFINITION FOR MICROPIGMENTATION CLINIC; AMENDING SECTIONS 28-187, 28-206, 28-207, 28-208, 28-209, 28-226, 28-311 AND 28-312 TO ADD TATTOO PARLOR OR STUDIO TO THE LIST OF PERMITTED USES IN THE HP-5, CL-1, CL-2, CM-1, CM-2, IW, MUD AND MUD-A ZONING DISTRICTS; AMENDING SECTION 28-206 TO ADD MICROPIGMENTATION CLINIC AS A PERMISSIBLE USE BY EXCEPTION IN THE CL-1 ZONING DISTRICT; AMENDING SECTIONS 28-207, 28-208 AND 28-209 TO ADD MICROPIGMENTATION CLINIC TO THE LIST OF PERMITTED USES IN THE CL-2, CM-1, AND CM-2 ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of St. Augustine has implemented district zoning regulations in order to the protect the public health, safety, morals, general welfare, quality of life, and the natural, historical and cultural environment of the city; and

WHEREAS, in order to discourage the demolition of structures to make way for on-site parking lots and to protect the City's National Register of Historic Places Town Plan streetscape, the Historic Preservation zoning districts designated as HP-1, HP-2, HP-3, and HP-4 do not require on-site parking lots for businesses located in these districts. Most historic preservation zoning district properties are pedestrian accessed and street parking is very limited; and

WHEREAS, on December 14, 2015 the City Commission heard the results of a freight loading zone study that recommended further limiting on-street pick-up, drop-off, freight loading and unloading to specific designated communal loading zones; and,

WHEREAS, the application of pigments below the epidermis in micropigmentation or tattooing procedures utilize needles and may cause some loss of blood and bodily fluids. As such, the disposal of 'sharps' and other medical waste creates a special public health concern. Both micropigmentation clinics and tattoo studios are deemed biomedical waste

generators and must comply with the State of Florida Department of Health regulations on biomedical waste storage, containment, transportation and disposal; and

WHEREAS, due to its historic street layout, limited parking, and other physical constraints, the City of St. Augustine does not contract with private solid waste haulers but instead utilizes trained City crews to operate the sanitation services for both commercial and residential waste within the City via compactors or curbside trash pick-up, however, the City is not licensed to transport or dispose of biomedical waste; and

WHEREAS, private biomedical waste transportation and disposal companies must maintain control of the waste at all times, and the inability to park on-site in order to promptly and safely transfer biomedical waste from the micropigmentation clinic or tattoo studio to the biomedical waste transporter is a significant public health concern, therefore regulating the location of biomedical waste generators furthers a legitimate interest and is a reasonable time, place, and manner restriction; and

WHEREAS, the creation of tattoos has been deemed by the United States Court of Appeals for the Eleventh Circuit in Buehrle v. the City of Key West, to be an artistic creative expression protected under the First Amendment of the United States Constitution; and

WHEREAS, the Dictionary of Modern Medicine defines micropigmentation as a form of permanent makeup used to enhance facial features, improve scarring, and reconstruct damage to the skin; and

WHEREAS, the City's Planning and Zoning Board at its February 2, 2016 hearing, accepted testimony under oath from a practitioner of micropigmentation, whose statements confirmed that micropigmentation utilizes similar methods of implanting pigments below the epidermis as are used in tattooing, but denied that micropigmentation was a form of artistic tattooing; and

WHEREAS, the City's Planning and Zoning Board at its December 3, 2019 meeting recommended approval of this ordinance; and

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

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

Section 1. Amendment to Chapter 28, Article I, Section 28-2. Chapter 28, Article I, Section 28-2 of the Code of the City of St. Augustine, Florida, is hereby amended, which shall read in its entirety as follows:

“Sec. 28-2. Definitions.

...

Micropigmentation clinic means an establishment which provides a form of permanent makeup in which minute, metabolically inert pigment granules are injected, below the epidermis.

...

Tattoo parlor or studio means an establishment which provides for artistic expression through the permanent embellishment of the skin ~~through~~ via an indelible mark or figure fixed upon the body by the insertion of pigment under the skin.

...”

Section 2. Amendment to Chapter 28, Article III, Section 28-187. Chapter 28, Article III, Section 28-187 of the Code of the City of St. Augustine, Florida, is hereby amended, which shall read in its entirety as follows:

“Sec. 28-187. Historic preservation district: HP-5.

Intent. This district is intended to provide a mix of residential and nonresidential uses compatible with the existing historic structures and the district's relationship with surrounding neighborhoods and traffic circulation.

...

(2) *Permitted uses and structures:*

- a. Single-family.
- b. Professional and business offices.
- c. Banks and other financial institutions.
- d. Museums that relate to the history of St. Augustine.
- e. Housing for the elderly.
- f. Home office, private.
- g. Hair salons, beauty shops and barber shops.
- h. *Tattoo parlor or studio.*

...”

Section 3. Amendment to Chapter 28, Article III, Section, 28-206, Section 28-207, Section 28-208, Section 28-209, Section 28-226, Section 28-311 and Section 28-312. Chapter 28, Article III, Section, 28-206, Section 28-207, Section 28-208, Section 28-209, Section 28-226, Section 28-311 and Section 28-312 of the Code of the City of St. Augustine, Florida, are hereby amended, which shall read in their entirety as follows:

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

Intent. This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The CL-1 district is not intended for

use by medium intensity commercial uses such as service stations, vehicle repair and sales, etc. However, professional and business offices and similar uses are encouraged.

(1) *Permitted uses and structures:*

- a. Retail outlets such as specialty food stores and drugs (but not supermarkets); clothing, hardware, toy and hobby shops; pet shops (but not kennel or veterinarian); bookstore and newsstand; stationery and card shops; leather goods and luggage; jewelry (including repair but not pawn shops); art and photographic supplies; TV and stereo equipment (including incidental repairs); florist or gift shop; bake shop (but not wholesale bakery); sporting goods; sundries and notions; business office supplies; musical instruments, records and tapes; and similar products.
- b. Service establishments such as hair salons, shoe repair shop, restaurant (up to one hundred (100) seats, but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises and similar activities.
- c. Tourist homes and bed and breakfast inns.
- d. All types of professional and business offices.
- e. Churches (except temporary revival establishments).
- f. Libraries and museums.
- g. Single-family dwellings as for RG-1 (section 28-163).
- h. Multiple-family housing.
- i. Rooming and boarding houses.
- j. Housing for the elderly.
- k. Home office, private.
- l. Antique shops.
- m. Stables, provided, however, that property shall have been utilized as of the date of the adoption of this subsection [December 23, 1991,] as a stable for more than two (2) years preceding such adoption, and no other.

n. Tattoo parlor or studio.

n0. The above uses are subject to the following limitations:

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

...

(3) *Permissible uses by exception:*

- a. Hotel/motel, maximum of thirty (30) units.
- b. Plant nursery.
- c. Sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption, either on the premises or off the premises.
- d. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.
- e. Medical/dental clinic, intermediate care facility.
- f. Uses and structures as for RG-1 (section 28-163).
- g. Indoor movie theatres.
- h. Commercial recreational or entertainment facilities in completely enclosed building such as billiard parlor, bowling alley, swimming pool, skating rink, dance hall and similar uses.
- i. Building trades contractor not requiring outside storage, nor the use of any vehicle in excess of one-ton capacity, nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
- j. Micropigmentation clinic.

...

“Sec. 28-207. Commercial low-two: CL-2.

Intent. This district is intended to apply to areas where low intensity commercial uses may be located to serve one (1) or more neighborhoods. The CL-2 district is not intended for use by medium intensity commercial uses but low traffic generating commercial uses are encouraged.

(1) *Permitted uses and structures:*

- a. Retail outlets such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, home furnishings and appliances (including incidental repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating and similar products.
- b. Service establishments such as hair salons, shoe repair shop, restaurant (but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor

or fumes or steam detectable to normal senses from off the premises, radio and TV broadcasting office and studio, funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices and similar activities.

- c. Banks, loan companies, mortgage brokers, stockbrokers and similar financial institutions.
- d. All types of professional and business offices, union hall and similar uses.
- e. Art gallery; museum; community center; vocational, trade or business school; colleges and universities; and similar uses.
- f. An establishment or facility for the retail sale or service of all alcoholic beverages either for on-premises or off-premises consumption, or both (but not drive-in).
- g. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on premises.
- h. Commercial parking lots, automobile parking garages.
- i. Hotels and motels without kitchenettes (maximum of fifty (50) units).
- j. Single-family dwellings as for RG-1 (section 28-163).
- k. Shopping plaza.
- l. Home office, private.
- m. Churches.
- n. Multiple-family dwellings as for RG-1.
- o. Tattoo parlor or studio.
- p. Micropigmentation clinic.

...

“Sec. 28-208. Commercial medium-one: CM-1.

Intent. This district is intended to apply to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) Permitted principal uses and structures:

- a. Service station.
- b. Hotels and motels with or without kitchenettes.
- c. Shopping plaza and shopping center.
- d. Reception and information center.
- e. Museums.
- f. Outdoor recreational facilities.
- g. Service establishments such as hair salons, shoe repair shop, restaurant (including drive-in or fast food), service stations, interior decorator,

photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises, radio and TV broadcasting office and studio, funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices, furniture reupholstering, video rental and similar activities.

- h. Banks and financial institutions.
- i. Home office, private.
- j. Multiple-family dwellings.
- k. Retail outlets such as specialty food stores, pharmacy, supermarkets, clothing and toy and hobby shops, pet shops (but not kennel), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, sporting goods, TV and stereo equipment (including repairs), florist or gift shop, bake shop, sundries and notions, business office supplies, musical instruments, records and tapes, art gallery and antique shop, home furnishings and appliances (including repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating, plant nursery and garden center, alcohol sales and service (without drive-in) and similar products.
- l. Business and professional offices.
- m. Intermediate care facility.
- n. Special event venue as per section 28-347(8).
- o. Tattoo parlor or studio.
- p. Micropigmentation clinic.

...

“Sec. 28-209. Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

...

(3) Permissible uses by exception:

- a. As provided in section 28-347.
- b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.
- c. Building trades contractor with outside storage yard and heavy construction equipment.
- d. Boatyard.
- e. Light manufacturing, processing (including food processing but not

slaughterhouse), packaging or fabricating and candy manufacturing.

- f. Bulk storage yards, including bulk storage of flammable liquids.
- g. Open air theaters, but not drive-in theaters.
- h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.
- i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.
- ~~j. Tattoo parlor or studio.~~
- ~~kj.~~ Businesses that offer for sale new or used automobiles, trucks, boats and tractors.
- ~~lk.~~ Uses and structures as for RG-1 (section 28-163).
- ~~ml.~~ Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.

...”

“Sec. 28-226. Industrial and warehousing: IW.

Intent. This district is intended to allow light manufacturing and related service, storage and commercial uses.

(1) Permitted uses and structures:

- a. Wholesaling, warehousing, storage or distribution establishments, mini-warehouses, and self-storage facilities and similar uses.
- b. Light manufacturing and processing, including food processing, packaging or fabricating; however, any food processing, packaging or fabricating plant engaged in the processing or packaging of shellfish shall be wholly contained within completely enclosed buildings with no odor, fumes or steam detectable to normal senses from off the premises.
- c. Printing, lithographing, publishing or similar establishments.
- d. Bulk storage yards, not including bulk storage of flammable liquids and acids.
- e. Outdoor storage yards and lots, provided, such outdoor storage yard shall not be located closer than twenty-five (25) feet to any public street and that such yard shall be completely enclosed by a solid fence or wall or equivalent visual barrier not less than eight (8) feet high except for entrance and exit and such openings shall be equipped with eight-foot-high visual barrier gates; and provided further that this provision shall not permit wrecking yards (including automobile wrecking yards), junkyards or yards used in whole or in part for scrap or salvage operations, or for

processing, storage, display or sales of any scrap, salvage or secondhand building materials, junk automotive vehicles, or secondhand automotive parts.

- f. Vocational, technical, trade or industrial schools and similar uses.
- g. Miscellaneous uses such as express office, telephone exchange, commercial parking lots and parking garages, motor bus or truck or other transportation terminal.
- h. Radio or television broadcasting offices, studios, transmitters or antennas.
- i. Any existing industrial use.
- j. Railroad right-of-way, tracks, sidings, yard, etc.
- k. Boatbuilding.

l. Tattoo parlor or studio.

...”

“Sec. 28-311. - Maritime use districts: MUD.

(a) *Permitted uses and structures:*

- (1) Marinas.
- (2) Restaurants, including restaurants with lounge, but not fast food.
- (3) Ship's stores; ship's chandleries; boatyards; seafood houses, but not scallop processing plants; and businesses engaged in provisioning or supplying of ships, boats and other vessels, including ice, fuel, victuals, rigging and tackle.
- (4) Warehouse and storage of marine-oriented merchandise.
- (5) Wholesale and distribution of marine-oriented merchandise.
- (6) Light manufacturing of marine-oriented products.
- (7) Maritime museums.

(8) Tattoo parlor or studio.

...”

Sec. 28-312. - Maritime use district-A: MUD-A.

Intent: The city has a long history of marine uses, such as boat building, fishing, and seafood processing along its waterways. This zoning district is intended to recognize the historic maritime uses in our community and establish areas where this maritime industry, and similar uses that are compatible with maritime uses are allowed, but also recognize that a mix of commercial uses along the waterways protects the city's maritime heritage and promotes the working waterfronts and access to the waterfronts. To this end a ratio of sixty (60) percent of the gross land area of a site must be used for water dependent uses associated with maritime industries or working waterfronts with a maximum of forty (40) percent of the gross land area of a site allowed for non-water dependent uses as listed below.

(a) (...)

Non-water dependent permitted uses:

- (1) Restaurants, including restaurants with lounge, but not fast food.
- (2) Warehouse and storage of marine-oriented merchandise.
- (3) Wholesale and distribution of marine-oriented merchandise.
- (4) Light manufacturing of marine-oriented products.
- (5) Maritime museums.
- (6) Professional and business offices.
- (7) Hotel, motel (maximum of 25 units).
- (8) Art studios and galleries

(9) Tattoo parlor or studio.

...”

Section 4. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Section 28-2, Section 28-187, Section 28-206, Section 28-207, Section 28-208, Section 28-209, Section 28-226, Section 28-311 and Section 28-312 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 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 _____, 2020.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: January 28, 2020

RE: **ORDINANCE 2020-04: DOCKAGE**

Please find attached Ordinance 2020-04, which provides regulations for dockage at Lighthouse Park.

The ordinance provides that vessels may not be tied to the dock for more than one hour during a 24-hour period. The dock does not have the capacity to store vessels for more than a limited amount of time, and police have reported that some vessels remain tied to the dock for many hours, which limits the availability of the dock to other users.

This ordinance also prohibits vessels from being affixed to the pier. The ordinance allows dinghies to be temporarily stored on the shoreline, but for no more than twenty-four (24) hours, in order to ensure public access to the shoreline. This allows the occupants of vessels to come ashore to enjoy the city for a reasonable amount of time without the dinghies being grounded on city property for long periods of time.

Under this ordinance, the city may remove vessels that are stored in excess of the time allowed by the ordinance, at the expense of the responsible party. The ordinance also allows a fine of \$100 for a first offense, \$250 for a second offense, and \$500 for a third or subsequent offense.

Please place Ordinance 2020-04 on the City Commission agenda for second reading on February 10, 2020.

Thank you.

/s/ John M. Cary

John M. Cary
Assistant City Attorney

Attachment

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

Agenda Title: Ordinance 2020-04 creates Chapter 7, section 7-94, enacting regulations and penalties for dockage at the Lighthouse Park.

ORDINANCE NO. 2020-04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 7, ARTICLE V OF THE CODE OF THE CITY OF ST. AUGUSTINE; CREATING SECTION 7-94 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING REGULATIONS FOR THE DOCKAGE OF VESSELS; PROVIDING PENALTIES; 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 owns, controls, and maintains a dock and a boat ramp at Lighthouse Park; and

WHEREAS, the pier, dock, and boat ramp are open to the public; and

WHEREAS, the pier is available to the public for fishing and other recreational activities, but is not an appropriate apparatus for the tying-off or affixing of vessels; and

WHEREAS, the dock and boat ramp are open to the public but have limited capacity for storage of vessels; and

WHEREAS, increasing demand for the dock and boat ramp requires regulations to ensure that members of the public are not inhibited from using the dock or boat ramp by other members of the public who leave their vessels tied to the dock; and

WHEREAS, a one-hour limit for tying or otherwise affixing a vessel to the dock is a reasonable regulation that allows the dock to be used for its intended use without occupying the limited available space for an excessive amount of time, in order to allow other vessels to use the public dock; and

WHEREAS, dinghies may be kept on shore for a limited amount of time, but are not to be permanently stored on the city's shoreline; and

WHEREAS, a 24-hour period for a dinghy to remain on shore provides ample time for a vessel owner to come ashore and enjoy the city while protecting public access to the city's limited shoreline at the park; and

WHEREAS, some vessels may be stored in a manner that presents a risk to the health, safety, and welfare of the residents and/or property of the city, and may need to be immediately secured or removed; 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 7, Article V, Section 7-94. Chapter 7, Article V, Sections 7-94 of the Code of the City of St. Augustine is hereby created, as follows:

Article V. – Regulation of Anchorage and Dockage

Sec. 7-94. – Regulation of dockage of vessels.

- (a) The Lighthouse Boat Ramp is open to the members of the general public for the purpose of loading and unloading boats into the Salt Run.
- (b) Dinghies may be temporarily stored for less than forty-eight (48) hours on shore in an area that does not block the boat ramp or otherwise impede the loading and unloading of other vessels. This provision does not apply to any dinghies stored under the terms of a valid and applicable lease.
- (c) Unattended vessels may not be tied or otherwise affixed to the dock at the Lighthouse Boat Ramp for longer than one hour during any twenty-four (24) hour period. Vessels may not be tied or otherwise affixed to the pier at Lighthouse Park.
- (d) Violation of the any provision of this section may be punishable by code enforcement citation pursuant to chapter 2, article VI of the Code, following the procedures for prosecution in section 7-93. Penalties shall be the same as those in section 7-93.
- (e) In addition to the penalties herein, the city may choose to remove, or cause to be removed, a vessel that is left in a manner that violates the provisions of this section. The responsible party shall be required to reimburse the city for the costs incurred in the removal. If the responsible party fails to reimburse the city for the costs of removal, the city may place a lien on the responsible party's real and personal property for the costs incurred by the city. The city may foreclose on the lien, or seek a money judgment, as provided for by state law.
- (f) Notwithstanding the above, if the city manager or his or her designee determines that a vessel or floating structure is an imminent risk to the health, safety and welfare of the residents of the city, or is likely to immediately damage private or public property or is an immediate hazard to navigation, the city may take all steps necessary to immediately remove, or cause to be removed, the vessel or floating structure without written communication.

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 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 _____, 2020.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: January 28, 2020

RE: **ORDINANCE 2020-05: TREE MITIGATION FUND**

Please find attached Ordinance 2020-05, which codifies and provides guidance for the city's Tree Mitigation Fund within chapter 25, section 25-56 of the city code.

The ordinance codifies and implements the Tree Mitigation Fund for cases where a homeowner or developer requests to remove a significant tree, and the nature of the property makes it impossible or infeasible to plant a replacement tree on site, as required by the code. In such a case, the owner or developer could instead pay money into the Tree Mitigation Fund for the city to plant a tree on city right-of-way or other public property.

Under this ordinance, the City Commission would be responsible for passing a resolution setting the amount to be paid into the Fund, which must be based on the actual cost for the city to purchase and plant replacement trees offsite. The policy for tree mitigation is to promote street tree rehabilitation, maintain a diverse tree inventory, and support the tree canopy throughout the city.

The ordinance ensures that the money is paid into the fund by directing city staff to not issue a tree removal permit until the money owed for the mitigation is paid in full.

Please place Ordinance 2020-05 on the agenda for the February 10, 2020, City Commission meeting for second reading.

Thank you.

/s/ John M. Cary

John M. Cary

Assistant City Attorney

Attachment

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

Agenda Title: Ordinance 2020-05 amends Chapter 25, section 25-56, codifying and implementing the Tree Mitigation Fund.

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 25, SECTION 56 OF THE CODE OF THE CITY OF ST. AUGUSTINE; CODIFYING THE TREE MITIGATION FUND; PROVIDING THAT COST OF TREE MITIGATION SHALL BE DETERMINED BY RESOLUTION; SPECIFYING THE PURPOSE OF THE TREE MITIGATION FUND; LIMITING WHEN A PERMIT MAY BE ISSUED; 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 is recognized by the National Arbor Day Foundation as a Tree City USA; and

WHEREAS, the City of St. Augustine has been designated a Tree City USA for approximately 36 years; and

WHEREAS, the City of St. Augustine places a high priority on maintaining and planting trees, and monitoring the tree canopy throughout the city; and

WHEREAS, Chapter 11 *Environmental Protection*, including Conservation Overlay Zone protection, and Chapter 25 *Trees and Landscaping* regulate landscaping, tree removal, and tree canopy requirements in the City Land Development Code; and

WHEREAS, certain site conditions make it impossible or infeasible for a development or owner to meet the tree planting landscape requirements or retain existing trees for conservation purposes on a site; and

WHEREAS, in 2018, the city adopted Resolution 2018-46, which established the Tree Mitigation Fund to allow a property owner or developer to pay a fee into the fund in lieu of planting trees on site; and

WHEREAS, Resolution 2018-46 required that monies generated from fines collected from the unpermitted removal of trees be placed into the Tree Mitigation Fund; and

WHEREAS, Resolution 2018-46 required monies deposited into the Tree Mitigation Fund be used by the city to plant and maintain trees in appropriate locations and support the city's tree program within the city right-of-way or on city or other public property to promote street tree rehabilitation, maintain a diverse tree inventory, and support a tree canopy throughout the city; and

WHEREAS, the amount to be paid into the Tree Mitigation Fund shall be determined by resolution, and shall reflect the actual cost of purchase price and labor cost to plant the replacement tree offsite, and shall be updated from time to time; and

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

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

Section 1. Amendment to Chapter 25, Section 25-56. Chapter 25, Section 25-56 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 25-56 – Tree removal and replacement.

(...)

(j) In certain instances, it may be impossible or infeasible for a property owner to replace a tree or trees as required by subsection (g) of this section and section 11-28(d) of this code. In such cases, the owner may instead pay a sum of money into the Tree Mitigation Fund.

(1) The amount to be paid into the Tree Mitigation Fund shall be determined by resolution, updated from time to time in order to reflect the actual cost for the city to purchase and plant an appropriate replacement tree offsite.

(2) Monies paid into the Tree Mitigation Fund shall be used by the city to plant and maintain trees on the city right-of-way or on city or other public property within the city, with the location to be determined by the city manager or his or her designee, in order to promote street tree rehabilitation, maintain a diverse tree inventory, and support the tree canopy throughout the city.

(3) The City Manager or his or her designee shall not issue a tree removal permit until the monies owed for tree mitigation are paid in full.

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 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 _____, 2020.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: January 28, 2019

RE: **ORDINANCE 2020-06: TRANSPORTATION NETWORK COMPANIES**

Please find attached Ordinance 2020-06, which amends the city's definitions of "for hire passenger transportation vehicle" and "taxicab" to exclude "transportation network company vehicle," as well as adding definitions for "transportation network company," "transportation network company driver," and "transportation network company vehicle" to be consistent with state statute.

The state legislature has the constitutional authority to preempt local regulations. Section 627.748 expressly preempts local governments from regulating transportation network company (TNC) vehicles, i.e., Uber, Lyft, etc. Our definition of "for hire passenger transportation vehicle" and "taxicab" are broad enough that they include transportation network company vehicles. The statute specifically preempts ordinances that predate the enactment of the statute, so our regulations are not "grandfathered."

This ordinance exempts transportation network company vehicles from the city's taxicab regulations, consistent with state law. However, the ordinance allows TNC drivers to purchase a medallion if they wish to use the city's taxi stands. Currently, only taxis are allowed to use the taxi stands. This would be a benefit to the city by allowing TNC vehicles to pick up and drop off from taxi stands, which may help with mobility issues.

Please place Ordinance 2020-06 on the City Commission agenda for second reading on February 10, 2020.

Thank you.

/s/ John M. Cary

John M. Cary

Assistant City Attorney

Attachment

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

Agenda Title: Ordinance 2020-06 amends section 24-46, section 27-23, and creates section 27-88, allowing Transportation Network Company vehicles to purchase a medallion.

ORDINANCE NO. 2020-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 24-46 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REGULATION OF TAXI STANDS; AMENDING CHAPTER 27, SECTION 23 OF THE CODE OF THE CITY OF ST. AUGUSTINE; ADDING AND MODIFYING DEFINITIONS; CREATING CHAPTER 27, SECTION 88 OF THE CODE OF THE CITY OF ST. AUGUSTINE; ALLOWING MEDALLIONS FOR TRANSPORTATION NETWORK COMPANY VEHICLES; 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 regulates for hire passenger transportation vehicles; and

WHEREAS, the City's definition of for hire passenger transportation vehicles is broad enough to include transportation networking company (TNC) vehicles; and

WHEREAS, the State of Florida recently amended section 627.748 of the Florida Statutes to expressly preempt local governments from regulating transportation networking company vehicles; and

WHEREAS, the preemption specifically invalidates ordinances that were enacted prior to that section becoming law; and

WHEREAS, the city owns several spaces for taxis to park while picking up or dropping off fares, which are referred to in different code provisions as either "taxi stands" or "taxicab stands"; and

WHEREAS, only taxicabs with City-issued medallions are permitted to park at taxi stands; and

WHEREAS, the City Commission of the City of St. Augustine finds that it is in the best interest of city mobility to allow Transportation Network Company Vehicles to purchase a taxicab medallion and to park in taxi stands; and

WHEREAS, transportation network company vehicles are not required to purchase medallions in accordance with the state statutes, however, any TNC Vehicle that wishes to use the taxi stands may purchase a medallion for such use; and

WHEREAS, it is not lawful for a vehicle to stop at a taxi stand without a city-issued medallion; and

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

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

Section 1. Amendment to Chapter 24, Section 24-46. Chapter 27, Section 27-23 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 24-46. – Parking in bus stops and taxicab stands.

It shall be unlawful for any person to stop, stand or park a vehicle in any officially designated and appropriately marked bus stop or taxicab stand other than a bus in a bus stop and a taxicab or a transportation network company vehicle, as defined in section 27-23, if the transportation network company vehicle has purchased and properly displayed a city-issued medallion, in a taxicab stand.

Section 2. Amendment to Chapter 27, Section 27-23. Chapter 27, Section 27-23 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 27-23. - Definitions.

- (a) *For hire passenger transportation vehicle* means any motorized or non-motorized vehicle other than a Transportation Network Company Vehicle, when used for transporting persons for compensation; let or rented to another for consideration; offered for rent or hire as a means of transportation for compensation; advertised in a newspaper or generally held out as being for rent or hire; used in connection with a travel bureau; or offered or used to provide transportation for persons solicited through personal contact or advertised on a "share-expense" basis.
- (b) *Low speed vehicle* means any four-wheeled vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122 as may be amended.
- (c) *Pedicab* means either:
 - (1) A bicycle that has two (2), three (3) or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is

operated by an individual and that is used for transporting passengers for monetary consideration; or

(2) A bicycle with that has a single unarticulated frame, that pulls a sidecar or similar device that transports, or is capable of transporting, passengers on seats attached to the sidecar or similar device, that is operated by an individual, and that is used for transporting passengers for monetary consideration.

(d) *Taxicab* means any motor vehicle for hire, other than a Transportation Network Company Vehicle, horse-drawn carriage, trailer train, low speed vehicle, or pedicab, used for the transportation of passengers for hire, or offered for hire to the public for transportation.

(e) Transportation network company, Transportation network company driver, and Transportation network company vehicle are defined as they are in section 627.748 of the Florida Statutes.

Section 3. Creation of Chapter 27, Section 27-88. Chapter 27, Section 27-88 of the Code of the City of St. Augustine is hereby created, as follows:

Sec. 27-88. – Transportation network company vehicle medallions.

(a) A Transportation Network Company Driver may be issued a medallion for a Transportation Network Company Vehicle by providing proof of insurance as required by subsection 267.748(7), Florida Statutes; Transportation Network Company disclosures provided in subsection 267.748(8), Florida Statutes; and by providing the Transportation Network Company Driver documentation required by subsection 267.748(11), Florida Statutes.

(b) Annual renewal will be provided by providing proof of insurance as required by subsection 267.748(7), Florida Statutes, and by providing any updated information required by subsection 267.748(11).

(c) The annual fee collected under this section is a fee paid for the benefit of the use of city-owned taxi stands.

Section 4. 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 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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 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 _____, 2020.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 3, 2020

RE: **ORDINANCE 2020-09: POLICE DEPARTMENT**

Please find attached Ordinance 2020-09. Consistent with the City Commission's direction to our office regarding the amendments to the City Charter, we are presenting an ordinance to revise outdated language regarding the powers and duties of the Chief of Police and to provide compliance with Florida law concerning the disposition of property.

Please place Ordinance 2020-09 on the regular City Commission agenda for first reading on February 10, 2020.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

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

Agenda Title:

Charter update to Article IX, Sections 9.06, 9.08, 9.09 and 9.10 revising outdated language regarding the powers and duties of the Chief of Police and providing compliance with Florida law concerning the disposition of property

ORDINANCE NO. 2020-09

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE IX OF THE CHARTER OF THE CITY OF ST. AUGUSTINE AMENDING SECTION 9.06 TO AMEND LANGUAGE REGARDING POWERS OF THE CHIEF OF POLICE; AMENDING SECTIONS 9.08, 9.09, AND 9.10 PROVIDING FOR COMPLIANCE WITH FLORIDA LAW FOR THE DISPOSITION OF PROPERTY; 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 1, Article IX, Section 9.06. Part I, Article IX, Section 9.06 is hereby amended, as follows:

Sec. 9.06. - Powers and duties generally of chief.

The chief of police shall attend all meetings of the city commission and aid in the enforcement of order under the direction of the presiding officer. The chief of police shall execute the commands of the city commission and all processes issued by authority thereof which shall be issued by the mayor; shall perform such other appropriate duties as may be imposed by law, the ordinances of the city, and by direction of the city manager, consistent with this Act. The chief of police shall have the right to suspend any officer or employee of the police force because of incompetency, neglect of duty, immorality, being under the influence of alcohol or drugs while on duty~~drunkenness~~, failure to obey orders given by proper authority or for any other just and reasonable cause and shall immediately report the fact of such suspension to the city manager for final action.

Section 2. Amendment to Part 1, Article IX, Sections 9.08 through 9.10. Part I, Article IX, Sections 9.08 through 9.10 are hereby amended, as follows:

Sec. 9.08. - Same—To be retained for six months.

No property as set forth in the preceding section shall be sold until after the expiration of ~~six months~~the minimum statutory period from the time that such lost, abandoned or unclaimed property shall come into the possession of the Police Department of the City of St. Augustine, Florida. The department shall comply with the notice provisions of Florida law for the intended disposition of the property.

Sec. 9.09. - Same—Notice of sale.

~~Public notice~~Notice of the time and place of such sale with a description of the property shall be ~~published in a newspaper of general circulation published in the City of St. Augustine, Florida, ten (10) days prior to the date of such sale, one insertion of such notice of sale being sufficient.~~consistent with Florida law.

Sec. 9.10. - Same—Disposition of funds from sale.

All funds derived from the sale of such lost, abandoned or unclaimed property shall be paid to the City of St. Augustine. ~~St. Augustine Police Benevolent Association, Inc., a corporation not for profit, and be disbursed for the uses and purposes provided by such corporation.~~

Section 3. 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 4. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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 6. 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 _____, 2020.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

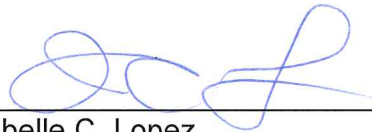
DATE: February 3, 2020

RE: **ORDINANCE 2020-10: COMMAND OF POLICE DEPARTMENT**

Please find attached Ordinance 2020-10. Consistent with the City Commission's direction to our office regarding the amendments to the City Charter, we are presenting an ordinance to provide the City Manager or their designee with the authority to take charge of the City Police Department when the City Commission determines that an emergency exists.

Please place Ordinance 2020-10 on the regular City Commission agenda for first reading on February 10, 2020.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

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

Agenda Title:

Charter update to Article X.5, Section 10.5.08 providing the City Manager or their designee the authority to take charge of the City Police Department when the City Commission determines that an emergency exists.

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE X.5 OF THE CHARTER OF THE CITY OF ST. AUGUSTINE AMENDING SECTION 10.5.08 PROVIDING THE CITY MANAGER OR THEIR DESIGNEE THE AUTHORITY TO TAKE CHARGE OF THE CITY POLICE DEPARTMENT WHEN THE CITY COMMISSION DETERMINES THAT AN EMERGENCY EXISTS; 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, at its October 24, 2016 regular meeting, the City Commission adopted Resolution 2016-43 authorizing the City Manager to take all necessary administrative action pursuant to a declared federal, state or local state of emergency; 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 X.5, Section 10.5.08. Part I, Article X.5, Section 10.5.08 is hereby amended, as follows:

Sec. 10.5.08. – Command of police and fire departments.

The chief of police and fire departments of the city shall be in command of said police and fire departments and subject to the provisions of the City Charter relating to the duties and responsibilities of the city manager. When the city commission of the city shall determine that an emergency exists, caused by riot, rebellion or public calamity, the ~~mayer-city~~ manager or their designee may be directed to take charge of said police department and command the same during the existence of said emergency only.

Section 2. 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 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

.....
PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2020.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

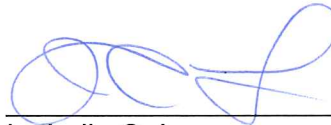
DATE: February 3, 2020

RE: **ORDINANCE 2020-11: PUBLIC STREETS**

Please find attached Ordinance 2020-11. Consistent with the City Commission's direction to our office regarding the amendments to the City Charter, we are presenting an ordinance to provide for compliance with Florida law regarding the dedication of public streets.

Please place Ordinance 2020-11 on the regular City Commission agenda for first reading on February 10, 2020.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

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

Agenda Title:

Charter update to Article XIII, Section 13.05 providing for compliance with Florida law regarding the dedication of public streets.

ORDINANCE NO. 2020-11

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE XIII OF THE CHARTER OF THE CITY OF ST. AUGUSTINE AMENDING SECTION 13.05 TO PROVIDE FOR COMPLIANCE WITH FLORIDA LAW REGARDING THE DEDICATION OF PUBLIC STREETS; 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 1, Article XIII, Section 13.05. Part I, Article XIII, Section 13.05 is hereby amended, as follows:

Sec. 13.05. - Public streets must be dedicated as such.

No street or alley hereafter dedicated to public use by the owner of any land within the city shall be deemed a public street or alley, or under the care or control of the city, unless the dedication be accepted and confirmed by ordinance passed for such purpose, or unless the provisions of Florida law ~~this Charter~~ relating to platting subdivisions shall have been complied with.

Section 2. 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 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2020.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 3, 2020

RE: **ORDINANCE 2020-12: ST. AUGUSTINE RESTORATION AND HISTORICAL COMMISSION**

Please find attached Ordinance 2020-12. Consistent with the City Commission's direction to our office regarding the amendments to the City Charter, we are presenting an ordinance to remove reference to the St. Augustine Restoration and Historical Commission as it is no longer in existence, to provide for the purchase of buildings through appropriations, and to repeal redundant sections regarding budgetary appropriations.

Please place Ordinance 2020-12 on the regular City Commission agenda for first reading on February 10, 2020.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Tim Burchfield, Assistant City Manager
Darlene Galambos, City Clerk

Agenda Title:

Charter update to Article XIV, Section 14.13 removing reference to the St. Augustine Restoration and Historical Commission as it is no longer in existence, providing for the purchase of buildings through appropriations, and repealing redundant sections regarding budgetary appropriations.

ORDINANCE NO. 2020-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE XIV OF THE CHARTER OF THE CITY OF ST. AUGUSTINE REPEALING SECTION 14.13 TO REMOVE THE ST. AUGUSTINE RESTORATION AND HISTORICAL COMMISSION NO LONGER IN EXISTENCE; AMENDING SECTION 14.19 TO PROVIDE FOR APPROVAL OF EXPENDITURES FOR THE PURCHASE OF BUILDINGS THROUGH APPROPRIATIONS; REPEALING SECTIONS 14.20 AND 14.21 AS REDUNDANT TO BUDGETARY APPROPRIATIONS; 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 St. Augustine Historical Restoration and Preservation Commission was created in 1959 by an Act of the legislature and abolished by the State of Florida in June 1997; 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. Repeal of Part I, Article XIV, Division 1, Section 14.13. Part I, Article XIV, Division 1, Section 14.13 is hereby repealed in its entirety, as follows:

~~**Sec. 14.13. -- St. Augustine Restoration and Historical Commission; annual appropriation.**~~

~~That the Board of County Commissioners of St. Johns County, Florida, and the City Commission of the City of St. Augustine, Florida, are each hereby authorized to appropriate, in their discretion, from such funds as may be available, not exceeding~~

~~\$25,000.00 yearly, to be used by the St. Augustine Historical, Restoration and Preservation Commission, a body corporate, under the provisions of F.S. ch. 266.~~

Section 2. Amendment to Part I, Article XIV, Division 2, Section 14.19. Part I, Article XIV, Division 2, Section 14.19 is hereby amended, as follows:

**Sec. 14.19. - ~~Short term contracts~~ Contracts for purchase of buildings—
Authorized by ~~resolution; budget~~ City Commission.**

The city commission of the city of St. Augustine, Florida, shall have authority and is hereby empowered to enter into contracts and agreements for the purchase, acquisition and construction of municipal and other public buildings or structures necessary or appropriate for the use of the city, ~~to be paid for in annual or semi-annual installments within five (5) years from the date of the making of a contract to purchase, acquire or construct the same,~~ provided, that such contracts, ~~and agreements,~~ or budgetary appropriations to purchase, acquire or construct, shall be ~~specifically~~ authorized by the city commission ~~by a resolution duly adopted, determining the need therefor and setting forth the terms, conditions and provisions to be embraced in the contract, and the further source or sources from which it is anticipated the money shall become available to meet the installment payments to be made which shall thereafter be provided for in the making up of the future budgets of the city.~~

Section 3. Repeal of Part 1, Article XIV, Division 2, Sections 14.20 and 14.21. Part 1, Article XIV, Division 2, Sections 14.20 and 14.21 are hereby repealed in their entirety as follows:

~~Sec. 14.20. -- Same—Limitation of millage levied and size of expenditure.~~

~~The city commission of the city of St. Augustine, Florida, shall not levy more than one (1) mill in any fiscal year for the purposes of this act and the outstanding indebtedness of the city for such purposes shall not exceed one hundred thousand (\$100,000.00) dollars at any time.~~

~~Sec. 14.21. -- Same—Limited to one outstanding contract.~~

~~Each municipal and other public buildings or structures purchased, acquired and constructed under the provisions of this act shall be paid for in full prior to the execution of any other contract or agreement for the purchase, acquisition and construction of any other municipal and other public buildings or structures.~~

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 _____, 2020.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 3, 2020

RE: **ORDINANCE 2020-13: SLUM CLEARANCE AND URBAN RENEWAL**

Please find attached Ordinance 2020-13. Consistent with the City Commission's direction to our office regarding the amendments to the City Charter, we are presenting an ordinance to remove sections regarding slum clearance and urban renewal as redundant to existing Florida law.

Please place Ordinance 2020-13 on the regular City Commission agenda for first reading on February 10, 2020.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

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

Agenda Title:

Charter update to Article XVI, Sections 16.01 through 16.18 removing sections regarding slum clearance and urban renewal as redundant to existing Florida law.

ORDINANCE NO. 2020-13

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE XVI OF THE CHARTER OF THE CITY OF ST. AUGUSTINE REPEALING SECTIONS 16.01 THROUGH 16.18 REGARDING SLUM CLEARANCE AND URBAN RENEWAL; 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 Community Redevelopment Act of 1969 was enacted by the Legislature of the State of Florida during their regular session, rendering Article XVI of the City Charter redundant; 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. Repeal of Part I, Article XVI, Sections 16.01 through 16.18. Part I, Article XVI, Section 16.01 through 16.18 are hereby repealed in their entirety, as follows:

~~Sec. 16.01. -- Findings and declarations of necessity.~~

~~It is hereby found and declared that there exists in the City of St. Augustine slum and blighted areas (as herein defined) which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of said municipality; that the existence of such areas contribute substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability, imposing onerous municipal burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests the sound growth of said municipality, retards the provisions of housing accommodations, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities;~~

~~and that the prevention and elimination of slums and blight is a matter of public policy and concern in order that the said municipality shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization and other forms of public protection, services and facilities.~~

~~It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this Act, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this Act, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; and that the salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized, and the cooperation and voluntary action of the owners and tenants of property in such areas.~~

~~It is further found and declared that the powers conferred by this Act are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.~~

~~Sec. 16.02. -- Encouragement of private enterprises.~~

~~The City of St. Augustine, to the greatest extent it determines to be feasible in carrying out the provisions of this Act, shall afford maximum opportunity, consistent with the sound needs of said municipality as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprise. The City shall give consideration to this objective in exercising its powers under this Act, including the formation of a workable program, the approval of urban renewal plans (consistent with the general plan of the municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.~~

~~Sec. 16.03. -- Workable program.~~

~~The City of St. Augustine for the purposes of this Act may formulate for the municipality a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of slum and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for: the prevention of the spread of blight, into areas of the municipality, which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum and blighted areas or portions thereof.~~

~~Sec. 16.04. -- Finding of necessity by the city commission.~~

~~The City of St. Augustine shall not exercise the authority hereafter conferred by this Act until after the City Commission shall have adopted a resolution finding that: (1) one or more slum or blighted areas in such municipality; and (2) the rehabilitation, conservation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.~~

Sec. 16.05. - Preparation and approval of urban renewal projects and urban renewal plan.

- ~~(a) The City of St. Augustine shall not approve an urban renewal project for an urban renewal area unless the City Commission has, by resolution, determined such area to be a slum area or a blighted area or a combination thereof and designated such area as appropriate for an urban renewal project. Said City Commission shall not approve an urban renewal plan until a general plan for the municipality has been prepared. For this purpose and other municipal purposes, authority is hereby vested in said municipality to prepare, to adopt and to revise from time to time, a general plan for the physical development of the municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related municipal planning activities, and to make available and to appropriate necessary funds therefor. Said municipality shall not acquire real property for an urban renewal project unless the City Commission has approved the urban renewal project in accordance with subsection (d) hereof and the project has been approved by a referendum as provided in subsection (f) hereof.~~
- ~~(b) The municipality may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to said municipality. Prior to its approval of an urban renewal project, the City Commission shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to said City Commission within thirty (30) days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or, if no recommendations are received within said thirty (30) days, then without such recommendations, said City Commission may proceed with the hearing on the proposed urban renewal project prescribed by subsection (c) hereof.~~
- ~~(c) The City Commission shall hold a public hearing on an urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.~~
- ~~(d) Following such hearing, the City Commission may approve an urban renewal project if it finds that (1) a feasible method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan conforms to the general plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; provided, that if the urban renewal area consists of an area of open land to be acquired by the municipality, such area shall not be so acquired unless (1) if it is to be developed for residential uses, said City Commission shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas (including other portions of the urban renewal area); that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and the acquisition of the area for residential uses is an integral part of and essential to the program of the~~

municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this Act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of the municipality by streets and modern traffic requirements or any combination of such factors or other conditions which retard development of the area.

- (e) ~~An urban renewal plan may be modified at any time: Provided that if modified after the lease or sale by the municipality of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.~~
- (f) ~~Upon approval by the municipality of an urban renewal plan or of any modification thereof the municipality shall call a special election within thirty (30) days and refer final decision on whether or not to proceed with the specific urban renewal project according to said plan or modification, to the electors of the municipality. Upon approval by a majority of the duly qualified electors voting in said special election of the decision to proceed with the specific urban renewal plan or modification, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.~~
- (g) ~~Notwithstanding any other provisions of this Act, where the City Commission certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm or other catastrophe, respecting which the Governor of the State has certified the need for disaster assistance under Public Law 875, Eighty-first Congress, or other Federal law, the City Commission may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the provisions of subsection (d) of this section and the provisions of this section requiring a general plan for the municipality and a public hearing on the urban renewal project.~~

Sec. 16.06. -- Powers.

~~The City of St. Augustine shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted:~~

- (a) ~~To undertake and carry out urban renewal projects within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this Act; and to disseminate slum clearance and urban renewal information;~~
- (b) ~~To provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to Federal financial assistance and imposed pursuant to Federal law relating to the determination of prevailing salaries or wages or compliance with~~

labor standards, in the undertaking or carrying out of an urban renewal project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate;

- ~~(c) Within its area of operation, to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain or otherwise any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, clear or prepare for redevelopment any such property; to dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this Act: Provided, however, that no statutory provision with respect to the acquisition, clearance or disposition of property by public bodies shall restrict the municipality in the exercise of such functions with respect to an urban renewal project, unless the legislature shall specifically so state;~~
- ~~(d) To invest any urban renewal project funds held in reserve or sinking funds or any such funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to Section 9 [16.09] of this Act at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be cancelled;~~
- ~~(e) To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public body, or from any sources, public or private, for the purposes of this Act, and to give such security as may lawfully be required and to enter into and carry out contracts in connection therewith. The municipality may include in any contract for financial assistance with the Federal Government for an urban renewal project such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this Act;~~
- ~~(f) Within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of this Act and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify and amend such plans. Such plans may include, without limitation: (1) a general plan for the locality as a whole, (2) urban renewal plans, (3) preliminary plans outlining urban renewal activities, for neighborhoods to embrace two or more urban renewal areas, (4) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (5) plans for the enforcement of State and local laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and (6) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects. The municipality is authorized to develop, test and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and to apply for, accept and utilize grants of funds from the Federal Government for such purposes.~~
- ~~(g) To prepare plans for the relocation of persons (including families, business concerns and other) displaced by an urban renewal project, and to make relocation payments~~

~~to or with respect to such persons for moving expenses and losses of property for which reimbursements or compensation is not otherwise made, including the making of such payments financed by the Federal Government.~~

- ~~(h) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this Act, and to levy taxes and assessments for such purposes; to zone or rezone any part of the municipality or make exceptions from building regulations; and to enter into agreements with an urban renewal agency vested with urban renewal project powers under Section 14 [16.14] of this Act, (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), respecting action to be taken by such municipality pursuant to any of the powers granted by this Act.~~
- ~~(i) To close, vacate, plan or replan, streets, roads, sidewalks, ways or other places; and to plan or replan any part of the municipality;~~
- ~~(j) Within its area of operation, to organize, coordinate and direct the administration of the provisions of this Act as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved, and to establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively; and~~
- ~~(k) To exercise all or any part or combination of powers herein granted.~~

Sec. 16.07. -- Eminent domain.

~~The City of St. Augustine shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for or in connection with an urban renewal project under this Act. Said municipality may exercise the power of eminent domain in the manner provided in F.S. chs. 73 and 74, and acts amendatory thereof or supplementary thereto, or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner. Provided, that no real property belonging to the State, or any political subdivision thereof, may be acquired without its consent.~~

Sec. 16.08. -- Disposal of property in urban renewal area.

- ~~(a) The City of St. Augustine may sell, lease or otherwise transfer real property or any interest therein acquired by it, and may enter into contracts with respect thereto, in an urban renewal area for residential, recreational, commercial, industrial or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this Act. Provided, that such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the urban renewal plan by the City Commission. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value, for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and~~

~~give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part of such contract or plan as the municipality may determine) may be recorded in the office of the Clerk of the Circuit Court of St. Johns County, Florida.~~

- ~~(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (thirty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof, and shall state that proposals shall be made by those interested within thirty days after the date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this Act. Provided, that a notification of intention to accept such proposal shall be filed with the City Commission not less than thirty days prior to any such acceptance. Thereafter, the municipality may execute such contract in accordance with the provisions of subsection (a) and deliver deeds, leases and other instruments and take all steps necessary to effectuate such contract.~~
- ~~(c) The municipality may temporarily operate and maintain real property acquired in an urban renewal area pending the disposition of the property as authorized in this Act, without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.~~

~~Sec. 16.09. -- Issuance of bonds.~~

- ~~(a) The City of St. Augustine shall have power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this Act, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans, and shall also have the power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this Act. Provided, however, that payment of such bonds, both as to principal and interest,~~

may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other sources, in aid of any urban renewal projects of the municipality under this Act.

- ~~(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt, limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under the provisions of this Act are declared to be issued for an essential public and governmental purpose and together with interest thereon and income therefrom, shall be exempted from all taxes.~~
- ~~(c) Bonds issued under this section shall be authorized by resolution or ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.~~
- ~~(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area of operation and in such other medium of publications as the municipality may determine or may be exchanged for other bonds on the basis of par. Provided that such bonds may be sold to the Federal Government at private sale at not less than par, and in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.~~
- ~~(e) In case any of the public officials of the municipality whose signature appear on any bonds or coupons issued under this Act shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this Act shall be fully negotiable.~~
- ~~(f) If any suit, action or proceeding involving the validity or enforceability of any bond issued under this Act or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this Act.~~

~~Sec. 16.10. -- Bonds as legal investments.~~

~~All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the City of St. Augustine pursuant to this Act or by any urban renewal agency vested with urban renewal project powers under Section 14 [16.14] of this Act: Provided that such bonds and other obligations shall be secured by an agreement~~

~~between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer prior to the maturity of such bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bond or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.~~

~~Sec. 16.11. -- Property exempt from taxes and from levy and sale by virtue of an execution.~~

- ~~(a) All property of the City of St. Augustine, including funds, owned or held by it for the purposes of this Act shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against the municipality be a charge or lien upon such property. Provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this Act by the municipality on its rents, fees, grants or revenues from urban renewal projects.~~
- ~~(b) The property of the municipality, acquired or held for the purposes of this Act, is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state or any political subdivision thereof. Provided, that such tax exemption shall terminate when the municipality sells, leases, or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.~~

~~Sec. 16.12. -- Cooperation by public bodies.~~

- ~~(a) For the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project located within the area in which it is authorized to act, any public body may, upon such terms, with or without consideration, as it may determine: (1) dedicate, sell, convey or lease any of its interest in any property or grant, easements, licenses or other rights or privileges therein to the City of St. Augustine; (2) incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section; (3) do any and all things necessary to aid or cooperate in the planning or carrying out of an urban renewal plan; (4) lend, grant or contribute funds to said municipality; (5) enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with said municipality or other public body respecting action to be taken pursuant to any of the powers granted by this Act, including the furnishing of funds or other assistance in connection with an urban renewal project; and (6) cause public buildings and public facilities, including parks, playgrounds, recreational community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places; plan or replan; zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the municipality. If at any time title to or possession of any urban renewal project is held~~

~~by any public body or governmental agency, other than the municipality which is authorized by law to engage in the undertaking, carrying out, or administration of urban renewal projects (including any agency or instrumentality of the United States of America), the provisions of the agreements referred to in this section shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this subsection, the term "municipality" shall also include an urban renewal agency vested with all of the urban renewal project powers pursuant to the provisions of Section 14 [16.14].~~

- ~~(b) Any sale, conveyance, lease or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement or public bidding.~~
- ~~(c) For the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project of an urban renewal agency hereunder, the municipality may (in addition to its other powers and upon such terms, with or without considerations, as it may determine) do and perform any and all of the actions or things which, by the provisions of subsection (a) of this section, a public body is authorized to do or perform, including the furnishing of financial and other assistance.~~
- ~~(d) For the purposes of this section, or for the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project of the municipality, said municipality may (in addition to any authority to issue bonds pursuant to Section 9 [16.09]) issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the laws of the state for the issuance and authorization of bonds by such municipality for public purposes generally except as to constitutional requirements.~~

Sec. 16.13. -- Title of purchaser.

~~Any instrument executed by the City of St. Augustine and purporting to convey any right, title or interest in any property under this Act shall be conclusively presumed to have been executed in compliance with the provisions of this Act insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.~~

Sec. 16.14. -- Exercise of powers in carrying out urban renewal project.

- ~~(a) The City of St. Augustine may itself exercise its urban renewal project powers (as herein defined) or may, if the City Commission by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban renewal agency (created by Section 15 [16.15]), if one exists or is subsequently established in the community. In the event the local government body makes such determination, the urban renewal agency shall be vested with all of the urban renewal project powers in the same manner as though all such powers were conferred on such agency instead of the municipality. If the City Commission does not elect to make such determination, the municipality in its discretion may exercise its urban renewal project powers through a board or commissioner or through such officers of the municipality as the City Commission may by resolution determine.~~
- ~~(b) As used in this section, the term "urban renewal project powers" shall include the rights, powers, functions and duties of the municipality under this Act, except the following: the power to determine an area to be a slum or blighted area or combination thereof and to designate such area as appropriate for an urban renewal project and to hold any public hearings required with respect thereto; the power to approve urban renewal plans and modifications thereof; the power to establish a general plan for the locality as a whole; the power to formulate a workable program under Section 3 [16.03]; the power to make the determinations and findings provided for in Section 2~~

~~[16.02], Section 4 [16.04], and Section 5(d) [16.05(d)]; the power to issue general obligation bonds; and the power to appropriate funds, to levy taxes and assessments, and to exercise their powers provided for in Section 6(h) [16.06(h)].~~

~~Sec. 16.15. -- Urban renewal agency.~~

- ~~(a) There is hereby created in the City of St. Augustine a public body, corporate and politic, to be known as the "Urban Renewal Agency" of the City of St. Augustine: Provided, that such Agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has made the finding prescribed in Section 4 [16.04] and has elected to have the urban renewal project powers exercised by an urban renewal agency as provided in Section 14 [16.14].~~
- ~~(b) If the urban renewal agency is authorized to transact business and exercise powers hereunder, the Mayor, by and with the advice and consent of the City Commission, shall appoint a Board of Commissioners of the urban renewal agency which shall consist of seven commissioners. The term of office of each such commissioner shall be one year.~~
- ~~(c) A Commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties; each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the City of St. Augustine and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.~~

~~The powers of the urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the by-laws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency (which shall be coterminous with the area of operation of the municipality) and are otherwise eligible for such appointments under this Act.~~

~~The Mayor shall designate a Chairman and Vice-Chairman from among the commissioners. The agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. The agency authorized to transact business and exercise powers under this Act shall file, with the City Commission, on or before March 31 of each year, a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish to the effect that such report has been filed with the municipality and that the report is available for inspection during the business hours in the office of the City Clerk and in the office of the agency.~~

- ~~(d) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after he shall have been given a copy of the charges at least ten (10) days prior to such hearing and have had an opportunity to be heard in person or by counsel.~~

~~Sec. 16.16. -- Interested public officials, commissioners or employees.~~

~~No public official or employee of the City of St. Augustine (or board or commission thereof), and no commissioner or employee of the urban renewal agency which has been vested by a municipality with urban renewal project powers under Section 14 [16.14] shall voluntarily acquire any personal interest, direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project of such municipality or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two years, any interest, direct or indirect, in any property which he knows is included or planned to be included in an urban renewal project, he shall immediately disclose this act in writing to the City Commission, and such disclosure shall be entered upon the minutes of said City Commission and any such official, commissioner or employee shall not participate in any action by the municipality (or board or commission thereof), or urban renewal agency affecting such property. Any disclosure required to be made by this section to the City Commission shall concurrently be made to the urban renewal agency which has been vested with urban renewal project powers by the municipality pursuant to the provisions of section 14 [16.14]. No commissioner or other officer of the urban renewal agency, board or commission exercising powers pursuant to this Act shall hold any other public office under the City of St. Augustine other than his commissionership or office with respect to such urban renewal agency, board or commission. Any violation of the provisions of this section shall constitute misconduct in office.~~

~~Sec. 16.17. -- Definitions.~~

~~The following terms whenever used or referred to in this Act, shall have the following meanings, unless a different meaning is clearly indicated by the context:~~

- ~~(a) "Agency" or "Urban Renewal Agency" shall mean a public agency created by Section 15 [16.15] of this Act.~~
- ~~(b) "Municipality" shall mean the City of St. Augustine.~~
- ~~(c) "Public Body" shall mean the State or any municipality, township, village, board, commission, authority, district, or any other subdivision or public body of the State.~~
- ~~(d) "Mayor" shall mean the Mayor of the City of St. Augustine.~~
- ~~(e) "Federal Government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.~~
- ~~(f) "Slum Area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding or the existence of conditions which endanger life or property by fire and other causes, or any combination of such facts is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.~~
- ~~(g) "Blighted Area" shall mean an area which by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or~~

~~any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use: Provided, that if such blighted area consists of open land, the conditions contained in the proviso in Section 5(d) [16.05(d)] shall apply: and provided further, that any disaster area referred to in subsection (g) of Section 5 [16.05(g)] shall constitute a "Blighted Area."~~

- ~~(h) "Urban Renewal Project" may include undertakings and activities of the municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include: (1) acquisition of a slum area or a blighted area or portion thereof; (2) demolition and removal of buildings and improvements; (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this Act in accordance with the urban renewal plan; (4) disposition of any property acquired in the urban renewal area (including sale, initial leasing or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan; (5) carrying out of plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan; and (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land or needed public facilities.~~
- ~~(i) "Urban Renewal Area" means a slum area or a blighted area or a combination thereof which the City Commission designates as appropriate for an urban renewal project.~~
- ~~(j) "Urban Renewal Plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan for the municipality as a whole except as provided in subsection 5(g) [16.05(g)]; and (2) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.~~
- ~~(k) "Real Property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith and every estate, interest, right and use, legal or equitable therein, including terms for years and liens by way of judgment, mortgage or otherwise.~~
- ~~(l) "Bond" shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.~~
- ~~(m) "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the municipality.~~
- ~~(n) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.~~

~~(o) "Area of Operation" shall mean the area within the corporate limits of the municipality and the area within five miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated city or town unless a resolution shall have been adopted by the governing body of such other city or town declaring a need therefor.~~

~~(p) "Board" or "Commission" shall mean a board, commission, department, division, office, body or other unit of the City of St. Augustine.~~

~~(q) "Public Officer" shall mean any officer who is in charge of any department or branch of the government of the City of St. Augustine relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.~~

~~Sec. 16.18. -- Separability; act controlling.~~

~~Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.~~

~~Insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law.~~

Section 2. 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 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2020.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: February 3, 2020

RE: **ORDINANCE 2020-14: PENSIONS**

Please find attached Ordinance 2020-14. Consistent with the City Commission's direction to our office regarding the amendments to the City Charter, we are presenting an ordinance to remove the ratification requirement for powers and authority regarding pensions.

Please place Ordinance 2020-14 on the regular City Commission agenda for first reading on February 10, 2020.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

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

Agenda Title:

Charter update to Article XX, Section 20.01 removing the ratification requirement for powers and authority regarding pensions.

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE XX OF THE CHARTER OF THE CITY OF ST. AUGUSTINE REPEALING SECTION 20.01 REMOVING THE RATIFICATION REQUIREMENT FOR THE POWERS AND AUTHORITY REGARDING PENSIONS; 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, Ordinance 2002-05 created the City Employees' Retirement System of 1977, providing the powers and authority for the proper operation of the retirement system to a board of trustees, making the provisions of Section 20.01 of the City Charter obsolete; 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. Repeal of Part I, Article XX, Section 20.01. Part I, Article XX, Section 20.01 is hereby repealed in its entirety, as follows:

~~Sec. 20.01. -- Ratification required.~~

~~The powers and authority herein granted shall become effective only upon ratification and approval of an ordinance or ordinances adopted pursuant to the provisions of this Act [Article] by a majority of the electors voting thereon at any general or special election in the City of St. Augustine, Florida.~~

Section 2. 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 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2020.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: February 10, 2020

RE: Notification of Upcoming Board Term Expirations

Historic Architectural Review Board

Applications are currently being accepted to fill one (1) upcoming term expiration and one (1) alternate member term expiration on the Historic Architectural Review Board. The deadline to submit an application is Wednesday, March 11, 2020. Appointment is tentatively scheduled for the March 23, 2020 City Commission meeting.

Advertisements requesting applications will be published in the St. Augustine Record in accordance with board advertising policies and posted on the City website.

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



Darlene Galambos
City Clerk

Xc: Clerk's Files

HISTORIC ARCHITECTURAL REVIEW BOARD

Meets Monthly, 3rd Thursday - 1:00 p.m.
Alcazar Room, City Hall

Board Member	Contact information	Appointment	3-Year Terms Expire
Gaere MacDonald Contractor	23 Water Street, 32084 904-814-7799 gmdconstruction@aol.com	03/25/19 1 st full term	3/28/2022
Jon Benoit Contractor	900-D Anastasia Blvd, 32080 904-540-3065 jonbenoit@behstbuilders.com	03/26/18 1 st full term	3/28/2021
Catherine Duncan CHAIR Architect	5 Althea St, 32084 904-824-4673 catherinedunc@aol.com	11/09/15 fill vacancy 3/26/18 1 st full term	3/28/2021
Barbara Wingo VICE-CHAIR Attorney/Historian	17 Saragossa St. 32084 PO Box 497, 32085 (preferred) 824-5146; cell 352-214-1214 bcwingo@gmail.com	02/22/16 1 st full term 03/25/19 2 nd full term	3/28/2022
Paul Weaver, III Professional Preservation Consultant	5 Milton St, 32084 160 Vilano Rd, Ste 7 824-5178 – 347-6090 hpa007@aol.com	06/25/18 1 st full term	3/28/2020
H. Randal Roark Architect/Planner <u>Alternate</u>	50 E. Park Ave., 32084 829-8929 randalroark@bellsouth.net	05/14/18 fill vacancy	3/28/2020
Antoinette Wallace Archaeologist <u>Alternate</u>	104 Lincoln Street, 32084 904-501-9449 ab wallace@bellsouth.net	05/13/19 fill vacancy	03/28/2022

HISTORIC ARCHITECTURAL REVIEW BOARD

Authorization:	Code of Ordinances, Chapter 28, Article II, Division 3 and Ordinance 2005-15.
Number of Members:	Five (5) Regular Members and Two (2) Alternates
Terms of Office:	Three (3) years, expiring on March 28 th - Original terms staggered; no member appointed for more than two full consecutive terms.
Appointment:	By City Commission.
Qualifications:	While preference shall be given to current City residents, City Commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified. All members of the historic architectural review board shall have either thorough training and/or experience in: 1 history or related fields; 2 archaeology; 3 architectural history; 4 historic architecture; and 5 art history. Alternates shall be appointed for a three (3) year term, and 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. See Section 28-82 for the criteria required in order to be appointed to the Board.
Duties:	Act on applications for Certificates of Appropriateness in HP-1 through HP-5; act on applications for building permits on property abutting HP-1 through HP-3; act on all applications for demolition permits for structures 50 years old or older within the City limits; cooperate with governments in planning proposed and future projects reflecting concerns and policies and assist as a consultant in development of future land use plans; advise property owners & government agencies concerning maintenance, protection, enhancement and preservation of historic resources; advise the City Commission concerning effects of local governmental actions on resources designated under the ordinance; recommend issuance of stop work order when not in compliance; develop rules and procedures necessary to implement powers and duties of the HARB consistent with ordinance; conduct regular public meetings and call special meetings; and designate historical landmarks.
Attendance:	Failure to attend two 2 of three 3 consecutive meetings without approval of the chair shall be considered a resignation of the position. Sec 28-85
Meetings:	Third Thursday of each month, 1 P.M. the Alcazar Room, City Hall.

CITY OF ST. AUGUSTINE

MEMORANDUM

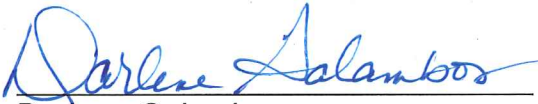
TO: Mayor and Commissioners

DATE: February 10, 2020

RE: Request for Confirmation of appointment to fill one (1) Term Expiration –
St. Augustine Firefighters' Pension Fund Board of Trustees

During the previously scheduled meeting of the St. Augustine Firefighters' Pension Fund Board of Trustees meeting held on January 8, 2020 the board appointed Jolinda Leveck to fill the vacated position previously held by Vincent Giordano. This appointment is for a two-year term, which will expire on January 1, 2021. In accordance with City Code Section 20-193, City Commission approval is required.

The vacancy was published in the St. Augustine Record and on the City's website and Ms. Levek was the only applicant. Her application, an updated roster and board profile and responsibilities are attached.


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 Jolinda LeVeck
2. RESIDENCE (address) 276 Sunshine Dr. St. Aug 3088 PHONE 904-669-4182
3. BUSINESS OWNED (Address) none PHONE _____
4. PROPERTY OWNED (Address) above
5. MAILING ADDRESS PREFERRED above
6. E-mail Address jolinda.safd@gmail.com
7. BOARD DESIRED St. Augustine Firefighters Pension Board
8. OCCUPATION (include resume if available) Soon to be retired from SAFD
9. PROFESSIONAL QUALIFICATIONS: (If necessary, attach additional information)
I have been the Administrative Secretary for this board for the last 20 years while working for the Fire Dept
10. OTHER COMMENTS OR INFORMATION
N/A

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."

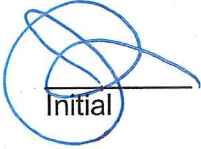
Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.	
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) ☐ Yes ☒ No <u>Why??</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

Jolinda LeVeck

DATE 11/20/19

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.


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 staugffpension@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	01/01/22
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	01/01/22
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
Blvd, Ste 104
Fort Myers, FL 33912
239-433-5500
Doug.Lozen@foster-foster.com

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

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

Authorization: Article V, Chapter 20, Code of Ordinances

Number of Members: Five (5)

Terms of Office: Elected and appointed members Two (2) year terms.

Appointment: **Two (2) legal residents of the city appointed by City Commission:** two (2) member representatives elected by the firefighters; and **one (1) selected by previous four (4).**

Qualifications: None stated in ordinance

Duties: The general administration, management, and responsibility for the proper operation of the retirement system, and for construing and making effective the provisions thereof.

Attendance: A vacancy is created when a member of the board fails to attend three (3) consecutive meetings, unless excused. Sec 2-162

Meetings: Quarterly in February, May, August, November

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: February 3, 2020

RE: Agenda Item for February 10, 2020
Report on possible 200th Anniversary
Florida Territorial Celebration

The purpose of this agenda item is to convey results from initial discussions regarding the 200th anniversary of Florida's transfer from Spain to the United States. At the request of Mayor Upchurch, Susan Parker Ph.D., David Birchim and myself met and discussed the possible commemoration/celebration of this event.

BACKGROUND

On July 10th, 1821, Spain transferred East Florida and its capital, St. Augustine, to the United States. The transfer also marks the day that St. Johns County became a part of the United States. This was followed on July 17th, 1821 with the transfer of Pensacola and what remained as West Florida. There were three towns in existence in the new U.S. Florida Territory: St. Augustine, Pensacola and Fernandina. Florida was admitted to the Union on March 3, 1845.

We recognized that such a commemoration would most likely be limited to a regional/state interest. Secondly, the underlying strategy would be to engage partners to leverage the City's effort and limit the size and scale and the expectations of the event.

MEETING RESULTS

The meeting was a "first pass" brainstorming session to develop a list of ideas for consideration. The list from the meeting and other information are attached.

The second step was to identify a few categories of activities that could comprise the celebration. We concluded that our thought process fell into three main categories:

1. Academic – Example activities include lectures from multi-cultural perspectives
2. Re-enactments – The day was marked with much pomp and circumstance. The transfer ceremony would be an excellent interpretive living history event

3. Celebration – Local celebration comprised of music, food and community gathering. Not of the scale of the 450th celebration, but something that uses public space in a non-traditional way. The purpose is to come together as friends and neighbors.

I look forward to an engaging discussion with the City Commission.



John P. Regan, P.E.
City Manager

- The anniversary date is July 10, 2021
- The celebration can begin on July 4 and continue until July 10

The program can include the following

- Re-enactments of historic events
- Academic lectures o a history conference sponsored by Flagler College
- African American historic context must take place
- Native American participation must be attempted
- The Protestant-Catholic dynamic of the takeover of Florida as a Territory should be told
- The loss of women's rights can be explored
- The importance of the local (city) government at that time can be explored
- A Naturalization ceremony can be held as part of the celebrations
- An exhibit at the VIC can be done (Archaeology)
- Entertainment in the form of concerts, parties, etc. must be scheduled, to begin with the 4th of July fireworks and ending with the July 10 re-enactment of the hand-over of Florida
- Contact with the US Navy and explore their participation and the Spanish Navy participation
- Contact the National park Service and explore their interest in participating
- Engage St. Johns County for possible TDC Funding
- Institutions evolving after 1821 Episcopal Church
- Ed Poppell or use of museum
- Darlene to read record and look for anything interesting
- GIS story map (simple Boston example)
- The language of the 1820s
- St. Augustine orchestra play music of the time
- Letter to groups inviting them to the table

ST. AUGUSTINE JOINS THE UNITED STATES

1821 July 10--Transfer from Spain to United of East Florida and its capital of St. Augustine

1821 July 17--Transfer of Pensacola and what remained of Spanish West Florida

Three towns already in existence in new U.S. Florida Territory: St. Augustine, Pensacola, Fernandina

With loss of South American colonies and Mexico, Spain really had no reason to hold on to the Floridas

Extant City Council of Spanish St. Augustine initially remained in place in new territory

Many St. Augustine residents not pleased with transfer to U.S.

Problems for St. Augustine's Roman Catholic parish and parishioners with loss of bishop to oversee parish and the U.S. Government's claiming of Church property.

Susan Richbourg Parker, Ph.D.
July 8, 2019

dependents, prisoners, and other civilians departing Florida to board the *Meteor*, the *Florida*, and the *Alexander*. After the 410 passengers were safely in the ships, the guards at the 40 posts at the garrison and plaza left their positions and marched to board the vessels. By nightfall only soldiers watching the main entrance to the Castillo, a few artillery personnel, a small detachment of the Catalonia battalion, the priest, and Governor Coppinger and his aides remained on land.⁵⁰

On July 10, 1821 at precisely 5:00 A.M., Coppinger watched sadly as the Spanish flag was raised over Castillo de San Marcos for the last time. Spanish artillery units immediately fired a twenty-one-gun salute. At precisely 3:00 P.M. that same day the *Tartar* crossed the inlet to St. Augustine. As the vessel approached the dock, Coppinger ordered the American flag to be hoisted to level of the Spanish banner. The forces still under Coppinger's command again commenced to fire a twenty-one-gun salute. While the cannon sounded, American soldiers disembarked and marched to the entrance of the Castillo where they stood at attention. At Government House with the sound of artillery ringing in the air, the governor signed the last official document transferring East Florida to the United States. When the cannon fired the last shot Coppinger ordered that the Spanish flag be lowered. At this moment the American warships *Tartar* and *Revenge* began to fire a return twenty-one-gun salute. Then the Spanish infantry and artillery soldiers and officers came to attention. Following Coppinger's last order as the governor of East Florida, the Spanish personnel exchanged hand salutes with the American forces and then marched proudly to the docks. By 6:00 P.M. the last remaining Spanish soldier had departed from the city to the waiting vessels.⁵¹

Over two centuries of Spanish sovereignty in East Florida had ended. A total of 338 Spanish officers and soldiers, accompanied by 67 wives and children sailed to Cuba. Along with the military person-

50. Coppinger to Mahy, 6 and 11 July 1821, bnd. 36J3, EFP. See also Coppinger to Mahy, 6 July 1821, bnd. 111G9, EFP; Coppinger to Butler, 6 July 1821, bnd. 111G9, EFP; Butler to Coppinger, 8 and 9 July 1821, bnd. 111G9, EFP; Coppinger to Vives, 11 July 1821, bnd. 107C9, EFP; Coppinger to Mahy, 11 July 1821, bnd. 36J3, EFP; Thomas Paine to Coppinger, 30 June 1821, bnd. 111G9, EFP; Coppinger to Paine, 30 June 1821, bnd. 111G9, EFP.

51. Ibid.

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, January 13, 2020

The City Commission met in formal session Monday, January 13, 2020 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
John Valdes, City Commissioner
Nancy Sikes-Kline, City Commissioner

John Regan, City Manager
John Cary, Assistant City Attorney
Candice Seymour, Acting City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Director, Planning and Building
Reuben Franklin, Director, Public Works
Todd Grant, Director, Utilities
Melissa Wissel, Communications Manager
Kim Mayo, Event and Venue Coordinator
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Bishop Demetrios of Mokissos, Saint Photios Greek Orthodox Church, delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

John Regan, City Manager, and Commissioner Sikes-Kline requested the following modifications to the Regular Agenda that resulted from proposed Tallahassee legislation:

- Add Item 9.B.4. Resolution 2020-05 which supported Representative Cyndi Stevenson on sponsorship of the Office of Resiliency legislation
- Add Item 9.B.5. Resolution 2020-04 which represented the City's position against the State legislation on Airbnb

See Items 9.B.4. and 9.B.5. for Resolution title and content.

MOTION

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

3. Special Presentations, Recognitions and Proclamations

- Certificate of Recognition 2020-01 recognizing Zeta Phi Beta Sorority for 100 years of dedication and support in local communities.

Commissioner Sikes-Kline presented the Certificate and acknowledged January 16, 2020 as the 100th anniversary date of the Sorority's commencement.

The Sorority graciously accepted the Certificate and thanked the City and the St. Augustine community for the opportunity to serve.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

Twila Hudson
Ron Rawls
Brad Preston
Lisa Graham
Stephanie Robinson
Chris Fulmer
Marissa Burrier
Ellen Waldend
Troy Blevins
Tigenia Taylor

At the request of Mr. Regan, Mayor Upchurch clarified that this Commission meeting did not have any items on second reading with public hearing; therefore, that time was the only opportunity for the general public to speak regarding any matters on the agenda.

Tom Dreisbach
Ben Stevenson
E. Patrick Butler
Kenneth McClain
Byron Cohem
Javar Collier
Nichol Sparrow
Rosalind Mason

Roger Everett

Public comment was closed.

Commissioner Sikes-Kline stated that she had listened to the citizens and was on the record as favoring to move the Confederate monument. She felt that it was a problem when the citizens of St. Augustine hurt when visiting downtown, and she stated that everyone should feel welcome in the most symbolic civic space.

Commissioner Sikes-Kline asked Mayor Upchurch what it would take for the Commission to see the need to make a change and move the Confederate monument to a more appropriate place.

Mayor Upchurch welcomed the conversation; however, he noted that he was not prepared to discuss at this meeting. He suggested that the Commission schedule a workshop as an opportunity to have these conversations, which were not action items and could be discussed in a less formal setting.

5. Consent Agenda

Mr. Regan read the Consent Agenda:

CONSENT AGENDA - JANUARY 13, 2020

CA.1. Preview of upcoming Commission meetings:

THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR 2ND READING ON JANUARY 27, 2020:

- Ordinance 2019-50
- Ordinance 2019-51
- Ordinance 2019-52
- Ordinance 2020-02
- Ordinance 2020-03
- Ordinance 2020-04
- Ordinance 2020-05
- Ordinance 2020-06

CA.2. Reminder of upcoming meetings:

- January 27, 2020, 5pm, Regular Commission Meeting
- February 10, 2020, 5pm, Regular Commission Meeting
- February 24, 2020, 5pm, Regular Commission Meeting

CA.3. Approval of Minutes from prior Commission meetings:

(None)

CA.4. Releases of Lien for Unit Connection Fee Mortgage(s):

- James V. Lee for The New Jerusalem Worship Ministries, Inc - 1075 West King Street
- Lisa Pendleton - 1178 West King Street Ext.
- Whetstone Properties, LLC - 2740 Stratton Boulevard

CA.5. Proposed Proclamations, Certificates of Appreciation/Recognition. (Commission approval required and to be read at a subsequent meeting).

(None)

CA.6. Notification of Proclamations/Certificates of Recognition issued:

(None)

CA.7. License for Use of City Property approving the construction a sign at the southeast corner of Woodlawn Street and West King Street. (*R. Franklin, Director, Public Works*)

CA.8. Approval of license agreement for City right-of-way allowing an existing wood fence, stairs and block wall to remain in a portion of the City right-of-way. (*T. Grant, Utility Director*)

CA.9. Approval of release of easement and refunding of the cash bond amount of **\$17,800.00** to D.R. Horton, Inc. -

Jacksonville. (*T. Grant, Utility Director*)

CA.10. Invoice in the amount of **\$7,248.00** from Cavendish Partners, P.A. dated December 26, 2019 regarding the Seavin, Inc. v City of St. Augustine matter.

Invoice in the amount of **\$728.00** from Cavendish Partners, P.A. for December 2019 work regarding the Parker Doan Revocable Trust litigation matter. (*I. Lopez, City Attorney*)

End of Consent Agenda

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

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Horvath MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Valdes 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

(None)

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

(None)

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

(None)

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

(None)

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

9.A.1. Ordinance 2020-02: Creates Article VII of Chapter 22, Sections 22-521 through 22-533 providing terms of use for city parks, Venues and facilities.

John Cary, Assistant City Attorney, reviewed the Ordinance.

Mayor Upchurch stated that the Commission was provided copies of four amendments; however, he noted the lack of opportunity for the Commission to review them and that he preferred to table the Proposed ordinance for a meeting or two, so they could be reviewed.

The Commission discussed:

- More time was needed to understand the amendments
- More public input was needed
- How would large group permits effect current activities
- The City should consider the Counties' ordinances and their relation to the City parks
- The County was only involved with certain City athletic fields, not parks

- There was no cost in the Ordinance for large group feeding permits; however, a future resolution could impose fees
- The fees would be at the discretion of the Commission; however, intentions were not to have a cost for permit
- The City needed awareness of activity location so appropriate City presence and resources could be provided
- 'Feedings' numbers were limited per park to ensure that no one single park bore the burden of the entire activity 365 days a year
- Activity was to be spread around to other parks so that the area residents were not burdened with the activity

MOTION

Mayor Upchurch **MOVED** to table Ordinance 2020-02 for the February 10, 2020 Commission meeting. The motion was **SECONDED** by Commissioner Sikes-Kline and **APPROVED BY UNANIMOUS VOICE VOTE.**

9.A.2. Ordinance 2020-03: Addresses the zoning for both artistic expression tattoo studios and esthetic procedures such as micropigmentation.

Mr. Cary reviewed the Ordinance.

MOTION

Mayor Upchurch **MOVED** to place Ordinance 2020-03 on second reading, read by title only and passed. The motion was **SECONDED** by Commissioner Sikes-Kline.

Mr. Cary read the title as follows:

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28 OF THE CODE OF THE

CITY OF ST. AUGUSTINE; AMENDING SECTION 28-2 TO MODIFY THE DEFINITION OF TATTOO PARLOR OR STUDIO AND TO CREATE A NEW DEFINITION FOR MICROPIGMENTATION CLINIC; AMENDING SECTIONS 28-187, 28-206, 28-207, 28-208, 28-209, 28-226, 28-311 AND 28-312 TO ADD TATTOO PARLOR OR STUDIO TO THE LIST OF PERMITTED USES IN THE HP-5, CL-1, CL-2, CM-1, CM-2, IW, MUD AND MUD-A ZONING DISTRICTS; AMENDING SECTION 28-206 TO ADD MICROPIGMENTATION CLINIC AS A PERMISSIBLE USE BY EXCEPTION IN THE CL-1 ZONING DISTRICT; AMENDING SECTIONS 28-207, 28-208 AND 28-209 TO ADD MICROPIGMENTATION CLINIC TO THE LIST OF PERMITTED USES IN THE CL-2, CM-1, AND CM-2 ZONING DISTRICTS; 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: Upchurch, Sikes-Kline,
Freeman, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY¹

9.A.3. Ordinance 2020-04: Creates Chapter 7, Section 7-94 enacting regulations and penalties for dockage at the Lighthouse Park.

Mr. Cary reviewed the Ordinance.

Mayor Upchurch narrated the language in Article V, Sec. 7-94., subparagraph (b), last sentence, 'This provision does not apply to any dinghies stored under the terms of a valid and applicable lease' and noted that this was the exception that allowed the Sailing Center to use the floating dock and continue their activities.

¹ Commissioner Valdes took a brief recess and was absent for the vote

Mr. Cary advised that discussions had taken place with the Sailing Center to ensure they were comfortable with the Ordinance.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2020-04 on second reading, read by title only and passed. The motion was SECONDED by Mayor Upchurch.

Mr. Cary read the title as follows:

ORDINANCE NO. 2020-04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 7, ARTICLE V OF THE CODE OF THE CITY OF ST. AUGUSTINE; CREATING SECTION 7-94 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING REGULATIONS FOR THE DOCKAGE OF VESSELS; PROVIDING PENALTIES; 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, Horvath, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.4. Ordinance 2020-05: Amends Chapter 25, Section 25-26 codifying and implementing the Tree Mitigation Fund.

Mr. Cary reviewed the Ordinance.

Mayor Upchurch inquired about whether the mitigation cost would be brought to the Commission in the form of a resolution, or if it would be set at the staff level.

Mr. Cary noted that a resolution was passed in 2019, and this was a clean-up to codify the ability to perform this measure in the Ordinance.

Commissioner Sikes-Kline expressed her appreciation and thanked the City staff for moving this forward, thus allowing the Commission to implement fund use.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2020-05 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Mr. Cary read the title as follows:

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 25, SECTION 56 OF THE CODE OF THE CITY OF ST. AUGUSTINE; CODIFYING THE TREE MITIGATION FUND; PROVIDING THAT COST OF TREE MITIGATION SHALL BE DETERMINED BY RESOLUTION; SPECIFYING THE PURPOSE OF THE TREE MITIGATION FUND; LIMITING WHEN A PERMIT MAY BE ISSUED; 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 UNANIMOUSLY²

9.A.5. Ordinance 2020-06: Amends Section 24-46, Section 27-23 and creates Section 27-88 allowing

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

Transportation Network Company vehicles to purchase a medallion.

Mr. Cary reviewed the Ordinance.

MOTION

Commissioner Horvath MOVED to place Ordinance 2020-06 on second reading, read by title only and passed. The motion was SECONDED by Mayor Upchurch.

Mr. Cary read the title as follows:

ORDINANCE NO. 2020-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 24-46 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REGULATION OF TAXI STANDS; AMENDING CHAPTER 27, SECTION 23 OF THE CODE OF THE CITY OF ST. AUGUSTINE; ADDING AND MODIFYING DEFINITIONS; CREATING CHAPTER 27, SECTION 88 OF THE CODE OF THE CITY OF ST. AUGUSTINE; ALLOWING MEDALLIONS FOR TRANSPORTATION NETWORK COMPANY VEHICLES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

9.B.1. Interlocal Agreement and Resolution 2020-01: Approval of Interlocal Agreement between the City and the St. Augustine Port, Waterway and Beach District to provide for the funding of dredging of the Salt Run Channel and Resolution 2020-01

authorizing the City Manager to apply for grant assistant under the Florida Inland Navigation District's Waterways Assistance Program for said dredging.

Jim Piggot, Director, General Services, reviewed the Interlocal Agreement and the Resolution.

Mayor Upchurch expressed his appreciation for the work that Mr. Piggot had done with this matter.

MOTION

Commissioner Freeman MOVED to pass Resolution 2020-01. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

**AYES: Freeman, Upchurch,
Sikes-Kline, Valdes, Horvath
NAYES: None
MOTION APPROVED UNANIMOUSLY**

MOTION

Mayor Upchurch MOVED to approve the Interlocal Agreement for the Salt Run Channel. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

**AYES: Upchurch, Valdes, Horvath,
Freeman, Sikes-Kline
NAYES: None
MOTION APPROVED UNANIMOUSLY**

9.B.2. Resolution 2020-02: Authorizing the City Manager to apply for Grant Assistance under the Florida Fish and Wildlife's Conservation Commission's derelict vessel removal grant program.

Mr. Piggot acknowledged Corey Sakryd, Grants Administration Coordinator, for discovering the grant, and reviewed the Resolution.

Mr. Regan clarified that although the boats were located outside the City boundaries, the City owned the bottom lands outside the boundary past 312. He explained that in the 1920's the City was larger before the boundaries were redefined; however, the bottom lands were maintained outside what were commonly thought of as the City boundaries. He noted that this was the reason the City was the applicant for the grant program.

MOTION

Mayor Upchurch MOVED to pass Resolution 2020-02. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

**AYES: Upchurch, Horvath, Valdes,
Sikes-Kline, Freeman
NAYES: None
MOTION APPROVED UNANIMOUSLY**

9.B.3. Resolution 2020-03: Updates the Equal Employment Opportunity (EEO) Plan providing equal employment opportunity to all persons.

Donna Hayes, Director, Human Resources, reviewed the Resolution and noted the following:

- EEO plan was updated every two years
- Only major change in the document was the utilization review for the current work force
- There was under-utilization in certain categories; however, the numbers had improved
- First time that sworn police officers were not under-utilized in the minority category

Ms. Hayes noted that the Resolution approved the updated plan, and that all future updates would be approved on the Consent Agenda.

Commissioner Sikes-Kline noted that this was great news and for Ms. Hayes to keep up the good work.

Mayor Upchurch stated that the City had struggled with this issue since the 1960s; however, the City was making progress, which was a reflection of many things.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2020-03. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

The following Resolution 2020-05 was added (see Item 2.A. Modification and Approval of Regular Agenda).

9.B.4. Resolution 2020-05: Supporting House Bill 1073 and matching Senate Bill 7016, establishing a state-wide Office of Resiliency in the Governor's office, appointing a Chief Resiliency Officer at the State level, creating a Sea-level Rise Task Force, and requiring an Environmental Regulation Commission.

Commissioner Sikes-Kline reviewed the Resolution and noted that the State legislature session was starting Tuesday, January 14, 2020; therefore, she was requesting the Commission's support for the Ordinance and for Representative Cyndi Stevenson for sponsorship of the Office of Resiliency legislation.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2020-05. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

The following Resolution 2020-04 was added (see Item 2.A. Modification and Approval of Regular Agenda).

9.B.5. Resolution 2020-04: Supporting House Bill 1011 and matching Senate Bill 1128 regarding short-term rental properties.

Commissioner Sikes-Kline reviewed the Resolution and discussion ensued with the Commission and Mr. Cary:

- The Bill was slightly different; although it pre-empted the City's ability to regulate short-term rentals
- Prohibited local governments from short-term regulation, except to the extent that all residential properties were regulated the same
- Some members who voted to pass the Bill expressed reservations about the bill; therefore, an amendment was anticipated

Commissioner Sikes-Kline commented that the City legal staff, Mr. Regan and the Florida League of Cities kept an excellent watch on the Florida legislative process.

Mr. Regan added that the City's legislative consultants should also be acknowledged, and that he had recently asked the consultant to provide the best forecast of every draconian bill that may surface, an estimate on schedules, and where and when the City should be there.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2020-04. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

10. Staff Reports and Presentations

10.A. Discussion regarding the proposed License Agreement for the construction of a dock across unopened portion of Alaminos Avenue / Inlet Place.

Reuben Franklin, Director, Public Works, reviewed the item and noted that the applicant, Scott Patrou, was present at the meeting to answer questions. Mr. Franklin noted that Public Works reviewed the application from an infrastructure standpoint, such as no underground utilities, stormwater or physical construction that would interfere with the dock.

Mr. Franklin stated that the Commission would need to decide on whether to grant the License Agreement as it provided access to a waterway in the City.

Mr. Patrou discussed his research of the property and his intentions with the License Agreement for the dock construction. He noted the following:

- Originally dock was drawn on northern corner of boundary line representing 435 Flagler Boulevard
- When the property was purchased, the prior owners had previously obtained Army Corps of Engineer and the Department of Environmental Protection (DEP) permit for a dock in that location
- Concerns were expressed about access from Corona del Mar and the end of Flagler Boulevard
- On the proposal, the dock was shifted another 32' down, which left a 60' right-of-way, plus an additional 30'

- There was still over 90' between northern boundary of Flagler Boulevard down to the dock
- Due to the way the area platted, the lots were under water
- Eight lots to the south were all vacated along Alaminos Avenue and subsequently deeded to the respective Property owners on the western border
- Public access was still a 95' clear shot into the intercoastal

Mr. Patrou stated that he was just seeking a License Agreement for a dock across one section that would not prevent public access, and that he had spoken with, and desired to cooperate with neighbors regarding the dock.

Mayor Upchurch inquired about the Lot 120 ownership, and it was noted that Lot 119 and 120 were owned by the City. He asked about the dock details, how it was constructed, the public's ability to walk underneath, and whether these would be matters of the Planning and Zoning Board (PZB).

Mr. Cary noted that the Commission was to decide on whether they would grant a License and that PZB wanted their decision first before they reviewed the conservation overlay development, which was a lengthy process.

Commissioner Horvath requested to hear from David Birchim, Director, Planning and Building, regarding the Comprehensive Plan and how it figured into the issue.

Mr. Birchim noted the following:

- The Comprehensive Plan (CP) language stated that the City would provide access to water bodies for the citizens
- Due to the language, the City never entertained a vacation that led to a water body, with exception of Cherokee Street

- The City vacated a right-of-way where Cherokee dead ended into the San Sebastian River only when an unobstructed access easement was granted back to the City
- This was also tied to a dredging spoil site that the City accepted when they applied for the road vacation at the end of Cherokee
- The CP stated the City could not deny public access to a water body, and in this case that unopened right-of-way was still dedicated to the City for public access
- Access was marginal if the property was submerged with the wetlands and mangroves

Mr. Birchim concluded that he believed this was why the applicant had asked for a License Agreement, because that portion of the un-opened right-of-way remained publicly owned.

The Commission discussed the following:

- The community desired to keep the space open with public access along Flagler Boulevard
- The public's intention was to preserve the area; however, it would be unfair to not allow this License Agreement when there were docks everywhere
- The dock must be constructed where there was still public access
- The City would have ninety (90) feet of access with the dock; however, would that be enough space for dredge purposes, should they ever be needed
- The right-of-way had not been evaluated as a dredge unloading site
- Most of the dredge sites had concrete seawalls and designated larger areas for trucks to load and unload
- This was a License Agreement and could be revoked
- Areas without riparian rights had not previously been approved

- Granting the easement across a City right-of-way could pose a problem with denying a future applicant wanting an open right-of-way
- The difference in properties was there was public use of those areas, no vehicular traffic, no actively used right-of-way and the adjacent properties were vacated
- Although wetlands, this was a street that was not abandoned and was still City property and allowing this License Agreement to transverse it for the first time may cause issues down the road
- Provided access for those not wealthy enough to live on the water

Mayor Upchurch noted that this had been a controversial issue for the Commission between 1988 and 1990 in the Lighthouse Park area, and although he did not recall if the request was to vacate the unopened right-of-way or to create a License Agreement, there was clear evidence of the neighborhood's unobstructed daily use of the water access. He noted that this was a different configuration.

Mr. Regan stated that in the case referenced, the dock was denied by the City and the Rakovick's won the right to construct the dock in Circuit Court.

The Commission did not want to set a precedence with a decision and sought the insight of Mr. Cary.

Mr. Cary stated the following:

- A full legal analysis had not been done, nor a title search to analyze riparian rights; should that become an issue, the City would need to retain outside counsel
- From what information the City had, this was a platted property where the City reserved the easement over Flagler Boulevard, which was essentially under water and no road would be made there

- There were lots on the other side of Flagler Boulevard reserved to the City, so the ability was there to license
- From the application, it was understood that this was a City right-of-way that led into a City lot, both of which the Commission had the legal ability to provide a License Agreement for the use
- The License Agreement would not transfer ownership or provide any property rights to the applicant, other than ability to build over the City property
- Applications like this would not set a binding precedent; however, they could be used as a marker that was placed in order to create a situation where all properties are treated equitably
- Approval of the License Agreement did not allow anyone the right to a License Agreement, whether similarly situated or not; however, it may present an opportunity for someone to say they were treated differently
- This was a road that was platted and therefore, legally easy to distinguish from an active ROW such as Avenida Menendes
- The City retained full ownership rights with the License Agreement and there was no legal requirement to have a cause for revocation
- With a 3/2 Commission vote in the future, the License Agreement could be revoked, and could essentially give thirty days to remove the dock

The Commission and Mr. Cary discussed the specificity as to the regulation and requirements needed for the dock ie. elevation, public ingress and egress.

Mr. Regan noted that the License Agreement needed to be approved, tabled or denied. He stated that if the Commission wanted to approve the License, but list a height, that could be

added. He noted the discussion could be tabled and brought back with specific language. He continued that a condition could be made that the license come back after a full review by PZB on the dock that conceptually the Commission did not have a problem crossing the right-of-way but wanted to see the elevation. He added that if concerns existed regarding riparian rights, then there was no information that had been provided for a full review.

Mayor Upchurch requested that the City Attorney's office, Mr. Regan and staff return to the Commission with legal and historical information about the City and past actions and provide an analysis to understand how the proposal fits within.

Mr. Regan planned to follow through with all case law and other topics pertinent to the final decision.

MOTION

Mayor Upchurch MOVED to table the License Agreement with directions and request to City Staff to provide the Commission both legal and historical information about previous vacations, License Agreements that will help guide the Commission's decision. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

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. Reminder of upcoming Board appointments.

Mayor Upchurch confirmed that the City would re-advertise for both positions, and

he noted that the Commissioners needed to 'beat the bushes' a bit on the Corridor Review Committee, because it was new and unfamiliar to people.

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

Mayor Upchurch noted that more workshops should be used regularly. He believed that Mr. Regan was pressured to ensure each Commissioner was getting the same information.

The Commission discussed the following pertaining to workshops:

- Workshops would be more efficient use of time
- Allowed Commissioners to hear one another
- One-hour workshop prior to a Commission meeting suggested
- Pressure during Commission meetings to move agenda along quicker and deal with hot items
- Mindful of not imposing another meeting on the Commission as a standing obligation
- City of Saint Augustine Beach was discussing many of the same issues as the City
- Transportation and ideas about Kings Street needed discussion
- Consent agenda for the January 27th, could have proposed topics and a schedule
- Would schedule a specified time and certain day each month with a topic to discuss, if no topic, then no meeting
- Workshop environment would allow collaboration with the Commission to help guide staff from a policy point of view

Mr. Regan suggested topics under consideration based on time sensitive matters, and matters with the DOT:

- Mobility topics associated with King Street and policy questions about the downtown CRA
- Sustainability Master Plan, and engagement at all levels of sustainability and resiliency, parallel processing solutions with Federal Programs, and financing instruments for climate change
- City growth and the Comprehensive Plan and how they fit together with development
- Details about growth, and even a perspective from the County

Commissioner Sikes-Kline noted that the City of Saint Augustine Beach consented to have a joint meeting.

Mayor Upchurch requested that staff return with a proposed standing workshop time and a list of workshop topics.

Commissioner Freeman noted House Bill 6043 and Senate Bill 192, the use of single use plastic bags and that municipalities were being asked to pass ordinances supporting the reversal of the preemption.

Mr. Cary noted that plastic bags and polystyrene had been the subject of a preemption several years back, and the State preemption was deemed valid over past few months; therefore, any sort of local ordinance banning plastic bags or polystyrene would be invalid.

After a brief discussion, it was determined that staff would draft a resolution for consideration during a subsequent meeting.

Commissioner Sikes-Kline requested the following:

- Naming a small triangular park located in Fullerwood after Herbie Wiles
- Memorial plaque on a bench for an individual who recently passed away

- Re-naming a street after Ms. Carrie Johnson

Commissioner Horvath noted an Ordinance that restricted back to back events on Francis Field. She had the 'Pirates' request to utilize the field in November for an entire Saturday and then Sunday morning they would remove set-up and leave. She noted that there was a race in November the weekend prior to the Pirates proposed event and asked if they could provide a presentation to the Commission.

There was Commission consensus to not allow the back to back event at Francis Field, as it was not the will of the Commission to make exceptions.

15. Adjournment

There being no further business, the meeting was adjourned at 7:42 P.M.³

Tracy W. Upchurch, MAYOR

Darlene Galambos, CITY CLERK

³ Transcribed by Laura Morse

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: February 10, 2020

RE: Final Subdivision Plat Approval – Villa Calissa Townhomes Subdivision

The Villa Calissa property is a residential community with 11 townhouses and a community dock. The property is located on Cherokee Street and borders the San Sebastian River. The property is zoned Residential General-two (RG-2). The Planning and Zoning Board reviewed and approved the preliminary subdivision plat on July 11, 2017. All applicable city departments have reviewed and approved the final subdivision plat.

The City Commission approves all final subdivision plats prior to recordation according to Section 25-40 of the City Code.

Section 25-40 Final Plat

(a) The final plat approval can only be granted by the city commission in an open public meeting after review and recommendation by the planning and zoning board.

(b) The final plat shall be prepared by a currently registered surveyor or engineer of the State of Florida. The submittal must be one (1) original drawing and one (1) copy made in conformance with F.S. § 177.091. The city commission may grant approval of plats with slight variations provided that the variations do not conflict with the requirements of F.S. ch. 177.

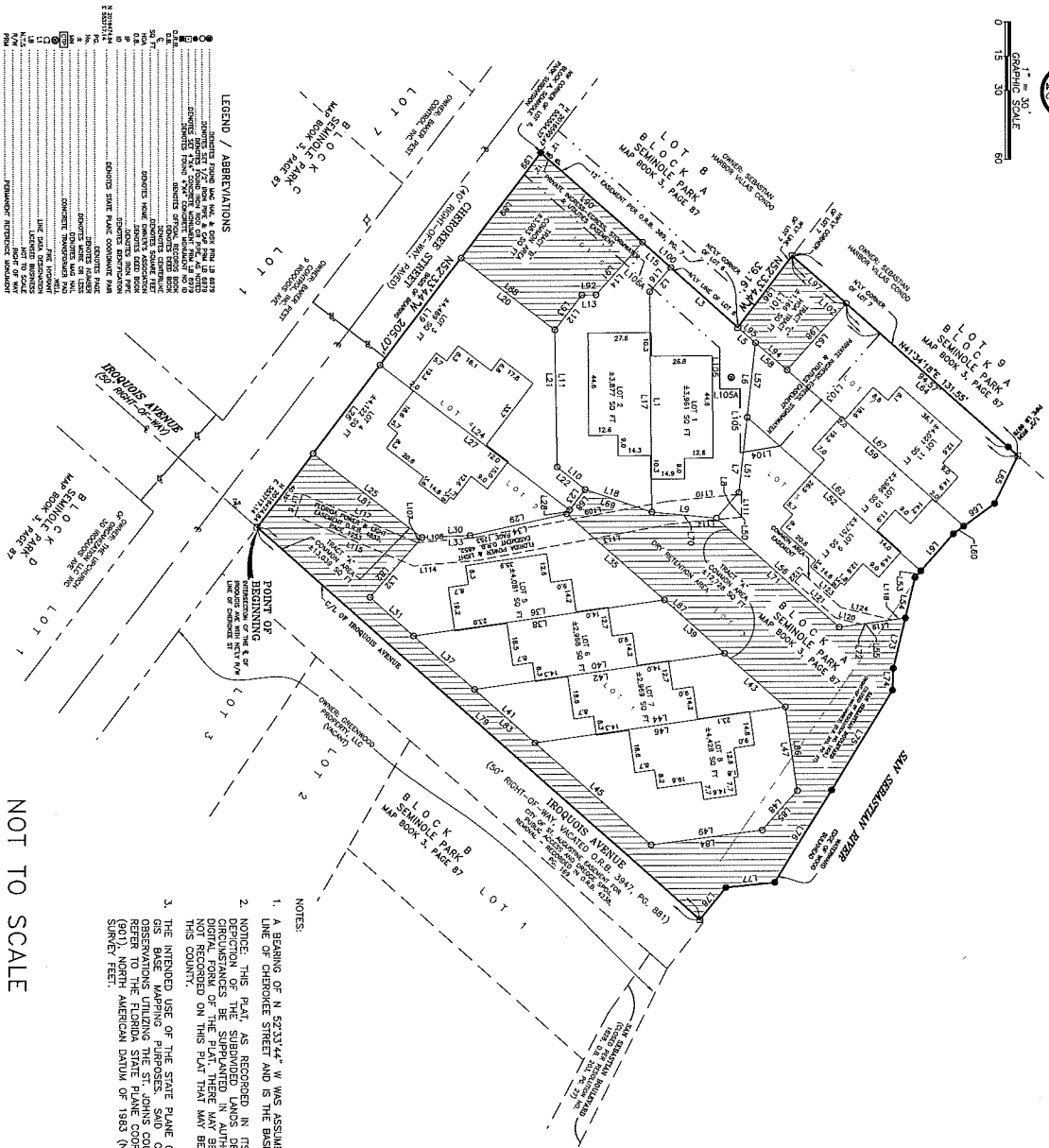
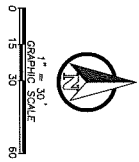
(c) In addition, a drawing prepared on the same material as the final plat must be submitted for the property appraiser showing only dimensions of lots, rights-of-way and easements. This drawing must be to a scale of one (1) inch equals two hundred (200) feet and the sheet size must be twenty-two (22) inches by thirty-two (32) inches or smaller with a one-half-inch margin all around.

Please place the Villa Calissa Townhomes subdivision plat on the February 10, 2020 City Commission consent agenda for final subdivision plat approval.



David Birchim, AICP
Director, Planning and Building

A REPLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, BLOCK A, AND PART OF CLOSED SAN SEBASTIAN BOULEVARD, AND VACATED ROOULES AVENUE OF SEMINOLE PARK AS RECORDED IN MAP BOOK 3, PAGE 87 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, LYING IN THE CITY OF ST. AUGUSTINE, M. SOLANO GRANT, SECTION 40, TOWNSHIP 7 SOUTH



NOT TO SCALE

LOT 1 LINE TABLE									
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5	25000000.00	1.00	5	25000000.00	1.00	5	25000000.00	1.00	5
6	30000000.00	1.00	6	30000000.00	1.00	6	30000000.00	1.00	6
7	35000000.00	1.00	7	35000000.00	1.00	7	35000000.00	1.00	7
8	40000000.00	1.00	8	40000000.00	1.00	8	40000000.00	1.00	8
9	45000000.00	1.00	9	45000000.00	1.00	9	45000000.00	1.00	9
10	50000000.00	1.00	10	50000000.00	1.00	10	50000000.00	1.00	10
11	55000000.00	1.00	11	55000000.00	1.00	11	55000000.00	1.00	11
12	60000000.00	1							

- NOTES:
1. A BEARING OF N. 53.3344" WAS ASSIGNED ON THE EASTERY RIGHT-OF-WAY LINE OF GORRIDGE STREET AND IS THE BASIS OF BEARINGS SHOWN HEREON.
2. NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL RECORD OF THE BEARINGS AND DISTANCES SHOWN THEREON. IN THE EVENT OF DISCREPANCIES, THE SUPPLEMENTAL INSTRUMENTS BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT, THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT, THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
3. THE INTENDED USE OF THE STATE PLATE COORDINATES SHOWN HEREON IS FOR SURVEY, MAPPING PURPOSES. SAID COORDINATES ARE BASED ON GRS 80 AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES. THE USER SHALL REFER TO THE FLORIDA STATE PLATE COORDINATE SYSTEM, FLORIDA STATE DOWNGRADE, NORTH AMERICAN DATUM OF 1983 (NAD 83) AND BE EXPRESSED IN U.S. FEET.

GEOMATICS CORP.

SURVEYING-MAPPING-GPS
2004 N. RIVER STREET, UNIT 101
ST. ALBERTINE, MI 48204
PHONE (934) 822-3086 FAX (804) 822-8776

