CITY OF
ST AUGUSTINE
EST. 1565

COMMUNICATIONS MEDIA TECHNOLOGY (CMT) MEETING

Pursuant to the Charter of the City of St. Augustine and Resolution 2019-21, as modified and amended by Resolution 2020-23 and Resolution 2020-25. The procedures adopted provide for the use of Communications Media Technology (CMT) under the authority granted by the Governor of the State of Florida pursuant to Executive Order 20-69, as amended.

The Alcazar Room at City Hall will be open for attendance with limited capacity consistent with the public health, and life safety requirements as promulgated by the CDC. These include mandated capacity and distancing requirements. Physical attendance will be prioritized as follows until maximum capacity is reached:

a. **Commission Members**
b. **City Attorney**
c. **City Manager**
d. **City Clerk**
e. **Required staff for public records and multi-media operation**
f. **Public participants**

HOW TO VIEW THE MEETING:

The meeting will be broadcast live at:

The City's website http://CityStAugTV.com

Government Comcast Channel 3

1) **FOR ITEMS REQUIRING A SEPARATE PUBLIC HEARING: these items include quasi-judicial hearings, second readings of ordinances, and resolutions or other matters identified in the agenda as requiring separate public hearings pursuant to law.**

HOW TO PROVIDE PUBLIC COMMENT:

EMAIL/WRITTEN

Members of the public wishing to provide public comment prior to the meeting may submit comments via email at cityclerk@citystaug.com, or via drop box or U.S. Mail addressed to the City Clerk and identified as public comment for the particular item on the Agenda. All comments must be received by (5:00pm ONE BUSINESS DAY PRIOR TO MEETING). All public comment will be limited to three (3) minutes. The City Clerk will forward all written public comments to each City Commissioner and preserve all written comment consistent with Florida Public Records law but will only read into

the record the equivalent of three (3) minutes or 400 words. Any public comments received after the deadline will be forwarded to the City Commissioners as soon as reasonably possible.

PHYSICALLY PRESENT

Members of the public physically present in chambers may make public comment consistent with adopted administrative rules and rules of decorum.

PHONE

Members of the public who wish to participate utilizing CMT are requested to dial in 904-293-4330 only when prompted for the specific item on the agenda or at open public comment. The callers will be placed on hold and queued for each agenda item public comment period.

All other Rules of Decorum shall apply to the extent they do not conflict or are not applicable. The meeting moderator will monitor adherence to the Rules of Decorum and may mute any persons determined to be in violation.

2) FOR REGULAR BUSINESS ITEMS ON THE AGENDA: these items include first readings of ordinances, most resolutions or other matters identified in the agenda as requiring a vote or decision of the City Commission, but not requiring a separate public hearing.

HOW TO PROVIDE PUBLIC COMMENT:

EMAIL/WRITTEN

Members of the public wishing to provide public comment prior to the meeting may submit comments via email at cityclerk@citystaug.com, or via drop box or U.S. Mail addressed to the City Clerk and identified as public comment for the particular item on the Agenda. All comments must be received by (2 BUSINESS DAYS PRIOR TO MEETING). The City Clerk will forward all written public comments to each City Commissioner, and preserve all written comment consistent with Florida Public Records law, but will only read into the record a brief synopsis of each written comment and a tally of the number of comments in support or in opposition to the agenda item. Any public comments received after the deadline will be forwarded to the City Commissioners as soon as reasonably possible.

PHYSICALLY PRESENT

Members of the public physically present in chambers may make public comment consistent with adopted administrative rules and rules of decorum.

3) FOR GENERAL PUBLIC COMMENT: this comment period is for items not on the agenda, nor anticipated for a vote or decision of the City Commission.

HOW TO PROVIDE PUBLIC COMMENT:

EMAIL/WRITTEN

Members of the public wishing to provide public comment prior to the meeting may submit comments via email at cityclerk@citystaug.com, or via drop box or U.S. Mail addressed to the City Clerk and identified as public comment for the particular item on the Agenda. All comments must be received by (2 BUSINESS DAYS PRIOR TO MEETING). The City Clerk will forward all written public comments to each City Commissioner and preserve all written comment consistent with Florida Public Records law. If multiple comments received relate to a common identifiable issue, the City Clerk will tally the number of comments in support of, or in opposition to, the issue and read that tally into the record. Any public comments received after the deadline will be forwarded to the City Commissioners as soon as reasonably possible.

PHYSICALLY PRESENT

Members of the public physically present in chambers may make public comment consistent with adopted administrative rules and rules of decorum.

CITY OF
ST AUGUSTINE
EST. 1565

CITY OF ST. AUGUSTINE CITY COMMISSION

AMENDED

REGULAR MEETING AGENDA
MONDAY, AUGUST 10, 2020 - 5:00 PM
ALCAZAR ROOM
COMMUNICATIONS MEDIA TECHNOLOGY (CMT)

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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

A. Public comment on agenda action items not requiring a separate public hearing:

In person in the Alcazar Room, 3 minutes per individual;
Email/written comments summary and tally support/oppose by Clerk

B. General public comment on items not on the agenda:

In person in the Alcazar Room, 3 minutes per individual;
Email/written comments tally by clerk if identifiable common issue

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

Progress report and recommendation regarding the relocation of the Confederate memorial from the Plaza de la Constitucion to the Trout Creek Fish Camp, accepting the proposal from Mr. Randy Ringhaver. *(J. Regan, City Manager)*

Public comment by email for THIS ITEM will be accepted until 8am Monday, August 10, 2020.

7.C. Other Items Requiring Public Hearing

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

8.A.1. ***Ordinance 2019-01***: Corrects technological scrivener's error in amendment to the City's Animal Code. *(I. Lopez, City Attorney)*

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

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

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

9.B. Resolutions

9.B.1. ***Resolution 2020-06***: Honors Herbie and Annette Wiles by dedicating a park to be known as *Herbie and Annette Wiles Park*. *(R. Franklin, Director Public Works)*

10. STAFF REPORTS AND PRESENTATIONS

10.A. Request to amend the boundaries of Commercial Sign Zone 4 to include properties on Prawn Street allowing signage above the ground floor. *(D. Birchim, Director Planning and Building)*

11. ITEMS BY CITY ATTORNEY

11.A. Discussion regarding pending foreclosure on property at 52 Spring Street. *(D. May, Assistant City Attorney)*

12. ITEMS BY CITY CLERK

12.A. Notification of Board Term Expirations and Vacancies for the Civil Service Board, Board of Trustees 1977 City Employees' Retirement System of the City of St. Augustine, Florida and the Planning and Zoning Board. *(D. Galambos, City Clerk)*

13. ITEMS BY CITY MANAGER

14. ITEMS BY MAYOR AND COMMISSIONERS

15. ADJOURN

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

CONSENT AGENDA - AUGUST 10, 2020

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON AUGUST 24, 2020: NONE.

CA.3. Reminder of Upcoming Meetings :

- August 14, 2020, 8:30am, Special CRA Meeting, Discussion regarding FY 2021 LCRA and HACRA tentative budgets
- August 14, 2020, 9:30am, Special Meeting, Discussion FY 2021 tentative budget
- August 24, 2020, 5:00pm, Regular City Commission Meeting
- September 3, 2020, 5:05pm, Public Hearing for FY 2021 tentative millage rate, budget adoption
- September 3, 2020, 6:00pm, CRA Public Hearing FY 2021 tentative millage rate and budget adoption for HACRA and LCRA

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

- June 8, 2020, Regular City Commission Meeting
- June 22, 2020, Regular City Commission Meeting
- June 26, 2020, Emergency City 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).

- ***Proclamation 2020-10:*** Designates August 26, 2020 as Women's Equality Day. *(R. Horvath, Commissioner)*

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

CA.8. Public Works and Utilities report for the third quarter. *(R. Franklin, Director Public Works and T. Grant, Director Utilities)*

CA.9. Approval of license agreement for a neighborhood community garden at Lighthouse Park. *(J. Piggott, Director General Services)*

End of Consent Agenda

CITY OF ST. AUGUSTINE

To: Mayor and Commissioners

Date: August 5, 2020

Re: Update on the relocation of the Confederate memorial

The purpose of this memo is to keep you apprised on the progress towards the relocation of the confederate memorial and recommend accepting an offer from Randy Ringhaver to relocate the memorial to the Trout Creek Fish Camp. The commission approved the relocation of the memorial at the June 22, 2020 regular city commission meeting to a new location such as a cemetery or private property which included authorization to store the memorial in a stable environment. Our current plan is to store the memorial at the city's public works compound, located at 253 West King Street. I have executed a contract with Progressive Construction of Long Island, Inc., a copy of which is shown as attachment A.

Relocation sites considered to date

We have attempted to locate a final location site and have also received proposals. I would like to provide a brief synopsis of our work effort.

1. National Cemetery adjacent to the National Guard Headquarters - I contacted Florida National Guard Adjutant General James Eifert who referred me to the National Cemetery Administration (NCA), a division of the Department of Veteran's affairs (VA). We made a written request to the NCA and our request was denied. Both letters are provided as attachment B. The VA only accepts monuments which commemorate a group of individuals eligible for burial in a VA national cemetery. This applies to the St. Augustine National Cemetery or any other national cemetery.

2. Representatives from the Ladies Memorial Association of St. Augustine, Inc. contacted the City to offer to purchase a suitable plot of land for relocation of the memorial. The City responded by both phone and email, but no further development of this plan has come to fruition at this time.

3. Staff contacted the Military Museum of North Florida located in Green Cove Springs. This location is outside of St. Johns County. They offered to accept the memorial as part of their artifact display. This is a private museum with public access. However, this option would be substantially more expensive of a relocation due to the travel distance, bridge weight limits, bridge widths and geography of the river. Also, all costs including the foundation would be at the City expense.

4. Staff called numerous cemeteries directly, through church offices and funeral homes. To date, none of these have been options for the memorial.

5. We received an offer from a private landowner in western St. Johns County. This proposal could not satisfy easy public access for viewing. Individuals wishing to pay respects at the memorial would be by appointment only.

6. We have a proposal from Randy Ringhaver to relocate the memorial to Trout Creek Fish Camp located at 6550 FL-13 N. St., St. Augustine, FL 32092. Trout Creek Fish Camp is owned by Ring Power Corporation of which Mr. Ringhaver is the majority stockholder. A location map is provided as attachment C. This is privately owned land, but it is different from all other private land offers to the extent that it is a commercial marina/park location that allows public access. Also, Mr. Ringhaver will build a park setting including lighting, sidewalks, and seating so that the memorial can be visited for generations to come. Mr. Ringhaver believes his proposal will preserve the memorial and provide the respect that the City Commission requires in determining a final location. Mr. Ringhaver has also offered to construct, at his cost, a foundation that will survive the test of time beyond any typical engineering standard. This will result in a contract deduction of $32,000 favorable to the City. A picture of the location is shown as attachment D. Mr. Ringhaver is comfortable with a simple letter agreement on the logistics between my office and himself and a bill of sale transferring ownership. I have not prepared these documents and will not unless the commission approves this option.

   Included in the contract is alternate costs to allow for a secondary, or direct, move to a final location at the privately owned Trout Creek Fish Camp.

Contract Overview

The contract executed with Progressive Construction includes a base contract of $200,000 to move the memorial to the City Public Works compound located 253 West King Street. The memorial would be temporarily stored while a final location is decided upon by the City Commission. The memorial would stay in the crating system so that it can be moved a second time.

An option in the contract include the cost for a secondary mobilization of $30,000 with the final location determining the total cost.

Moving to the public works compound and then to the Trout Creek Fish Camp location if it is chosen, would cost $66,000. This is shown in the contract as Option 2.

Moving directly from the Plaza de la Constitution directly to the Trout Creek Fish Camp if it is chosen would bring that total to $236,000 assuming Mr. Ringhaver builds the foundation. Mr. Ringhaver has made a proposal that staff believes is a viable option to preserve the memorial in perpetuity and allows for public access in a park setting adjacent to the marina area.

I would expect the contractor's mobilization and completion of any of the moves will be completed within 3-4 weeks. Our city archeologists have conducted a preliminary investigation and are comfortable with the contractor completing the move. If any subsurface site conditions deviate from their findings, the contractor will stop and allow our archaeology team to complete

an investigation. Our archaeology team plans to conduct future investigations under the current location of the memorial and surrounding area after the memorial is relocated.

At this time, I am authorized by the City Commission to move the memorial to the public works compound unless directed otherwise.

Recommendation

I recommend that the City Commission accept Mr. Ringhaver's offer and authorize the City Manager to work out the logistical details, transfer ownership and execute the work to relocate the memorial directly to Trout Creek Fish Camp. The most important aspect of this proposal is the relocation of the memorial to private land with public access and ownership that has the means, and desire, to preserve the memorial congruent with the will of the City Commission.

John P. Regan, P.E.
City Manager

ATTACHMENT - A

PROGRESSIVE CONSTRUCTION

OF LI, INC.
1-855-WeLiftU
166 Beverly Rd, S Huntington NY 11746
HomeElevate.com

TO: THE CITY OF ST. AUGUSTINE, FL
P.O. BOX 210
ST. AUGUSTINE, FL 32085-0210
tflemin@citystaug.com
jregan@citystaug.com

This agreement is made between THE CITY OF ST. AUGUSTINE, FL (hereinafter referred to as "The City") and Progressive Construction of Long Island, INC (hereinafter referred to as "Contractor").

Scope of work:

OPTION 1:

Relocate monument in two (2) pieces to 253 West King St, St. Augustine, FL

$ 200,000.00 Relocate Ladies Memorial Association Monument of St. Augustine, FL from Plaza de la Constitucion to 253 West King St, St Augustine, FL

- Demo and remove sidewalk and concrete around base of monument
- Remove eight (8) concrete posts and chains, place on pallets and move to 253 West King St.
- Provide protection for EIGHT (8) tablets at base of monument AND ONE (1) tablet on the south elevation of the obelisk.
- Construct steel frames around each section of the monument (base and obelisk).
  Frames will encase each section and compensate for the fragility/age of the structure.
  The upper frame will require the drilling of approximately 1" holes through the obelisk to properly support and brace the structure. Additional bracing may be added as needed.
  Once the obelisk has been fully supported and protected by the steel frames, the obelisk will be elevated and removed from the base on steel beams and moved to dollies for transport.
  The base will be encased in it's own separate steel frame and braced as needed. The surrounding area will be excavated as needed to reveal the depth of the base and lifting beams will be inserted under the base. The base will then be elevated and moved to dollies for transport to the new location.
- The base and obelisk will be remain in the steel frames and placed on crib blocks and steel beams at the new location.
  Both sections will remain in steel frames for the the relocation and whatever storage period may follow. This agreement includes a maximum of one hundred eighty (180) days of storage utilizing the steel frames, crib blocks and steel beams. See "ADDITIONS TO THIS AGREEMENT" FOR RENTAL TERMS AND RATES

Payment terms:

OPTION 1 PAYMENT SCHEDULE:

Relocate in two pieces to storage location at 253 King St, St. Augustine, FL

$ 75,000.00	Deposit at contract signing – Non-refundable deposit
$ 35,000.00	Upon arrival of equipment and employees to site
$ 50,000.00	Upon completion of steel frame work
$ 20,000.00	Upon loading onto moving dollies
$ 20,000.00	Due upon completion of move
$ 200,000.00	**TOTAL PAYMENTS DUE***

**Total Payments Due Amount does not include any revisions, additions or amendments to this agreement. Any revisions, additions or amendments to this agreement which result in a change in the above amount will be discussed and agreed to by all parties in writing. Total Payments Due does not include any rental money that may be due if the storage period exceeds one hundred eighty (180) days. Progressive Construction DOES NOT agree to 10% retainage.*

OPTION 2:

Relocate monument to 253 West King St, St. Augustine, FL and then to the Trout Creek Fish Camp, 6550 Fl-13, St. Augustine, FL 32092. Date of second move TBD. This option includes foundation work.

$ 200,000.00 Relocate Ladies Memorial Association Monument of St. Augustine, FL from Plaza de la Constitucion to 253 West King St, St Augustine

$ 66,000.00 Relocate Ladies Memorial Association Monument of St. Augustine, FL from 253 West King St, St Augustine to the Trout Creek Fish Camp, 6550 Fl-13, St. Augustine, FL 32092

$ 32,000.00 Construct new foundation for Ladies Memorial Association Monument of St. Augustine, FL in Trout Creek Fish Camp, 6550 Fl-13, St. Augustine, FL 32092

$ 298,000.00 TOTAL

- Demo and remove sidewalk and concrete around base of monument
- Remove eight (8) concrete posts and chains, place on pallets and move to 253 West King St.
- Provide protection for EIGHT (8) tablets at base of monument AND ONE (1) tablet on the south elevation of the obelisk.
- Construct steel frames around each section of the monument (base and obelisk).
  Frames will encase each section and compensate for the fragility/age of the structure.
  The upper frame will require the drilling of approximately 1" holes through the obelisk to properly support and brace the structure. Additional bracing may be added as needed.
  Once the obelisk has been fully supported and protected by the steel frames, the obelisk will be elevated and removed from the base on steel beams and moved to dollies for transport.
  The base will be encased in it's own separate steel frame and braced as needed. The surrounding area will be excavated as needed to reveal the depth of the base and lifting beams will be inserted under the base. The base will then be elevated and moved to dollies for transport to the new location.
- The base and obelisk will be remain in the steel frames and placed on crib blocks and steel beams at the new location.
  Both sections will remain in steel frames for the the relocation and whatever storage period may follow. This agreement includes a maximum of one hundred eighty (180) days of storage utilizing the steel frames, crib blocks and steel beams.
- The base and obelisk will be remain in the steel frames and placed on crib blocks and steel beams at the new location.
  Both sections will remain in steel frames for the the relocation and whatever storage period may follow. This agreement includes a maximum of one hundred eighty (180) days of storage utilizing the steel frames, crib blocks and steel beams. See "ADDITIONS TO THIS AGREEMENT" FOR RENTAL TERMS AND RATES
- Contractor will return at a later date (TBD) to construct fourteen feet (14') by fourteen feet (14') foundation for monument which will be twelve inches (12") thick. Foundation will be formed and will consist of poured concrete, reinforced with #5 fiberglass rebar. A footing will be constructed to place the monument on. The footing will be constructed of eight inch (8") or twelve inch (12") concrete block.
- Contractor will return at later date (TBD) and move monument from storage location (253 West King St, St. Augustine, FL) to Trout Creek Fish Camp, 6550 Fl-13, St. Augustine, FL 32092
- Install new sidewalk and reset posts and chains.
- Backfill and sod around new foundation and sidewalk.

OPTION 2 PAYMENT SCHEDULE:

Relocate in two pieces to 253 King St, St. Augustine FL and then relocate to Trout Creek Fish Camp, 6550 Fl-13, St. Augustine FL. This option includes foundation work.

$ 75,000.00	Deposit at contract signing – Non-refundable deposit
$ 35,000.00	Upon arrival of equipment and employees to site
$ 50,000.00	Upon completion of steel frame work
$ 20,000.00	Upon loading onto moving dollies
$ 22,000.00	Upon completion of foundation and footings
$ 86,000.00	Upon completion of move/setting of monument on new foundation and footings.
$ 10,000.00	Upon completion of sidewalks, setting of posts & chains, backfilling & installation of sod
$ 298,000.00	**TOTAL PAYMENTS DUE****

***Total Payments Due Amount does not include any revisions, additions or amendments to this agreement. Any revisions, additions or amendments to this agreement which result in a change in the above amount will be discussed and agreed to by all parties in writing. Total Payments Due does not include any rental money that may be due if the storage period exceeds one hundred eighty (180) days. Progressive Construction DOES NOT agree to 10% retainage.*

OPTION 3:

Relocate monument to 253 West King St, St. Augustine, FL and then to the Trout Creek Fish Camp, 6550 Fl-13, St. Augustine, FL 32092. Date of second move TBD. This option does not include foundation work.

$ 200,000.00 Relocate Ladies Memorial Association Monument of St. Augustine, FL from Plaza de la Constitucion to 253 West King St, St Augustine

$ 66,000.00 Relocate Ladies Memorial Association Monument of St. Augustine, FL from 253 West King St, St Augustine to the Trout Creek Fish Camp, 6550 Fl-13, St. Augustine, FL 32092

$ 266,000.00 TOTAL

- Demo and remove sidewalk and concrete around base of monument
- Remove eight (8) concrete posts and chains, place on pallets and move to 253 West King St.
- Provide protection for EIGHT (8) tablets at base of monument AND ONE (1) tablet on the south elevation of the obelisk.
- Construct steel frames around each section of the monument (base and obelisk).
  Frames will encase each section and compensate for the fragility/age of the structure.
  The upper frame will require the drilling of approximately 1" holes through the obelisk to properly support and brace the structure. Additional bracing may be added as needed.
  Once the obelisk has been fully supported and protected by the steel frames, the obelisk will be elevated and removed from the base on steel beams and moved to dollies for transport.
  The base will be encased in it's own separate steel frame and braced as needed. The surrounding area will be excavated as needed to reveal the depth of the base and lifting beams will be inserted under the base. The base will then be elevated and moved to dollies for transport to the new location.
- The base and obelisk will be remain in the steel frames and placed on crib blocks and steel beams at the new location.
  Both sections will remain in steel frames for the the relocation and whatever storage period may follow. This agreement includes a maximum of one hundred eighty (180) days of storage utilizing the steel frames, crib blocks and steel beams. See "ADDITIONS TO THIS AGREEMENT" FOR RENTAL TERMS AND RATES
- The base and obelisk will be remain in the steel frames and placed on crib blocks and steel beams at the new location.
  Both sections will remain in steel frames for the the relocation and whatever storage period may follow. This agreement includes a maximum of one hundred eighty (180) days of storage utilizing the steel frames, crib blocks and steel beams.
- Contractor will return at later date (TBD) and move monument from storage location (253 West King St, St. Augustine, FL) to Trout Creek Fish Camp, 6550 Fl-13, St. Augustine, FL 32092

OPTION 3 PAYMENT SCHEDULE:

Relocate in two pieces to 253 King St, St. Augustine FL and then relocate to Trout Creek Fish Camp, 6550 Fl-13, St. Augustine FL. This option does not include foundation work.

$ 75,000.00	Deposit at contract signing – Non-refundable deposit
$ 35,000.00	Upon arrival of equipment and employees to site
$ 50,000.00	Upon completion of steel frame work
$ 20,000.00	Upon loading onto moving dollies
$ 86,000.00	Upon completion of move/setting of monument on new foundation and footings.
$ 266,000.00	**TOTAL PAYMENTS DUE****

***Total Payments Due Amount does not include any revisions, additions or amendments to this agreement. Any revisions, additions or amendments to this agreement which result in a change in the above amount will be discussed and agreed to by all parties in writing. Total Payments Due does not include any rental money that may be due if the storage period exceeds one hundred eighty (180) days. Progressive Construction DOES NOT agree to 10% retainage.*

OPTION 4:

Relocate monument in two (2) pieces directly to the Trout Creek Fish Camp, 6550 Fl-13, St. Augustine, FL 32092. This option includes foundation work.

$ 236,000.00 Relocate Ladies Memorial Association Monument of St. Augustine, FL from Plaza de la Constitucion to the Trout Creek Fish Camp, 6550 Fl-13, St. Augustine, FL 32092

$ 32,000.00 Construct new foundation for Ladies Memorial Association Monument of St. Augustine, FL in Trout Creek Fish Camp, 6550 Fl-13, St. Augustine, FL 32092

$ 268,000.00 TOTAL

- Demo and remove sidewalk and concrete around base of monument
- Remove eight (8) concrete posts and chains, place on pallets and move to 253 West King St.
- Provide protection for EIGHT (8) tablets at base of monument AND ONE (1) tablet on the south elevation of the obelisk.
- Construct steel frames around each section of the monument (base and obelisk).
  Frames will encase each section and compensate for the fragility/age of the structure.
  The upper frame will require the drilling of approximately 1" holes through the obelisk to properly support and brace the structure. Additional bracing may be added as needed.
  Once the obelisk has been fully supported and protected by the steel frames, the obelisk will be elevated and removed from the base on steel beams and moved to dollies for transport.
  The base will be encased in it's own separate steel frame and braced as needed. The surrounding area will be excavated as needed to reveal the depth of the base and lifting beams will be inserted under the base. The base will then be elevated and moved to dollies for transport to the new location.
- The base and obelisk will be remain in the steel frames and placed on crib blocks and steel beams at the new location.
  Both sections will remain in steel frames for the the relocation and whatever storage period may follow. This agreement includes a maximum of one hundred eighty (180) days of storage utilizing the steel frames, crib blocks and steel beams. See "ADDITIONS TO THIS AGREEMENT" FOR RENTAL TERMS AND RATES
- The base and obelisk will be remain in the steel frames and placed on crib blocks and steel beams at the new location.
  Both sections will remain in steel frames for the the relocation and whatever storage period may follow. This agreement includes a maximum of one hundred eighty (180) days of storage utilizing the steel frames, crib blocks and steel beams.
- Contractor will return at a later date (TBD) to construct fourteen feet (14') by fourteen feet (14') foundation for monument which will be twelve inches (12") thick. Foundation will be formed and will consist of poured concrete, reinforced with #5 fiberglass rebar. A footing will be constructed to place the monument on. The footing will be constructed of eight inch (8") or twelve inch (12") concrete block.
- Install new sidewalk and reset posts and chains.
- Backfill and sod around new foundation and sidewalk.

OPTION 4 PAYMENT SCHEDULE:

Relocate in two pieces to Trout Creek Fish Camp, 6550 Fl-13, St. Augustine FL. This option includes foundation work.

$ 75,000.00	Deposit at contract signing – Non-refundable deposit
$ 35,000.00	Upon arrival of equipment and employees to site
$ 50,000.00	Upon completion of steel frame work
$ 20,000.00	Upon loading onto moving dollies
$ 22,000.00	Upon completion of foundation and footings
$ 56,000.00	Upon completion of move/setting of monument on new foundation and footings.
$ 10,000.00	Upon completion of sidewalks, setting of posts & chains, backfilling & installation of sod
$ 268,000.00	**TOTAL PAYMENTS DUE****

***Total Payments Due Amount does not include any revisions, additions or amendments to this agreement. Any revisions, additions or amendments to this agreement which result in a change in the above amount will be discussed and agreed to by all parties in writing. Total Payments Due does not include any rental money that may be due if the storage period exceeds one hundred eighty (180) days. Progressive Construction DOES NOT agree to 10% retainage.*

Option 5:

Relocate monument in two (2) pieces directly to the Trout Creek Fish Camp, 6550 Fl-13, St. Augustine, FL 32092 This option does not include foundation work.

$ 236,000.00 Relocate Ladies Memorial Association Monument of St. Augustine, FL from Plaza de la Constitucion to the Trout Creek Fish Camp, 6550 Fl-13, St. Augustine, FL 32092

- Demo and remove sidewalk and concrete around base of monument
- Remove eight (8) concrete posts and chains, place on pallets and move to 253 West King St.
- Provide protection for EIGHT (8) tablets at base of monument AND ONE (1) tablet on the south elevation of the obelisk.
- Construct steel frames around each section of the monument (base and obelisk).
  Frames will encase each section and compensate for the fragility/age of the structure.
  The upper frame will require the drilling of approximately 1" holes through the obelisk to properly support and brace the structure. Additional bracing may be added as needed.
  Once the obelisk has been fully supported and protected by the steel frames, the obelisk will be elevated and removed from the base on steel beams and moved to dollies for transport.
  The base will be encased in it's own separate steel frame and braced as needed. The surrounding area will be excavated as needed to reveal the depth of the base and lifting beams will be inserted under the base. The base will then be elevated and moved to dollies for transport to the new location.
- The base and obelisk will be remain in the steel frames and placed on crib blocks and steel beams at the new location.
  Both sections will remain in steel frames for the the relocation and whatever storage period may follow. This agreement includes a maximum of one hundred eighty (180) days of storage utilizing the steel frames, crib blocks and steel beams. See "ADDITIONS TO THIS AGREEMENT" FOR RENTAL TERMS AND RATES
- The base and obelisk will be remain in the steel frames and placed on crib blocks and steel beams at the new location.
  Both sections will remain in steel frames for the the relocation and whatever storage period may follow. This agreement includes a maximum of one hundred eighty (180) days of storage utilizing the steel frames, crib blocks and steel beams.

OPTION 5 PAYMENT SCHEDULE:

Relocate in two pieces to Trout Creek Fish Camp, 6550 Fl-13, St. Augustine FL. This option does not include foundation work.

$ 75,000.00	Deposit at contract signing – Non-refundable deposit
$ 35,000.00	Upon arrival of equipment and employees to site
$ 50,000.00	Upon completion of steel frame work
$ 20,000.00	Upon loading onto moving dollies
$ 56,000.00	Upon completion of move/setting of monument on new foundation and footings.
$ 236,000.00	**TOTAL PAYMENTS DUE****

***Total Payments Due Amount does not include any revisions, additions or amendments to this agreement. Any revisions, additions or amendments to this agreement which result in a change in the above amount will be discussed and agreed to by all parties in writing. Total Payments Due does not include any rental money that may be due if the storage period exceeds one hundred eighty (180) days. Progressive Construction DOES NOT agree to 10% retainage.*

The City responsibilities:

- *Secure Plaza de la Constitucion with an opaque fence and safety gate*
- *Assist in obtaining any licenses or permits which may be required by the State of Florida*
- *Provide approximately one hundred twenty feet (120') of street parking adjacent to the Plaza to allow for staging and loading/unloading equipment safely.*
- *Provide 24 hour security in Plaza for the duration of the project. Security during working hours will be a uniformed police officer. The City will also be responsible for providing security along relocation route and at 253 West King St after the relocation.*
- *Strictly limit access to work area*
- *Provide power, water and sanitary facilities in work area*
  Provide a dumpster for the disposal of concrete
- *Provide right of way onto Plaza property*
- *Arrange and enforce parking restrictions along relocation route on the day of the move, including removing any vehicles which may not obey no parking signs.*
- *Remove/trim any trees along relocation route as necessary*
- *Temporarily remove/relocate any obstructions along the relocation route such as street signs, mailboxes, overhead utilities, etc. The City will also be responsible for returning all obstructions to their original locations.*

1. PROPOSAL: This proposal only becomes an enforceable contract after the City and an authorized representative of Contractor accepts this proposal. Signature of the parties shall serve as evidence of their acceptance of this proposal.
2. Contractor not liable for any cracks, leaks or property damage that may occur during lifting and/or relocation process.
3. COUNTERPARTS: This agreement and any amendments hereto may be executed in counterparts, each of which shall be deemed an original and such counterparts shall constitute but one and the same instrument.
4. SEVERABILITY: Should any provision of the agreement be stricken or determined to be unenforceable by any court or arbitrator, the remainder of this agreement shall not be affected.
5. TIME OF THE ESSENCE: Time is of the essence regarding this agreement.
6. ENTIRE AGREEMENT: This agreement contains the sole and entire agreement of Contractor and the City with respect to the transaction contemplated hereunder and no representation, inducement, promise or agreement, parole or written, between Contractor and the City and not incorporated or referred to herein shall be of any force or effect. Any amendment to this agreement shall be in writing and executed by both Contractor and the City.
7. SURVIVAL: All of the terms, covenants, conditions, representations, warranties and agreements of this agreement shall survive and continue in full force and effect and shall remain enforceable after the performance of the work to be performed by Contractor.
8. This contract binds the heirs, administrators, executors, successor or assignees of the City and Contractor.
9. In the event that the City does not comply with the payment schedule set forth above, Contractor shall be entitled to recover all costs of collection for any sums due hereunder, including but not limited to all reasonable attorney's fees, expenses..
10. ADVERTISEMENT: The City agrees to allow Contractor to place advertisement sign on project property. The City allows Contractor to use photographs/video of this project for future advertisement at no cost. The Contractor agrees not to use the City Seal in any form. All signs and/or advertising will conform to local statutes.
11. The City shall agree to defend, indemnify and hold harmless Contractor from liability and claim for damages because of bodily injury, death, property damage, sickness, disease or less and expense arising from any and all circumstances not caused by the Contractor or it's employees or directly related to the Contractors work under this agreement. Contractor may not be held liable for damages not caused by the negligent acts or omissions of the Contractor or it's employees.
12. NO WAIVER OF SOVEREIGN IMMUNITY: Nothing in this agreement shall be construed as a waiver of sovereign immunity beyond that provided in Section 768.28, F.S., nor shall anything in this Agreement be construed as increasing the limits of the sovereign immunity of the City as provided in Section 768.28, FS
13. The Contractor shall comply with the provisions of the Florida Public Records Act as outlined in EXHIBIT A.
14. Contractor will maintain insurance as outlined in EXHIBIT B.
15. VENUE: The City and Contractor agree that personal jurisdiction and venue shall be in St, Johns County, FL

Additions to this agreement:

1 The City will indemnify the Contractor from all liability related to any events that may halt or delay the progress of the project, including, but not limited to:
Court orders or injunctions
Severe weather events
Civil insurrection, protests or riots which interfere with the project or potentially place the Contractor's employees in harm's way
Vandalism, arson
Interruption of the project due archaeological issues or concerns
A. Once the contract is fully executed and mobilization has begun, any of the above issues, or any other potential issues not listed but not caused by the Contractor which result in a delay or cessation of the project will incur charges at the rate of $5,500.00 per day.

2 The City will assume all financial liability for any and all lawsuits/legal actions which may arise over the relocation of the monument.

3 The steel frame, crib blocks and steel beams belonging to the Contractor will be included in the contract amount for a period of not more than one hundred eighty (180) days. At the end of the180 day period, a rental fee will begin at a rate of $100.00 per day. The 180 day period will begin on the first day following the completion of the relocation. Rent will be due in advance for the upcoming thirty (30) day period and will not be prorated.
A. The City may alternately decide at that time to purchase the frames, crib blocks and steel beams. Due to the fact that the price of steel fluctuates, that amount can not be determined until such time.

4 The City fully understands that this contract will be for the relocation from the Plaza de la Constitucion to 253 West King St, St. Augustine, FL ONLY.
A. If the City determines that the destination will change from 253 West King St, St Augustine, FL prior to the relocation, the Contractor will determine if additional charges will be needed prior to the commencement of the actual relocation.
a. If it is determined at any point that the current proposed route is unacceptable for any reason, including, but not limited to: rejection by the Florida State DOT, safety issues, traffic concerns, etc, the City agrees that additional charges may be incurred. All additional charges will be determined and agreed to by both parties in writing as soon as possible. The same provision applies to any alternate routes or relocation sites that may be proposed.
B. If the City wishes to relocate the monument to another location in the future, that will be a separate contract and additional charges will be incurred at that point.

5 At the request of our insurance carrier, quarterly inspections must be performed as long as the monument is stored on our equipment to ensure that there are no structural and/or safety issues, including but limited to: settling, cracking, shifting, etc.
A. The contract price will include the first two (2) inspections.
a. Subsequent inspections will be performed at a rate of $2,500.00 per inspection.

6 The City agrees that the Contractor will not be held liable for any acts of destruction and/or vandalism to the monument which may occur at any time during the project, including while the monument is in storage. The City agrees that they will hold total responsibility for the safety and security of the monument while it is in storage and will not hold the Contractor liable for any damages incurred due to the actions of others.

7 Demobilization prior to completion of project will result in a charge of $20,000.00. Re-mobilization will result in a charge of $20,000.00.

This contract will abide by the laws, rules, conditions, jurisdictions and indemnifications of the State of Florida.

By signing below, the City hereby agrees to all terms and conditions contained on all pages of this agreement and authorizes Contractor to perform the work detailed in the agreement.

Date: 8/5/2020

Representative City of St. Augustine, FL

John P. Regan, P.E. - City Manager

Printed Name & Title

Date: 8/4/2020

Signature Progressive Construction of Long Island, Inc

Jeremy Patterson, Vice President

Printed Name & Title

ATTEST:

Darlene Galambos, City Clerk

CORPORATION OF THE CITY OF ST. AUGUSTINE

APPROVED AS TO FORM, LEGAL SUFFICIENCY AND EXECUTION

Isabelle C. Lopez, City Attorney

EXHIBIT A

COMPLIANCE WITH PUBLIC RECORDS ACT

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

Telephone:	(904) 825-4207
Email:	recordsrequest@citystaug.com
Mailing Address:	City of St. Augustine Darlene H. Galambos, City Clerk Public Records Custodian P.O. Box 210 St. Augustine, Florida 32085-0210

Pursuant to Chapter 119, Florida Statutes, the Contractor shall comply with the provisions of the Florida Public Records Act, specifically to:

1. Keep and maintain public records required by the City to perform the Work.
2. Upon request from the City's custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the City.
4. Upon completion of the contract, transfer, at no cost, to the City all public records in possession of the Contractor or keep and maintain public records required by the City to perform the service. If the Contractor transfers all public records to the City upon completion of the contract, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon completion of the contract, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request from the City's custodian of public records, in a format that is compatible with the information technology systems of the City.
5. A request to inspect or copy public records relating to the City's contract for services must be made directly to the City. If the City does not possess the requested records, the City shall immediately notify the Contractor of the request, and the Contractor must provide the records to the City or allow the records to be inspected or copied within a reasonable time.
6. If the Contractor does not comply with the City's public records request for records, the City shall consider such noncompliance a material default of the terms of the contract and shall seek such remedies for such default as provided in the contract or at law.

A contractor who fails to provide the public records to the City within a reasonable time may be subject to penalties under F.S. 119.10.

EXHIBIT B

INSURANCE REQUIREMENTS

At a minimum, Contractor shall acquire and maintain until completion of the Work the insurance coverage listed below, which constitutes primary coverage. Contractor shall not commence the Work until the City receives and approves Certificates of Insurance documenting required coverage. Contractor's General Liability policy shall include Endorsement CG 20101185, or equivalent, naming the City of St. Augustine ("City") as Additional Insured. All required policies shall include: (1) endorsement that waives any right of subrogation against the City for any policy of insurance provided under this requirement or under any state or federal worker's compensation or employer's liability act; (2) endorsement to give the City no less than thirty (30) days notice in the event of cancellation or material change. Certificates of Insurance must be accompanied by copies of the requested endorsements.

Any deductibles or self-insured retentions above $100,000 must be declared to and approved by the City. Approval will not be unreasonably withheld. Contractor is responsible for any deductible or self-insured retention. Insurance must be placed with insurers having an A.M. Best rating of A-V or greater. City receipt of insurance certificates providing less than the required coverage does not waive these insurance requirements.

(a) **Workers' Compensation Insurance.** Workers' compensation and employer's liability coverage, including maritime workers compensation, if applicable, in not less than the minimum limits required by Florida law. If Contractor claims an exemption from workers' compensation coverage, Contractor must provide a copy of the Certificate of Exemption from the Florida Division of Workers' Compensation for all officers or members of an LLC claiming exemption who will be participating in the Work. In addition, Contractor must provide a completed City "Affidavit (Non-Construction)" for non-construction contracts. Contractor is solely responsible for compliance with any Federal workers' compensation laws such as, but not limited to, Jones Act and USL&H Act, including any benefits available to any workers performing work on this project.

(b) **General Liability.** Commercial General Liability Insurance on an "Occurrence Basis," with limits of liability not less than $1,000,000/$2,000,000, for personal injury, bodily injury, and property damage. Coverage shall include: (1) contractual liability, (2) products and completed operations, (3) independent contractors, and (4) property in the care, control, or custody of the Contractor. Extensions shall be added or exclusions deleted to provide the necessary coverage.

(c) **Automobile Liability.** Minimum limits of $100,000/$300,000/$50,000

(d) **Rigger's Liability/Cargo Coverage.**

**If applicable, the following additional coverage may be required, depending upon the nature of the Work.

(**) **"Builder's Risk" Property Insurance.** Coverage amount shall be sufficient to insure the completed value of new project construction.

(**) **Professional Liability. (Per claim) $500,000 single limits.**

ATTACHMENT - B

DEPARTMENT OF VETERANS AFFAIRS
Jacksonville and St. Augustine National Cemeteries
4083 Lannie Road
Jacksonville, Florida 32218
(904) 766-5975

July 30, 2019

John P. Regan, P.E.
City Manager
City of Saint Augustine
75 King Street
Saint Augustine, FL 32084

Dear Mr. Regan;

In responding to your formal request to relocate a Confederate memorial to St. Augustine National Cemetery or any other national cemetery, VA only accepts monuments which commemorate a group of individuals currently eligible for burial in a VA national cemetery (i.e. generally, Veterans of the U.S. Armed Forces).

Therefore, NCA is unable to accept the monument referenced in your letter which commemorates those who served in the Confederate armed forces.

Thank you for your continued support of our national cemetery.

Sincerely,

Alphaeus L. Richburg
Director

CITY OF
ST. AUGUSTINE
EST. 1565
NATION'S OLDEST CITY

July 16, 2020

Mr. Alphaeus Richburg
Jacksonville National Cemetery
4083 Lannie Road
Jacksonville, FL 32218

Dear Mr. Richburg,

The City of St. Augustine would like to formally request a space in a Veteran's Cemetery so that the Memorial currently located in the public plaza of the City of St. Augustine can be relocated to a cemetery.

This memorial is for those local St. Augustine residents who died fighting in the Civil War. On June 22, 2020, our City Commission voted to relocate this memorial. The Commission also asked that City staff bring back options for relocation. A Veteran's Cemetery is an option that we would like to present if it is an available option.

A photograph of the Memorial, with measurements, is included for your reference.

Thank you for your consideration and please let me know if you have any further questions.

Best regards,

Meredith B

FOR John P. Regan, P.E.
City of St. Augustine
904-825-1006
jregan@citystaug.com

7'-0 x 7'-0
10'-0 x 10'-0"

ATTACHMENT - C

Proposed Memorial Location

8/4/2020, 4:14:10 PM

1:4,131

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.19 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

ArcGIS Web AppBuilder

Florida Counties and Regional Planning Councils | FL SERT | Data content is created and/or maintained by the St. Johns County GIS Division and the United States Postal Service. | City of St Augustine | St Johns County | National Geodetic Survey | Data content is created and/or maintained by

ATTACHMENT - D

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: July 24, 2020

RE: **ORDINANCE 2019-01: ANIMALS**

Please find attached Ordinance 2019-01, which amends, updates, or repeals multiple sections of the City's Animal Code.

This ordinance was previously presented to the Commission in January 2019. However, due to a technological scrivener's error, the version ultimately sent to Municode had certain sections blanked out and therefore they could not be correctly updated in the City's Code.

Please place Ordinance 2019-01 on the regular City Commission agenda for second reading on August 10, 2020.

Thank you.

Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Isabelle C. Lopez, City Attorney
Darlene Galambos, City Clerk
David Birchim, Planning & Building Director

Agenda Title:

Corrects technological scrivener's error in amendment to the City's Animal Code.

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 5, ARTICLES I AND II, OF THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING CHAPTER 5, ARTICLE III OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR FINDINGS AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR APPLICIBILITY AND PENALTIES; PROVIDING PROHIBITIONS ON CERTAIN ANIMALS; PROVIDING REQUIREMENTS FOR KEEPING ANIMALS; ALLOWING PIGS WITHIN THE CITY AS HOUSEHOLD PETS; PROVIDING MINOR AND TECHNICAL CHANGES TO THE ANIMAL CODE; REPEALING PROVISIONS THAT CONFLICT WITH AN INTERLOCAL AGREEMENT; REPEALING THE DOG AND CAT PET REGISTRATION PROGRAMS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING SECTION 5-139 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO REMOVE A PROVISION PROHIBITING FISHING IN MARIA SANCHEZ LAKE; AMENDING SECTION 28-206 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ELIMINATE STABLES AS A PERMITTED USE IN ZONING CATEGORY CL-1; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of St. Augustine historically had animal control functions within the city administration; and

WHEREAS, Section 163.02, Florida Statutes, authorizes local governments to enter into Interlocal Agreements with one another; and

WHEREAS, the City of St. Augustine passed Ordinance 2005-31 to approve an Interlocal Agreement with St. Johns County to authorize St. Johns County to administer and enforce animal control regulations, including vicious and dangerous dogs and other animals; and

WHEREAS, the City of St. Augustine no longer has staff to administer animal control functions, nor privately contracts for these services; and

WHEREAS, having no animal control staff, the City of St. Augustine does not have the ability or resources to catch and impound animals, or otherwise administer traditional “dogcatcher” or other animal control functions; and

WHEREAS, a 2005 Interlocal Agreement with St. Johns County authorizes the County to provide animal control services to the City in a manner that is reasonably equivalent to the animal services provided throughout the unincorporated County; and

WHEREAS, the St. Johns County Division of Animal Control enforces the St. Johns County Animal Code within the corporate limits of the City of St. Augustine; and

WHEREAS, some provisions of the Code of the City of St. Augustine may overlap with or conflict with the St. Johns County Animal Code; and

WHEREAS, the City Commission is conforming the intent of the 2005 Interlocal Agreement by repealing overlapping or conflicting Code provisions; and

WHEREAS, the City Commission specifically incorporates by reference both the 2005 Interlocal Agreement and the St. Johns County Animal Code, as amended from time to time, to the extent described herein; and

WHEREAS, the City of St. Augustine currently requires dogs and cats to be registered with the Department of Financial Services; and

WHEREAS, last year, only 17 dogs and cats were registered with the Department of Financial Services; and

WHEREAS, the City of St. Augustine does not have the staff to enforce a dog and cat registration scheme; and

WHEREAS, the City of St. Augustine finds that a dog and cat registration scheme is unnecessary and unworkable to enforce without animal services personnel on staff, which services have been provided by St. Johns County Animal Control since the 2005 Interlocal Agreement; and

WHEREAS, § 379.2412, Florida Statutes, preempt local regulations that regulate the taking or possession of saltwater fish; and

WHEREAS, a Flagler College survey of fish species in the Maria Sanchez Lake found that the lake contains mostly saltwater species; and

WHEREAS, the City of St. Augustine is committed to following and enforcing any and all mandated federal and state animal laws; and

WHEREAS, the City of St. Augustine recognizes that the Fair Housing Act (FHA) and Americans with Disabilities Act (ADA), and any other relevant federal laws, may have regulations relating to animals; and

WHEREAS, the City of St. Augustine intends for this Ordinance to be interpreted in harmony with, and not conflict with federal, state, or county regulations; and

WHEREAS, the City Commission of the City of St. Augustine has determined that the following regulations promote and protect the general health, safety, and welfare of the residents of the City of St. Augustine; 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 5, Article I, Section 5-1. Chapter 5, Article I, Section 5-1 is hereby amended, as follows:

ARTICLE I. - IN GENERAL

Sec. 5-1. - Applicability; Penalties ~~Penalty for violation of certain provisions.~~

(a) This chapter is intended to be interpreted and enforced by the City of St. Augustine and St. Johns County, jointly, in accordance with an Interlocal Agreement approved by the St. Johns County Board of Commissioners, and signed by the Clerk of the Board of County Commissioners on October 10, 2005, and approved by the City of St. Augustine through Ordinance 2005-31, hereinafter referred to as the "Interlocal Agreement". Any subsequent modifications, revisions, or alterations, to this Interlocal Agreement or any successor Interlocal Agreements that are specifically designated to succeed the Interlocal Agreement referenced herein shall be incorporated by reference. It is the intent of the City of St. Augustine that St. Johns County has jurisdiction within the city limits of the City of St. Augustine to enforce both this Chapter and the St. Johns County Animal Code, as adopted through St. Johns County Ordinance 2017-36, hereinafter referred to as the "County Animal Code," and any subsequent revisions. It is the intent of the City of St. Augustine to read this chapter in harmony with the provisions of the County Animal Code, and where possible to reconcile the provisions of both codes to avoid a conflict of law. In the

event that the provisions of this chapter clearly conflict with the County Animal Code, the County Administrator, through the Operations Manager of the St. Johns County Division of Animal Control, or any lawfully appointed enforcement officer, shall elect which provision to enforce, and shall clearly so state which provision is being enforced on the face of the citation or other legal or administrative document. Likewise, nothing herein is intended to override or otherwise regulate any requirements mandated by the state or federal government, including, but not limited to, the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA). Nothing herein shall be interpreted as to prevent law enforcement officers with jurisdiction within the City of St. Augustine from exercising lawful authority to enforce any provisions of this chapter, consistent with the Interlocal Agreement.

(b) Violations of ~~sections 5-15 and 5-16 and violations of articles II and III of,~~ this chapter, unless another penalty is specifically provided within a section, are hereby declared to be civil infractions for which there may be imposed by the county court a maximum penalty not to exceed five hundred dollars ($500.00). In the event that an individual cited for violation of such sections shall not contest the citation, the penalty shall be twenty dollars ($20.00) for each offense. However, if the County enforcement officer elects to enforce the County Animal Code rather than this Code, as provided for in subsection (a), the penalty shall be as designated in the County Animal Code. Nothing herein shall prevent the City Manager or his or her designee from initiating Code Enforcement proceedings for a violation of this chapter, in accordance with Chapter 2, Article VI of the Code of the City of St. Augustine.

Section 2. Repeal of Chapter 5, Article I, Sections 5-2, 5-3, and 5-4. Chapter 5, Article I, Sections 5-2, 5-3, and 5-4 are hereby repealed, as follows:

~~Sec. 5-2. - Animal control officer; appointment; authority.~~

~~The city manager shall, from time to time, appoint an animal control officer who shall have authority to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this chapter. The animal control officer is not authorized to bear arms or make arrests.~~

~~Sec. 5-3. - Appointment of dogcatchers; duties and compensation.~~

~~The St. Augustine Humane Society, Inc., a nonprofit corporation, is hereby designated as the official agency of the city to perform and enforce the provisions of this chapter pertaining to dogs and cats, with the assistance of the city police department.~~

~~**Sec. 5-4. - Citations.**~~

~~(a) The animal control officer appointed by the city manager shall have authority to issue a citation indicating that the officer has probable cause to believe that a person has committed a civil infraction as defined in this chapter and that the county court may hear the charge.~~

~~(b) The citation shall contain:~~

~~(1) The date and time of issuance.~~

~~(2) The name and address of the person.~~

~~(3) The date and time the civil infraction was committed.~~

~~(4) The facts constituting probable cause.~~

~~(5) The ordinance violated.~~

~~(6) The name and authority of the officer.~~

~~(7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.~~

~~(8) The applicable civil penalty if the person elects to contest the citation.~~

~~(9) The applicable civil penalty if the person elects not to contest the citation.~~

~~(10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.~~

Section 3. Amendment to Chapter 5, Article I, Sections 5-5, 5-6, and 5-7. Chapter 5, Article I, Sections 5-5, 5-6, and 5-7 are hereby amended, as follows:

Sec. 5-5. - Disposal of dead animals generally.

It shall be the duty of every owner, or agent of any owner, of any ~~cattle, horses, dogs, cats, hogs, goats or any other animals which are~~ animal found dying or dead within the corporate limits of the city, to ~~forthwith~~ remove and bury, or otherwise satisfactorily dispose of such animal in a sanitary manner~~, at some place approved by the county health department~~. Where the owner or agent of the owner of such dead animal is not known, then it shall be the duty of the person upon whose property such animal was found dead, to remove and bury such dead animal ~~as above provided for~~ in a sanitary manner.

Sec. 5-6. - Throwing dead animals over seawall.

It shall be unlawful for any person to throw any dead animal over the seawall or into the basins in the rear of the seawall, or into any other body of water within the City. This provision is not intended to prohibit customary fishing activities, if otherwise done in compliance with all city, state, and federal regulations.

Sec. 5-7. - Riding animals inside city limits.

(a) It shall be unlawful for any person owning or having the care, custody, or control of any animal to ride such animal within the corporate limits of the city, except as otherwise allowed by state law. ~~follows:~~

~~(1) Animals may be ridden on or upon the portions of any public streets, roads or alleys improved and maintained by the city.~~

~~(2) Riders shall keep their mounts under control and at a walk when moving along or on public streets, roads or alleys in the city as herein permitted. It shall be unlawful to run or gallop an animal on or along the public streets, roads or alleys except when necessary to avoid danger.~~

~~(3) Any group of riders consisting of two (2) or more when riding together shall keep their mounts in single file on the same side of any street, road or alley along which they may be riding as herein permitted.~~

~~(4) Any person riding an animal during hours of darkness or under any circumstances when visibility is restricted shall wear sufficient items of light-colored clothing or reflective arm bands, belts or other devices so as to be distinguishable to motorists. In addition, any person riding an animal during hours of darkness shall carry a light for the purpose of warning approaching traffic.~~

~~(5) It shall be unlawful for any person under eighteen (18) years of age to ride an animal more than one (1) hour prior to sunrise or more than one (1) hour after sunset, except when accompanied by an adult or when going to or returning from a chaperoned ride and after notice to the police department of the city.~~

~~(6) Riders shall select and follow the least congested routes when riding in the city.~~

~~(7) Animals may be ridden on private property with the permission of the owner or occupant of the property.~~

~~(b) Motorists, when approaching and passing mounted riders shall reduce the speed of their vehicles to a safe speed commensurate with prevailing traffic conditions and shall proceed with caution as in the case of other special hazards. Motorists entering intersections in~~

~~close proximity to mounted riders in addition to observing applicable traffic regulations, shall proceed slowly and with caution.~~

~~(c) It shall be unlawful for any person to create any unnecessary loud or disturbing noise or noises including the sounding of automobile horns in close proximity to any mounted riders or to throw any material or debris or to strike or otherwise cause any unnecessary disturbance or to do any act intended or reasonably calculated to frighten any animal being ridden on or along any street, road or alley in the city.~~

~~(d)~~ (b) Subsection (a) ~~Subsections (a) through (c) above~~ shall not ~~pertain~~ apply to ~~riders of animals engaged or participating in pageants, processions, festivals or parades for which a permit has been issued by the city.~~ permitted animal-drawn vehicles or animals being ridden as part of a permitted parade, though such uses may be limited by other provisions of the Code of the City of St. Augustine or applicable franchise agreements.

~~(e)~~ (c) Whoever is convicted of a violation of the provisions of this section shall be punished as provided in section 1-8.

Section 4. Repeal of Chapter 5, Article I, Section 5-8. Chapter 5, Article I, Section 5-8 is hereby repealed, as follows:

~~**Sec. 5-8. - Vicious animals.**~~

~~(a) Except as authorized in this section it shall be unlawful for any person to possess or have in his possession and care any vicious animal, within the corporate limits of the city; provided, however, that any vicious or dangerous animal may be possessed and cared for by any individual of the city if the owner, in possessing and caring for same, shall confine such vicious or dangerous animal within a cage or enclosure, so that it cannot escape from the same and injure or damage human life, animal life or property in the public streets and places in the city or upon the private property of citizens of the city.~~

~~(b) It shall be unlawful for any person to permit any vicious or dangerous animal to run at large upon the public streets, places or highways, upon the private property of citizens within the corporate limits of the city, unless such animal is accompanied by its owner and has around its neck a strong and secure collar, and unless such collar has connected with it a strong and substantial chain, a part of which chain shall be held firmly and securely in the hand of the owner or the person having such vicious or dangerous animal in charge.~~

~~(c) It shall be unlawful for any person, within the corporate limits of the city, to have in his possession or care any animal which is either vicious or dangerous, unless such person complies with the provisions of subsections (a) and (b) above. In the event that any such vicious or dangerous animal shall bite or injure the person or~~

~~property of another within the corporate limits of the city, the owner of such animal, or the person within whose enclosure such animal is kept, shall upon conviction be punished as provided in section 1-8 of this Code.~~

Section 5. Amendment to Chapter 5, Article I, Sections 5-9 through 5-15. Chapter 5, Article I, Sections 5-9 through 5-15 are hereby amended, as follows:

Sec. 5-9. - Fowl – Running at large prohibited.

It shall be unlawful for any person, within the corporate limits of the city, to allow or permit any chickens, geese, turkeys, ducks or other live domestic fowls owned by him or her ~~his [him]~~ to stray or to roam upon the public streets or upon private property of any person within the corporate limits of the city.

Sec. 5-10. - Same – To be kept in enclosure.

It shall be the duty of each and every person to keep all chickens, geese, turkeys, ducks and other domestic fowls in an enclosure to be built with such suitable materials as to keep such fowls in the enclosure, such enclosure shall only be situated upon private property. The animals listed herein shall be kept in a stable, house, shed, or fenced-in yard, all of which shall be kept constantly clean and free from any accumulation of manure and from offensive and unhealthy odors. It shall be unlawful for any person, within the corporate limits of the city, to keep roosters, except on property located within the OL and GU zoning districts.

Sec. 5-11. - Keeping livestock.

(a) No person shall keep any horse, mule, donkey, cow, goat or other grazing animal within the corporate limits of the city except on property located within the ~~CL-1,~~ OL and GU zoning districts. Within such districts, the animals listed herein shall be kept in a stable, house, shed, or fenced-in yard, all of which shall be kept constantly clean and free from any accumulation of manure and from offensive and unhealthy odors, as provided in subsection (b) below. ~~Nothing herein shall be interpreted to prevent the use of the animals described herein for transportation on the streets and rights-of-way of the city, in conformance with any applicable state or local law or regulation.~~

(…)

Sec. 5-12. - Keeping hogs prohibited.

It shall be unlawful for any person to keep or possess any hog or pig within the corporate limits of the city. Notwithstanding the foregoing, pigs may be kept as household pets to the extent allowed in section 28-348 of the Code of the City of St. Augustine, provided that they are kept in a stable, house, shed, or fenced-in yard, all of which shall be kept constantly clean and free

from any accumulation of manure and from offensive and unhealthy odors. For the purpose of this section, a hog shall be defined as a swine weighing more than 120 pounds. A pig shall be defined as a swine weighing 120 pounds or less.

Sec. 5-13. - Driving animals through streets.

No person shall drive or conduct through or upon any street or highway of the city any ~~horse, mule, hog, cow, bull or ox~~ equine, cattle, swine, or any other similar livestock, except as otherwise allowed by the Florida Uniform Traffic Control Law. ~~except such as are secured and kept under the control of the person in charge thereof by means of a halter, rope or otherwise, or unless special permission in writing shall have been given by the city manager. Such permission in writing must be given by the city manager to any person applying therefor who shall, upon application, produce satisfactory proof that such animals are in the charge of a number of men sufficient to prevent any of them doing any mischief during such passage through and along the streets; in such written permission the city manager shall also provide certain hours during which such animals may be driven or conducted along the streets as in his opinion shall be least likely to result in harm to persons and property upon such streets.~~

Sec. 5-14. - Protection of squirrels.

It shall be unlawful for any person to shoot, maim, or ~~trap,~~ kill, ~~or molest~~ any squirrels within the corporate limits of the city.

Sec. 5-15. - Birds.

It shall be unlawful for any person to shoot ~~injure~~, maim ~~molest,~~ or destroy any wild bird, or the nest or eggs of such bird, upon any private or public property within the corporate limits of the city.

Section 6. Repeal of Chapter 5, Article I, Sections 5-16 through 5-20. Chapter 5, Article I, Sections 5-16 through 5-20 are hereby repealed, as follows:

~~**Sec. 5-16. - Impounding animals running at large.**~~

~~If any person owning or having charge of any horse, mule, ass, goat, bull, steer, cow or other cattle shall allow the same to go at large at any time within the corporate limits of the city, the same shall be taken up and impounded by the city dogcatchers, the chief of police, or any police or patrolman of the city, or the same may be taken up and impounded by any person.~~

~~**Sec. 5-17. - Notice to owner or agent of impounding.**~~

~~After any animal is impounded, under the provisions of the preceding section, the chief of police of the city shall, without unnecessary delay, notify the owner of such animal, if known, or the agent of such owner if the~~

~~owner is absent from the city. In the event of the absence of the owner or agent, the chief of police shall notify the person in possession of such animal or having charge of such animal. This notice must be personal, and in the event that the owner or agent of any such animal impounded is unknown, the chief of police shall post not less than three (3) notices, one (1) of which shall be in front of city hall, one (1) at the particular city pound at which the animal is confined, and another notice placed in front of or near the post office or on a bulletin board in the post office of the city, all of which three (3) notices shall describe the animal impounded, and shall require the owner thereof to appear within the next three (3) days to redeem the same.~~

~~Sec. 5-18. - Redemption of animal impounded; fees.~~

~~Whenever the owner of any animal impounded under the provisions of section 5-17 shall apply to the dogcatchers or the chief of police for the release of same, and shall give satisfactory evidence of ownership to either of such officers, the same shall be released upon payment of the following fees:~~

~~(1) For the impoundment of:~~

~~a. Any bull, each.....$10.00~~

~~b. Any cow or steer, yearling or calf, each.....7.50~~

~~c. Any goat, sheep, horse, ass, mule, each.....3.00~~

~~d. Any shoat, pig, each.....1.00~~

~~(2) For the feeding of any such animal, per head, per feeding.....1.00~~

~~(3) For the sale of each animal.....1.00~~

~~(4) For the advertising of each animal, the actual cost thereof.~~

~~Sec. 5-19. - Authority of chief of police to purchase for city and sell at private sale.~~

~~If no bids for impounded animals are offered at the sale, provided for in the preceding section, it shall be the duty of the chief of police of the city to bid on such animal for the city. This authority is given to protect the city for its costs in impounding, feeding, advertising and selling each animal so impounded. It shall be the duty of the chief of police of the city, after having bid in or purchased such animal not bid for by anyone else, to sell it at private sale to the private person making the highest and best bid for such animal. The chief of police, however, must tender for sale such animal to at least three (3) responsible persons of the city. No city official or employee shall be permitted to purchase or buy such animal either publicly or privately under this section.~~

~~Sec. 5-20. - Disposition of proceeds; refund to owner.~~

~~If the owner of any animal sold under the provisions of section 5-19 shall give satisfactory proof of ownership of such animal within twelve (12)~~

~~months after the private or public sale as set forth in section 5-19, the net proceeds of such sale, after paying all fees and expenses, shall be paid to the owner. Otherwise, it shall become the property of the city.~~

Section 7. Amendment to Chapter 5, Article II, Sections 5-46 through 5-50. Chapter 5, Article II, Sections 5-46 through 5-50 are hereby amended, as follows:

ARTICLE II. – DOGS

~~**DIVISION 1. - GENERALLY**~~

Sec. 5-46. - Definition.

For the purposes of this article, the term "run at large" means being ~~at large~~ on public property or trespassing on private property and not ~~having a collar or license tag, and not in~~ under the direct control of any person either by leash, cord, chain, or other like restraint maintained by an individual not attached to an object.

Sec. 5-47. - Running at large prohibited.

It shall be unlawful for any person who ~~shall own or be~~ owns or is in control of, or ~~be~~ is otherwise in charge of, any dog to ~~permit~~ allow such dog to run at large within the corporate limits of the city.

Sec. 5-48. - Interfering with or hindering officers in enforcement of article.

No person shall in any manner interfere with, prevent, or hinder any law enforcement officer with jurisdiction within the City of St. Augustine or County enforcement officer ~~person herein mentioned~~ in the performance of any duty relating to ~~required by~~ this article ~~relating to dogs~~.

Sec. 5-49. - Barking, biting and howling dogs.

No person shall own or keep in the corporate limits of the city any dog which becomes a nuisance by barking, biting, howling, or in any other manner disturbing the quiet of any neighborhood. For the purpose of this section, a dog disturbs the quiet of the neighborhood if it behaves as defined by the "barking dog" definition provided in section 11-89(e) of the Code of the City of St. Augustine.

Sec. 5-50. - Defecation by dog.

(a) An owner or handler shall promptly remove and sanitarily dispose of feces left on public property by a dog being handled by the person. Failure to do so is a violation.

(b) No dog shall be permitted or allowed to defecate upon any private property without permission of the property owner. It is a violation ~~of this chapter~~ for the owner of a dog, or someone who is in control of,

or otherwise in charge of a dog, to permit or allow the dog to defecate upon any private property without permission of the property owner.

(c) The penalty for each violation shall be consistent with section 5-1, Code of the City of St. Augustine.

Section 8. Repeal of Chapter 5, Article II, Sections 5-61 through 5-67. Chapter 5, Article II, Sections 5-61 through 5-67 are hereby repealed, as follows:

~~**DIVISION 2. – IMPOUNDMENT**~~

~~**Sec. 5-61. - Dogs running at large.**~~

~~It shall be the duty of the St. Augustine Humane Society, Inc., and other persons authorized or appointed to catch dogs, to catch, take and impound in a shelter provided by the St. Augustine Humane Society, Inc., any dog found running at large within the city.~~

~~**Sec. 5-62. - Biting dogs and bitten animals; duty of owner.**~~

~~If any dog shall bite any person or animal in the city, it shall be the duty of the person owning, possessing, keeping or harboring such dog or the animal bitten to forthwith surrender such dog, or the animal bitten, to the St. Augustine Humane Society, Inc., or a licensed veterinarian and such dog or other animal so bitten shall be impounded for a period of time designated by the county public health department, at the sole expense of the owner of the animal.~~

~~**Sec. 5-63. - Authority to destroy certain dogs running at large.**~~

~~If any dog running at large cannot safely be taken up or impounded, it may be destroyed by the chief of police or other member of the police department authorized to do so by the chief of police.~~

~~**Sec. 5-64. - Shelter to be provided by humane society; requirements as to construction and maintenance.**~~

~~The place wherein dogs are to be impounded shall be provided for by the St. Augustine Humane Society, Inc., and it shall be under its supervision and control. Such shelter shall be constructed so as to afford plenty of fresh air to impounded dogs in the summer and constructed so as to make such pound warm in winter. It shall be provided with fresh running water for the dogs. It shall be kept at all times in a clean condition, and dogs shall be properly fed and given care and protection at all times while impounded.~~

~~**Sec. 5-65. - Redemption; impounding fee.**~~

~~In order to redeem any dog which may have been impounded, the owner shall pay to the St. Augustine Humane Society, Inc., an impounding fee of five dollars ($5.00) for the first impounding, an impounding fee of seven~~

~~dollars and fifty cents ($7.50) for the second impounding, and an impounding fee of fifteen dollars ($15.00) for the third impounding within one (1) year for each licensed dog picked up running at large, and twenty-five dollars ($25.00) for each unlicensed dog as an impounding fee and further the sum of five dollars ($5.00) per day for each day such dog shall have been kept impounded. The owner of such dog shall secure a collar and a leash, cord, chain or other like restraint, as herein provided, and a current city license tag, before such dog shall be surrendered or the St. Augustine Humane Society shall require a deposit to ensure owner receives a city license at which time he will have three (3) business days to obtain such license and return with proof of such license to the society for the return of his deposit. In the event the owner does not return with the license within three (3) business days, the owner shall have forfeited the deposit, which shall become the sole property of the St. Augustine Humane Society, Inc. Any dog not redeemed within three (3) business days after the same shall have been impounded shall be destroyed.~~

~~Sec. 5-66. - Unredeemed dogs to be destroyed by injection or placed for adoption.~~

~~Any dog taken up and impounded and not redeemed within three (3) business days after the same shall have been impounded shall be destroyed by injection or placed for adoption, at the sole discretion of the St. Augustine Humane Society, Inc., with no compensation to the owner.~~

~~Sec. 5-67. - Records of impounded dogs to be kept; disposal of impounding fees.~~

~~It shall be the duty of the St. Augustine Humane Society, Inc., to keep a correct registry of all dogs impounded, the name of the owner or keeper, when and how the owner or keeper was notified of the impounding of the dog, and the disposal made of such dog.~~

Section 9. Repeal of Chapter 5, Article II, Sections 5-61 through 5-67. Chapter 5, Article II, Sections 5-76 through 5-83 are hereby repealed, as follows:

~~DIVISION 3. - REGISTRATION, LICENSING, ETC.~~

~~Sec. 5-76. - Registration—Required.~~

~~Every person owning, possessing, keeping or harboring any dog within the corporate limits of the city shall register such dog with the director of financial services during the month of September in each year.~~

~~Sec. 5-77. - Same—Information to be shown.~~

~~The registration required by this division shall show the name and address of every person owning, possessing, keeping or harboring any dog within the corporate limits of the city and shall indicate the description characteristic of such dog, including its name, breed, color and sex.~~

~~Sec. 5-78. - Payment of license fee.~~

~~Upon registration, as required by this division, such person shall pay to the director of financial services the sum of three dollars ($3.00) as license fee for each male or spayed female dog so owned, possessed, kept or harbored, and the sum of five dollars ($5.00) as a license fee for each unspayed female dog so owned, possessed, kept or harbored.~~

~~Sec. 5-79. - Issuance of license tag and register number; duration of license.~~

~~Upon receipt of the license fee prescribed by this division, the director of financial services shall furnish to such person a license tag and register number for each dog for which the fee has been paid, which license shall extend from October first to September thirtieth, of the fiscal year for which payment is made.~~

~~Sec. 5-80. - Requirements as to tag.~~

~~The director of financial services shall provide each and every year such number of metal tags as may be necessary, the shape of which shall be changed each year, and have stamped thereon the year for which the license is paid, the letters "STA" and also the numbers of the tag. It shall be the duty of the director to deliver one (1) of such tags, the number thereof to correspond with the number of the registry of the dog, to the person having paid the tax upon any such dog.~~

~~Sec. 5-81. - Inoculation against rabies prerequisite to license.~~

~~No registration of a dog shall be made by the director of financial services, nor shall any license fee be accepted, until the person owning, possessing, keeping or harboring such dog shall have produced evidence showing that such dog has been inoculated against rabies within a period of one (1) year prior to the time application is made to register and obtain a license for such dog. The written certificate of a veterinarian licensed to practice veterinary medicine and surgery by the board of veterinary examiners of the state shall be accepted as conclusive evidence as to the fact and time of such inoculation.~~

~~Sec. 5-82. - Records of licensed dogs to be kept.~~

~~The director of financial services shall keep a complete registry in a book to be kept for the purpose of all licensed dogs, describing the same by name, breed, color and sex, and shall also enter the name and address of the owner or keeper as given, and the number of the city license tag.~~

~~Sec. 5-83. - Collar required; tag to be attached; removal of collar or tag.~~

~~Each dog kept within the corporate limits of the city shall be provided by its owner or keeper with a collar, made of leather or metal or other durable material to which the license tag provided for in this division shall be securely fastened. No dog shall be permitted to be kept or remain within the city unless the owner or keeper thereof shall have caused such dog to~~

~~be registered, licensed and provided with and required to wear a collar and tag as herein provided. No person not being the owner or keeper of such dog shall remove or take off or cause to be removed or taken off the collar or the tag upon the dog within the city.~~

Section 10. Repeal of Chapter 5, Article III, Section 5-106. Chapter 5, Article III, Section 5-106 is hereby repealed, as follows:

~~**DIVISION 1. – GENERALLY**~~

~~**Sec. 5-106. - Definitions.**~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~
~~*At large* means off the premises of the owner or other persons harboring, keeping or maintaining a cat.~~

~~*Cat* means both male and female of all members of the feline family.~~

~~*Owner* means any person owning, harboring, keeping, or maintaining a cat.~~

Section 11. Repeal of Chapter 5, Article III, Sections 5-116 through 5-120. Chapter 5, Article III, Sections 5-116 through 5-120 are hereby repealed, as follows:

~~**DIVISION 2. – IMPOUNDMENT**~~

~~**Sec. 5-116. - Biting cats and bitten animals; duty of owner.**~~

~~If any cat shall bite any person or animal in the city, it shall be the duty of the person owning, harboring, or keeping such cat and/or the animal bitten to immediately surrender such cat and/or the animal bitten to the St. Augustine Humane Society, Inc. or a licensed veterinarian. These animals shall be impounded for a period of time designated by the county public health department, at the sole expense of the owner of the animal.~~

~~**Sec. 5-117. - Running at large without license and collar.**~~

~~It shall be the duty of the St. Augustine Humane Society, Inc. or other persons authorized or appointed to catch cats, to catch, take and impound any cat found running at large within the city not having a collar around its neck and a license tag for the current year attached thereto. The place wherein such cats are to be impounded shall be provided by the St. Augustine Humane Society, Inc. and shall be under the St. Augustine Humane Society's supervision and control.~~

~~**Sec. 5-118. - Authority of police to kill certain cats running at large.**~~

~~If any cat running at large cannot be safely taken up or impounded, it may be destroyed by the chief of police or other members of the police department authorized to do so by the chief of police.~~

~~**Sec. 5-119. - Redemption; impounding fee.**~~

~~In order to redeem any unlicensed cat which may have been impounded, the owner shall pay an impoundment fee of twenty-five dollars ($25.00) and further the sum of five dollars ($5.00) per day for each day such cat shall have been kept impounded. The owner of the cat shall secure a collar and a city tag, before such cat shall be surrendered, or the St. Augustine Humane Society shall require a deposit to ensure the owner receives the city license at which time he will have three (3) business days to obtain such license and return with proof of obtaining such license to the society. In the event that the owner does not return with the license within three (3) business days, the owner will have forfeited the deposit, which shall become the sole property of the St. Augustine Humane Society, Inc. Any cat not redeemed within three (3) business days after the same shall have been impounded shall be destroyed or placed for adoption, at the sole discretion of the St. Augustine Humane Society, Inc., with no compensation to the owner.~~

~~**Sec. 5-120. - Records to be kept.**~~

~~It shall be the duty of the St. Augustine Humane Society, Inc. to keep correct registry of all cats impounded, the name of the owner or keeper, if it can be reasonably determined, when or how the owner or keeper (if it can be reasonably determined) was notified of the impounding of the cat and the disposal made of such cat.~~

Section 12. Repeal of Chapter 5, Article III, Sections 5-131 through 5-139. Chapter 5, Article III, Sections 5-131 through 5-139 are hereby repealed, as follows:

~~**DIVISION 3. - REGISTRATION, LICENSING, ETC.**~~

~~**Sec. 5-131. - Registration—Required.**~~

~~Every owner of any cat within the corporate limits of the city shall register such cat with the director of financial services during the month of September in each year.~~

~~**Sec. 5-132. - Same—Information to be shown.**~~

~~The registration required by this division shall show the name and address of the owner of any cat within the corporate limits of the city and shall indicate the description characteristic of such cat, including its name, breed, color and sex.~~

~~**Sec. 5-133. - Payment of license fee.**~~

~~Upon registration, as required by this division, such owner shall pay to the director of financial services the sum of three dollars ($3.00) as a license fee for each male or spayed female cat so owned, possessed, kept or harbored, and the sum of five dollars ($5.00) as a license fee for each unspayed female cat so owned, possessed, kept or harbored.~~

~~Sec. 5-134. - Issuance of license tag and register number; duration of license.~~

~~Upon receipt of the license fee prescribed by this division, the director of financial services shall furnish to such owner a license tag and register number for each cat for which the fee has been paid, which license shall extend from October first to September thirtieth, of the fiscal year for which payment is made.~~

~~Sec. 5-135. - Requirements as to tag.~~

~~The director of financial services shall provide such number of tags as may be necessary, the shape of which shall be changed each license period, and have stamped thereon the year for which the license is paid, the letters "STA" and also the numbers of the tag. It shall be the duty of the director to deliver one (1) of such tags, the number thereof to correspond with the number of the registry of the cat, to each person having paid the tax upon any such cat.~~

~~Sec. 5-136. - Inoculation against rabies prerequisite to license.~~

~~No registration of a cat shall be made by the director of financial services nor shall any license fee be accepted until the owner of such cat shall have produced evidence showing that such cat has been inoculated against rabies within a period of one (1) year prior to the time application is made to register and obtain a license for such cat. The written certificate of a veterinarian licensed to practice veterinary medicine and surgery by the board of veterinary examiners of the state shall be accepted as conclusive evidence as to the fact and time of such inoculation.~~

~~Sec. 5-137. - Records of licensed cats to be kept.~~

~~The city shall keep a complete registry in a book to be kept for the purpose of all licensed cats, describing the same by name, breed, color and sex, and shall also enter the name and address of the owner as given and address of the owner as given and the number of the city license tag.~~

~~Sec. 5-138. - Collar required; tag to be attached.~~

~~Each cat kept within the corporate limits of the city shall be provided by its owner with a collar, made of leather or metal, or other durable material to which the license tag provided for in this division shall be securely fastened. No cat shall be permitted to be kept or remain within the city unless the owner thereof shall have caused such cat to be registered, licensed and provided with and required to wear a collar and tag as herein provided.~~

~~Sec. 5-139. - Removal of collar or tag.~~

~~No person not being the owner of such cat shall remove or take off or cause to be removed or taken off the collar or the tag upon the cat within the city.~~

Section 13. Repeal of Chapter 7, Article II, Section 7-26. Chapter 7, Article II, Section 7-26 is hereby repealed, as follows:

~~**Sec. 7-26. - Fishing, trapping prohibited.**~~

~~It shall be unlawful for any person to catch, trap, take or obtain fish, shrimp or other sea life from the waters of Maria Sanchez Lake by any means or methods.~~

Section 14. Amendment to Chapter 28, Article III, Division 4, Section 28-206. Chapter 28, Article III, Division 4, Section 28-206 is hereby amended, as follows:

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

(…)

(1) *Permitted uses and structures:*

(…)

~~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.~~ m. 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.

(…)

Section 15. 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 16. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 17. 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 18. Effective Date. This Ordinance shall become effective _____ 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 Upchurch, Mayor-Commissioner

ATTEST:

_____
Darlene Galambos, City Clerk
(SEAL)

RESOLUTION NO. 2020-06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, NAMING THE PROPERTY BOUNDED BY EAST PARK AVENUE, RAINEY AVENUE AND BAY VIEW DRIVE LOCATED IN THE FULLERWOOD NEIGHBORHOOD AS HERBIE AND ANNETTE WILES PARK; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Herbert L. "Herbie" Wiles is a native of St. Augustine and a graduate of Ketterlinus High School where he was a varsity cheerleader. After service in the US Navy, being stationed at Pearl Harbor in the years following World War II, Wiles entered Florida State University and graduated in 1953 with a bachelor's degree in business administration being one of the first men to enroll in the previously all-women's college; and

WHEREAS, Annette F. Wiles was born in River Junction, Florida in 1929 and grew up in West Florida. She enrolled at FSU in the fall of 1947, where she met and later married Herbie Wiles and graduated in 1951 with a bachelor's degree in social work; and

WHEREAS, Herbie Wiles founded Herbie Wiles Insurance during 1961 after working with his father in the insurance business; and

WHEREAS, Herbie and Annette Wiles have had extended public service careers. Mr. Wiles' career began in 1966 when he was elected to the St. Johns County

Board of Commissioners serving for 12 years including three terms as chairman. Mr. Wiles was also the first chair and charter member of the Northeast Florida Regional Planning Council in 1977 and served on the City of St. Augustine General Employees' Pension board from 1987 until 2001. Mrs. Wiles began her career in 1962 with the Florida Department of Public Welfare, a precursor to today's Florida Department of Children & Families, as a social worker in the St. Augustine office. She later accepted a position with the Florida School for the Deaf & the Blind in 1972 as a social worker for students in the Blind Department and worked closely to coordinate support for students and their families; and

WHEREAS, Herbie and Annette Wiles served their community through a number of organizations. His community service career includes membership on the boards of the Flagler College President's Council, FSU Alumni Association Emeritus, Ashlar Masonic Lodge & St. Augustine Shrine Club, the St. Augustine Elks Club, Wesley Manor/Westminster Wood, Flagler Hospital, the Wachovia/First Union/Atlantic Bank Advisory Board, and as a charter member of The Navy League. Wiles also served as President of the St. Augustine Kiwanis Club and the St. Augustine/St. Johns County Chamber of Commerce, and through his leadership, those organizations played significant roles in the preparation and implementation of St. Augustine's 400th Anniversary in 1965. Mrs. Wiles served with the Junior Service League, The Women's Exchange, The Camelia Garden Club, Memorial Presbyterian Church as a Deacon and Sunday School Teacher and the Neil Neighborhood house as an Auxiliary member; and

WHEREAS, The City Commission of the City of St. Augustine passed Resolution 2016-15 on May 9, 2016 establishing the process of naming public parks; and

WHEREAS, The City Commission of the City of St. Augustine seeks to honor Herbie and Annette Wiles and their contributions to the community and to ensure that their names are not forgotten.

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

Section 1. The park is located in the historic Fullerwood neighborhood and more particularly described in "Exhibit A" and as follows:

> **That portion of property bound by E Park Avenue,**
> **Bay View Drive, and Rainey Avenue.**

Section 2. An open public park space offers one the opportunity to reflect, and is a place for the community to come together,

Section 3. The City Commission hereby dedicates the park in the memory of Mr. Herbie Wiles and names the park as *Herbie and Annette Wiles Park.*

ADOPTED by the City Commission of the City of St. Augustine, Florida in regular session, this 10th day of August 2020.

_____
Tracy Upchurch, Mayor-Commissioner

ATTEST:

_____
Darlene Galambos, City Clerk

(S E A L)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, City Manager

DATE: August 10, 2020

RE: Amending the Boundaries of Commercial Sign Zone 4 to Include 5 and 10 Prawn Street

Attached is a request from James Whitehouse, Esq. of St. Johns Law Group to amend the boundaries of commercial sign zone 4 to include the property at 10 Prawn Street, which is a Hilton Homewood Suites (under construction). The property directly adjacent to the north, at 5 Prawn Street, is a Marriott Hotel which is under review for permitting and the plans for this hotel also indicate signage which would require a boundary change to Commercial Sign Zone 4.

Commercial Sign Zone 4 allows for wall signs to be placed above the ground floor of a structure. The properties at 5 and 10 Prawn Street are currently in Commercial Sign Zone 1, which does not allow wall signs above the ground floor. Both the Hilton Hotel at 10 Prawn Street and Marriott Hotel at 5 Prawn Street have submitted plans which show wall signs on the top floor of their hotels, but they can not obtain a sign permit for these signs unless the boundaries of Commercial Sign Zone 4 are amended to include these properties. The current boundaries of Commercial Sign Zone 4 are to the northeast of these properties and they include the Flagler College Dormitories on Malaga Street and the City Fire Station on Malaga Street.

Changing the boundaries of Commercial Sign Zone 4 is a change to the city's land development code. Amendments to the city's land development code can only be initiated by a City Commissioner or a member of the city's Planning and Zoning Board. If this code amendment is sponsored, an ordinance to amend the sign code will be produced by city staff and reviewed by the city's Planning and Zoning Board. The Planning and Zoning Board will make a formal recommendation to the City Commission and the ordinance will be scheduled for consideration by the City Commission.

On July 27, the City Commission considered sponsorship of this code amendment and requested a staff report at the next regular meeting. Please place this staff report on the August 10, 2020 City Commission agenda.

If you have any questions, please let me know.

David Birchim

David Birchim, AICP
Director, Planning and Building

Summary of Power Point Presentation

Slide 1 – Introduction

Slide 2 – Description of the issue that promulgated this code amendment. There are 2 hotels, one under construction and one under review for permitting, both of which are in commercial sign zone 1, which does not allow wall signs above the ground floor of a structure. Both hotels would like to install wall signs on the 4th floor (5th level) of their respective buildings. In order to do this, their properties must be changed from Commercial Sign Zone 1 to Commercial Sign Zone 4, which is nearby.

Slide 3 – Graph showing current Sign Zone 4 boundaries.

Slide 4 – Picture of Flagler College Dormitories with wall signs on their buildings in Sign Zone 4

Slide 5 – Proposed Sign Zone 4 boundaries as requested from James Whitehouse. This includes the current boundaries of the Flagler College Dormitories and the City Fire Station as well as adding the boundaries of 10 Prawn Street.

Slide 6 – Picture of 10 Prawn Street taken from the intersection of King Street and Prawn Street.

Slide 7 – Site Development Plan for 5 Prawn Street (Marriott Hotel) and 10 Prawn Street (Hilton Hotel).

Slide 8 – East Elevation of Hilton Hotel showing sign on 4th floor (view from the San Sebastian River) and North Elevation of Hilton Hotel showing sign on 4th floor (view from King Street)

Slide 9 – West Elevation of Hilton Hotel showing sign on 4th floor (view from South Ponce de Leon Boulevard)

Slide 10 – Aerial photo of entire area

Slide 11 – Site plan of 5 Prawn Street (at intersection of King Street and Prawn Street) and North Elevation of Marriott Hotel showing sign on 4th floor (view from King Street)

Slide 12 – Total number of signs, total square footage and maximum sign size for 5 and 10 Prawn Street if these properties where included in Commercial Sign Zone 4

Amending Boundaries of Sign Zone 4

- City of St. Augustine
- City Commission
- August 10, 2020

The Issue

- Sec. 3-23. - Sign regulations generally.

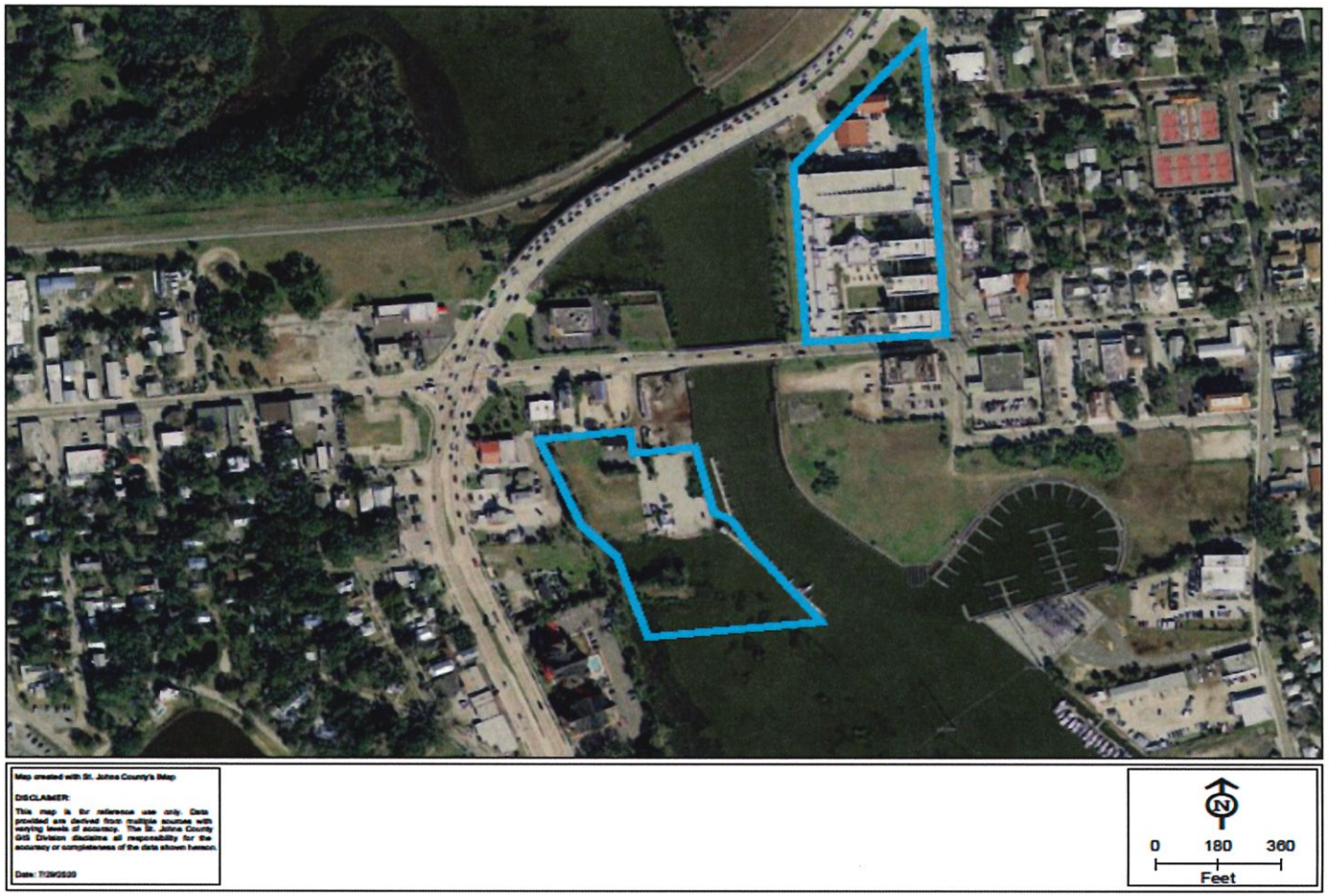
- Location on a structure. **No wall-mounted or bracket sign may be installed above the ground floor of a structure or extend above the eave of the roof.** Signs consistent with the Anastasia Boulevard Design Standards may be installed above the ground floor.

- *Commercial Zone 4.*
- Wall signs, **except that within this zone the sign may be located above the ground floor** so long as no more than fifteen (15) percent of the total area of the sign extends above the building and/or above the eave of the roof, except that the sign may not extend more than ten (10) inches above the building and/or above the eave of the roof.

SIGN ZONE 4
FLAGLER COLLEGE DORMITORIES (ABARE HALL)/CITY FIRE STATION

ABARE
HALL
FLAGLER
COLLEGE

PROPOSED SIGN ZONE 4 – FLAGLER COLLEGE DORMS, CITY FIRE STATION AND HILTON HOTEL AT 10 PRAWN STREET (which is currently in sign zone 1)



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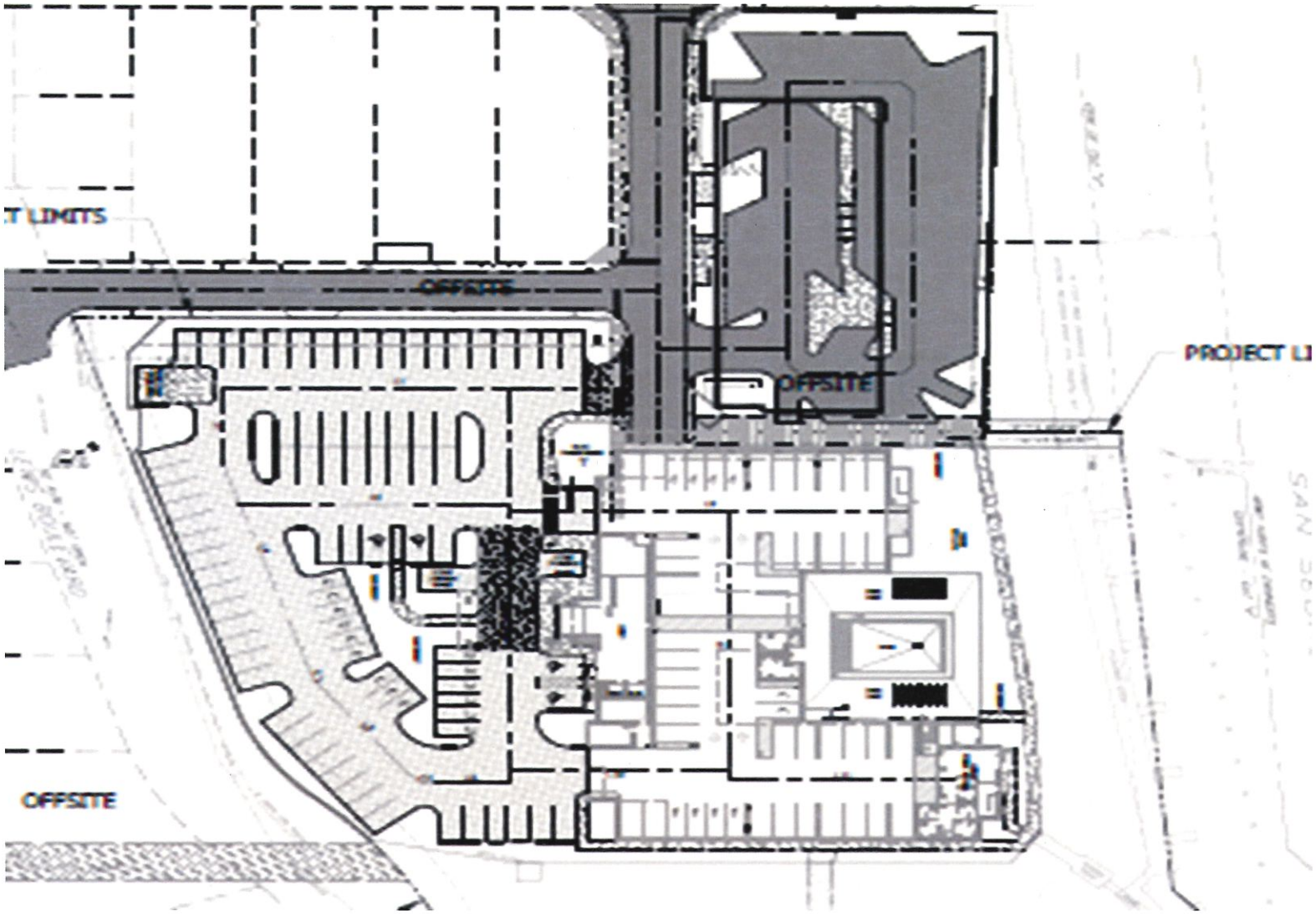
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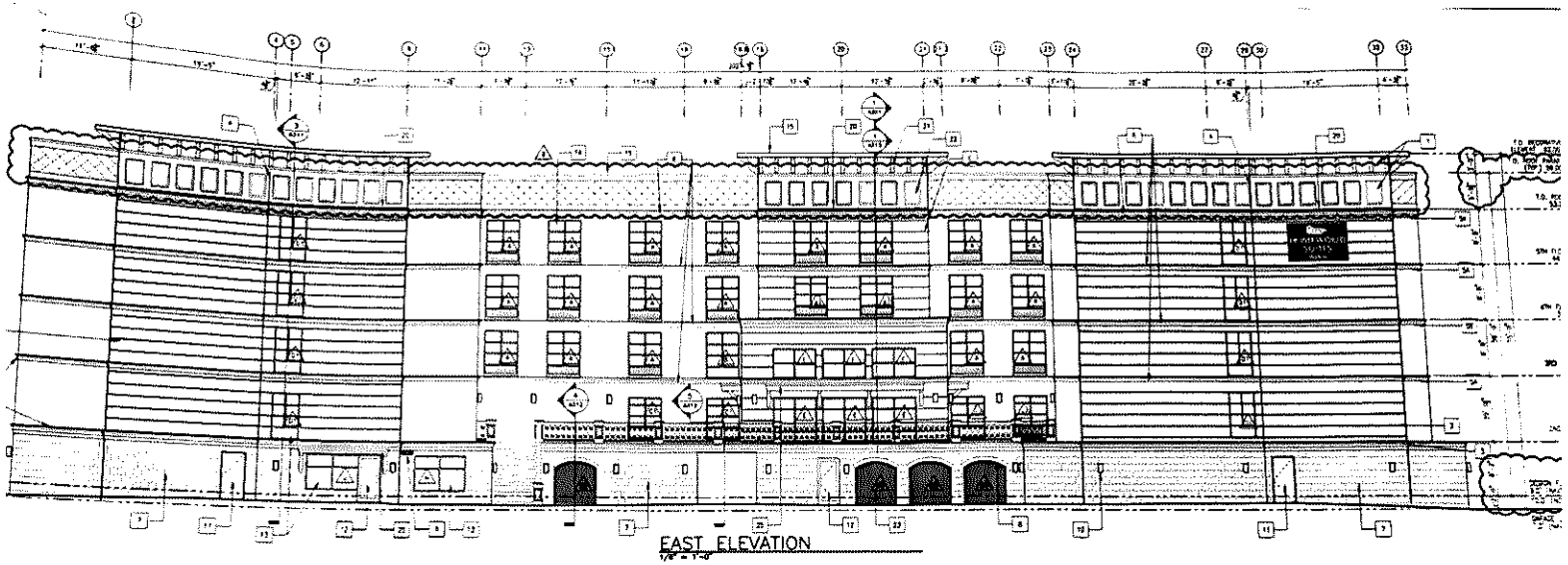
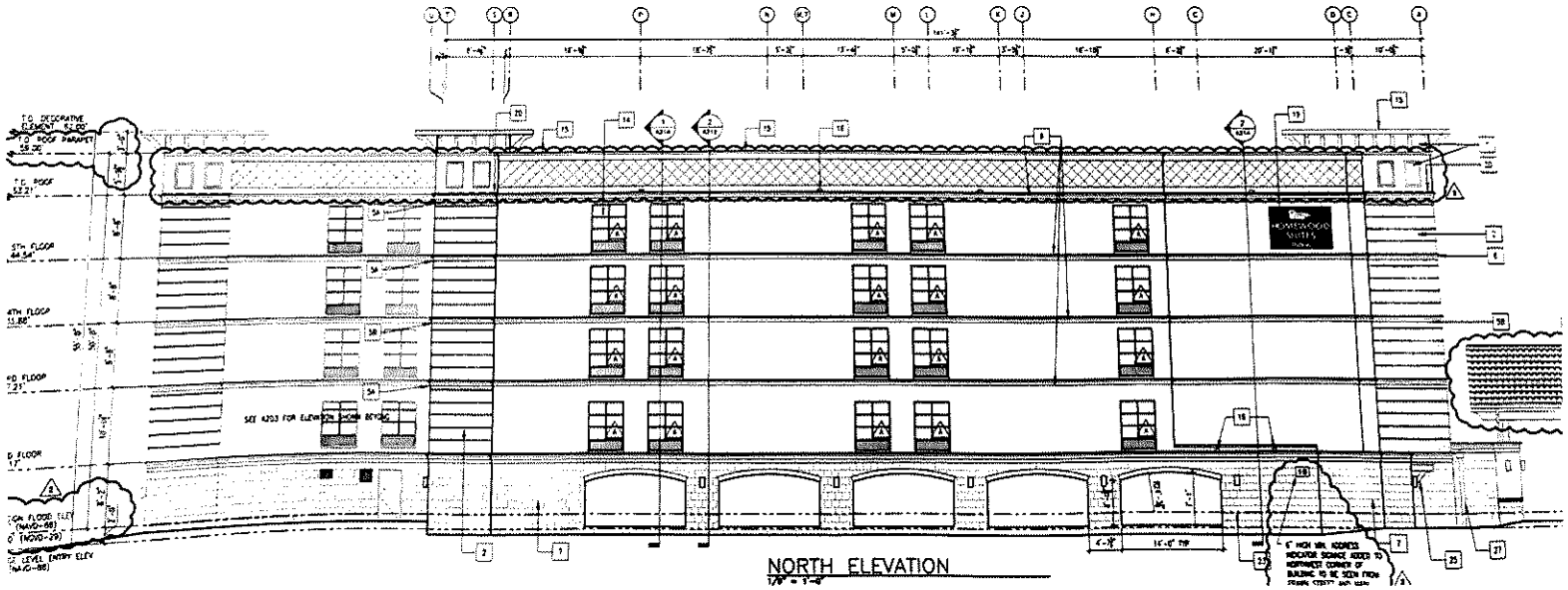
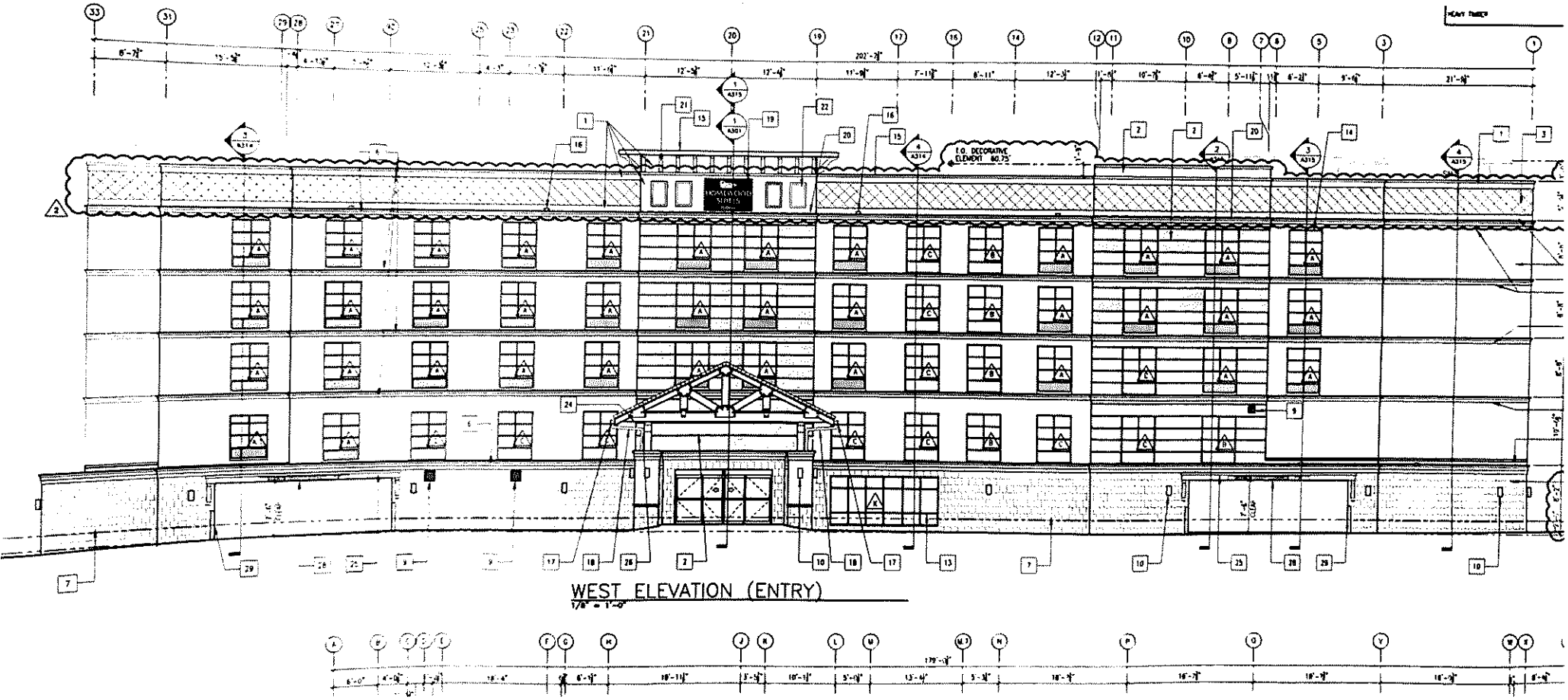


EAST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"

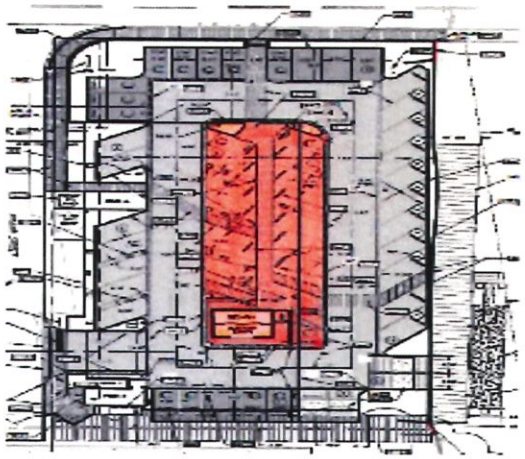
8



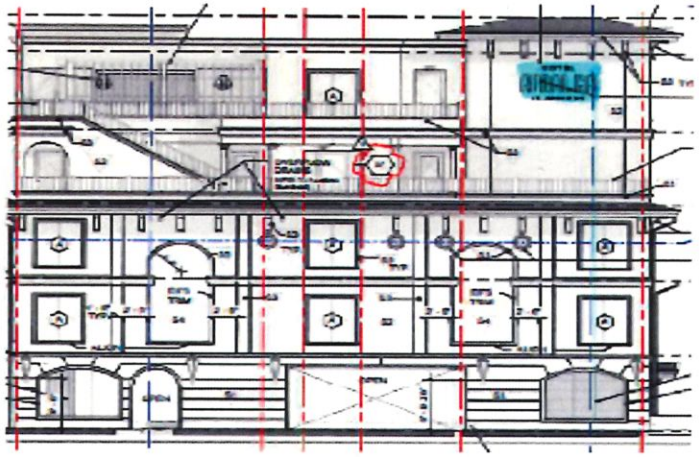
WEST ELEVATION (ENTRY)
1/8" = 1'-0"

5 Prawn Street
Marriott Hotel

Site Plan



North Elevation



5 & 10 Prawn St. Allowable Signs (in Zone 4)

- Total of 6 signs (for each hotel)
- Total of 275 square feet for all signage (for each hotel)
- Max size for any one sign is 110 square feet

REQUEST TO AMEND SIGN CODE ORDINANCE

TO ADD APPROVED COMMERCIAL PROPERTY TO COMMERCIAL SIGN ZONE 4

(10 PRAWN STREET)

James G. Whitehouse, Esq.
Board Certified Expert in City, County and Local Government Law
St. Johns Law Group
www.sjlawgroup.com
(904) 495-0400
Representative for the Applicant

REQUEST TO AMEND SIGN CODE ORDINANCE

TO ADD UNIQUELY LOCATED, BUT OBSCURED PRAWN STREET - SAN SEBASTIAN COMMERCIAL PROPERTY TO COMMERCIAL SIGN ZONE 4

(10 PRAWN STREET)

The applicant requests that their property be designated for Commercial Sign Zone 4 under the City's Sign Code (Ordinance No. 96-05). The City's Sign Code has been amended previously to add the Flagler buildings, located adjacent to Malaga Street and King Street, to Commercial Sign Zone 4, as well. The applicant's property is located in the same area as the Flagler buildings, diagonally across the San Sebastian River, and their location fits well and reasonably within this previously established Commercial Sign Zone 4. Specifically, the applicant's property is uniquely located at the end of Prawn Street (see attached aerial and diagrams), but it is unfortunately obscured from both the King Street and US-1 corridors due to the Mixed-Use Land Use and RGO Zoning District's configuration in that area. Moreover, they have limited to no access to appropriate identification of their commercial property under their current Sign Code categorization and their location makes their property a perfect fit for the established Sign Zone category of Commercial Zone 4, which inevitably allows them to have reasonable and appropriate signage on their building for commercial identification.

The method by which this appropriate revision is achieved would be through an amendment to the City's Sign Code Ordinance (Ord. No. 96-05). As was achieved when the Flagler buildings were added in 1996, the ordinance would be amended to merely add the description of this property to the Sign Zone definitions in Section 3-22 of the Code of the City of St. Augustine. The added description would be added to "(4) *Commercial Zone 4*" under "*Sign zones*"; thus, updating the code to include this property in Commercial Zone 4 in addition to the description of the area north and west of them that currently encompasses Commercial Zone 4 (see attached sign zone maps).

As you know, this high-class Homewood Suites by Hilton hotel, currently being completed at 10 Prawn Street, was previously approved by your Planning and Zoning board based upon the fact that it is located in a manner to drastically reduce the impact that the siting of a building on these lots could have on any vistas in this area. The building is located behind the approved hotel to the north, so there is limited or no additional infringements on the scenic vistas from King Street. Further, this property's location (nestled far behind and downhill from the properties that front on US-1 including the approved and built Trypp Hotel) and the fact that Lewis Blvd. remains unopened, both already place a number of visual barriers to any vista of the approved San Sebastian project to the east. Further, the applicant agreed to provide the public with an otherwise inaccessible view of these vistas by constructing a promenade/boardwalk area along the waterfront that is intended to connect to the northerly hotel waterfront and then wind around this property adjacent to the approved bulkhead, connect to the marina dock and then all the way around to the already approved walkway which will provide brilliant scenic views of the waterway and marshlands. As stated when approved, the applicant's intent was and is to provide this promenade/boardwalk and walkway to afford unparalleled scenic views of the waterway and marshlands and to connect to a provision of the same to the north, which in turn will connect to the King Street bridge and then across to the easterly bank where the promenade/boardwalk

is proposed to wind around in front of the San Sebastian project; thus, hopefully providing a continual scenic experience of this waterway to the public and those utilizing the hotels, the marina and the amenities proposed in the San Sebastian Project. Additionally, the applicant intends to operate the marina in a fashion that will provide public access to the waterways through rentals, water taxis across the San Sebastian, as well as docking for those wishing to access the west bank, hotels, restaurants, etc.

In sum, unfortunately upon previous approval, the applicant thought that the project was allowed to have the signs as located and depicted on the proposed project's diagrams and renderings that were approved; however, now learning that their uniquely-located, yet unfortunately-obscured property is actually located in Commercial Zone 1, they are here asking for your help in gaining the above-described, reasonable amendment to the Code as outlined to allow for reasonably visible commercial signage for this new high-class Homewood Suites by Hilton hotel, which consists of one building, meeting all of the city codes and regulations, including tree preservation, landscaping and parking. As aforementioned, the city has previously approved a similar amendment to the Sign Code Ordinance for the Flagler buildings, located diagonal to this property across the San Sebastian River. The configuration of only one building instead of two and the proposed location was approved because it drastically reduces any required lot coverage and any additional concerns with infringements upon the scenic vistas; however, the unique, but obscured location of the property requires the allowances of Sign Code, Commercial Zone 4. Moreover, the current proposal to amend the Sign Code Ordinance (Ordinance No. 96-05) is both appropriate and reasonable given the details outlined above and apparent in the diagrams and pictures attached, and it is very similar to the previously approved amendment for the adjacent Flagler buildings. Further, this request is fully consistent with the city's Comprehensive Plan and zoning codes for these properties; thus, the amendment, as proposed (also, see attached), will indeed allow this new commercial project to fit into the area very well and the current proposal will help the applicant to have appropriate and reasonable commercial signage and in turn, will allow the city to meet their objectives of providing a high class, economically viable project for both the applicant and the historic city, while also furthering the goals and objectives of the City's comprehensive plan in providing public access to the waterways and promoting otherwise inaccessible public access to the scenic vistas of the adjacent river and marshlands.

Thank you for your consideration of introducing this matter as quickly as possible for review by the full city commission in proposed ordinance form and for continuing to support commercial uses in their appropriate commercial areas.

I am available for any questions, comments or to provide any additional information, as needed, at any time.

James G. Whitehouse, Esq.
Board Certified Expert in City, County and Local Government Law
St. Johns Law Group
www.sjlawgroup.com
(904) 495-0400
Representative for the Applicant

EXHIBIT A

Proposed Ordinance Language

ORDINANCE 2020 – XX

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 3 OF THE CODE OF THE CITY OF ST. AUGUSTINE RELATING TO ADVERTISING AND SIGNS; AMENDING SECTION 3-22, DEFINITIONS, "SIGN ZONES," BY AMENDING THE DEFINITION OF COMMERCIAL ZONE 4; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ST. AUGUSTINE, FLORIDA:

Section 1. That Section 3-22 of the Code of the City of St. Augustine, Definitions, "*Sign zones*," be, and the same is hereby, amended to read as follows:

"**Sec. 3-22. Definitions.**

. . .

Sign zones means:

. . .

(4) *Commercial Zone 4.* All commercially or industrially zoned lots whose boundaries lie south of the easterly right-of-way line of N. Ponce de Leon Boulevard (U.S. 1) and east of the easterly mean high waterline of the San Sebastian River and west of the westerly right-of-way line of Malaga Street and the extension of the westerly right-of-way line of Malaga Street lying south of King Street to the San Sebastian River.

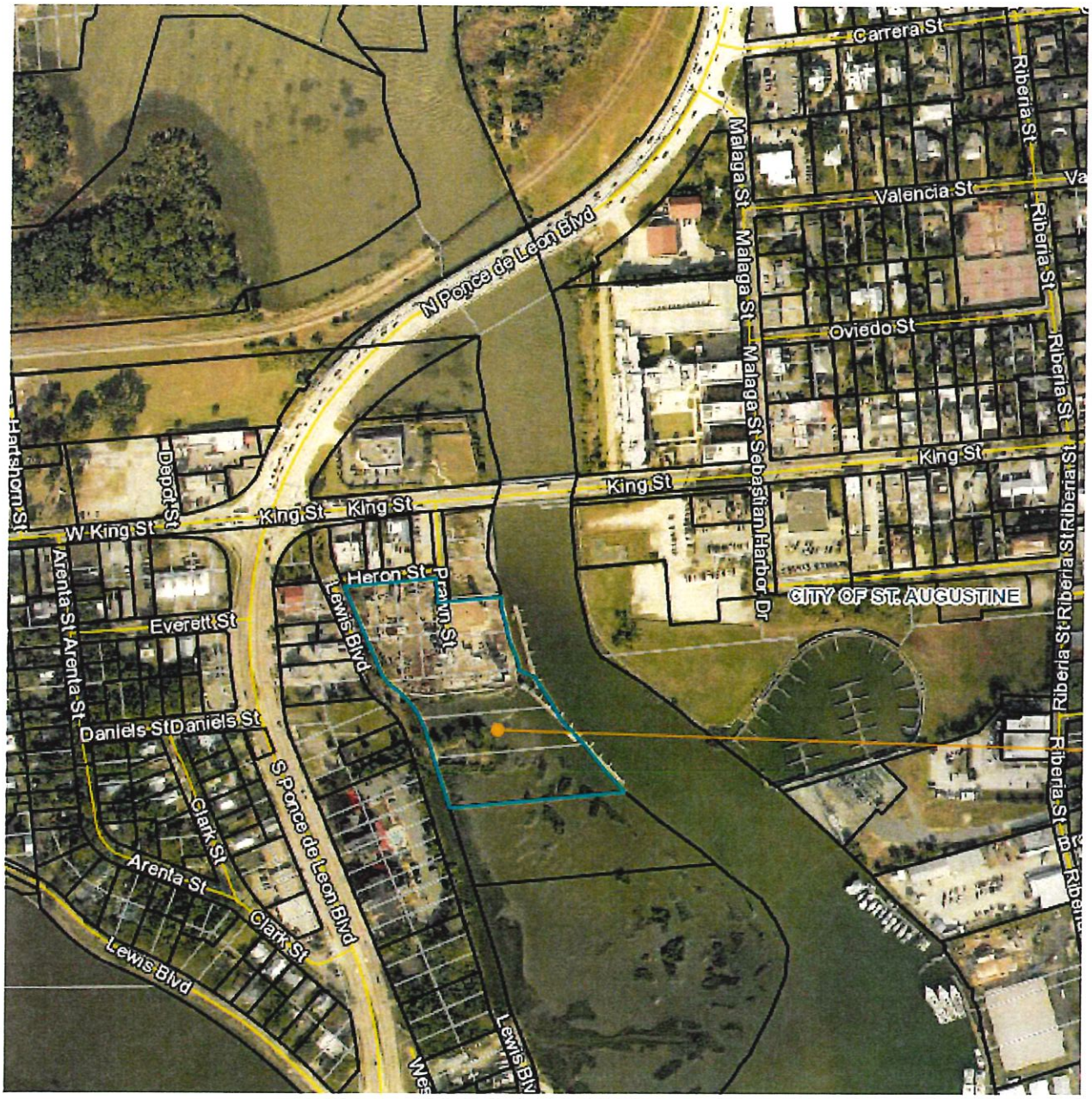
As well as, lots 2, 3, 4, 10, 11, 12, 13, 14, 15 and 16 of the Worley Subdivision, whose boundaries lie at the end of Prawn Street and south of Heron Street and east of Lewis Blvd. and west of the mean high waterline of the San Sebastian River and bounded on the south by the San Sebastian River marshlands.

Section 2. This Ordinance shall take effect ten (10) days after its passage as provided by law.

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

EXHIBIT B

Site Location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Malaga St
Malaga St
Malaga St
Sebastian Harbor Dr
CITY OF ST. AUGUSTINE
N Ponce de Leon Blvd
King St
King St
King St
Heron St
Prawn St
Lewis Blvd
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Hartshorn St
Depot St
W King St
Arenta St
Arenta St
Arenta St
Everett St
Daniels St
Daniels St
Clark St
Clark St

MAP BOOK 5 PAGE 26

MB. 5, page 26

DESCRIPTION:

S.G. WORLEY property and part of WORLEY-DUNHAM lands, as shown in MB. 3, page 15, situated in AVICE & VIEL Grant, Section 37, Twp. 7 South, R. 30 East, St. Johns County, Florida.

DEDICATION:

The owners of this property have dedicated and do hereby dedicate to the perpetual use of the public all the streets, avenues and boulevards, as shown herein and restrict them to use not detrimental to the lots within this subdivision for business and residential purposes. In testimony whereof John H. WORLEY for himself as an owner of undivided ¼ interest and in behalf of the owners of ¾ interest has hereunto set his hand and seal this 11th day of December 1936.

Signed, sealed and delivered in presence of

John H. Worley (Seal)

STATE of FLORIDA,
COUNTY of ST JOHNS:

I an officer authorized to take acknowledgements of deeds according to the laws of the State of FLORIDA, duly qualified and acting, hereby certify, that JOHN H. WORLEY to me personally known, this day acknowledged before me, that he executed the foregoing dedication for himself as an owner of undivided ¼ interest and in behalf of the owners of ¾ interest and that he affixed thereto his seal.

And I further certify that I know the said person, making said acknowledgement to be the individual described in and who executed the said dedication.—

In witness whereof I have hereunto set my hand and official seal at St. AUGUSTINE, said county and state, this 11th day of December 1936.

NOTARY PUBLIC, STATE of FLORIDA.
My commission expires January 23rd, 1937

ENGINEERS CERTIFICATE.

I hereby certify that this is a true and correct representation of the land described and that permanent reference monument has been set.

Reg. Engineer St. Jo.

WORLEY
SUBDIVISION

BEING S.G. WORLEY PROPERTY AND PART OF WORLEY-DUNHAM LANDS, as shown in MB. 3, p. 15.

ST. AUGUSTINE FLA.

Approved December 14th 1937
Board of County Commissioners
By [illegible]
Chairman

Attest
[illegible]
Clerk and Auditor

CLERKS CERTIFICATE.

I hereby certify that this plat was filed for record in MAP BOOK 5, page 26 in the records of St. Johns COUNTY, Fla. by me this 14th day of December 1937.

Clerk of the Circuit Court

By

Deputy Clerk.

5-Page 26

EXHIBIT C

Commercial Zone 4

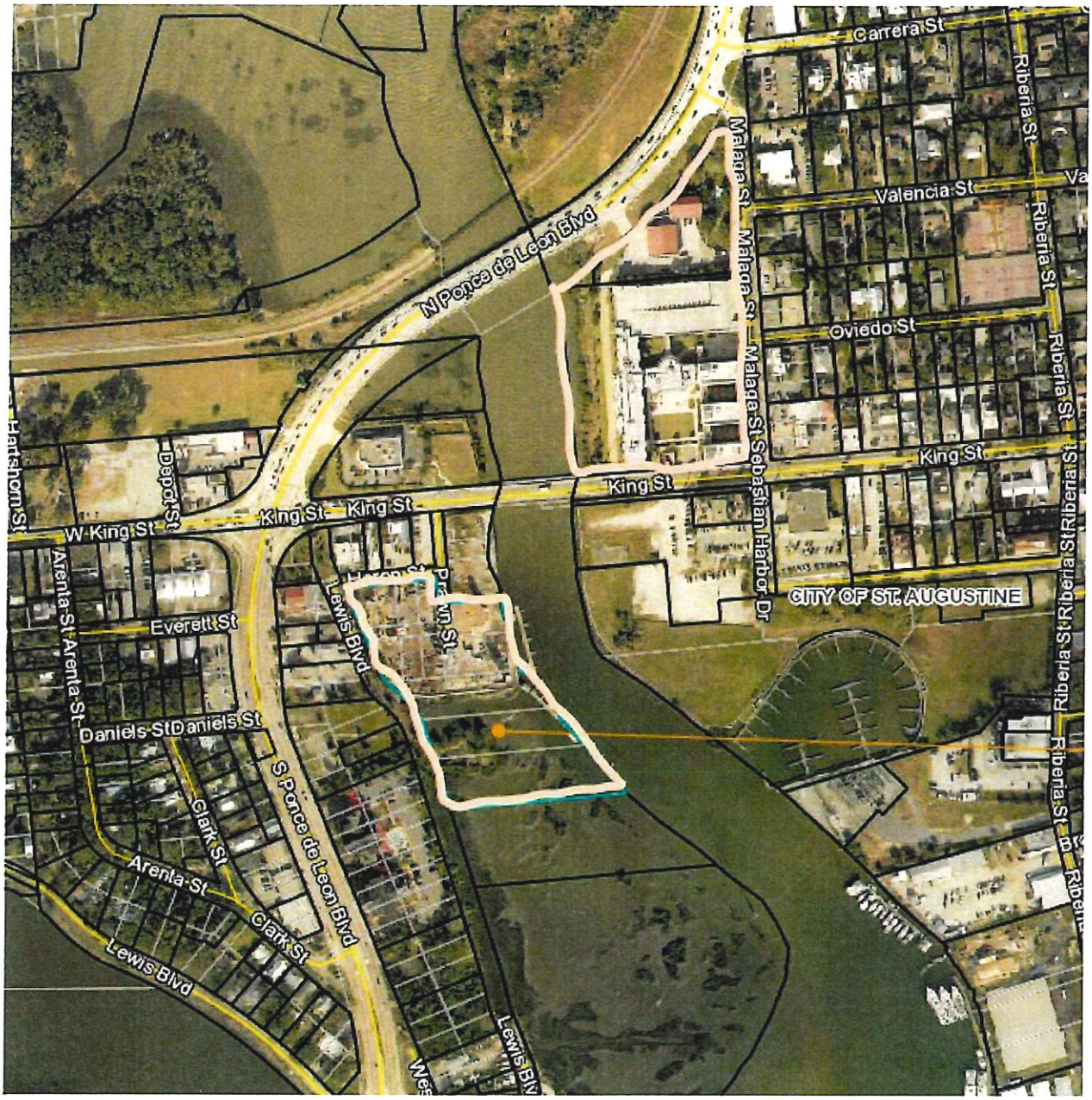
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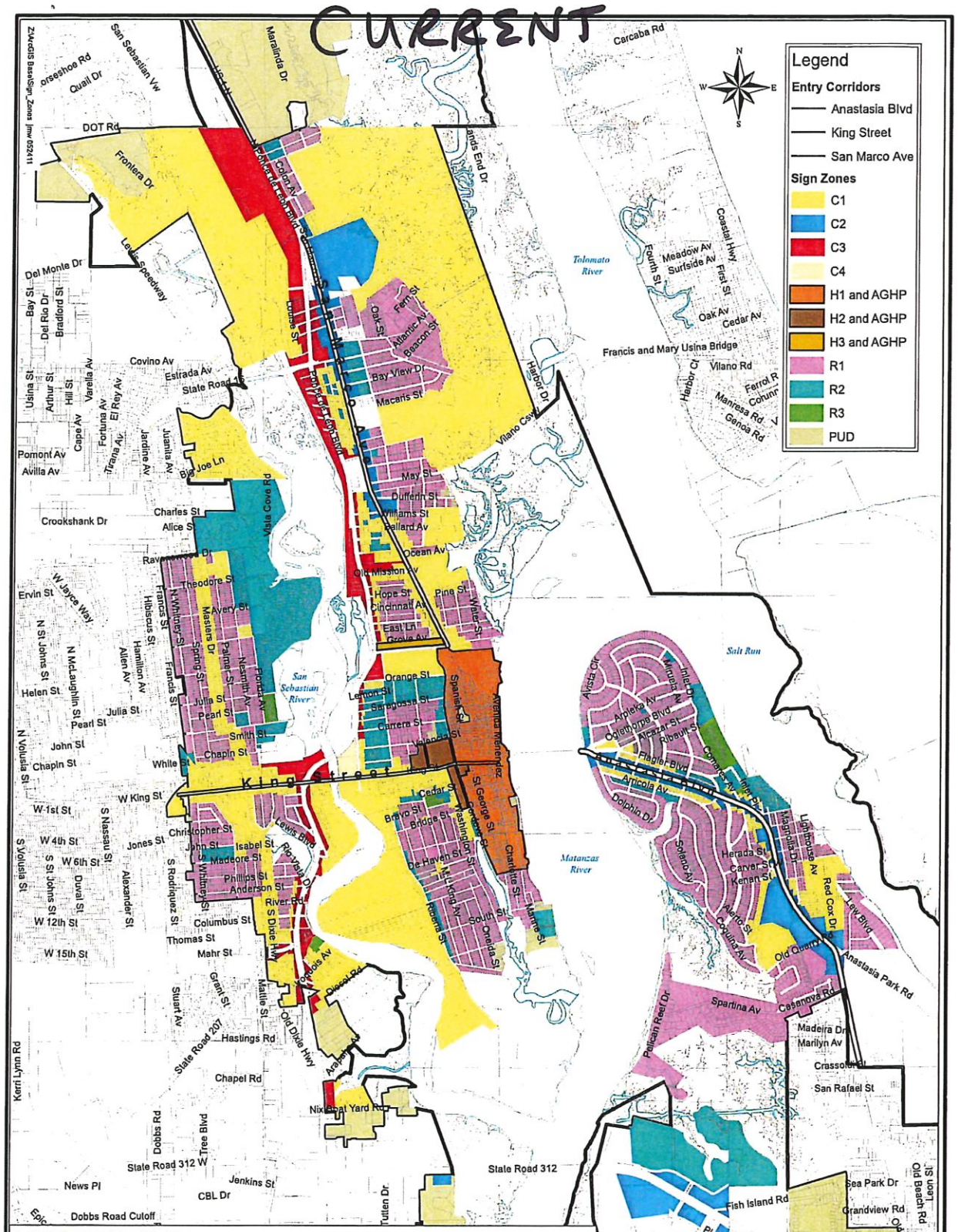
EXHIBIT D

Sign Zone Maps

Current and Proposed

CURRENT



Instructions For Using This Map:
1. Locate the property
2. Refer to the corresponding color to determine the sign zone
3. Parcels adjacent to the Entry Corridors have additional design standards
4. Historic sign zones are also subject to the Architectural Guidelines for Historic Preservation
5. Refer to Chapter 3 "Advertising and Signs" of the Land Development Code for specific regulations
6. Visit www.staugustinegovernment.com and click on "City Code"
7. Download forms and guides on the "Forms, Applications, and Docs" link from the city website
8. Obtain an approved sign permit prior to ordering or installing any signage including temporary signage
9. Signs are usually processed at the time of submittal
10. Contact the department for any assistance

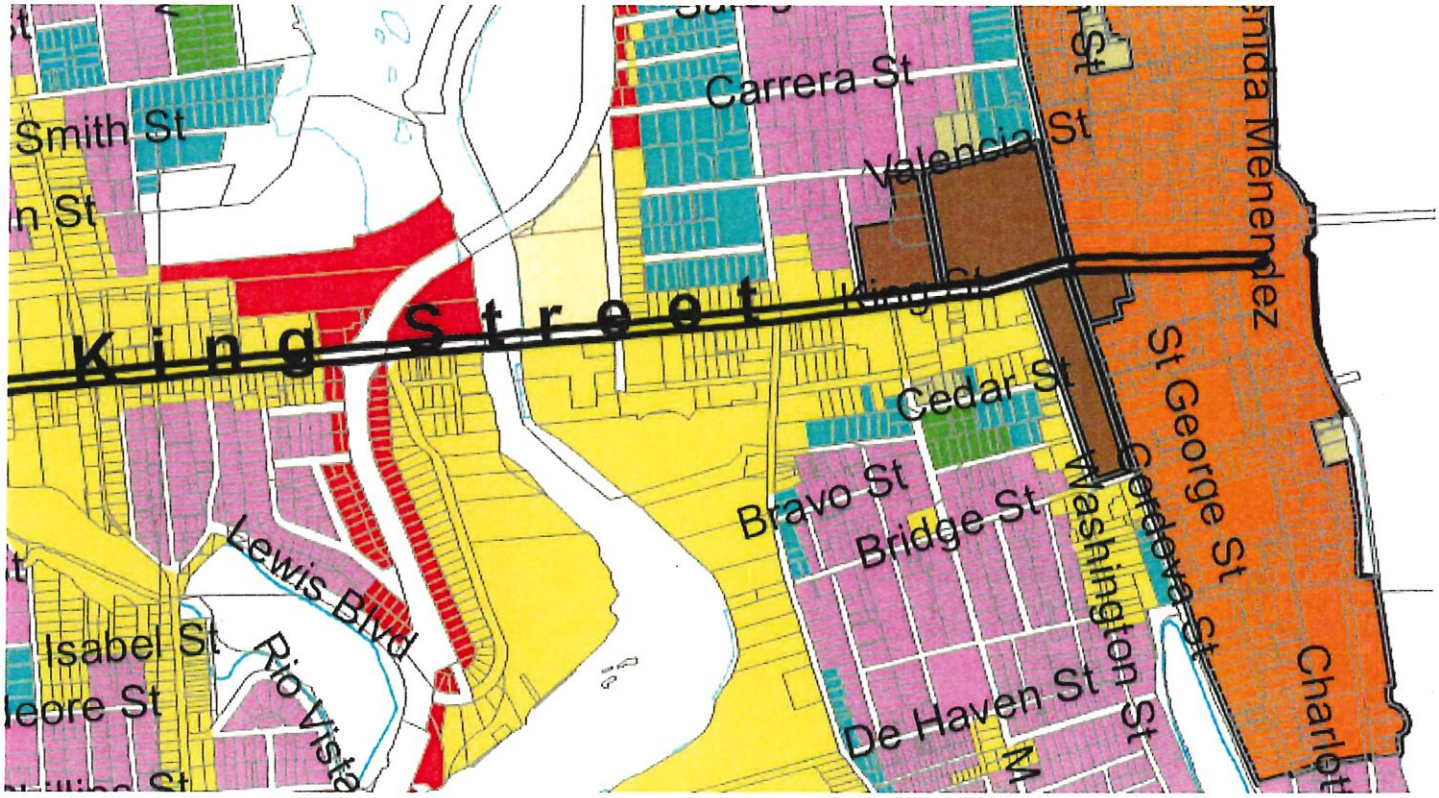
City of St. Augustine
PLANNING AND BUILDING DEPARTMENT
P.O. Box 210, St. Augustine, FL 32085 Phone: (904) 825-1065

SIGN ZONES
Sign Zones and Entry Corridors Map
Regulating Commercial, Historic, and Residential areas

SHEET
1 of 1

Sign zones are subject to change in accordance with standard zoning map and city ordinances. This map is for reference only as data are derived from multiple sources with varying levels of accuracy.

CURRENT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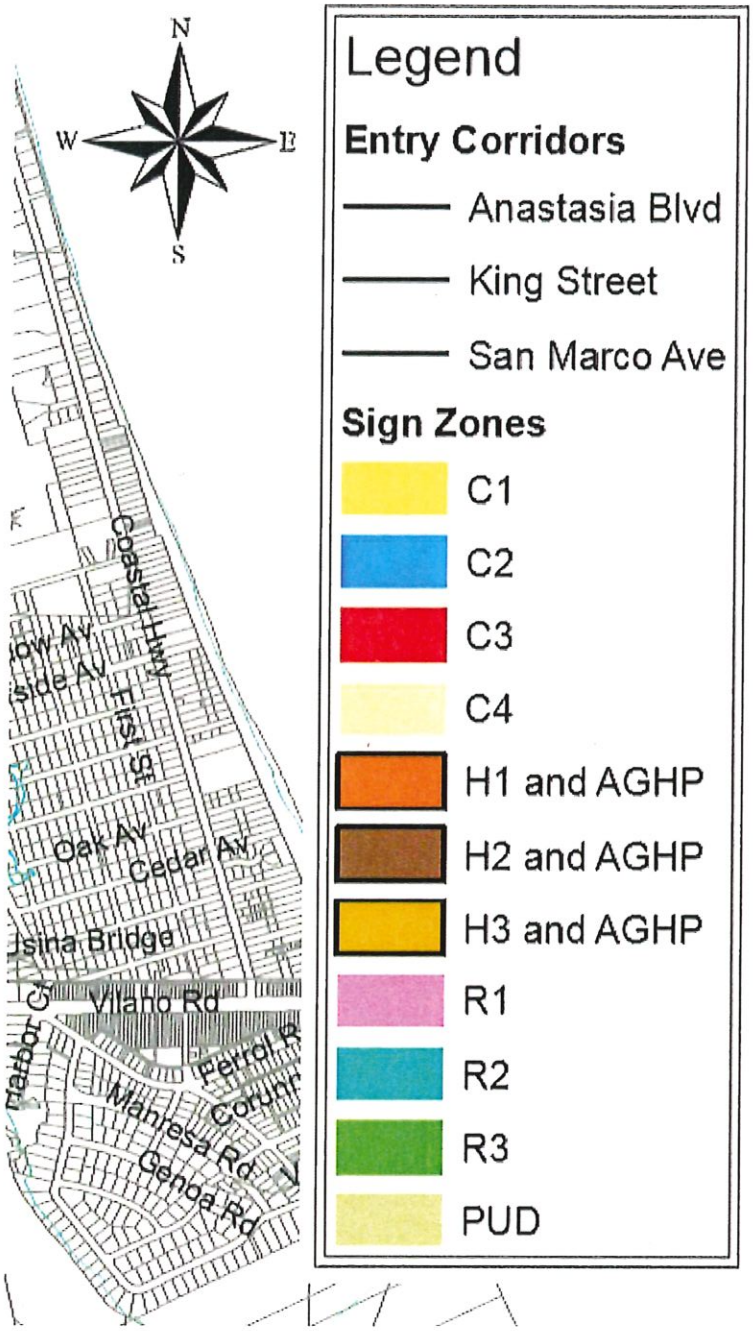
Cedar St
Bravo St
Bridge St
Washington St
Cordova St
St George St
Lewis Blvd
Isabel St
Rio Vista
De Haven St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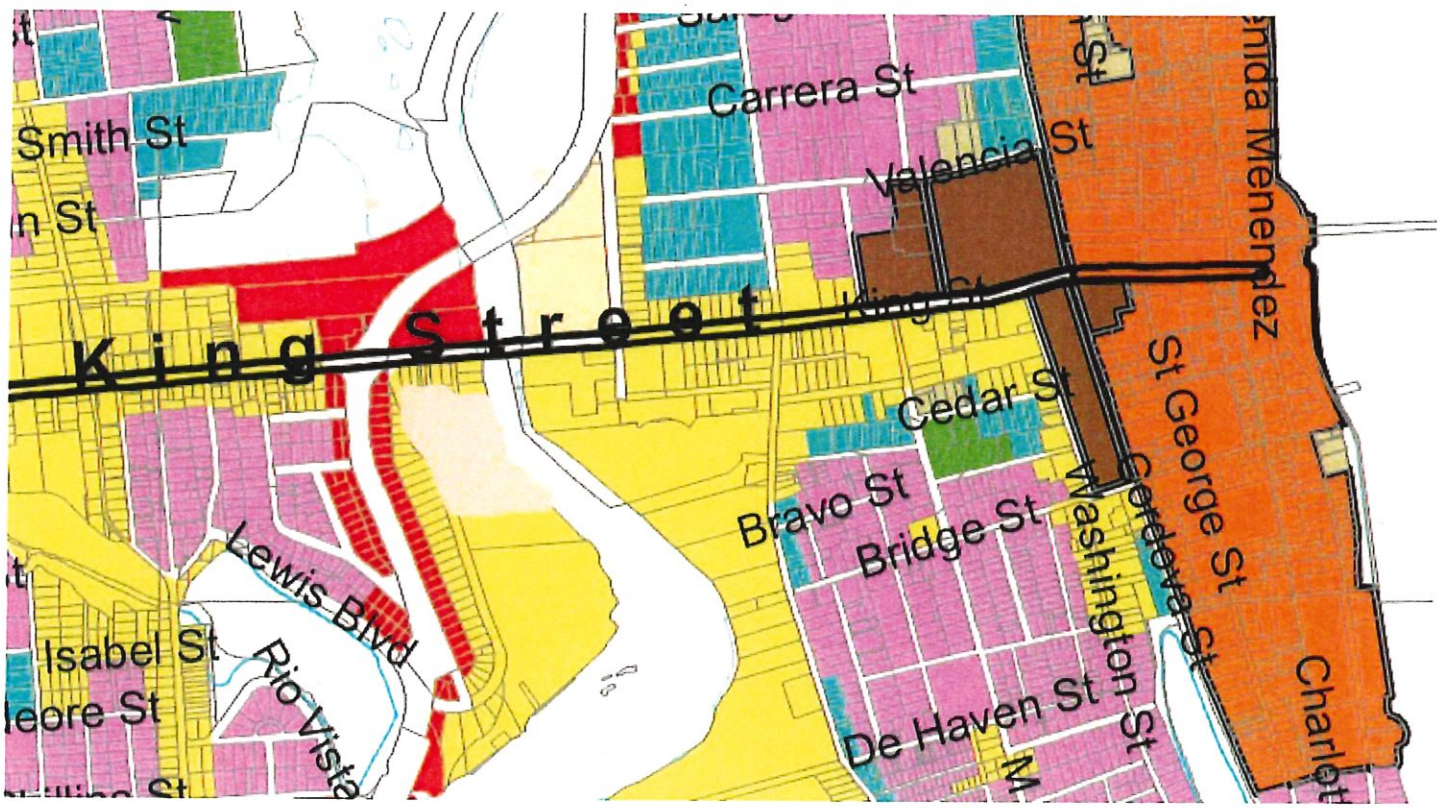
Legend
Entry Corridors
Anastasia Blvd
King Street
San Marco Ave
Sign Zones
C1
C2
C3
C4
H1 and AGHP
H2 and AGHP
H3 and AGHP
R1
R2
R3
PUD
Coastal Hwy
Oak Av
Cedar Av
Vilano Rd
Ferrol R
Coruna
Mahnesa Rd
Genoa Rd

PROPOSED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Washington St
Bridge St
Bravo St
Lewis Blvd
Rio Vista
Isabel St
De Haven St

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: August 4, 2020

RE: **REVIEW OF PENDING FORECLOSURE – 52 SPRING STREET**

On June 10, 2019, the City Commission authorized abatement of an ongoing nuisance due to unsafe and faulty metal roofing at the property located at 52 Spring Street. The City abated the nuisance by ordering the interim repair to prevent further water intrusion and closed the code enforcement complaint with fines and costs of $59,175. Based on recommendation of the Code Enforcement Adjustments and Appeals Board (CEAAB), the City Commission authorized foreclosure of code enforcement liens for the property.

On March 6, 2020, the City filed a Complaint for Foreclosure and Notice of Lis Pendens. After the filing, the attorney and representative for the property owner, Les Bons Temps Rouler, LLC, contacted the City regarding the potential for deed in lieu of foreclosure. Through this representative, the City was granted permission to conduct an on-site inspection of the structures on this property.

The City Attorney's office received a full title commitment report on May 20, 2020 which revealed an outstanding mortgage of $142,000 and the mortgage holder relays the amount due with interest to be $175,000. The City's CEAAB lien on the property is $59,175. Additionally, there are outstanding back taxes of $14,578.34. The St. Johns County Property Appraiser list a just market value of $224,105.

The balloon mortgage referenced above is held by a trust. The trustee represents to the city that the Trust would be willing to negotiate the amounts due potentially by half. They would prefer to see the main structure restored if possible.

On June 25, 2020, the City received a structural report indicating substantial structural issues and ongoing damage from water intrusion due to the original code violations related to the roofing as well as termite damage. Further, the electrical and plumbing require extensive work to bring it to code. Finally, based on the current condition of the property it is likely to appraise for land value only which St. Johns County Property Appraiser list at $78,965.

Attached for City Commission review is the structural inspection provided by Thomas J. Dailey Inspections, LLC including pictures of the notable areas.

On July 27, 2020, the City Commission reviewed the memorandum provided by the City Attorney's office without the structural analysis. The City Commission requested further information including data on the historical background, number of buildable lots, and comparable sales. Below is a summary of the requested information.

Historic Significance

The original two-story house is listed on the Florida Master Site File which indicates it was constructed between 1890 and 1895 and owned by James B. and Mattie Bryant. Mr. Bryant was a significant black educator in both St. Johns County, St. Augustine, and Nassau County.

Bryant Academy in Yulee, Florida was named after principal James Bryant, who was a regional leader in African American education. He taught in St. Johns County, Duval, and Nassau, starting his career in Armstrong, FL. He taught in the summers in Duval (one confirmed location was Forest Park), and then ultimately became principal of the school bearing his name in Yulee. The site of the school will be getting a state historic marker this fall, with a planned installation ceremony in Feb. 2021.

The building is not designated as a local landmark nor is it in a registered district. There are financial incentives for historic preservation and rehabilitation of the structure, but it would have to be designated as a local landmark to qualify for consideration. It is possible the HARB would see value in this building if it has historic and architectural integrity and meets a test of significance. The potential incentives are the local city and county property tax exemption and the Federal Historic Tax credit (if it became an income producing property including residential rental). There are also conservation easements that can be donated for a tax benefit.

Attached for the City Commission's review is a copy of the Florida Master Site File for the property at 52 Spring Street as well as articles related to Mr. James. B. Bryant.

Buildable Lots

52 Spring Street is in RS-2 zoning allowing for single-family dwellings. The parcel currently contains two lots of record, one full platted lot (lot 11) and one partial lot (part of lot 12). The parcel contains three structures total. The larger main structure is on lot 11. This lot is large enough to allow for subdivision within the zoning standards. There are two smaller structures on lot 12. If lot 11 is subdivided into two lots the potential exists for a total of 3 buildable lots.

Attached for City Commission review is a copy of the St. Johns County Property Appraiser's property record for 52 Spring Street.

Broker's Opinion of Value

We have contacted a respected and trusted realtor, Ms. Irene Arriola, for a broker's opinion of value. That opinion is pending at this time and we will supplement this memo as soon as the information is received.

This pending foreclosure action is scheduled for a case management hearing on August 12, 2020 and the City Attorney's office is seeking the City Commission direction in order to properly advise the Court.

Thank you.

/s/ *Denise C. May*
Denise C. May
Assistant City Attorney

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

Agenda Title:

Review of pending foreclosure for property at 52 Spring Street.

St. Johns County, FL

Tax Bill

My Tax Bill

Estimate Taxes

Tax Estimator

2019 TRIM Notice

2019 TRIM Notice

2018 TRIM Notice

2018 TRIM Notice

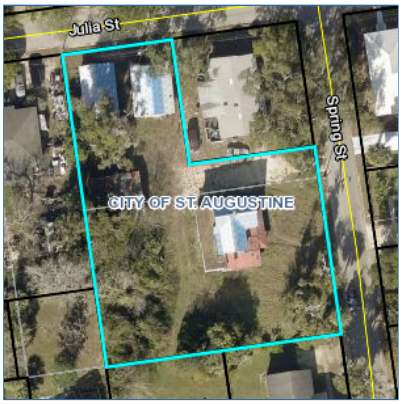
Summary

Parcel ID	1068300000
Location Address	52 SPRING ST SAINT AUGUSTINE 32084-0000
Neighborhood	Ravenswood (0800) (485.02)
Tax Description*	RAVENSWOOD SUB LOTS 11 & ALL LOT 12 (EX N80 OF E80FT) BLK 11 OR4115/287 *The Description above is not to be used on legal documents.
Property Use Code	Multi-Family (Less than 10 Units) (0800)
Subdivision	Ravenswood Subdivision
Sec/Twp/Rng	41-7-29
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	0.540
Homestead	N

Owner Information

Owner Name	Les Bons Temps Rouler LLC 100%
Mailing Address	2493 US HIGHWAY 1 S SAINT AUGUSTINE, FL 32086-0000

Map



Valuation Information

	2020
Building Value	$142,640
Extra Features Value	$2,500
Total Land Value	$78,965
Agricultural (Assessed) Value	$0
Agricultural (Market) Value	$0
Just (Market) Value	**$224,105**
Total Deferred	$0
Assessed Value	**$224,105**
Total Exemptions	$0
Taxable Value	**$224,105**

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	$138,256	$2,500	$78,965	$0	$0	$219,721	$219,721	$0	$219,721
2018	$145,858	$2,500	$62,243	$0	$0	$210,601	$200,022	$10,579	$200,022
2017	$129,842	$2,674	$59,456	$0	$0	$191,972	$181,838	$10,134	$181,838
2016	$115,254	$2,674	$47,379	$0	$0	$165,307	$165,307	$0	$165,307
2015	$113,120	$5,340	$42,734	$0	$0	$161,194	$161,194	$0	$161,194
2014	$108,465	$5,340	$42,734	$0	$0	$156,539	$156,539	$0	$156,539
2013	$102,846	$5,340	$42,734	$0	$0	$150,920	$150,920	$0	$150,920
2012	$104,381	$5,340	$42,641	$0	$0	$152,362	$152,362	$0	$152,362
2011	$107,449	$5,340	$47,379	$0	$0	$160,168	$160,168	$0	$160,168
2010	$138,333	$5,340	$80,823	$0	$0	$224,496	$224,496	$0	$224,496

Building Information

Building	1	**Roof Structure**	Gable Hip, Shed
Actual Area	2564	**Roof Cover**	Metal, Roll Composite
Conditioned Area	2396	**Interior Flooring**	Hardwood, Sheet Vinyl
Actual Year Built	1910	**Interior Wall**	Drywall
Use	Single Family Residence	**Heating Type**	Air Duct
Style	01	**Heating Fuel**	
Class	N	**Air Conditioning**	Central
Exterior Wall	Wood	**Baths**	

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	80%
Roofing Structure	Shed	20%
Roofing Cover	Metal	80%
Roofing Cover	Roll Composite	20%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	70%
Interior Flooring	Sheet Vinyl	30%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
BASE AREA	1339	1339
FINISHED OPEN PORCH	0	168
FINISHED UPPER STORY	1057	1057
Total SqFt	2396	2564

Building	2	**Roof Structure**	Gable Hip
Actual Area	824	**Roof Cover**	Metal
Conditioned Area	660	**Interior Flooring**	Carpet, Sheet Vinyl
Actual Year Built	1930	**Interior Wall**	Drywall
Use	Single Family Residence	**Heating Type**	Forced Air
Style	01	**Heating Fuel**	
Class	N	**Air Conditioning**	Window
Exterior Wall	Concrete Block, Wood	**Baths**	1

Category	Type	Pct
Exterior Wall	Concrete Block	90%
Exterior Wall	Wood	10%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	70%
Interior Flooring	Sheet Vinyl	30%
Heating Type	Forced Air	100%
Air Conditioning	Window	100%
Frame	Masonry	100%
Plumbing	5 Fixtures	100%
Electrical	Minimum	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
BASE AREA	576	576
FRAME ADDITION	84	84
CANOPY	0	32
FINISHED OPEN PORCH	0	132
Total SqFt	660	824

Building	3	**Roof Structure**	Gable Hip
Actual Area	912	**Roof Cover**	Metal
Conditioned Area	800	**Interior Flooring**	Pine Wood, Sheet Vinyl
Actual Year Built	1950	**Interior Wall**	Drywall
Use	Single Family Residence	**Heating Type**	None
Style	01	**Heating Fuel**	
Class	N	**Air Conditioning**	None
Exterior Wall	Hard Board	**Baths**	

Category	Type	Pct
Exterior Wall	Hard Board	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	80%
Interior Flooring	Sheet Vinyl	20%
Heating Type	None	100%
Air Conditioning	None	100%
Frame	Wood Frame	100%
Plumbing	5 Fixtures	100%
Electrical	Average	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area

BASE AREA	800	800
CANOPY	0	32
FINISHED OPEN PORCH	0	80
Total SqFt	800	912

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Garage Unfinished (Low)	0	32	30	0	960
Residential Fence	0	0	0	0	190

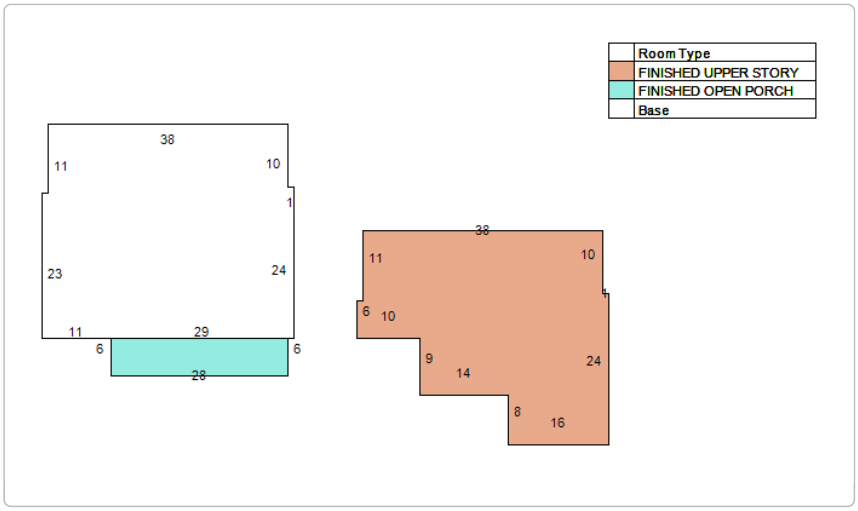
Land Information

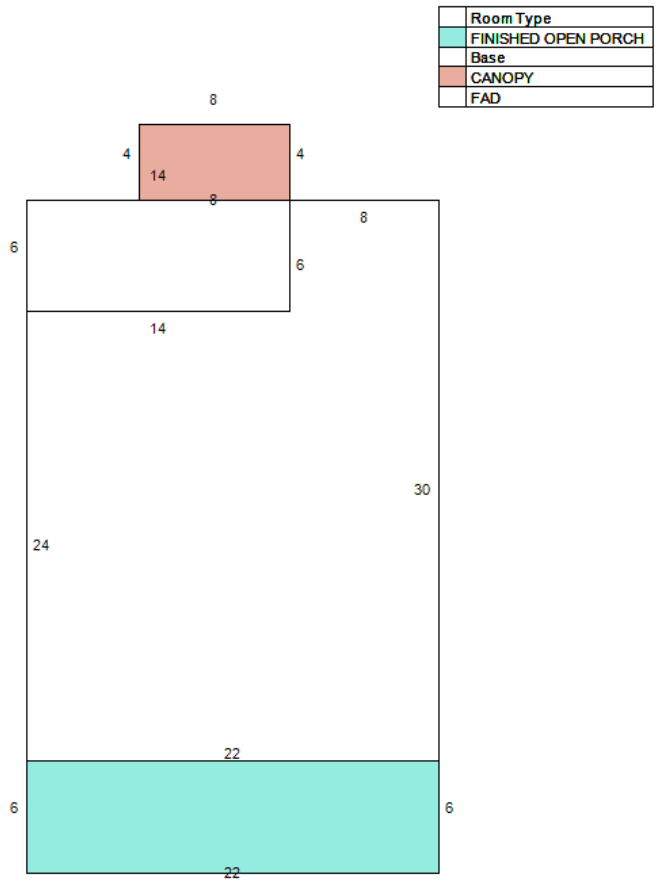
Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	120	150	120	EF	$54,570
Multi-Family (Less than 10 Units)	70	80	70	EF	$24,395

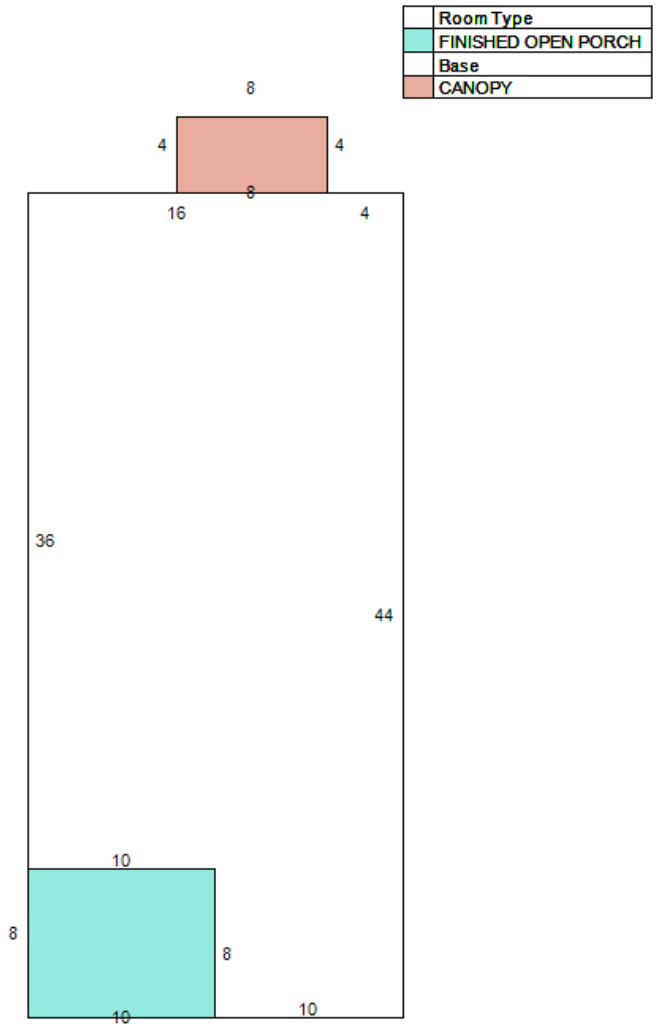
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
3/9/2020	3/9/2020	$0.00	LE	4898	1731	U	I	CITY OF ST AUGUSTINE	LES BONS TEMPS ROULER LLC
11/23/2015	11/20/2015	$187,000.00	WD	4115	287	Q	I	CODA MANAGEMENT INC	LES BONS TEMPS ROULER LLC
	2/24/2005	$167,000.00	WD	2383	828	U	I	JAMES B BRYANT IRREV TRUST/JOSEPH L BOLES,TR	CODA MANAGEMENT INC
	6/18/1998	$100.00	LE	1320	1740	U	I	BRYANT JAMES B ***	JAMES B BRYANT IRREV TRUST /JOSEPH L BOLES,TR

Sketch Information




Room Type
FINISHED OPEN PORCH
Base
CANOPY
FAD
8
4
4
14
8
8
6
6
14
30
24
22
6
6
22



No data available for the following modules: Exemption Information.

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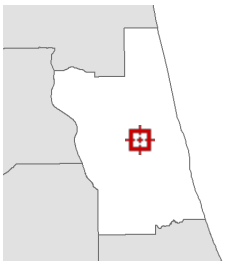
Version 2.3.69

St. Johns County, FL

Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1068300000	**Physical Address**	52 SPRING ST SAINT AUGUSTINE	**Building Value**	$142,640	**Last 2 Sales**			
Property Class	0800 - Multi-Family (Less than 10 Units)	**Mailing Address**	LES BONS TEMPS ROULER LLC 2493 US HIGHWAY 1 S SAINT AUGUSTINE FL 32086-0000	**Extra Feature Value**	$2,500	**Date**	**Price**	**Reason**	**Qual**
Taxing District	City of St Augustine			**Total Land Value**	$78,965	11/20/2015	$187000	01	Q
Acres	0.54			**Just Value**	$224,105	2/24/2005	$167000	11	U
				Total Deferred	N/A				
				Assessed Value	$224,105				
				Total Exemptions	N/A				
				Taxable Value	$224,105				

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

Date created: 7/28/2020
Last Data Uploaded: 7/28/2020 12:42:31 AM

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THOMAS J. DAILEY INSPECTIONS, LLC
426 OCEAN DR.
ST. AUGUSTINE, FL 32080
(904) 669-9445

June 20, 2020

City of St. Augustine
75 King St.
St. Augustine, FL 32084

Attn: Timothy W. Fleming

Re: 52 Spring St.

Parcel Number: 106830-0000

An inspection was performed to try to determine how sound the structure is. This house had serious roof leaks over an extended period which contributed to the condition of several areas. There are remarks describing other items observed that are not necessarily structural but may have an impact on the viability of renovating the structure to bring it back to "period" architectural condition.
This inspection was performed with no energized utilities.

GENERAL

The exterior paint is blistered and flaking away throughout. The pattern of the paint chips indicates that the paint flaking off is lead based. Because of the EPA guidelines, this can make the cost of repairs to the exterior more expensive and time consuming. The internet has the specific handling methods dictated by the EPA under "Lead Safe Practices"

There is rotted wood siding in several areas throughout the exterior.

The windows have all been replaced with aluminum windows. There were no original wood windows.

The interior paint is cracked, blistered, and flaking. As noted for the exterior paint, the pattern of the cracking paint indicates lead.

The plaster ceiling in the laundry room has been damaged by water and a section has dropped off the lathe.

The plaster is failing behind drywall compound texture on the North wall of the entry foyer.

The living room floor has buckled near the North wall.

Ceiling blocking, closet floor, main floor, closet door trim, and closet door in the South addition have rotted from roof leak.

The plaster is falling and sagging in the North East bedroom.

The entire South addition second floor could not be inspected due to floor joist (see structure).

The attic access appears to have been closed off and was not inspected.

STRUCTURE

The 6 x 6 beam header over the entry stairs was either mis-cut when installed or is too short as the support post on the North side of the stairs is not supporting the beam.

Several of the front porch support posts have dry rot at the bottoms which will require their replacement. One of the posts has had a repair splice approximately eighteen inches from the bottom.

Floor joists for the second floor of the West (rear) addition have failed due to a combination of termite and water damage. The damage encompasses the majority of the floor system.

It appears that a support wall has been removed on the first floor to create a larger living room. The wall removed was an original exterior wall and was probably removed when the South East addition was constructed. There is no provision to carry the second-floor wall and roof load properly.

The floor joists located in the South East addition near the front wall have been damaged by water.

The masonry knee wall used to support the South addition has a crack in it near the North corner.

The structure could not be inspected from the crawl space at this time. The combination of HVAC duct work, HVAC air handler, plumbing water lines and plumbing drain lines hampered an inspection.

ELECTRIC

Since there was no power during the inspection, proper wiring and circuits were not checked for hazards. However, there were several issues observed and are below.

There are several newer circuits added to the exterior circuit breaker panel. The new wiring is not sheathed as required by code.

The wires to both HVAC condensers are not sheathed as required by code.

There are wires going from the first floor to the second floor on the South wall that are not sheathed as required by code.

There is no service disconnect for the water heater as required by code.

Knob and tube wiring was observed at several outlets.

HVAC

The house is equipped with two heat pump systems. Both heat pumps are split system.

The air handler for the first floor is located under the house in the kitchen area. This should have been a package unit so that crawl area would be open to inspection and service work. The flex ducts from the air handler have no order to them and are not supported properly. Because of the lack of organization, the flex ducts are contributing to blocking the crawl space inspection.

PLUMBING

The house has had some repairs with CPVC, PVC, and copper. However, several galvanized water pipes were observed to be very corroded and most likely leaking.

The house is equipped with two bathrooms. One bathroom is situated at a stair landing and is positioned mid-floor. It appears that there was an addition on the South wall behind the South East addition just to house the bathroom.

There is a bathroom on the second floor of the West addition. Because of the condition of the floor structure, no inspections were completed.

There is PVC drains on the West exterior wall traveling to a cast iron drain on the South wall. All of the PVC drain pipes have too much fall to conform to code.

The cast iron pipe on the South wall is intended to catch the waste from the mid-floor bathroom and as a vent stack. This pipe is split and pieces have started to drop off.

The cast iron drainpipe has been repaired with duct tape in the South East addition ceiling and under the mid-floor bathroom.

ROOF

The roof was inspected prior to the temporary membrane installation. A report dated February 25, 2019 has detailed information about the exterior conditions and types of roofing.

There is water damage to the roof deck boards over the South East addition.

There is severe damage to the roof joists over the West addition.

Thank you.

Certainteed
GREENGUARD

GOT

Certainteed

TEMPSTAR

FLORIDA MASTER SITE FILE

HISTORIC ST. AUGUSTINE PRESERVATION BOARD

HISTORIC PROPERTIES INVENTORY FORM

I. LOCATION & LEGAL DESCRIPTION

FDAHRM 802== Site No. 8SJ2251 1009==

Site Name: 52 Spring Street 830== Survey Date: 7907 820==

Address: 52 Spring Street, St. Augustine, Fla. 32084 905==

Instructions for Locating:

813== County: St. Johns 808==

Location: Ravenswood (subdivision) 11 (block) 10, 11 and all (lot) 868==

Lot 12 (ex. N. 80' of E 80') 868==

Owner of Site: Name: Bryant, James B. and Mattie ;

Address: 52 Spring Street

St. Augustine, FL 32084 902==

Occupant or Manager: 904==

Type of Ownership: Private 848== Zoning: RS2

NR Classification Category: Building 916== Recording Date: 832==

UTM: 17 (zone) 467907 (easting) 3307045 (northing) 890== Location: T07S (T) R29E (R) S41 (S) 812==

Map Reference: USGS St. Augustine 7.5 MIN 1956 (PR 1970) 809==

Recorder: Name & Title: Nolan, David (Historic Sites Specialist) ;

Address: H.S.A.P.B. 818==

II. SITE DESCRIPTION

Condition of Site:

( ) Excellent 863==

(x) Good 863==

( ) Fair 863==

( ) Deteriorated 863==

Integrity of Site:

(x) Altered 858==

( ) Unaltered 858==

(x) Original Site 858==

( ) Restored - Date: 858==

( ) Moved - Date: 858==

Threats to Site:

( ) Zoning 878==

( ) Development 878==

( ) Deterioration 878==

( ) Borrowing 878==

( ) Transportation 878==

( ) Fill 878==

( ) Dredge 878==

( ) Other 878==

II. SITE DESCRIPTION, continued.

Original Use: Priv. Residence 838== Present Use: Priv. Residence 850==

Date: +1895 844== Period: 19th Cent 845== Culture: American 840==

Architect: 872==

Builder: 874==

Style: Frame vernacular 964==

Plan Type: L-shape 966==

Exterior Fabrics: Wood, weatherboard, with cornerboards

854==

Structural Systems: Wood frame 856==

Features of Structure: (942)

Window Type: Metal jalousie, fixed sheet 942==

Foundation: Concrete block piers 942==

Roof Type: Cable 942==

Secondary Roof Structures: Gable and shed on L; hip porch 942==

Porches & Balconies: 1 story open front porch

942==

Chimney Location: Center, ridge 942==

Materials: (882)

Chimney: Brick 882==

Roof Surfacing: Metal, 3-v crimp 882==

Ornament Exterior: Turned spindle posts, jigsawn brackets, decorative balustrade and porch frieze, jigsawn bargeboards 882==

Quantitative Data: (950-954)

Chimneys: 1 952== Dormers: 0 954== Stories: 2 950==

Other: 956==

Surroundings: Residential 864==

Relationship to Surroundings: Set back on lot.

859==

III. PHOTOGRAPHY

Photographic Records Numbers: 860==

Contact Prints

IV. SIGNIFICANCE

Areas of Significance: Architecture

920==

Statement of Significance: (911==)

ARCHITECTURE

This two-story Frame Vernacular residence was constructed between 1890 and 1895, making it one of the older structures in West Augustine. Significant details include turned spindle posts, jigsawn brackets and bargeboards, and decorative balustrade and porch frieze.

The Ravenswood area contains one of the more extensive Victorian residential developments in St. Augustine, particularly along Masters Drive and Spring Street. Later infill, on previously vacant land, was largely influenced by the early 20th century Bungalow style. There are a number of post-World War II tract developments on the fringes of older neighborhoods. On the north, the 1920's Florida Boom Period development of Santa Rosa left a number of substantial Mediterranean Revival residences. Because of the sparse early development, many areas were used for agriculture and some of the old buildings still have unusually large lots. The once-famous scenic drive "Around the Horn" went through this part of town. "Ponce de Leon Springs" was a tourist attraction in this area. Ravenswood today is threatened generally by drainage problems, traffic along Masters Drive, some housing deterioration, and the zoning of residential areas into commercial categories.

HISTORY

West Augustine or, as it was earlier called, New Augustine, developed in the late 19th and early 20th centuries as a suburb to the city of St. Augustine and was not incorporated into the municipality until 1922. During the British period [1763-84], all of West Augustine was part of the plantation owned by Anglican minister, John Forbes, which the Spanish governor divided into four separate grants in the late 18th and early 19th century.[1] The northernmost and largest tract was granted in 1785 to Francisco and Juan Triay, two enterprising Minorcan farmers, and extended from Oyster Creek to present-day Theodore Street. Between 1794 and 1822 the land was the property of Corsican Jose Peso de Burgo, a prosperous local merchant, who developed some of the first commercial orange groves in Florida and constructed a plantation home.[2] West Point

[over]

V. BIBLIOGRAPHY

1. American State Papers; Public Lands, 5 Vols. [Washington: Duff Green, 1834], III, 708.

2. Ibid.; Biographical File, SAHS.

3. St. Johns County Courthouse, Deed Records, Book M, p. 411; Biographical File, SAHS.

4. Deed Records, Book P, p. 343; Book Q, pp. 333-334; Book S, p. 259; Book U, p. 692; St. Augustine Examiner, September 8, 1866; Wanton S. Webb, ed., Webb's Historical, Industrial and Biographical

graduate, Col. Francis Dancy, mayor of St. Augustine from 1838-40 and son-in-law of Territorial Governor, Robert Reid, acquired the property in 1837.[3] The section of Dancy tract generally north of King Street was purchased in 1870 by John F. Whitney of New York, a relative of Eli Whitney and founder of the St. Augustine Press. Whitney subdivided the land in 1874, thereby creating the first subdivision in West Augustine, but restricted property owners to Northerners only. Whitney's Ravenswood developed much more slowly than planned, with most construction dating from the 20th century, although sections of earlier development remain. Ravenswood has been resubdivided into nine subdivisions between 1888 and 1926, including Greeno and Dancy Tracts and H. L. Fulger, the later bearing the name of a Black employee of the Florida East Coast Railway.[4]

Florida, [New York, 1885], p. 200; St. Augustine City Directory, 1924-25.

KODAK

believe that if any parcels were not sold at auction, notice should be given and another auction held. The audit also says the actions "appear to violate the terms and intent of pertinent statute and regulations at this time."

However, Miller disagreed last week. She says the statutes say those unsold certificates go back to

TAX Continued on 6A

SHANNON MALCOM
News-Leader

A 28-year-old Jacksonville man found dead in the Nassau County Jail died as a result of drug intoxication, according to an autopsy report.

The report from the Jacksonville Medical Examiner's Office specified several drugs were found in Darren Albert Magill's body, including methadone, cocaine, benzoylecgonine and alprazolam.

"The Medical Examiner's Office further reported that there was no sign of physical trauma contributed to the use of force on ... Magill," the Nassau County Sheriff's Office said in a press release.

Nassau County Sheriff Tommy Seagraves has maintained since Magill's body was found in the jail Oct. 4 that there was no indication the death was the result of suicide or foul play, and that Magill had been alone in a holding cell waiting to be booked into the jail.

"There were no altercations with deputies or other inmates during the time of his incarceration," Seagraves said at the time.

Magill had arrived at the jail earlier that day after a court date

JAIL Continued on 3A

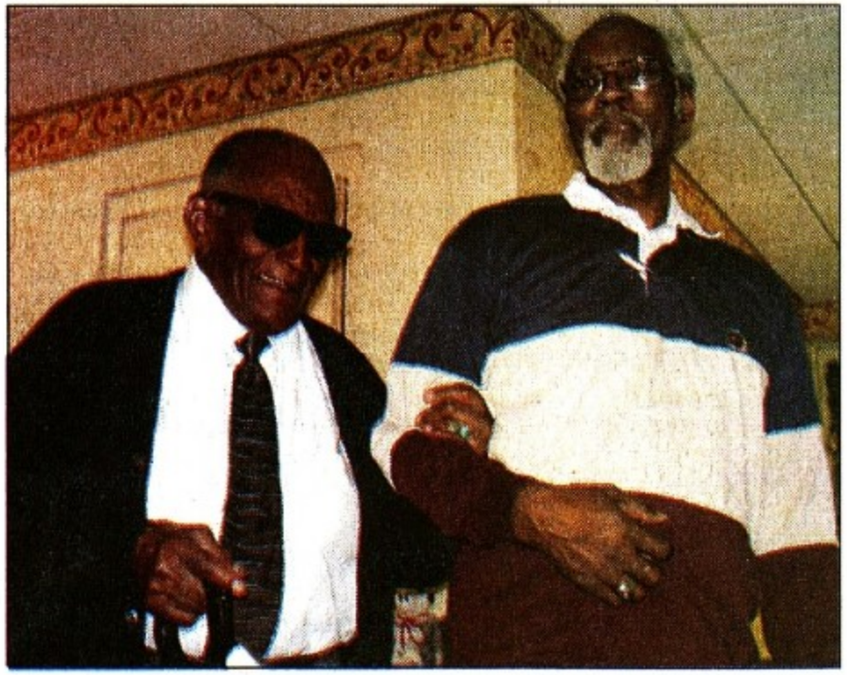
implored.

Gerrity noted that he's "a little uncomfortable with the whole marina project."

"I'd like to see if we can get a little bit better handle on it and let us know what is going on ... I'd like to just get a little more reassurance we are headed in the right direction."

Sapp echoed Gerrity's con-

MARINA Continued on 3A



GLENDA S. JENKINS/NEWS-LEADER

Retired teacher Freddie Johnson of Yulee escorts his former principal and mentor James B. Bryant to lunch inside a St. Augustine assisted living facility.

A living 'legend'

'These teachers cared ... it wasn't just a job'

GLENDA S. JENKINS
News-Leader

The lunch hour had arrived, inside a St. Augustine assisted living facility, when one resident received a surprise visit.

Physically strong and quite independent, despite being in his ninth decade of life, James B. Bryant sat on the bed of his private room. He was ready to depart for the dining room dressed in gray pants, a dark sweater, adorned with a necktie.

"You mean ya'll just stopped by here, or where were you going?" Bryant asked his four guests.

"We just made a special trip down here to see you," his former student Freddie Johnson of Yulee said.

"Really?" said Bryant. "Well, I certainly appreciate that. That lets me know I'm still alive and somebody else is still thinking about me. Well, well."

Many more people than he realized are thinking about Bryant and preparing to pay tribute to retired educators like him at a formal social gathering.

The Nassau County Community Development Corporation will present a "Legends Banquet" at 6 p.m. Nov. 4 at the Atlantic Avenue Recreation Center in Fernandina Beach. The community is invited to join family, friends and former students in honoring retired educators who served at Pine Forest Community School in Callahan, Peck High School in Fernandina Beach and Bryant Academy in Yulee. The black tie affair to benefit the organization's scholarship fund will salute the honorees for their outstanding contributions as African-American leaders and role models.

LEGEND Continued on 10A

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Pulpit Notes
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SUBMITTED

Faculty at Callahan's Pine Forest Community School, above, posed for this 1960's photograph. Back row standing, from left, B. Bryant, Eileen Houston, Clara Jones, Eleanor Simmons, Buford Ward, Daisy Raulerson, Ortheola Hooks, Bettie Williams and Emmitt Coakley. Seated, from left, Bernice Hicks, Ernie Albert, an unidentified staff member, Judy Morgan, Mary Benjamin, Elise Williams and Johnnie Fisher. W.D. Hicks, below, was principal at Pine Forest and at Peck High School in Fernandina.

Hicks

'Legends Banquet' to honor educators

GLENDA S. JENKINS
News-Leader

After watching a television broadcast of the Legends Ball produced in 2005 by talk show phenom Oprah Winfrey, Michelle Gardner became inspired.

"We should do that," she said to her daughter.

Winfrey paid tribute to 25 African-American women, including pioneers in entertainment, art and civil rights, who overcame social barriers and served as her role models.

The "Legends Banquet," presented by the Nassau County Community Development Corporation will salute retired African-American educators who began their careers in segregated schools and became pioneers in breaking racial barriers in education.

"They gave the students a sense that we could do it, despite what was going on around us in a racially divided society," Gardner said.

The black tie affair begins at 6 p.m. Nov. 4 at the Atlantic Avenue Recreation Center in Fernandina Beach. News anchor Rob Sweeting of WJXT-Channel 4 will serve as master of ceremonies for the evening that will benefit the NCCDC Scholarship Fund. A $50 per person donation is requested.

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SUBMITTED

James B. Bryant, third from left, poses with students Stanley Jones, Donald Davis, Maude Mason, Robert Mathis and Shirley Palmer following the 1964-65 coronation of Miss Bryant Academy.

LEGEND *Continued from 1A*

As teachers, they demanded excellence from their students, despite the restrictions, limitations and low expectations a racially segregated society imposed on them, event committee chairperson Michelle Gardner said.

"They had such impact," she said. Yet, "they go unnoticed . . . The truth is that these teachers cared beyond" what was required. "It wasn't just a job for them."

Positive influence

Before going to lunch, Bryant agreed to answer some questions about his career as a school principal in Nassau County. And he seemed amused by the request. "I'm just an ole senior citizen, a hard-working country boy," Bryant said coyly.

Bryant became principal after the transition from one-room schools for black students to a consolidated school, first through ninth grades, in the 1950s. His former students have described him as "well-respected" and "stern but fair." They remember fondly that he rode a Harley-Davidson motorcycle, an example of his alter ego that helped heighten morale at the school, endearing him to the children, their parents and teachers. Consequently, they decided that Yulee's only school for black students should bear his name.

Two African-Americans in Nassau County history have received that honor. William H. Peck, principal at Peck High . . . seemed to recognize me as being somebody," he said. "And in that case that's why they did name the school Bryant Academy."

"I was the first person Mr. Bryant met when he came to Yulee as principal. When he got off the bus up there in Yulee . . . I'm the one who took him down and showed him where (the) school was," Johnson said.

Johnson reflected on Bryant's positive influence, noting the administrator imparted a strong work ethic in his students.

Bryant required students to work on campus grounds if they misbehaved. "That's how he got everything cleaned up around there," Johnson said. "They cut up in class, he'd give them a shovel."

Bryant lived by what he taught and could often be seen completing chores on his campus as well. Teachers recall that he whitewashed the schoolyard pine trees.

"Yeah, I used to get lime and put it in the bucket and mix it up and had everything white. The house and whatnot," Bryant said. "I just always admired beauty and always wanted to have something that looked very nice. That's why I always kept even the door locks. I'd get them painted white."

Loyalty and pride

Bryant, born "in the woods" of Microsuke outside Tallahassee, learned carpentry as an apprentice to his uncles and eventually became a building contractor. He Augustine campus and returned to Nassau County, followed in Bryant's footsteps and became a teacher in addition to coaching basketball. Today he is retired.

Former students like Johnson remain loyal to Bryant and to the values he exemplified, including pride in their appearance.

"Well, as a young fellow, I always admired beauty and I always wanted to be clean myself. And anybody I deal with would have to be the same way," Bryant said. "I would wear a tie every day because when I was a young fellow I would always dress up. And I would always wear a tie . . . You represented a man when you could look like one."

Bryant wrote the Bryant Academy school song and, at the urging of his visitors, attempted to sing it. But he could not recall the lyrics. The years have removed many details of his past and taken his eyesight. But a smile crosses his face as he hears the song's melody and he immediately joins in to hum along.

A blessing with his name

When integration arrived in Nassau County, the school district kept the school open, but removed Bryant's name and renamed it for the town's namesake. Bryant no longer served as principal at the school but received what he regarded as a promotion.

"They promoted me to the front office," he said. "They gave me supervisor of education. That was about the highest job for black

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Two African-Americans in Nassau County history have received that honor. William H. Peck, principal at Peck High School, was the first, and Bryant the second.

"Well somehow or another, where I was, teachers and students

Bryant lived by what he taught and could often be seen completing chores on his campus as well. Teachers recall that he whitewashed the schoolyard pine trees.

"Yeah, I used to get lime and put it in the bucket and mix it up and had everything white, the fence and whatnot," Bryant said. "I just always admired beauty and always wanted to have something that looked very nice. That's why I always kept even the door facings. I'd get them painted white."

Loyalty and pride

Bryant, born "in the woods" of Miccosukee outside Tallahassee, learned carpentry as an apprentice to his uncles and eventually became a building contractor. He built his St. Augustine home and another in Yulee next door to Bryant Academy.

"He was very instrumental in getting me in college," Johnson said, explaining that he did odd jobs at Bryant's house in St. Augustine. "And on Saturdays we would come and pick up pecans, cut grass, paint, whatever needed to be done. That's how I made it through college by helping him," he said, adding, "I've been like a son to them ever since. If I needed something I could go to him" and to Bryant's wife, Mattie.

Johnson attended Florida Memorial at its former St.

to sing it. But he could not recall the lyrics. The years have removed many details of his past and taken his eyesight. But a smile crosses his face as he hears the song's melody and he immediately joins in to hum along.

A blessing with his name

When integration arrived in Nassau County, the school district kept the school open, but removed Bryant's name and renamed it for the town's namesake. Bryant no longer served as principal at the school but received what he regarded as a promotion.

"They promoted me to the front office," he said. "They gave me supervisor of education. That was about the highest job for black folk at the time, in education . . . At that time, I was pretty well at the top as far as black was concerned."

After hearing a verse of the hymn "Amazing Grace," rendered in Bryant's robust tenor voice, and becoming enamored with his infectiously cheerful disposition, the visit with him seemed far too short. "What's my age, Freddie?" Bryant, now 95 years old, asked Johnson. His student answered as instructed.

"You mean, (I'm) still able to walk and talk?" Bryant asks.

"The Lord has a blessing with your name on it." Johnson said.

gjenkins@fbnewsleader.com

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CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: July 30, 2020

RE: Notification of Board Term Expirations and Vacancy

- Civil Service Board
- 1977 City Employees' Retirement System of the City of St. Augustine
- Planning and Zoning Board (PZB)

Notification is being made to the Commission relevant to one term expiration on the Civil service Board, one vacancy on the City's Employees' Retirement System and two term expirations on the Planning and Zoning Board.

Advertisement requesting applications for the Civil Service Board has been placed in the St. Augustine Record, the deadline to submit applications is Wednesday, August 12, 2019. Advertisement requesting applications for the City's Employees' Retirement System and Planning and Zoning Board will be placed in the St. Augustine Record in accordance with board advertising policies and posted on the City website.

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

Darlene Galambos
Darlene Galambos
City Clerk

CIVIL SERVICE BOARD

Meets 3rd Wednesday in January at 2:00 P.M. and on call
Alcazar Conference Room, City Hall

Board Member	Contact information	Appointment	4-Year Appointed Terms Expire
Steve Moranda **CHAIR** Retired	4220 Wicks Branch Road 32086 794-2780 794-0296 sssmoranda@gmail.com	12/12/04 12/08/08 12/10/12 12/12/16	01/01/2021
Loran Lueders Retired	llueders@staugpd.com	12/12/16 filled vacancy	01/01/2021
Leslie "Les" Stern Instructor/Coordinator Criminal Justice Prog	1100 Kilmarin Court 32084 824-2638 fcsi1924@gmail.com	02/24/14 filled vacancy 12/14/15	01/01/2020

Elected Board Members	Contact Information	Election Date	3-Year Term Expiration
Mark Samson Police Representative	825-1070 msamson@staugpd.com	12/09/13 11/21/14 12/07/15 12/2016 3/17/20	01/01/22
Brandon Seymour Fire Representative	825-1098 bseymour88@ymail.com	2//2018 3/17/20	01/01/23

EX-OFFICIO MEMBERS	
Barry Fox **Chief of Police**	825-1075 bfox@staugpd.com
Carlos Aviles **Fire Chief**	825-1099 caviles@citystaug.com

CIVIL SERVICE BOARD

Authorization:	City Charter, Article X.5
Number of Members:	Five 5; with two 2 ex-officio members police and fire chiefs with voice in proceeding but no vote.
Terms of Office:	Commission appointed members – four 4 years; elected members – three (3) years. *(Ord. 2019-19: Referendum question regarding the extension of term limits for police and fire representatives to 3 years passed at the March 17th, 2020 Presidential Preference Primary election)*
Appointment:	Three 3 appointed by City Commission; one 1 elected from within Police Dept; one 1 elected from within Fire Dept.
Re-appointments:	Normal terms expire in January.
Qualifications:	Must be of different vocations; not employed by the City in any capacity, official or otherwise.
Duties:	Adopt, enact, and amend a code of rules and regulations. The code covers the regulations for the conduct and direction of the members of the police and fire departments and prescribes discipline and control; provides for examinations and lists of those eligible for employment and promotion; hears appeals of discharged and suspended employees.
Attendance:	Section 2-191 of the Code of Ordinance Provides that absences unexcused from three 3 consecutive meetings are sufficient cause for removal by the City Commission.
Meetings:	Meets third Wednesday of January for annual reorganization; thereafter meets on call.

BOARD OF TRUSTEES
1977 CITY EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF ST. AUGUSTINE, FLORIDA

Meets quarterly, February, May, August and November – 1:00 P.M.
Alcazar Conference Room, 1st Floor, City Hall

Board Member	Contact information	Appointment	4-Year Terms Expire
Davis Birchim **VICE CHAIR**	209-4323 dbirchim@citystaug.com	08/08/07 06/22/09 05/28/14 05/20/17	06/30/2021
Stephen Slaughter	209-4274 sslaughter@citystaug.com	06/15/19	06/30/2022

Appointed Board Members	Contact Information	Appointment	4-Year Term Expiration
Jeffery W. Helms, Chair/Administrative Officer	400 N. Ponce de Leon Blvd, 32084 505-3446, 824-4349 jhelms@firstcoastadvisors.com	06/27/05 06/22/09 06/24/13 07/10/17	06/30/2021
Nancy Rawson	4024 Pine Run Circle 32086 h794-4580 c814-7784 nannywench1@msn.com	07/10/17	6/30/2021
VACANT **BOARD APPOINTED**			06/30/2022

Plan Administrator
Mark Simpson
24 Cathedral Place, Ste 407
217-7434
mark@marksimpsoncpa.com

Michael Tierney
Actuarial Concepts
2950 Halcyon Ln, Ste 402
Jacksonville, FL 32223
262-3020
mtierney@actuarialconcepts.com

Jeffrey Swanson
Southeastern Advisory Services
320 1st St. N.,
Jacksonville, FL 32250
233-7600, 233-7000
jeff@seadvisory.com

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

06/23/2017

BOARD OF TRUSTEES
1977 CITY EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF ST. AUGUSTINE, FLORIDA

Authorization:	Chapter 20, Code of Ordinances
Number of Members:	Five (5)
Terms of Office:	Elected employees – four (4) year staggered terms. Appointed members – four (4) years staggered terms Amended by Ordinance 2003-09, 03/10/03
Appointment:	**Two (2) residents appointed by City Commission;** two (2) elected by employees; one (1) appointed 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:	Elected trustee fails to attend three (3) consecutive unexcused meetings a vacancy is created.
Meetings:	Quarterly – 4th Wednesday of February, May, August, November

06/23/2017

PLANNING & ZONING BOARD

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

Board Member	Contact information	Appointment	3-Year Terms Expire
J. Carl Blow Commercial Real Estate Property Manager	100 Santa Monica Ave, 32080 829-6985 710-2655 john.carl.blow@gmail.com	12/09/19 fill vacancy	09/30/2021
Jon DePreter Retired	73 Magnolia Dr., 32080 845-901-9065 jondepreter@gmail.com	08/27/18 fill vacancy	09/30/2020
Christina Opsahl Attorney	P.O. Box 3743, 32085 904-907-7011 opsahl@opsahllaw.com	09/24/18 1st full term	09/30/2021
Michael Davis General Contractor	3940 Lewis Speedway, Ste. 2201, 32084 904-824-3533 mikedavis@addavis.com	09/23/19 1st full term	09/30/2022
Sarah S. Ryan Architect	252 S. Matanzas Blvd, 32080 547-9430 sshipp@gmail.com	11/10/14 fill vacancy 09/26/16 1st full term 09/23/19 2nd full term	09/30/2022
Grant Misterly Professional Engineer	3 Alfred Street, 32084 904-501-9345 gmisterly@gmail.com	09/26/16 1st full term 09/23/19 2nd full term	09/30/2022
Karen Zander **CHAIR** Real Estate Broker	62 Hypolita St, 32084 904-673-4764 Karen@97Park.com	09/25/17 1st full term	09/30/2020

09/15/16

PLANNING & ZONING BOARD

Authorization:	Chapter 28, Zoning, Code of the City of St. Augustine, Art II, Div. II. Section 28-57 Amended 4.14.2003, Ordinance 2003-14.
Number of Members:	Seven (7)
Terms of Office:	Three (3) years Original appointments staggered. No member may be appointed for more than two (2) consecutive full terms.
Appointment:	By City Commission
Reappointment:	Normal terms to expire on September 30 of each year.
Qualifications:	**All members of the planning and zoning board shall reside in the city** and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two 2 consecutive full terms. Member composition: architect, Florida registered; planner member APA or AICP; real estate broker, with County occupational license; educator, college level; engineer, Florida registered; landscape architect Florida registered; preservation organization officer; environmental or land use organization officer; attorney, Florida Bar; merchant/business person, City occupational license; or contractor, City contractor's license.
Duties:	The Planning & Zoning Board is established as the St. Augustine Local Comprehensive Planning Agency. The board may grant zoning exceptions and variances as provided in the zoning code ordinances; hear appeals of any decision of the Planning and Building Department; recommend to the Commission in the rezoning of land and changes to the Comprehensive Plan.
Attendance:	Absences unexcused by the chairman for two (2) of three (3) consecutive meetings shall constitute a resignation of the position.
Meetings:	First Tuesday of each month, 2 P.M., the Alcazar Room, City Hall.

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, June 8, 2020

The City Commission met by means of Communications Media Technology (CMT) Monday, June 8, 2020 at 10:03 A.M. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

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

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, 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
Cindy Walker, Communications Specialist
Barry Fox, Police Chief
Candice Seymour, Recording Secretary
Laura Morse, Recording Secretary
Marie Lopes, Office Assistant

INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Tim Fleming, Deacon of Christ Church, Episcopal Missionary 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, requested to add *Item 7.B.2. 'Statement by Police Chief'* Barry Fox.

Mayor Upchurch requested discussion of *Item 7.B.1.* prior to *Item 4. Public Comment*, to provide information on the topic to ensure a more informed public. He requested that the firework topic return to the Commission after the Consent Agenda approval.

MOTION

Mayor Upchurch MOVED to amend the Agenda as noted. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

3. Special Presentations, Recognitions and Proclamations

(None)

Item 7.B.1 discussed.

Mr. Regan reviewed the June 8, 2020 memo submitted to the Commission that provided a COVID-19 update and a July Fourth fireworks update.[1]

- The Commission decided on May 11, 2020 to postpone the *Fireworks over the Matanzas*, to a possible date in September
- The status of Daytona Beach and Jacksonville Beach fireworks had unknowingly been misrepresented, which was a factor in the Commission decision

Mr. Regan noted the decisions made by surrounding jurisdictions regarding the July Fourth fireworks:

- City of Jacksonville would have fireworks with no associated community events
- City of Fernandina would have fireworks with no associated community events
- City of Key West would have fireworks
- City of Jacksonville Beach postponed to New Year's Eve
- City of Orange Park postponed to Labor Day
- City of Ormond Beach postponed to Labor Day
- City of Altamonte Springs postponed to Labor Day
- Mayport Naval Station cancelled
- City of Palatka cancelled
- Flagler County cancelled
- City of Flagler Beach cancelled
- City of Daytona Beach cancelled
- City of Orlando cancelled, but planned a televised virtual fireworks tribute

Mr. Regan stated that on June 5, 2020, Florida began Phase 2 of re-opening, as directed by Governor DeSantis' Executive Order 20-139, and that Section 2.B. encouraged persons to avoid congregating in groups larger than fifty.

Mr. Regan provided an update on COVID-19:

- Florida cases increased in volume daily as predicted by medical experts, as the result of re-opening
- It was important to adhere to phasing recommendations to manage risk increase
- An increase was seen in St. Johns County since May 11, 2020; however, there was currently no risk of hospital overload
- As of May 11, 2020:
  - Florida had 40,982 confirmed cases, 7,224 hospitalizations and 1,735 deaths
  - St. Johns County had 222 confirmed cases, 36 hospitalizations and 4 deaths
- As of June 8, 2020:
  - Florida had 63,938 confirmed cases, 10,942 hospitalizations and 2,700 deaths
  - St. Johns County had 279 confirmed cases, 42 hospitalizations and 6 deaths

Mr. Regan addressed the historic *Fireworks over the Matanzas*:

- Tens of thousands of visitors had attended annually
- A concert was historically held during the day in the *Plaza de la Constitucion*
- Enhanced crowds expected as result of surrounding coastal district cancellations
- A significant load expected on first responders
- Unrealistic expectations for social distancing standards

[1] Attached to original minutes

- Unrealistic expectations for enforcement of capacity restrictions at bars and local restaurants
- No new information had surfaced to change the Commission decision of May 11, 2020

Mr. Regan restated the Commission's unanimous decision on May 11, 2020 to postpone the fireworks and noted that absent any motion by the Mayor or Commissioners to change that decision, the decision remained.

Mayor Upchurch turned the meeting to public comment.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- B.J. Kalaidi
- Richard Marquis
- Ed Slavin
- Tom Reynolds
- Pete Nelson
- Susana Esclasans
- Chris Fulmer
- Mary Ann and John Morrow
- Jim Satterley
- Carol Cuyler
- Charles Johnson
- Dave Salce
- Peter Klein
- Kathryn Schirmacher
- Kristi Robertson
- Sharon Green
- Gail DeVries
- Drew Burchenal
- Yvonne Puckett and Michelle Ward
- Ali Burchfield
- James and Eileen Colvin
- Michele VanDoren
- Christy and Jeff Pepper
- Jill Leslie
- Joe Snyder
- Cydney Connor
- Craig Chambers
- David Abraham
- Joe and Patty Mark
- Becky Greenberg

5. Consent Agenda

Mr. Regan read the Consent Agenda.

CONSENT AGENDA - JUNE 8, 2020

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON JUNE 22, 2020:

- Ordinance 2020-22

CA.3. Reminder of Upcoming Meetings:

- June 22, 2020, Regular Commission Meeting
- July 13, 2020, Regular Commission Meeting
- July 27, 2020, Regular Commission Meeting

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

- April 13, 2020, Regular Commission Meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- Ivan Zamora-Almeida and Glendaly Rosa - 1549 North Whitney Street

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. Approval of Settlement Agreement between the City and the United Brotherhood of Carpenters and Joiners of America, Local 2038. (D. Hayes, Director, Human Resources)

CA.9. Approval of the Madeira Phase 2A (Unit 1) subdivision plat. (D. Birchim, Director, Planning and Building)

CA.10. Approval of Permanent Easement Agreement between the Claude L. Weeks, Jr. and Kristina G. Weeks and the City for 62 Spanish Street. (R. Franklin, Director, Public Works)

CA.11. Second quarter for year 2019-2020 report for the City Attorney's office. (I. Lopez, City Attorney)

CA.12. Approval of License for Use of City Right-of-Way for 207 Inlet Drive. (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

7.B.1. Discussion regarding the Fourth of July celebration.

Item discussed prior to Item 4.

Mayor Upchurch experienced technical issues; therefore, he turned the meeting over to Commissioner Freeman.

7.B.2. Statement by Police Chief

Barry Fox, Chief of Police, acknowledged the tragic death of George Floyd on behalf of the Florida Police Chiefs Association and the City of St. Augustine Police Department (SAPD). He stated that recent demonstrations and numerous community emails received by himself and the Commission questioned police 'use of force' policies and therefore, prompted his presentation.

Chief Fox reviewed the SAPD's *Response to Resistance Policy:*[2]

- SAPD trained with the St. Johns County Sheriff's Office (SJSO) for 40 hours in crisis intervention techniques, including de-escalation and disengagement training for individuals possibly in mental health crisis or drug psychosis
- SAPD banned chokeholds, strangleholds (called Lateral Vascular Neck Restraint) in non-lethal situations
- Transparency and an open-door policy were stressed for SAPD officers to report incidents to the Command Staff Sergeant, who was tasked to ensure public safety
- Officers were restricted from shooting at motor vehicles, unless

[2] Attached to original Commission packet

there was danger to an individual or the officer
- Terrorism responses in place to respond to use of a vehicle or a weapon of injury or destruction
- Officers were to exhaust all reasonable means before resulting in deadly force
- Officers required to give verbal warnings
- Officers required to report each time force was used or they threatened to use force
- Appropriate medical response required when lethal or less-lethal force used that resulted in an injury to offender
- Officers trained in advanced ground fighting techniques to readily defend themselves without resorting to certain types of action
- An officer must defend their life in a lethal situation
- Trained with teams to disengage primary officer from offender upon arrival of backup team
- Anytime officer fired weapon, a Response to Resistance Report required completion
- SAPD received approximately 300,000 service calls in the past 4-1/2 years, of which 332 were response to resistance which many included to put down a sick or injured animal
- The Florida Police Chief's Association appointed Chief Holloway of St. Petersburg Police Department to chair a subcommittee on accountability and societal change, and the SAPD was tracking that subcommittee to incorporate their best practices

Chief Fox discussed body cameras:

- Law enforcement needed to evolve
- Public perception was important on the topic
- Pricing was being researched
- Conversations would continue with area chief law enforcement executives, including the St. Johns County Sheriff candidates
- Research would be provided to the Commission

There was Commission support and appreciation for Chief Fox and the SAPD action plan.

Chief Fox discussed the Florida Law Enforcement Accreditation, Inc. which ensured the adherence of best practices and policies of police departments. Chief Fox noted that the SAPD began their accreditation two years ago, and introduced Jennifer Smalls, Accreditation Manager of the SAPD.

Ms. Smalls, provided an update on the SAPD accreditation:

- SAPD policies were up to date
- Reviewed all 250 standards in place by the Accreditation Commission for the State of Florida (CFA)
- Reviewed SAPD policies and Standard Operating Procedures as they related to the CFA standards, and minor changes were necessary, such as wording
- Process started December 17, 2019, with original goal to present to the City Commission in February 2021; however, COVID-19 delayed that goal
- Would have a mock assessment on January 19-21, 2021 where the SAPD would be advised of any necessary changes or updates to the policies
- Planned to be at CFA in Orlando on April 13, 2021 to be fully accredited by the June 2021 Commission meeting

Commissioner Sikes-Kline inquired about embracing community involvement in SAPD's policies and when that involvement would occur.

Chief Fox noted the policies themselves for best practices were identified from the agencies' through community involvement; however, the SAPD did not have a community advisement board. He stated that this could be explored.

Commissioner Horvath inquired about whether the public could review the assessment in January 2021.

Chief Fox noted there was public involvement on the assessments where individuals came in and looked at the SAPD policies to ensure they were correctly written and followed by SAPD officers. He noted the proofs for training were the standard for whether policies were followed.

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2020-18: Amends the Future Land Use Map designation of 415 South Ponce de Leon Boulevard from Residential Medium Density/Mixed Use to Commercial Medium Intensity.

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

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

- B.J. Kalaidi
- Barbara Blonder
- Gina Burrell (provided written comments on the following three ordinances)[3]

James Whitehouse, St. John's Law Group, represented the property owners and noted his availability for questions.

Commissioner Horvath noted her agreement with Ms. Burrell that workforce housing was in need.

Mr. Birchim noted the following:

- City's land development code did not have anything requiring a set-aside for workforce housing
- The State of Florida recently instituted a law requiring local jurisdictions to compensate property owners if workforce housing was required in their land development code
- The City may be required to pay the difference between market rate housing and workforce housing if it was required
- At this point the City was not required

Isabelle Lopez, City Attorney, noted that the State statute during the last legislative session addressed the issue.

Commissioner Horvath stated that the Commission should bring this matter to the next legislative session and keep pressure on the State. She noted this had been addressed before but was 'cut off at the knees' by State regulations.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2020-18 on second reading. The motion was SECONDED by Commissioner Valdes.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2020-18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION OF APPROXIMATELY

[3] Attached to original minutes

1.64 ACRES OF PROPERTY LOCATED AT 415 S. PONCE DE LEON BOULEVARD IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT DESIGNATION OF RESIDENTIAL MEDIUM DENSITY/MIXED USE TO A DESIGNATION OF COMMERCIAL MEDIUM INTENSITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Freeman, Upchurch[4], Horvath
NAYES: None
MOTION APPROVED UNANIMOUSLY

8.A.2. Ordinance 2020-19: Amends the zoning of 415 South Ponce de Leon Boulevard from Planned Unit Development to Commercial Medium Two.

Mr. Birchim reviewed the Ordinance.

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

- B.J. Kalaidi

Commissioner Horvath stated her belief that adult entertainment and marijuana sales had been restricted to a tighter zone.

Ms. Lopez noted they were restricted; however, adult entertainment was considered First Amendment speech and could not be banned throughout the jurisdiction. She noted the availability of similarly identified commercial zoned properties on US1 for medical marijuana sales.

Mr. Birchim noted that the uses were allowed by exception, medical marijuana dispensaries were allowed in CM2 zoning, if direct public access to US1, and required approval by Planning and Zoning Board at a public hearing, but was not a use proposed for this property.

MOTION

Commissioner Horvath MOVED to pass Ordinance 2020-19 on second reading. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-19

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 1.64 ACRES OF PROPERTY LOCATED AT 415 SOUTH PONCE DE LEON BOULEVARD IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT ZONING CLASSIFICATION OF CITY OF ST. AUGUSTINE PLANNED UNIT DEVELOPMENT (PUD) TO THE CITY OF ST. AUGUSTINE ZONING CLASSIFICATION OF COMMERCIAL MEDIUM TWO (CM-2); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

8.A.3. Ordinance 2020-20: Amends the zoning of Flagler Crossing Planned Unit Development to Residential Low One.

Mr. Birchim reviewed the Ordinance and introduced the applicant, Paul Harden, Esq.

[4] Mayor Upchurch confirmed vote via phone and noted his ability to hear the meeting; however, he was not visible through Zoom

Mr. Harden presented a slide show in review of the topic.[5]

Ms. Lopez stated for the record that since Mr. Harden was an attorney, he was not placed under public oath.

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

- B.J. Kalaidi

Commissioner Sikes-Kline inquired about the concerns of the members of the Planning and Zoning Board (PZB) regarding this topic.

Mr. Birchim noted the following:

- Primary concern was that the conservation easements remained in-tact when the property was re-zoned, which the PZB reviewed at two separate public hearings
- The applicant provided legal descriptions and information regarding the conservation easements at the second public hearing
- The two board members who voted against re-zoning wanted it to remain in a Planned Unit Development (PUD) and be developed as multi-family
- PUD required a demonstration of public benefit
- PZB members who voted in favor of re-zoning believed that since most of the property being held in conservation easements with the Water Management District demonstrated a public benefit; therefore, nothing else was required through the PUD process
- Reservation of land with the Water Management District acted as the public benefit if re-zoned to PUD

Mayor Upchurch noted his assumption that the proposed zoning reduced the intensity of the current zoning.

Mr. Birchim stated there was no reduction in intensity.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2020-20 on second reading. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 135.2 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF THE SAN SEBASTIAN RIVER SOUTH OF SAN SEBASTIAN VIEW AND WEST OF LASA DRIVE IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF CITY OF ST. AUGUSTINE PLANNED UNIT DEVELOPMENT (PUD) TO THE CITY OF ST. AUGUSTINE CLASSIFICATION OF RESIDENTIAL LOW ONE (RL-1); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

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

(None)

[5] Attached to original Commission packet

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 2020-22: Amends Section 11-89 of the City Code to correct a scrivener's error conforming lettering from numeric to alpha.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Freeman MOVED to place Ordinance 2020-22 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-22

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 11-89 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO CORRECT A SCRIVENER'S ERROR IN ORDINANCE NO. 2000-16 RELATING TO NOISE CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

9.B. Resolutions

9.B.1. Resolution 2020-18: Authorizes the annual renewal of the Traffic Signal Maintenance and Compensation Agreement between the Florida Department of Transportation and the City for the fiscal year 2020-2021.

Reuben Franklin, Director, Public Works, reviewed the Resolution.

MOTION

Commissioner Horvath MOVED to pass Resolution 2020-18. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

VOTE ON MOTION

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

10. Staff Reports and Presentations

10.A. Presentation of the Draft Transportation Improvement Program by Wanda Forrest, Transportation Planning Manager for North Florida Transportation Planning Organization.

Mr. Franklin introduced Ms. Forrest, who presented the draft five-year Transportation Improvement Program (TIP) in St. Augustine for fiscal years 2020-2021 to 2024-2025.[6]

Ms. Forrest noted the following key projects:

- Avenida Menendez (SR A1A) from King Street to Castillo de San Marcos
- King Street (SR 5A) from Malaga Street to Avenida Menendez (SR A1A)
- US1 (SR 5) from SR 207 to City Gates
- SR 313 from SR 207 to S. Holmes Boulevard

[6] Attached to original Commission packet

- I-95 (SR 9) from International Golf Parkway to Duval CL
- I-95 (SR 9) from south of International Golf Parkway to south of SR 23 interchange
- First Coast Expressway (SR 23) from I-95 to east of CR 16
- First Coast Expressway (SR 23) from east of CR 16A (Spur) to East of CR 209

10.B. Presentation of the 2019 Comprehensive Annual Financial Report by the City's independent auditor, David Howie, of Masters, Smith & Wisby, P.A.

Mark Simpson, Director, Finance, introduced Mr. Howie, who summated a letter dated May 20, 2020 to Mayor Upchurch, the Commission and John Regan:

- Provided 'boilerplate' audit results
- Intention was to address professional housekeeping
- Nothing in the Comprehensive Annual Financial Report (CAFR) was out of the ordinary
- CAFR was similar to other municipalities
- Accounting estimates were all reasonable
- CAFR was full of standard disclosures with nothing significant
- A subsequent events footnote included notation on COVID-19 pandemic which had universally impacted the financial world
- No significant difficulties
- Page 189 listed management comments
- Management made any corrected and un-corrected misstatements and all proposed general entries
- There were no disagreements with management and staff was very helpful

Mr. Howie provided a review of the 2019 Comprehensive Annual Financial Report.[7]

- Auditors verified information in the financial and compliance sections, with exception of management's discussion and analysis
- Statistical section was not reviewed
- Balance sheet (page 55) showed 2019 fiscal year ending strong:
  - $37 million in cash
  - $203 million in assets
  - $83 million in liabilities
  - Net position of $126 million
- Reviewed Profit and Loss
- Compliance section required a federal single audit because of federal funds used from hurricanes and drinking water project
- The required State single audit looked fine

Mayor Upchurch stated that as an audit committee member, he had recommended that the City change auditors every 3 to 4 years; however, the other members disagreed. He noted it was positive that this was Mr. Howie's first audit of the City, hence a fresh set of eyes. He added that with Mark Simpson and Meredith Breidenstein, the City was blessed with an exceedingly strong financial team.

Mayor Upchurch stated that previous concerns on the City's timeliness with submitting information to the auditors had been corrected and was no longer an issue.

MOTION

Mayor Upchurch MOVED to accept the audit as presented. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

VOTE ON MOTION

AYES: Upchurch, Valdes, Horvath,

[7] Attached to original Commission packet

Sikes-Kline, Freeman
NAYES: None
MOTION APPROVED UNANIMOUSLY

<u>10.C.</u> Discussion regarding moving Engine 42 from North City Fire Station to the Florida School for the Deaf and the Blind.

Carlos Aviles, Chief, St. Augustine Fire Department, was absent for the meeting; therefore, Mr. Regan provided an update on the topic.

Mr. Regan noted that the St. Augustine Fire Department had successfully transferred back to the main station from the Florida School for the Deaf and Blind (FSDB), temporarily used for first responders to minimize the risk of COVID-19 infection.

Mr. Regan expressed his appreciation for Chief Aviles and Dr. Jeanne Prickett, President of FSDB, for their efforts to ensure the changes were successful.

<u>10.D.</u> Discussion regarding increased pressure washing activity, painting and cleaning in the downtown City area.

Todd Grant, Director, Utilities, provided an update on the pressure washing and enhanced cleaning performed downtown.[8]

- During March and April deployed full-time pressure washing staff and the grounds department
- The City contracted with 'Crystal Clean' prior to allowing the return of tourism
- Map showed areas cleaned by regular staff and Crystal Clean
- Under normal tourism, regular staff could pressure wash 4 to 6 times per year

Mr. Grant discussed the Florida Power and Light (FPL) program to replace the City's 'cobra head' high pressure sodium lights with LED lights.

- Requested the Commissioners go view the installed LED light placed at an easy to view location
- FPL would install, maintain and repair the LEDs at no cost to the City
- Could install LED lights of varying intensities to allow a better selection
- High-pressure sodium lights used way more energy than LEDs
- High-pressure sodium lights had a warmer look from a historic preservation perspective; however, LED lights were clear and brightened street
- LED lights would save the City $5,000 to $8,000 on FPL bill, based on wattage
- LEDs eliminated need for more power plants
- LEDs could accurately be directed to certain areas, avoiding light pollution and providing better security
- FPL installed highest wattage for the light shown, but if preferred, a step down on wattage was available
- LEDs still had hot spots, as did the high-pressure sodium lights
- LEDs could be installed outside of the historic district, as FPL's plan was not 'all or nothing'

Commissioner Horvath noted that the LEDs appeared more 'cool' or 'cold' than the high-pressure sodium, hence losing the historic downtown appeal.

Commissioner Sikes-Kline stated her assumption that a comprehensive lighting plan was in the process for the downtown historic district and this approach seemed fractured. She noted her concerns on the cohesiveness of the lighting modifications.

Discussion continued:

[8] Attached to original Commission packet

- There were numerous components to the lighting plan
- Mr. Franklin was moving forward with lighting improvements, such as the easement approved earlier on the Consent Agenda
- LED displayed lowered power consumption and improved ability to see color, which was part of the lighting plan
- Seeing color was imperative for safety reasons
- FPL program was a City-wide light change, and they would do specialty lights; however, it was typically for the cobra-heads over the streets and sidewalks
- Could install in various neighborhoods for a better idea of appearance outside of historic area
- Cobra-head lights were not located in the historic districts
- Complaints from neighborhoods on the dark spots or low light
- Lighting plan would go before the Historical Architectural Review Board (HARB)

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. Request for three (3) appointments for the Corridor Review Committee.

Darlene Galambos, City Clerk, reviewed the topic.

Mayor Upchurch suggested that the Commission voice vote to appoint Mr. Michael Dixon, as he was the only applicant meeting the professional position requirements. He suggested the selection of the other two positions through email vote to Ms. Galambos.

There was Commission consensus to vote for the appointments as suggested by Mayor Upchurch.

MOTION

Mayor Upchurch MOVED to appoint Michael Dixon to the Corridor Review Committee. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

Ms. Galambos read the Commissioner votes submitted via email:

Commissioner Valdes:
- Lorna MacDonald
- Vaughn Cochran

Commissioner Horvath:
- Lorna MacDonald
- Matthew Shaffer

Mayor Upchurch:
- Mary Clukey
- Vaughn Cochran

Commissioner Sikes-Kline:
- Lorna MacDonald
- Vaughn Cochran

Commissioner Freeman:
- Mary Clukey
- Vaughn Cochran

The Commission appointed Lorna MacDonald and Vaughn Cochran to the Corridor Review Committee.

13. ITEMS BY CITY MANAGER

Mr. Regan referenced the Phase II plan for the City and stated the following:

- CMT meetings were technically unstable, as shown during the current meeting

- Suggested Commission return to the Alcazar room for the June 22, 2020 meeting
- General Services implemented a room layout plan which separated the Commission and adhered to social distancing practices
- Total room capacity would be 31 people
- Additional requirements could be imposed, such as mandatory masks

Commissioner Horvath noted the increase in number of cases, and she believed it was too early to return the meetings to the Alcazar Room.

Mayor Upchurch noted his strong support for the in-person meetings and his comfort level based on the social distancing plan seen for the Alcazar room. He believed the Commission members were disadvantaged with experienced technical issues, and that important items had been postponed that were believed to generate a high level of public interest. He concluded that the Commission business was better done in person.

Commissioner Valdes stated that he shared the concerns of Commissioner Horvath, but also recognized the necessity of good governance. He noted that returning to in-person meetings depended on protocols set for participants, such as mandatory mask requirements, social distancing and proper cleaning.

Commissioner Sikes-Kline noted her concern for the recent case increase, validated by her KINSA app. She questioned the exacerbation of Florida cases due to the protests. She agreed that CMT meetings were not ideal; however, they were the best option for now, and should be re-assessed at each Commission meeting.

Commissioner Freeman acknowledged the disadvantages of CMT and the difference in ability to voice opinions. She noted the shared goal for the Commission's return to in-person meetings and suggested that the Commission review the proposed plan for discussion at the next CMT meeting. She stated that the COVID numbers just showed a sixth day of over 1,000 new positive results.

Mr. Regan stated that the Commission would receive the plan for review. He suggested that standard operating procedures be written based on the comments heard regarding cleanliness and masks so that when the Commission returned to in-person meetings, the procedures would exist. He noted the plan would be reviewed at the June 22, 2020 CMT meeting and discussion would ensue at subsequent meetings, until a return to in-person meetings occurred.

Ms. Lopez noted that Governor DeSantis' last Order extended use of CMT meetings through June 30th, 2020, that an extension to July was possible; however, currently that was the deadline.

There was Commission consensus to review Mr. Regan's plan for discussion at the June 22, 2020 Commission meeting, and such time the members would be apprised as to the legal ability to proceed forward with CMT meetings, or a return to in-person meetings.

Mr. Regan noted the recent resignation of Mike Cullum, Chief Resiliency Officer. He wanted to acknowledge the important work Mr. Cullum completed at the City and thank him for being instrumental in the advancement of sea-level rise strategies during his tenure.

14. Items by Mayor and Commissioners

Commissioner Sikes-Kline noted she had attended several meetings with black community leaders to obtain their input and she would continue to provide feedback to the Commission. She stated the community requested that the Commission look into body cameras. She noted the

importance of remaining open to the equality of the community and the necessary changes required.

Commissioner Freeman stated that body cameras were at the forefront of her mind and she was pleased to hear the SAPD was moving forward on the topic. She noted that it was a matter of respect for minorities.

Mayor Upchurch apologized for his connection issues and noted the difficulty of the past two weeks. He noted his fear and confusion, but that he had seen the St. Augustine community coming together. He attended several demonstrations and believed, along with others, that St. Augustine was fortunate to be absent police brutality issues and that our community had an excellent police department with excellent leadership.

Mayor Upchurch noted his appreciation for the time with Chief Fox and that he showed professionalism and courage during his interactions with all segments of the community. He believed that although the City was in good shape, the issues society faced were broader than policing and were all issues of social justice discrimination that would not be solved overnight, there was work to do and we all wanted to be better. He acknowledged his appreciation for the Commissioners' actions and Mr. Regan's leadership.

Mayor Upchurch concluded that there was broad consensus for body cameras among our elected officials and candidates and the topic would merely become a matter of how to pay for them.

15. Adjournment

There being no further business, the meeting was adjourned at 1:00 P.M.[9]

[9] Transcribed by Laura Morse

_____
Tracy Upchurch, MAYOR

_____
Darlene Galambos, CITY CLERK

DRAFT

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, June 22, 2020

The City Commission met by means of Communications Media Technology (CMT) Monday, June 22, 2020 at 10:18 A.M. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

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

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, 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
Cindy Walker, Communications Specialist
Barry Fox, Police Chief
Candice Seymour, Recording Secretary
Laura Morse, Recording Secretary
Marie Lopes, Office Assistant

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Ted Voorhees, St. Cyprians Episcopal 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, requested to table Item CA.14. on the Consent Agenda.

MOTION

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

3. Special Presentations, Recognitions and Proclamations

3.A. Proclamation 2020-09: Proclaims June, 2020 as Pride Month

Commissioner Sikes-Kline presented the Proclamation.

4. General Public Comments (3 minutes per individual)

Mayor Upchurch noted that Public Comments should be for items other than the confederate memorial.

The Commission heard from the following members of the public:

- Doug Russo
- BJ Kalaidi
- Mikayla (mickey.c29@gmail.com)
- Susan Hill
- Chris Fulmer

5. Consent Agenda

CONSENT AGENDA - JUNE 22, 2020

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR 2ND READING ON JULY 13, 2020:

(None)

CA.3. Reminder of Upcoming Meetings:

- July 13, 2020, Regular Commission Meeting
- July 27, 2020, Regular Commission Meeting
- August 10, 2020, Regular Commission Meeting

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

(None)

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).

Certificate of Recognition 2020-03CR: Recognizes St. Augustine's Historic Shrimping Industry and its contributions to the community. *(T. Upchurch, Mayor)*

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:

(None)

CA.8. Monthly financial report for May, 2020. *(M. Simpson, Director, Finance)*

CA.9. City commission room redesign and cleaning procedures in compliance with CDC guidelines. *(J. Piggott, Director, General Services)*

CA.10. Approval of funding match for grant in the amount of $33,192.75 received from FEMA for design and construction improvements to the seawall of Avenida Menendez. *(R. Franklin, Director, Public Works)*

CA.11. Summary of current grants. *(M. Breidenstein, Assistant City Manager)*

CA.12. Approval of invoices to Cavendish Partners, P.A. in the Seavin, Inc. v. City matter for $1,540.00 and for the Marlowe v. City matter for $4,698.00. *(I. Lopez, City Attorney)*

CA.13. Approval of License Agreement for the use of city right-of-way to construct a dock at 435 Flagler Boulevard. *(D. Birchim, Director, Planning and Building)*

CA.14. Request to name two city parks. *(M. Wissel, Communications Manager)*

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 Freeman 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

7.B.1. Discussion of relocating the confederate veterans memorial.

Mayor Upchurch requested the Commission's decision to be specific to the confederate memorial. He stated should the Commission vote in favor of removal, then the place for relocation would be determined at another meeting.

The Commission heard from the following members of the public:

In person:

- Mike Masters Tolzmon
- Pastor Anthony Daniel
- Tony Brown
- Anthony Timis
- Janine Roody
- Melinda Rakoncay
- Evelyn Hammock
- Jack Ganoe
- John McRae
- Dan Plunkett
- Bryan Anderson
- Giorgetta (Mischele) Miller
- Maria Russo Vail
- Doug Russo
- Shawn Morris
- Earl M. Johnson, Jr.
- Laverne March
- Marlene Finnegan
- Amanda Delgado
- Karon Bryson-Emmert
- Mark Fetz
- Luis Antonio Miguel
- Jaime Perkins
- Christine Hatfield
- Laura Evans
- Sandra Parks
- Lisa Lloyd
- Brenna Katryn Hughes
- Pastor David Williamson
- Judith Fox Fliesser
- Kelly Hughey
- Tabatha Johnson
- BJ Kalaidi
- Tom Reynolds
- Savanna Greenberger
- Jakob McKinney
- Rebecca Hill
- Richard L. White
- Al Suarez
- John Dennehy

Via phone:

- Catherine Paulsen
- Shayne O'Hara
- Brennan Ganyon
- Mary Cobb
- Denosha Anderson (inaudible)
- Pastor Stephanie Jones-Ramsey
- Name not provided
- Allison Eckert
- Barbara Blonder
- Dylan Rasnick
- Name inaudible
- Kate Ramsey
- Ed Slavin

Via e-mail:

- National Trust for Historic Preservation
- Brittany Drennen
- Hope Salamunovich
- Regina Phillips
- Ann Breslauer
- Vera Holbrook
- Melissa Bashore
- Ashley Kirsimagi
- Anne DeMartini

DRAFT

- Michelle Borstelmann
- Amanda Johnson
- Emily Pinto
- Gwendolyn Duncan
- Dr. J Michael Butler
- Joann Johnson
- Rose Edwards
- Barb Berg
- Hamid & Dilara Hafiz
- Dr. Chris Balaschak, Dr. Timothy J. Johnson, Chris Moser, Patrick Moser, Leslie Robison
- Nancy Thomas
- Deborah McEvoy
- Viktoriya Lishneva
- Barry Coombs
- Heather Call
- Karen Giles
- Robin Ray
- Timothy Smith
- Robin Rambeau
- Susan Sprague
- Eddie Ray
- Melissa Grace
- Sandra Lepore
- James Eifert
- kimsbox@yahoo.com
- Beth Eifert
- Mary Ann Cordray
- Norm Blanton
- Samuel Hurlbert
- donnyandannette@yahoo.com
- Lin Becker
- Cindy Bennett (1st email)
- Nora Mace
- Andrea Clark
- M. Neil Stevens
- The Hendersons
- Tom Graham
- Shawna Daugherty
- Michael Read
- mline696@att.net
- Debra Billard
- Teri Aboulafia
- Christine Mars
- Julia Sweet
- Ryan Ropero
- Laurie Holcomb-Ramos
- Meredith Jones
- Sue Agresta
- Joanna Barber
- Vicky Singleton
- Delia Bledsoe
- Thomas Pacetti
- Jacqueline Mathis
- choeylee@peoplepc.com
- Chance and Lora Bunger
- Rosa Bledsoe
- Kaley McCarty
- Jason Brooks
- Betty Arechederra
- Erika Forrest-Martin
- Gordon Garver
- Ava Nelms
- Deborah Fasanella
- brenda82125@gmail.com
- David Ellis
- Deborah Espinoza
- rgbtrade@comcast.net
- tsironworksinc@yahoo.com
- Rita Zimmerle
- Bobbi O'Bry
- Garry Cumber
- Matthew Lempke
- Mary Rieder
- Tiffany Scott
- Tracy Langston
- Shannon Poole
- Brian Roach and Kathe Kokolias
- Marissa Fallica
- Brendan Bernhard
- Art Schneck
- Sara Schleicher
- Belinda Burgess
- Tracey Kuczinski
- Joseph Taylor
- Helen Smith
- Bri West
- Alicia McWhorter
- leonmoore1975.lm@gmail.com
- Joy D'Elia
- Mark and Shawna LeMaire
- diana.iswaiting@yahoo.com
- Maureen and David T. Johnson
- Dr. Walter and Mary Grundorf
- Chelsea Steinmeyer
- kf4wfy@gmail.com
- Nancy Rawson
- Chris Rose II
- Alyssa Fink

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- Darien Andreu
- Sherley Cuyler
- Peyton Quina
- Michelle Shehadeh
- Carrie McCrary
- Nichol Sparrow
- Hugh Washington
- Deidre Barry
- Paul S. Brinkerhoff
- Parrish Jones
- Mary Stritof
- Karen Rochelle
- Gary Wolfson
- June Lester
- Tommy Whitcomb
- Michelle Walker-Serrano
- Dr. Richard and Marisella Rettig
- Kate Andrea
- Susan Williams
- Kyle Trammell
- Edythe Heins
- Brian Reaves
- Courtney Torralvo
- Eddie Nichols
- Mary Kruse
- Christopher Behrends
- Joshua Trickey
- Suzanne Dixon
- Kurt McGill
- Jasmine Luoma
- Charles Lockard
- Shirley Sullivan
- Sean Marsh
- Nash Hoover
- Lauren Melton
- elktonrich@gmail.com
- Jeff Sturtevant
- Karen Coleman
- Nana Royer
- Samantha Leigh
- Pam Dockins
- Sandie Burchfield
- Molly Hans
- Matt Brown
- pfontanelli@aol.com
- Mary and Kelly Curry
- Rachel Schock
- Lt. Colonel Donald H. Adams
- Dale Jurkovic
- Becky Williams
- Lisa Jarrett
- Joan Geronimo
- Barbara Hayes
- Erin Buell
- Gaere MacDonald
- Shannon Broadus
- Kim MacEwan
- Denise Johnson
- William Kolb
- Janice Occhiuto
- Carol Cecere
- Chris Fulmer
- Ray Pellegrini
- Anne Rhoden
- Rae Wilson
- Joyce Ferrigno
- Serena Milne
- Stacey Capo
- Jaime Parham
- Women's March Alliance of North FL
- Bruce Fulton
- Jean McDowell
- Jerad Shulte
- Mary Scine
- Robert Fajen
- Candace Fleming
- dolphinjon@att.net
- Ben Evans
- Carolyn Dubowsky
- Cathleen DeLorenzo
- David Lomaglio
- Linda Evans
- Melanie Lomaglio
- Harold Dockins
- Alison Hall
- Lorna Bracewell
- Rita Baldwin
- Felicia Proia
- Andrew Boeder
- Sally Delgado
- Luis Casado
- Robin and Jerry Dion
- Lana Smithner
- Dave Lowther
- Jesse Bullock
- Cory Wentworth
- Niraj Goswami
- Rachel Lee
- Amanda Goswami

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- Jeannine Litty
- Seber Newsome III
- Gail Hart
- William T. Barclay (MSG RET)
- Katie Mahon
- Hannah Hughes
- Caitlyn O'Hora
- Troy and Patty Strawder
- Renee Plummer
- Robert K. Barton
- Brianna Welsh
- William Dudley
- Sean Hess
- Conley Weiss
- darlalocks@msn.com
- Perry D. Unwalla
- Ken Woodcum
- Rich Hatfield
- Melissa Southwell
- Becky Weiss
- J. Jeanine Thweatt
- Shelby and Skyler Dixon
- Tigenia Taylor
- Jo Ellen Parkey
- Jennifer R. Davis
- Ryan Mahon
- Danielle Babineau
- Margalo Eden
- Adam Gregory
- Dominique Yates
- Laverne March
- Kamau Green
- Luetisia Desue
- Byron Green
- Melissa Noeth
- Charlene M. LeBleu
- Darlene Allia
- Jim Neuenfeldt
- Julie Wingo
- Lise Nance
- Summer Schultz Hampton
- Anna Marie Charlebois
- Renee Jones
- Steve Davies
- Judith Abarno
- Daphne Cameron
- Christopher Wendt
- Brian Covington
- Diane Vespucci
- Michael Ayers
- David Cash
- Bob Fletcher
- Grace Paaso
- Rhonda Burns
- zackfairmusic@gmail.com
- Melinda Taylor
- Jason Davis
- Michael Kenney
- John Gall
- Judith Arbano (2nd email)
- John Boucher
- Angie Rose
- Kathy Centeno
- Jill Pacetti
- skatulaki4@aol.com
- Daniel M. Anderson
- William C. McRea
- dittydotmm@bellsouth.net
- Michael Nilon
- Daryl Price
- Sacha Martin
- Travis Barton, Sara Bloomberg, Dr. Zachery Drilingas, Mary O'Donoghue
- E. Bland Cologne
- Charlie Burrell
- Mary Kellough
- Barbara Brenner
- Louise Reirdon
- Shannon Smith
- Thomas R. Waskovich
- George Linardos
- Sorrell Mercoglan
- Chris Batchelor
- Beverley Pattison
- Derby Ulloa
- Jeff Brecko
- Ben and Stella Joslin
- Aimee Wiles-Banion
- Margaret Davitt
- Julie Stevenson
- Heather Brecko
- Jennifer Baya
- Anthony McGeathey
- Kenneth Grissom
- Montrell Sanders
- Roger Carlson
- Jay D. Mamoon
- Rob Taylor
- Deborah Hehn

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- Nick Isicoff
- Mike Spaid
- Wilma Baty
- Yvonne Hertzing
- Robert Maloney
- Elizabeth MacMillan
- markwotli1@gmail.com
- Ann Cook
- Elizabeth Masters
- Tina Jacobson
- Julie Kelly
- tavarajns12@gmail.com
- Joe Calderon
- Lester Lamon
- Jocelyn Flint
- Benjamin Hugh Lake
- Maryann Baetz
- Jill Workman
- George Newman
- Gail and Stephen Summerhill
- Jessica Johnson
- Rob Mendez

Public discussion was closed.

Mayor Upchurch requested a brief recess.[1]

Commissioner Sikes-Kline noted the following:

- Researched the names on monument and determined at least seven of the listed individuals had personally owned slaves
- Anna Dummitt, President of the Ladies Memorial Association, also owned slaves
- It was not her intent to insult the families, but to bring attention to the subject
- Free African Americans left St. Augustine and went to South Carolina to fight for the Union; therefore, she was not of belief there were African American Union soldiers to put on the monument
- A decision should be made at the meeting to avoid another summer of division and she supported relocation of the monument

Mayor Upchurch discussed the topic:

- Extremely grateful to the St. Augustine community
- Attended five protests and believed the City was absent national issues, as our neighbors were not a mob crowd, no one was arrested or injured, and nothing was damaged
- Concerned about rhetoric of bussing people, and felt it was not offensive for others to come to the City for larger set of issues
- Decisions were made at a public hearing with nine hours of public comment which was a credit to the community
- The community had not just woken up May 26, 2020 and decided there were racial issues
- Thankful that Chief Fox and the St. Augustine Police Department's (SAPD) cooperated with other agencies to protect citizen's rights
- He was not on the Commission when they voted for the monument contextualization; however, it was the right thing at that time
- Community worked diligently to open the public space to tell the stories of Andrew Young or foot soldier monuments and the Visitor Information Center (VIC) exhibits
- Contextualization was good two years ago; however, George Floyd's death occurred and now there was more than a conversation about police brutality and confederate monuments, but a call to face the racism existing in our country since its founding
- Suggested book 'Facing East from Indian Country' written from the perspective of Native Americans seeing the arrival of the Spaniards
- The names on obelisk were not racist; however, those men died serving the confederate army which

[1] Recess taken from 6:52 P.M. until 7:00 P.M.

ripped the Union apart for the sole purpose of protecting slavery
- The Plaza was the heart and soul of the City and the obelisk was at the center; therefore, needed to be looked at from a different perspective to understand more than the symbolic nature and what was etched on monuments, as the memorial did not represent the community's true nature
- The City's strategic historic preservation plan included values of inclusion, diversity, empathy, sympathy, and compassion
- The Trust for Historic Preservation, the American Historical Association and the Society for Architectural Historians were institutions founded on preserving and interpreting history, and they all supported relocating confederate monuments
- Repeatedly heard the concern of 'what's next' once this monument removed, and those issues would be addressed should they arise
- Requested that feelings about the messenger not hinder the message
- Best solution was to relocate monument and take appropriate actions ensuring the structural integrity
- Opposed to referendums suggested by Commissioner Horvath as they shirked the responsibility of the Commission
- 55% of public comment was in favor of relocating the monument
- Historian Gordon Wood noted that humility was the one great lesson learned from history

Mayor Upchurch recounted three personal experiences that took place throughout his life which influenced his perspective and decision on the topic.

MOTION

Mayor Upchurch MOVED that the City Commission hereby direct the City Manager to make the necessary arrangements to remove the Confederate Veterans Memorial from the plaza to a new location such as a cemetery or private property, that location to be determined by the Commission. The City Manager will immediately take necessary steps to protect the memorial and use his best professional judgment to remove, transport and store the memorial to protect its structural integrity. The motion was SECONDED by Commissioner Sikes-Kline.

Isabelle Lopez, City Attorney, noted the following:

- Number of speakers had spoken during meeting about First Amendment rights
- Commission should know that in a 2009 Supreme Court case '*Pleasant Grove City vs. Summum',* the Court found the monument placement was government speech, not First Amendment protected activity for private individuals, even if the monument had been donated by a private donor or a group of private donors
- Mayor Upchurch stated monument placement was deemed government speech, to be determined as a reflection of what the Commission wished the City to embody

Commissioner Horvath expressed the following:

- She came from a military family and her father fought in three wars, two with uncertainly as to his return
- It was not a Jim Crow monument but a tombstone for those that did not return home
- Thanked those that assisted with the monument conceptualization and had hoped that would help
- Other memorials stood in the plaza; therefore, she considered the plaza

an 'open air museum' which told the whole story
- Per idea of former Commissioner Sandra Parks, could easily transform the monument into a 'Civil War Veterans Memorial to include names of all patriot soldiers, black and white, north and south
- Seriously concerned about destruction of monument if moved, and potential damage to plaza
- This was one domino that opened the door to the removal of many other monuments
- The City was all about history and the monument was an important historical icon; therefore, it should not be removed merely for content since the content could be changed
- Slavery was the lowest point in history and racism still existed; however, hiding history was a problem that would lead to a repeat
- Removal of objectionable material from a public square could thwart America's preparedness to fight future injustices
- Commission's job was leadership and representation of the citizens within the City; therefore, the topic should be placed on a referendum to see what the citizens desired
- Equal justice would be to also honor the African American Union soldiers, and was unsure the reason there could not be both as it was the best solution

Commissioner Valdes noted the following:

- Shocked at statistics of the monument names being slave holders as noted by Commissioner Sikes-Kline
- Greatly touched by statements made by Mayor Upchurch
- U.S. race relations had significantly progressed in his lifetime, as country had a two-term African American First Family in the White House, along with many elected politicians and judges
- Unlike years ago, today it was common to see interracial families, including members in his own family, and in a few generations the same race issues would not exist
- Social media and public comment showed that a racist overtone still existed, society still had a long road and the way this issue was handled would affect race relations in St. Johns County and St. Augustine; therefore, he cautioned to avoid 'ripping a scab from a wound and putting salt in it'
- Sandra Parks and Commissioner Horvath's suggestions for the monument would unite people, not removing it, should use this moment to unite
- Germany did in fact have monuments for lost soldiers, airmen and sailors that died in WWII
- Unlike bronze statues, the monument was a memorial and would not likely survive relocation which would be costly and require potential rebuilding; therefore, it should be tabled for discussion and placed with the Historical Architecture Review Board (HARB) before potential destruction
- War was the biggest atrocity man perpetrated on one another and too often children had fought wars for elder men and rich people, without knowing why
- The death of a soldier died took their entire future away, which was the epidemy of atrocity, and the monument should be repurposed to remember the Union and African American soldiers, and the sons of St. Augustine so as not to forget
- Second largest atrocity was slavery
- Society was incapable of sanitizing Civil War history and the Plaza was a living museum about telling all the history of St. Augustine

Commissioner Freeman noted the following:

- Appreciated all public comments, emails, speakers, and Commissioners' comments and noted everyone was coming from a place of sincerity and goodness, with different points of reference
- Difficult to see the memorial in the negative light based on her Florida heritage and personal background that taught everyone was equal
- Society did not have equal justice which was professionally seen in the legal system and highlighted with the recent horrific videos
- Ownership of another human being was the greatest atrocity to another person in our society
- Empathizing with descendants of the atrocities might move us a step closer to living in harmony and unity, which was the goal
- Wanted to look into the eyes of her African American friends and say she believed in their plight, and was not sitting back waiting for things to happen in another couple hundred years
- Options were discussed on creating unity; however, unsure that could be accomplished in this location with this memorial, but perhaps placing it elsewhere could
- Needed empathy, respect and honesty for those who found it hurtful, and committing to them that we are all fighting for equal justice
- Would African American slave descendants ever see the monument as anything other than a slap in the face, no matter what contextualization stated

The Commission concluded that the decision was polarizing.

Mayor Upchurch requested that Mr. Regan speak on the topic, since he made the contextualization recommendation several years ago, subsequently approved by the Commission.

Mr. Regan discussed the following:

- Entire career was as a civil servant who worked for social equity
- At time of contextualization decision, believed it would assist with recognizing and validating each side; however, it had not done this
- Monument to honor the dead, was moved from private to public land in 1879, and was a symbol of oppression, hate and racism recognized by the Confederacy
- Contextualization was not representative of a movement from the white lens of 'active listening' and needed a demonstration of empathy, compassion and commitment through action
- Disturbed at protest attendees who preserved the current white power structure and the level of social inequity and racism
- Although war was lost, white power was still in charge, seen by the endorsement of government since most monuments were on government owned land
- Modification of the monument was just another exercise in contextualization, which still had same representation on both sides
- Deeper social issues needed to be addressed, and he had worked with Chief Fox on a policy position statement to discuss the change of social equity positions
- No matter the Commission's decision, would continue working on all the social issues by wearing the 'black lens'

Mr. Regan noted the following on the plan for removal and relocation of the monument, should that be the decision of the Commission.

- City had the best team with expertise of Herschel Shephard and Jenny Wolfe, who was one of the best structural preservation engineers in the industry

- First step would require storing the monument in a stable environment
- Extreme plan would take monument apart brick by brick and document each step / piece
- Had strong leads for project, including the original builders of the monument

VOTE ON MOTION

AYES: Upchurch, Sikes-Kline, Freeman
NAYES: Valdes, Horvath
MOTION APPROVED 3/2

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2020-22: Amends Section 11-89 of the City Code to correct a scrivener's error conforming lettering from numeric to alpha.

Item was tabled for future discussion.

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

(None)

9.B. Resolutions

9.B.1. Resolution 2020-21: Adopts Health and Safety Protocols for public meetings as part of Phase 2 of the declared State of Emergency in response to COVID-19.

Ms. Lopez reviewed both Resolutions 2020-21 and 2020-22.

MOTION

Commissioner Freeman MOVED to pass Resolution 2020-21. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

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

9.B.2. Resolution 2020-20: Providing the City Manager authority to allow the City's lower boards to meet in person and not utilize Communications Media Technology procedures starting on July 1, 2020.

MOTION

Mayor Upchurch MOVED to pass Resolution 2020-20. The motion was SECONDED by Commissioner Freeman.

VOTE ON MOTION

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

10. Staff Reports and Presentations

(None)

11. ITEMS BY CITY ATTORNEY

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

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

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

13.A. Designation of official to be voting delegate at the business meeting of the Annual Florida League of Cities Conference to be held August 14, 2020.

Commissioner Sikes-Kline noted her commitment to accept the position.

MOTION

Commissioner Freeman MOVED to appoint Commissioner Sikes-Kline to be the delegate representative to the Florida League of Cities. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

14. Items by Mayor and Commissioners

(None)

15. Adjournment

There being no further business, the meeting was adjourned at 8:35 P.M.[2]

_____
Tracy Upchurch, MAYOR

_____
Darlene Galambos, CITY CLERK

[2] Transcribed by Laura Morse

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CITY OF ST. AUGUSTINE

Emergency City Commission Meeting
Friday, June 26, 2020

The City Commission met by means of Communications Media Technology (CMT) Friday, June 26, 2020 at 9:30 A.M. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

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

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

Staff: John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Candice Seymour, Recording Secretary
Laura Morse, Recording Secretary
Marie Lopes, Office Assistant

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Upchurch delivered the invocation and led the Pledge of Allegiance.

3. Resolution 2020-23 amending Resolution 2020-13 to limit public comment during emergency meetings of the City Commission.

Mayor Upchurch reviewed the Resolution and restated 3 minutes was allowed during regular meetings for in-person comment, call-in or emails read into the record. He noted the following:

- Commission had ability to change the comment time for the purpose of an emergency meeting
- Should continue with practice of allowing 3 minutes for those in-person in the Alcazar Room
- Should limit call-in time to 1 minute, for the special meeting
- Since most e-mails received by the Commissioners and the City Clerk were duplicated, the City Clerk should provide a summary of those 'in favor' or 'not in favor' of the Resolution

Isabelle Lopez, City Attorney, noted the Resolution language was flexible, but did consider a shorter time-period for comment provided in-person, call-in or a summary of submitted emails; therefore, it was consistent with the language.

MOTION

Mayor Upchurch MOVED to approve Resolution 2020-23, providing for 3 minutes of in-person comment for those in the Alcazar Room, 1 minute for telephonic communications, and a summary by the City Clerk for submitted emails. The motion was SECONDED by Commissioner Horvath

DRAFT

and APPROVED BY UNANIMOUS VOICE VOTE.

4. Resolution 2020-22 mandating the use of face coverings indoors when social distancing is not possible.

John Regan, City Manager, reviewed the Resolution guidelines in conjunction with Administrative Order 2020-11.[1]

Mr. Regan discussed the factors that provoked the Resolution since the start of COVID-19:

- The City and the Commission had a position of strong encouragement
- City advocated for guidelines and created programs
- Purchased masks, completed cost recovery, and sold out in 4 to 5-day period
- 'Educate yourself and make the right decisions' had been ongoing theme for months
- Initial economic lockdown flattened the curve
- Phase 2 saw significant COVID-19 positive case increases both in Florida and St. Johns County
- KINSA thermometer program had a dense network, and in early June showed a high inflection of illness in St. Johns County, followed by an expected spike in some of the highest U.S. numbers from those communities using the KINSA program
- Face masks had become highly politicized into a red vs. blue matter; however, needed to review what the health experts said
- Center for Disease Control (CDC) was consistent on face mask usage
- On June 22, 2020, the Florida Surgeon General said all individuals in Florida should wear a face mask covering where social distancing was not available
- On June 19, 2020, the Florida Medical Association (FMA) urged local governments to issue orders to mandate mask wearing
- The Florida Academy of Family Physicians urged mask wearing
- Several renowned physicians in St. Johns County supported an indoor mask policy
- The City, St. Johns County and the nation's culture showed compliance by most people who would self-police with the issuance of a public health order
- An ABC news poll showed 9 of 10 Americans wore a face mask or covering, up 20% from last poll, compared to 11% that did not
- A Fox News poll showed 80% of the nation favorable to mask wearers
- 335 emails were received for public comment and 81% supported a mask policy mandate
- Public opinion was vital and assisted City with navigating the topic, which was the most controversial topic in the nation
- 14 cities and 10 counties in Florida approached the mask topic with the majority supporting mask wearing
- Criticism for outdoor mask mandates required a realistic approach based on health data, risk factors and risk assessment, as the outdoors did not present even half of the indoor risk assessment
- 'My cloth face covering protects you, your cloth face covering protects me' should be practiced

Commissioner Sikes-Kline requested to provide Tom Dolan, local business owner, additional time to speak during public comment, since Mr. Regan cited him as having knowledge and experience on the mask topic.

Public Comment was opened and the Commission heard from the following members of the public:

[1] Attached to Commission packet

In person:

- Janine Rainville
- Allen Keith O'Neal
- Ann Linder
- Matthew Gundelfinger
- Tom Reynolds
- Tom Dolan
- BJ Kalaidi

Via phone:

- Ed Slavin
- Melissa Fiorentino

Mayor Upchurch interrupted public comment and noted the one-minute timeframe was not sufficient; therefore, he requested the Commission's permission to allow callers the full three minutes.

There was Commission consensus to allow callers three minutes for public comment, and they heard from the following:

- Sarah Edwards
- Nick Noloboff
- Carolyn Smith
- Julie Watson
- Rita Baldwin
- Elizabeth Jennings
- Judith Laporte (inaudible)
- Mark Resco (inaudible)
- Christina Devoe (inaudible)
- Phil McDaniel
- Name not given
- Natalie Wheeler
- Katherine McAtee
- Inaudible (worked 34 Saragossa street)
- Sean Griffin
- Jerry Sanchez (inaudible)
- Rhonda McAtee
- Roseanne (no last name given)
- Name not given
- Name not given
- Inaudible
- Janice Stevens
- Linda Lang
- Kristen Thomas
- Name not given
- Name not given
- Kasondra Marcus
- Name not given
- Stephanie Giannini
- Alana Parham
- Name not given
- David Lee Sellers
- Tyra Timber (inaudible)
- Missy Bowser
- Shelly Winecoup (inaudible)

Mayor Upchurch halted public comment and requested the Clerk hold any further calls. He stated the following:

- Control of the meeting had been lost through no fault of anyone
- There was no ability to monitor the phone calls, prohibit someone from calling in multiple times, or know how many callers were holding
- Each person had a constitutional right for meeting participation; however, everyone was trapped in a difficult situation and all involved were trying to do the right thing
- Nature of CMT meetings was difficult, meeting was on a 'feedback' loop that could not be broken, and phone-in comment was not working in this realm

Mayor Upchurch suggested to adjourn the meeting and reconvene in the Alcazar room on Monday morning, June 29, 2020. He noted that social distancing guidelines were in place; therefore, discretionary for individuals who requested public comment.

Ms. Lopez noted the legal options available to the Commission for suspending public comment:

- Under Florida Chapter 286.0114, 3(a) public comment law, there was an exception stating 'requirements of public comment period do not apply to an official act that must be taken to deal with an emergency situation affecting the public health, welfare or safety if compliance with the requirements would cause an

unreasonable delay in the ability of the board or commission to act'
- Under the City Charter and State Statute, Mr. Regan had complete authority to issue administrative orders without the City Commission's input

The Commission discussed:

- Revert to the traditional form of in-person public comment, with Commissioners present
- Option for CMT meetings was extended through July 31, 2020 per Governor DeSantis'
- Since meeting was 'emergency', did not want to extend until Monday, June 29, 2020
- Two hours of public comment had been heard, not including over 300 emails, to be tallied as 'yes' or 'no' to the Resolution
- Had option to finish telephone comment and proceed forward
- Florida dashboard announced new COVID-19 numbers around 9,000 cases
- Department of Business and Professional Regulation (DBPR) had imposed an immediate statewide ban of alcohol consumption on premises at bars
- City Attorney had provided two legal options to stop the meeting

MOTION

Mayor Upchurch MOVED to pass Resolution 2020-22 based upon the current COVID-19 data which represented a dramatic increase or doubling of existing cases, and the Commission received two hours of public comment with an excess of 300 emails reviewed by staff; therefore, it was found an emergency, and using the provision cited by the City Attorney, that the Commission adopt the Resolution without further public comment. The motion was SECONDED by Commissioner Sike-Kline.

Darlene Galambos, City Clerk, read Vice-Mayor Leanna Freeman's statement on face masks into the record.[2]

The Commission continued discussion:

- Hand washing and social distancing were an important strategy and should be used with face coverings
- Many speakers were not City residents and the City was one municipality located in St. Johns County; therefore, advocates should also address concerns with City of St. Augustine Beach and St. Johns County Commissioners
- Postponed topic of extending the mask mandate to exterior areas such as St. George street where social distancing was not available

Mr. Regan clarified the intent of the meeting prior to the Commission's vote. He stated the nature of emergency orders and the Commission's trust placed in him was held dear, and he was extremely careful and judicious of his actions from those vested powers.

Mayor Upchurch expressed his gratitude for the work done by Ms. Lopez and Mr. Regan on the Resolution.

VOTE ON MOTION

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

7. ADJOURN

Meeting adjourned at 11:45 A.M.[3]

[2] Attached to original minutes
[3] Transcribed by Laura Morse

_____
Tracy Upchurch, MAYOR

_____
Darlene Galambos, CITY CLERK

City of St. Augustine

La Lealisíma y Valerosa Ciudad de San Agustín de la Florida

Est. 1565

PROCLAMATION

WHEREAS, *throughout the history of our great nation, women have not been entitled the full rights and privileges, public or private, legal or institutional, which are available to male citizens of the United States; and*

WHEREAS, *women have united and rallied together to assure that these basic rights and privileges are available to all citizens equally regardless of their sex, and*

WHEREAS, *one-hundred years ago, on August 26, 1920, the 19th Amendment, giving women the right to vote, was finally ratified, after a seventy-two year struggle by women to win that right; and*

WHEREAS, *in 1971, the United States Congress designated August 26th as Women's Equality Day each year at the urging of U.S. Representative Bella Abzug of New York; and*

WHEREAS, *the observance of Women's Equality Day also calls attention to women's continuing efforts toward full equality, including equal pay for equal work; and*

WHEREAS, *the St. Augustine City Commission deems it appropriate to celebrate a hundred years of women's suffrage, the extraordinary accomplishments of women in America and throughout the world, and to renew our commitment to equality for all women, both at home and abroad.*

NOW, THEREFORE, *the St. Augustine City Commission of the City of St. Augustine hereby designates August 26, 2020 as* ***WOMEN'S EQUALITY DAY*** *in St. Augustine and encourages all residents to celebrate by voting in the Primary Election.*

IN WITNESS WHEREOF*, I hereunto set my hand and do cause the Seal of the City of St. Augustine to be affixed this 10th day of August in the year of our Lord two thousand twenty and the four hundred and fifty fourth year of the founding of St. Augustine, the Nation's Oldest City.*

2020-10

_____

Tracy Upchurch, Mayor

"Most Loyal and Valorous"
Title conferred upon the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: July 30, 2020

RE: Consent Agenda Item for August 10, 2020 City Commission Meeting; Public Works & Utilities Update

We would like to provide the Public Works & Utilities Update to the City Commission; and request that the presentation be placed on the Consent Agenda for the August 10, 2020 meeting.

Attached, is a copy of the presentation; and if you should have any questions, please contact us. Thank you.

Sincerely,

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

Todd Grant., P.G.
Utilities Director

Attachment: PW & U PowerPoint Presentation

cc: COSA Directors

CITY OF ST AUGUSTINE EST. 1565

CoSA City Commission

"Public Works & Utilities Update"

August 10, 2020

Todd J. Grant, P.G. Director, Utilities

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

Public Works & Utilities Update Agenda

Key Updates

- Paving Program
- West Augustine Sewer Improvements
- Lincolnville Drainage & Utility Improvements
- Major Projects in Design Phase
- Mobility Program

Overview

- CIP Overall Status Summary

Overview FY 2020

Paving Program

Streets Paved Since Last Update Report:

Road Name	From	To
Anderson St	South Dixie	US1
Arenta St	West King	Clark St
Avery St	N Whitney	Nesmith
Aviles Dr	South Dixie	US1
Clark St	Daniels	Arenta-US1
Dallyon Ave	Minorca	Montrano
Davis St	West King	South Dixie
Lewis Blvd	Davis	US1
Mackey Ln	West King	Pellicer
Marion St	South Dixie	US1
Minorca Ave	Arredondo	Miruela
Montrano Ave	Arredondo	Miruela
Palmer St	Evergreen	Ravenswood
Pellicer Ln	West King	South Dixie
River Rd	South Dixie	US1
South Leonardi	West King	Pellicer

Plus – Paving In Progress with Lincolnville Drainage & Utility Project:

Road Name	From	To
Blanco St	Cerro St	South St
Cerro St	Riberia St	Oneida St
DeSoto Pl	Granada St	ML King Ave
Duero St	ML King Ave	Riberia St
Duero St	Oneida St	ML King Ave
ML King Ave	DeHaven St	Cerro St
Moore St	Riberia St	ML King Ave
Sanford St	Bridge St	Cedar St
School St	Pomar St	Kings Ferry Way
South St	Riberia St	ML King Ave
Twine St	Lovett St	Cerro St

West Augustine Sewer Improvements

West 5th Street Sewer Extension, Phase 1 – In Progress:

- State Grant (FDEP) Funded; Install new gravity sewer on West 5th Street between Duval and Nassau Streets and connect area residents
- Abandon 12 existing septic systems and connect residents to new sewer system in Phase 1
- Construction of Phase 1 is on schedule; Estimated completion October, 2020
- Installation of new gravity sewer mains, manholes, and services is complete
- 580 LF new sewer main, 3 manholes, and 16 services installed to existing homes and vacant lots
- Currently awaiting FDEP clearance to connect residents to the new sewer

West 2nd Street Sewer Extension, Complete:

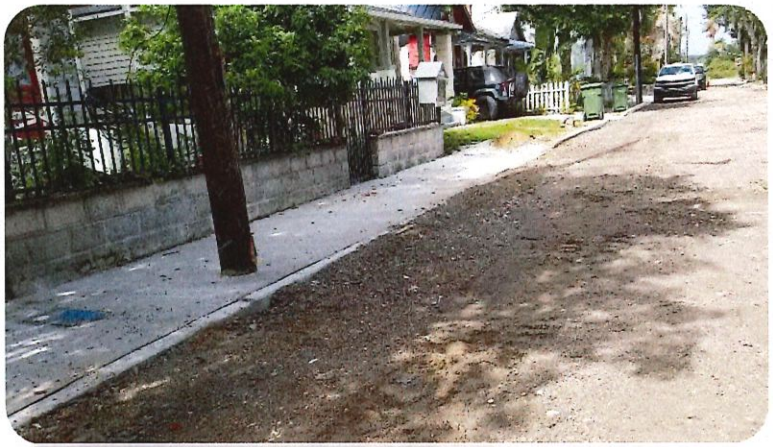
- State Grant (FDEP) Funded; Installed new gravity sewer on West 2nd Street between Duval and S. Volusia Street and connected area residents
- Completed installation of new gravity sewer mains, manholes, and services
- Abandoned 12 existing septic systems and connected residents to new sewer system

Septic-to-Sewer Connections – In Progress:

- City Funded; Connect residents to existing gravity sewer systems
- To date, abandoned 57 existing septic systems and connected residents to existing sewer system
- Researching additional homes with existing gravity sewer available for connection program

Lincolnville Drainage & Utility Improvements

- Project is grant funded through CDBG/FDEO, SJRWMD, & LCRA
- Stormwater drainage infrastructure has been installed
- Water Main upgrades are complete
- Sanitary Sewer laterals have been replaced
- **Final road reconstruction is underway**
- Milling and resurfacing of approximately 1.4 miles of additional roads in Lincolnville will also be completed with project
- Estimated completion date is end of August 2020



Major Projects in Design Phase

Design Milestones Achieved

- **Sevilla Street Brick Roadway & Utility Improvements**
  - Progressed to Final Design Phase
- **Lincolnville Drainage & Utility Project #3**
  - Progressed to Final Design Phase
- **Force Main Replacement LS-51 to LS-52**
  - Progressed to Final Design Phase
- **Downtown Improvement District – Phase 2**
  - Received HARB Certificate of Appropriateness

Mobility Program: Activity Management

Progress to Date				
Level/Initiative	**Deliverable/Activity**	**% Complete**	**Est. Finish**	**Notes**
Neighborhood				
North City Trail Concept Plan	Develop trail from the Fort to the Fullerwood Neighborhood	0%	Mar-21	Issued work order to begin the plan
San Marco Bike Lanes	Install bike lanes, crosswalks & sidewalk between US1 & SR16	0%	Mar-21	Design is complete
City				
King St Complete St MP	Complete Street Master Plan for King St Corridor	100%	-	Next task is to develop economic/financial report
Mobility Plan	Develop statutorily compliant mobility plan for Comp Plan	100%	-	Adopted at last commission meeting
Parking Code Update	Review and update parking code requirements	20%	9/31/2020	Delayed due to COVID-19
Smart Parking System	Phase 2 Integrate Parking Garage with On/Off Street Parking	50%	TBD	Pilot project developed for the parking garage
Commercial Delivery (CD)	Implement parking & truck delivery management system	40%	TBD	Approved by HARB; SJRWMD Permitting
Bike Share Program	Develop a sponsored bike share program for the City	70%	Fall 2020	
City Marina Crosswalk	Design and bid crosswalk at City Marina	95%	11/20/2020	Preparing bid documents
Local (SJC, CoSAB, TPO, etc.)				
EV Charging Stations	Install EV charging stations at Malaga, city hall parking, etc..	100%	-	Davenport Park station installed
Anastasia Blvd Study	Develop Complete Street options for the corridor from Red Cox to BoL	0%	6/1/2021	Developing Scope of Work with NFTPO

Legend

	on target		at risk		corrective action required

Mobility Program: Activity Management (continued)

CITY OF ST AUGUSTINE EST. 1565

Progress to Date				
Level/Initiative	Deliverable/Activity	% Complete	Est. Finish	Notes
State (FDOT, SJRWMD, DEP)				
San Marco Ave & May Street	Intersection and drainage improvements	95%	TBD	Intersection is being modified to improve turning radii
US 1 SW (Fairbanks-Big Oak)	Design/construct sidewalk along US 1	100%	-	Under construction, design is complete
US 1 Rehab Design	Traffic and pavement improvements from SR207 to North City Gates	100%	-	Design is complete
Red Cox Rd/Anastasia Blvd	Intersection improvements	30%	-	Data Collection Complete, FDOT working on concept
Zorayda/A1A Ped Crossing	Design	90%	TBD	Easement required; delayed; waiting on FDOT response
San Marco Ave Shared Path	Design and construct shared path between Pine and Ocean Ave	60%	TBD	Need decision on palm tree removal
Federal				

Major Accomplishments (since January 27, 2020)	Upcoming Activities
→ King St Complete St Master Plan	→ Marina Crosswalk Construction
→ Mobility Plan Adoption	→ Anastasia Blvd Complete Street Study
→ EV Charging Stations	→ Shuttling?

Challenges, Risks & Issues

- Land Acquisition for Park and Ride Program

Key Decisions

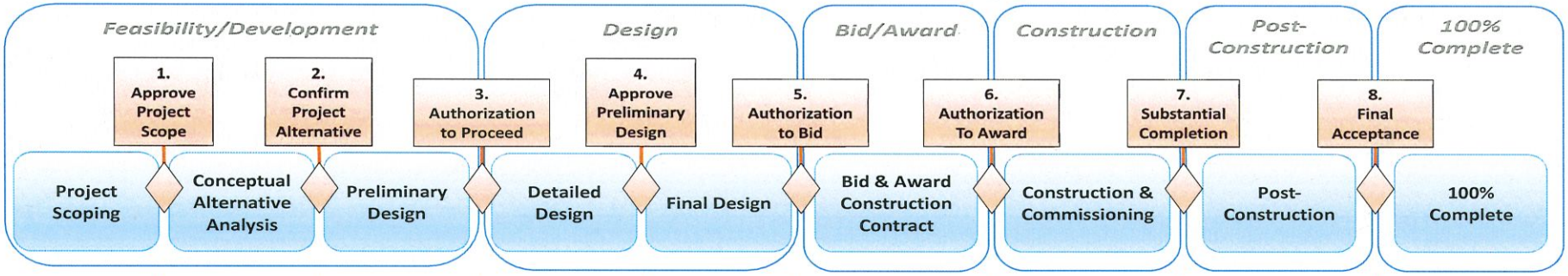
Decisions Required:
- Due to COVID-19 will the shuttling operation continue for Nights of Lights?

Legend

	on target		at risk		corrective action required

CIP Overall Status Summary

Design-Bid-Build Active Projects – through August 10, 2020



Feasibility/Development

- Pearl Street Force Main Improvements
- King Street San Sebastian Water Main HDD
- Flood Mitigation at Avenida Menendez Seawall; Bayfront Connectivity (1)

Conceptual Alternative Analysis

- St. Francis Street Utility Improvements
- Althea/Fern/ Seminole/Atlantic Neighborhood Drainage

Preliminary Design

- Fish Island Management Plan
- Lift Station 14 Replacement
- Inlet Drive Shoreline Restoration
- Court Theophelia Neighborhood Drainage (*)

Detailed Design

- Downtown Improvement District Phase 2
- Lake Maria Sanchez Flood Mitigation
- City-wide TIDE Valve Master Planning

Final Design

- Sevilla Street Brick Roadway & Utility Improvements
- Lincolnville Utility & Drainage – Project 3 (1) [Cerro St & Duero St (portion)]
- Force Main Replacement LS-51 to LS-52
- WWTP Headworks Rehabilitation
- Hurricane Matthew FEMA Lift Station Rehabilitation (13 stations) and CMAR Pre-Construction Services
- Water Treatment Plant Motor Control Center

Bid & Award Construction Contract

- City Marina Crosswalk
- Avenue D Utility Relocation (County Drainage Project)
- S. Orange Street Utility Relocation (County Drainage Project)
- S. Whitney & W. King Flood Mitigation (1)
- Smoke Testing 16 Sanitary Sewer Collection Basins
- Sanitary Sewer Rehab 2020
- Sanitary Manhole Inspection and Rehabilitation
- Sanitary Main and Lateral Cleaning, Inspection and Rehabilitation
- Wastewater Treatment Plant Motor Control Center Replacement

Construction & Commissioning

- West 5th Street Gravity Sewer and Septic to Sewer Connections
- WWTP In-House Resiliency Flood Protection Project up to Elevation 12 NAVD88
- Sanitary Sewer Trenchless Point Repairs Downtown Basins
- Sanitary Manhole Rehab Downtown Basins
- Lincolnville Drainage – Project 1 (1) [South St & DeHaven St]
- West Augustine Septic to Sewer Connections
- Water Meter Replacements Phase 3
- West San Carlos – May Street Improvements

Post-Construction

- Pump Station 3 Replacement
- 2020 Paving Projects
- Coquina Park and Stormwater Improvements
- Clean & Inspect Sanitary Mains in Basins 2, 3, 8, 12, 21, 29 & 56
- Wells D-8 and D-9 Investigation and Repairs

100% Complete

- Charlotte St. Roadway & Utility Improvements
- North City Water Main Improvements
- Ravenswood Drive Drainage Utility Relocation
- West 2nd Street Gravity Sewer and Septic to Sewer Connections
- Davis Shores Tide Backflow Valves
- FDEP Florida Resilient Coastlines Program Grant for 10 Additional Tide Backflow Valves
- Smoke Testing, Cleanout Repairs, and Manhole Inflow Dish Installation in Multiple Basins
- Clean and CIPP Sanitary Mains in Basins 2 & 24

Key:

(1) Grant Dependent
(2) Developer Dependent
(*) Postponed
(**) Phase Complete

CITY OF
ST AUGUSTINE
EST. 1565

Additional Questions and Commission Discussion

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan
City Manager

DATE: July 20, 2020

RE: Lighthouse Park Community Gardens

As you are aware Lincolnville and Fullerwood both have license agreements to maintain and operate a community garden. Lighthouse park also wants to operate a community garden.

The attached license agreement for the light house neighborhood community garden is identical to the agreements previously approved for both Fullerwood and Lincolnville. The location of this community garden will be on the north end of the soccer field and east of RB Hunt elementary school.

Therefore, if you concur with this agreement, please place this item on the August 10th, 2020 city commission consent agenda for their consideration and approval.

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

James C. Piggott
Director, General Services

JCP

Enclosure

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

LICENSE FOR LIMITED / TEMPORARY USE OF CITY PROPERTY

THE CITY OF ST. AUGUSTINE, FLORIDA, a municipal corporation, whose address is P.O. Box 210, St. Augustine, Florida, 32085-0210 ("Grantor"), hereby grants a revocable temporary license to **LIGHTHOUSE PARK NEIGHBORHOOD ASSOCIATION, INC.** whose address is 441 Ocean Vista Ave. St. Augustine, FL 32080 ("Grantee"), to plant and grow fruit trees, flowers and edible plants upon the Grantor's Property in the area located North of R.B. Hunt Elementary, St. Augustine, Florida, 32080, and situated in the State of Florida, County of St. Johns, and City of St. Augustine, and more specifically described as follows ("Property"):

SEE EXHIBIT "A," ATTACHED HERETO AND INCORPORATED HEREIN

The parties further agree that the community garden is created in the interest of the public and promotes the recreational use of this Property by the citizens

of the City of St. Augustine. The Grantor finds it appropriate to grant this temporary license for Grantee's occupation and non-exclusive use of the Grantor's Property under terms and conditions which are intended to protect Grantor's rights while accommodating the requested use by the Grantee until such time as necessity or the public interest requires Grantor to terminate this License. In consideration of the foregoing recitals and the mutual covenants and conditions contained herein, the Grantor and Grantee agree as follows:

1. Grantor grants this revocable temporary License to Grantee to use the Property under the terms and conditions provided below but with the understanding that the use of this area is non-exclusive and strictly limited to a community garden consisting of fruit trees, flowers and edible plants. The Grantee also may provide support services associated with and required for the use of the Property as a community garden subject to the prior written approval of the Grantor who shall exercise sole discretion in granting such approval.

2. Grantee shall not occupy or use this Property, shall not permit the occupation or use of the Property for any purpose other than those purposes expressly permitted by this License and shall return the Property at the time of termination of this License to substantially the same condition as existed prior to the commencement of this License.

3. The Grantee agrees, at the Grantee's sole expense, to install and maintain a fence located inside the perimeter of the Property and to construct the fence using a design, materials and workmanship which the Grantor, in its sole discretion,

finds satisfactory. The Grantee shall have full responsibility for removal of said fence at the termination of this License.

4. Grantee covenants that during the term of this License, Grantor shall bear no responsibility for the maintenance of the community garden or any improvements made by Grantee on, within or under the Property and that Grantee, at Grantee's sole expense, shall keep in good order and repair all such improvements.

5. Grantee shall undertake all procedures and precautions to ensure that no use of the Property by the Grantee shall include the use of materials, chemicals, structures or gardening materials which in any way degrade the environmental condition of the Property as it exists on the date of commencement of this License term.

6. Grantee, either directly or indirectly, shall not assign, sublease, hypothecate or sell, mortgage, encumber or otherwise transfer this License or any interest therein without the prior written permission of Grantor.

7. Grantor reserves the right to terminate and cancel this License in its sole discretion for any reason. In such event, all rights granted hereunder shall be fully terminated and canceled, and Grantor shall not suffer liability of any kind or type by reason of said termination.

8. Grantee agrees and is bound to hold the City of St. Augustine whole and harmless against any and all claims for damages, costs and expense to persons or property arising out of the use and occupation of the Property by Grantee or the Grantee's invitees, guests, officers, directors or agents. This hold harmless agreement

also shall cover any claim for damage sustained or received by any utility, whether publicly or privately owned, arising out of Grantee's use and possession of said Property or arising out of the installation, use, maintenance or removal of Grantee's improvements and equipment located on the Property. Grantee shall not make any claim of any kind or character whatsoever against the City of St. Augustine for damages which Grantee or Grantee's invitees, guests, officers, directors or agents may suffer by reason of the installation, construction, reconstruction, operation and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, backflow and/or seepage caused from the failure of any installation, natural causes or from any other cause of whatsoever kind or nature. Further, Grantee shall indemnify Grantor with respect to any and all claims for damages, costs and expense arising from any act or omission of Grantee, or any invitee, guest, officer, director, agent, customer or employee of Grantee. It is the intention of this indemnity agreement on the part of the Grantee, and a condition of this License, that this provision shall be full and total indemnity against any kind or character of claim whatsoever that may be asserted against the City of St. Augustine by reason of, or as a consequence of having granted permission to Grantee to use and maintain the Property. Grantee hereby agrees to defend any and all suits, claims or causes of action brought against the City of St. Augustine on behalf of the City and to pay any judgment or judgments which may be rendered against the City of St. Augustine in connection therewith.

9. The Grantee shall at all times during the term of this License carry public liability insurance against personal injury and property damage with a company authorized to do business in the State of Florida and satisfactory to the City protecting and insuring the City of St. Augustine against any and all claims for damages to persons or property as a result of or arising out of the use, occupation and maintenance by Grantee of the Property and arising out of the installation, use, maintenance or removal of Grantee's improvements and equipment in connection with the Grantee's use of the Property. Said insurance shall name the City of St. Augustine as an additional insured with limits of coverage not less than: $300,000, bodily injury or death, each person; $1,000,000, bodily injury or death, each accident; $1,000,000, property damage, each individual claim; $300,000, property damage, each accident. Grantee shall supply written proof of insurance to Granter within fifteen (15) days of the date this License is executed and shall continue to supply such proof to Granter each term such insurance coverage is renewed. Grantor's representative with regard to providing the written proof required herein shall be the City Manager for the City of St. Augustine, P.O. Box 210, St. Augustine, Florida, 32085-0210, unless and until Grantor notifies Grantee otherwise in writing.

10. Upon the notice of termination or cancellation of this License by Grantor or Grantee, this License shall become null and void at which time Grantee shall remove all improvements located on, within and under the Property within thirty (30) days of receipt of such notice of termination or cancellation. If such improvements are not removed within thirty (30) days of initial notice, Grantor may remove such structures, and Grantee shall pay Grantor's costs of such removal within thirty (30) days of receipt of notice, Grantee shall be liable for all

costs of collection, including court costs and attorney's fees incurred by Grantor to collect such costs.

11. Grantee, at Grantee's expense, shall record this License in the Public Records of St. Johns County, Florida.

12. If the parties litigate any matter related to this License, venue shall lie in St. Johns County, Florida and in no otherjurisdiction.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, this _____ day of _____, 20___.

GRANTOR:

CITY OF ST. AUGUSTINE, FLORIDA, a municipal corporation

ATTEST:

By:_____
John P. Regan, City Manager

_____
Darlene Galambos, City Clerk
(SEAL)

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **John P. Regan,** by means of [_] physical presence or [_] online notarization, who is personally known to me and is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this _____ day of _____, 20____.

_____
Notary Public, State of Florida

Signed, sealed and delivered
In the presence of:

GRANTEE: LIGHTHOUSE PARK NEIGHBORHOOD ASSOCIATION, INC.

By: _____
Wendy Stratton – Vice President
Lighthouse Park Neighborhood Association, Inc.

Witness
Print:_____

Print:_____

Title:_____

_____
Witness
Print:_____

STATE OF _____
COUNTY OF _____

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, _____, by means of [_] physical presence or [_] online notarization, who is personally known to me or who has produced _____ as identification and is the individual described in and who executed the foregoing instrument and who acknowledged before me that they executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this _____ day _____, 20____.

_____
Notary Public, State of Florida

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
CITY ATTORNEY

EXHIBIT "A"

"EXHIBIT A"

ST. JOHNS COUNTY PROPERTY APPRAISER Eddie Creamer

St. Johns County, FL

Garden location

Overview

Legend

- Parcels
- Roads
- Cities

Parcel ID	1585900000	Physical Address	200 RED COX RD SAINT AUGUSTINE	Building Value	$77,185	Last 2 Sales			
Property Class	8200 - Forests, Parks & Recreational Areas	Mailing Address	CITY OF ST AUGUSTINE PO BOX 210 SAINT AUGUSTINE FL 32085-0210	Extra Feature Value	$186,425	Date	Price	Reason	Qual
Taxing District	City of St Augustine			Total Land Value	$3,397,680	n/a	0	n/a	n/a
Acres	7.8			Just Value	$3,661,290	n/a	0	n/a	n/a
				Total Deferred	$3,094,020				
				Assessed Value	$567,268				
				Total Exemptions	$567,268				
				Taxable Value	N/A				

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

Date created: 1/13/2020
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