



COMMUNICATIONS MEDIA TECHNOLOGY (CMT) MEETING

Pursuant to the Charter of the City of St. Augustine and Resolution 2019-21, an Emergency Meeting of the City of St. Augustine City Commission was held on Monday, April 27, 2020 at 10:00 a.m. The Emergency Meeting allows 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.

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 HOW TO PROVIDE PUBLIC COMMENT:

EMAIL

Members of the public wishing to provide public comment prior to the meeting may submit comments via email at cityclerk@citystaug.com. All comments must be received by (2 HOURS PRIOR TO MEETING). All public comment will be limited to three (3) minutes. The City Clerk will receive 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.

PHYSICALLY PRESENT

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

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.



**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, OCTOBER 26, 2020 - 5:00 PM**

1. CALL TO ORDER

- ☐ Roll Call
- ☐ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- ☐ Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

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

- ☐ 3 minutes per individual

5. CONSENT AGENDA

6. APPEALS

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

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

7.A. General Public Presentations

7.B. Items of Great Public Importance

7.C. Other Items Requiring Public Hearing

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

8.A.1. Ordinance 2020-27: Repeal of mandatory retirement age and inconsistent provisions regarding normal and early retirement age found in this section of the code. *(I. Lopez, City Attorney)*

8.A.2. Ordinance 2020-28: Amends Commercial Sign Zone 4. *(D. Birchim, Director Planning and Building)*

8.A.3. Ordinance 2020-29: Defines professional and occupational qualifications for HARB membership and provides for new artisan, trade and occupational categories. *(I. Lopez, City Attorney)*

8.A.4. Ordinance 2020-30: Creates HARB alternate members and provides for standards and procedures for their participation. *(I. Lopez, City Attorney)*

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

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

8.C.1. Resolution 2020-35: West San Sebastian Brownfield designation. *(D. May, Assistant City Attorney)*

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

9.A.1. Ordinance 2020-31: Provides for notifications required by Section 162.09(1), Florida Statutes, to be made to the City Manager and for the board to hear applications for reduction of fines and fees prior to and after recording liens. *(D. May, Assistant City Attorney)*

9.B. Resolutions

10. STAFF REPORTS AND PRESENTATIONS

10.A. Discussion regarding police department body cameras and 2019 Annual Unified Crime Report. *(B. Fox, Chief St. Augustine Police Department)*

10.B. Presentation regarding the registration process for short term rentals. *(D. Birchim, Director Planning and Building)*

10.C. Discussion regarding the goals of the building code advisory committee. *(D. Birchim, Director Planning and Building)*

10.D. Quarterly Public Works and Utilities update. *(R. Franklin, Public Works Director and T. Grant, Utilities Director)*

11. ITEMS BY CITY ATTORNEY

12. ITEMS BY CITY CLERK

- 12.A.** Notification of two vacancies on the Lincolnville Community Redevelopment Steering Committee; one vacancy and three expirations on the Code Enforcement Adjustment and Appeals Board and one vacancy on the Police Officer's Retirement System Board of Trustees. *(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 - OCTOBER 26, 2020

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON NOVEMBER 9, 2020:

- Ordinance 2020-31

CA.3. Reminder of Upcoming Meetings :

- November 9, 2020, 5pm, Regular City Commission Meeting
- December 7, 2020, 7:30pm, Special City Commission Meeting
- December 14, 2020, 5pm, Regular City Commission Meeting

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

- August 14, 2020, City Commission Special Budget Meeting
- September 14, 2020, Regular 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 2020-13: Proclaiming November 2020 as National Hospice Palliative Care Month. *(T. Upchurch, Mayor)*

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

CA.8. Approval of Tourist Development Agreement between the City and St. Johns County. *(J. Piggott, Director General Services)*

CA.9. Annual status report, City Attorney's office. *(I. Lopez, City Attorney)*

End of Consent Agenda

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: October 13, 2020

RE: **ORDINANCE 2020-27: REPEAL OF MANDATORY RETIREMENT AGE**

Please find enclosed Ordinance 2020-27 regarding repeal of the mandatory retirement age and inconsistent provisions regarding normal and early retirement age found in the City's code.

After consultation with the City's pension counsel, Mr. Jim Linn, and review of the facts surrounding enactment of Ordinance 2002-05 at the time, it appears that including a mandatory retirement age was not part of the recommended amendments for other sections of the code. Upon review, it appears that a mandatory retirement age for general employees may be inconsistent with current law and may not be the best method to gauge work readiness for first responders. In addition, some of the language regarding normal and early retirement age in this section appears to conflict with the established parameters of other sections of our code. The repeal of this section will not affect any established rights of employee members.

Please place Ordinance 2020-27 on the regular City Commission agenda for second reading on October 26, 2020.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Repeal of mandatory retirement age and inconsistent provisions regarding normal and early retirement age found in this section of the code.

ORDINANCE NO. 2020-27

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, REPEALING SECTION 20-82 OF THE CODE OF THE CITY OF ST. AUGUSTINE THAT PROVIDED FOR A MANDATORY RETIREMENT AGE AND EMPLOYMENT BEYOND NORMAL RETIREMENT; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 2002-05 enacted in on March 11th, 2002 amended previous sections of the City's pension program, and created Section 20-82 of the City of St. Augustine's municipal code, and;

WHEREAS, section 20-82 purports to mandate a retirement age for general employees, firefighters, and police officers, and;

WHEREAS, section 20-82 prescribes procedures to extend the mandatory retirement age for the identified employees, and;

WHEREAS, section 20-82 describes the normal and early retirement age for general employees, firefighters, and police officers in a manner inconsistent with that established in section 20-108 (general employees), section 20-196 (firefighters), and Article X section 10.08 of the City Charter (police officers), and;

WHEREAS, the federal Age Discrimination in Employment Act (ADEA) protects certain applicants and employees 40 years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment, and generally prohibits mandatory retirement based on age, and;

WHEREAS, work readiness can be established utilizing appropriate performance indicators without the need for a static mandatory retirement age.

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

Section 1. Repealing Section 20-82. Section 20-82 of the Code of the City of St. Augustine is hereby repealed in its entirety as follows:

~~Sec. 20-82. -- Mandatory retirement; employment beyond normal retirement.~~

- ~~(a) The following words and phrases as used in this section shall have the following meanings:~~
- ~~(1) *Police officer* means any regular member of the police department of the city who has attained regular civil service status in such department.~~
 - ~~(2) *Normal retirement date for police officer* shall mean the first day of the calendar month next following the date on which said police officer shall have both completed twenty five (25) years of service with the city and attained at least his fifty-second birthday or completed ten (10) years of service with the city and attained at least his fifty-fifth birthday; provided, however, that if the police officer has not completed at least ten (10) years of service with the city by his sixtieth birthday, his normal retirement date shall be the first day of the calendar month next following his sixtieth birthday.~~
 - ~~(3) *Firefighter* means any regular member of the fire department of the city who has attained regular civil service status in such department.~~
 - ~~(4) *Normal retirement date for firefighter* shall mean the first day of the calendar month next following the date on which said firefighter shall have both completed twenty five (25) years of service with the city and attained at least his fifty-second birthday or completed ten (10) years of service with the city and attained at least his fifty-fifth birthday; provided, however, that if the firefighter has not completed at least ten (10) years of service with the city by his sixtieth birthday, his normal retirement date shall be the first day of the calendar month next following his sixtieth birthday.~~
- ~~(b) Each general employee of the city shall retire upon his normal retirement date as defined herein, except as provided in subsection (e) hereof.~~
- ~~(c) Each firefighter shall retire upon his normal retirement date as defined herein, except as provided in subsection (f) hereof.~~
- ~~(d) Each police officer shall retire upon his normal retirement date as defined herein, except as provided in subsection (g) hereof.~~
- ~~(e) Each general employee having completed ten (10) or more years of service with the city may continue in the employ of the city beyond the attainment of age sixty five (65) for one year periods of time not to exceed beyond his attainment of age seventy (70); provided that a written request is filed by him with the city manager not less than ninety (90) days nor more than one hundred~~

~~twenty (120) days before his normal retirement date, or within ninety (90) days from the effective date hereof if his normal retirement date is on the effective date hereof or within ninety (90) days from the effective date hereof; and provided further that each such continuance is contingent upon:~~

~~(1) Certification by the examining physician designated by the city that he is physically and mentally capable of carrying out his normal employment duties;~~

~~(2) Approval by his department head, if any;~~

~~(3) Approval by the city manager.~~

~~(f) Each firefighter having completed ten (10) or more years of service with the city may continue in the employ of the city beyond the attainment of age sixty (60) for one year periods of time not to extend beyond his attainment of age seventy (70); provided that a written request is filed by him with the city manager not less than ninety (90) days nor more than one hundred twenty (120) days before his normal retirement date, or within ninety (90) days from the effective date hereof if his normal retirement date is on the effective date hereof or within ninety (90) days from the effective date hereof; and provided further that each such continuance is contingent upon:~~

~~(1) Certification by the examining physician designated by the city that he is physically and mentally capable of carrying out his normal employment duties;~~

~~(2) Approval by his department head, if any;~~

~~(3) Approval by the city manager.~~

~~(g) Each police officer having completed ten (10) or more years of service with the city may continue in the employ of the city beyond the attainment of age sixty (60) for one year periods of time not to extend beyond his attainment of age sixty five (65); provided that a written request is filed by him with the city manager not less than ninety (90) days nor more than one hundred twenty (120) days before his normal retirement date or within ninety (90) days from the effective date hereof if his normal retirement date is on the effective date hereof or within ninety (90) days from the effective date hereof; and provided further that each such continuance is contingent upon:~~

~~(1) Certification by the examining physician designated by the city that he is physically and mentally capable of carrying out his normal employment duties;~~

~~(2) Approval by his department head, if any;~~

~~(3) Approval by the city manager.~~

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

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

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

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

Section 6. Grandfathered members. Nothing herein is intended to negatively affect the retirement age or benefits of any general employees, firefighters, or police officers eligible under the terms described in section 20-82 at the time of passage of this ordinance.

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

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 26, 2020

RE: Ordinance 2020-28 – Amending 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 and they would like the ability to place wall mounted signage on the top floor of their hotels, which requires a boundary change to place these properties in commercial sign zone 4.

On July 27, the City Commission considered sponsorship of this code amendment and requested a staff report at the August 10 City Commission meeting.

On August 10, 2020, the City Commission remanded this proposed code amendment to the Planning and Zoning Board for review and a formal recommendation by the board. The City Commission, in remanding this matter to the Planning and Zoning Board, wished to express to the board that they did not endorse nor did they oppose this potential code amendment.

On September 1, 2020, the Planning and Zoning Board made a recommendation to amend the boundaries of Commercial Sign Zone 4 to include 5 Prawn Street and 10 Prawn Street and the board proposed language that would restrict illuminated signs at 5 Prawn Street and 10 Prawn Street to back lit, up lit and down lit fixtures.

On September 28, the City Commission passed Ordinance 2020-28 at first reading with a text modification to further restrict illuminated signs to “individual channel letters” that can only be back lit, up lit or down lit.

Please place Ordinance 2020-26 on the City Commission agenda for 2nd reading and a public hearing

If you have any questions, please let me know.



David Birchim, AICP
Director, Planning and Building

ORDINANCE NO. 2020-28

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 3, ARTICLE II, DIVISION 1 OF THE CODE OF THE CITY OF ST. AUGUSTINE RELATING TO ADVERTISING AND SIGNS; AMENDING SECTION 3-22, DEFINITIONS; AMENDING THE DEFINITION OF COMMERCIAL ZONE 4; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, commercial structures are being developed in Commercial Sign Zone 1 which does not allow wall-mounted or bracket sign may be installed above the ground floor of a structure or extend above the eave of the roof; and

WHEREAS, Commercial Sign Zone 4 allows for signs to 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.

WHEREAS, on September 1, 2020, the Planning and Zoning Board, acting as the Local Planning Agency for the City of St. Augustine, made recommendation to the City Commission for the amendment of Chapter 3, Advertising and Signs, expanding the boundary of Commercial Zone 4; and

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

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

Section 1. Amending Chapter 3, Article II, Section 3-22. Chapter 3, Article II, Section 3-22 of the Code of the City of St. Augustine is hereby amended to read as follows:

“Sec. 3-22. Definitions.

(...)

Sign zones means

(...)

- (4) *Commercial Zone 4.* All commercially or residentially 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 1, 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 Boulevard and west of the mean high waterline of the San Sebastian River and bounded on the south by the San Sebastian River marshlands.

“Sec, 3-66. Commercial zone signs.

(...)

- (d) *Commercial Zone 4.*

- (1) *Permitted signs.* The following signs are permitted signs:

- a. Bracket.
- b. Freestanding.
- c. Post.
- d. 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.
- e. Facia.
- f. Index/informational.
- g. Directory.
- h. Changeable copy, manual.
- i. Illuminated nonflashing, electrical, and as applied to lots 1, 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 Boulevard and west of the mean high waterline of the San Sebastian River and bounded on the south by the San Sebastian River marshlands, this is further restricted to individual channel letters externally illuminated back lit, externally illuminated up lit and externally illuminated down lit fixtures for signage.

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

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

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

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

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

Tracy Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

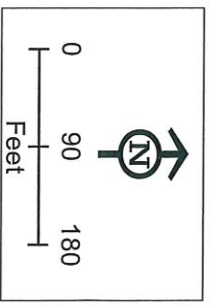


Map created with St. Johns County's Map

DISCLAIMER:

This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown hereon.

Date: 9/18/2020



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

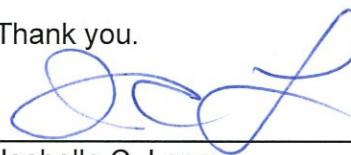
DATE: October 13, 2020

RE: **ORDINANCE 2020-29: HARB MEMBER QUALIFICATIONS**

Ordinance 2020-29 includes more detailed professional descriptions for required professions for HARB membership, as well as, including skilled trades and artisans as described categories. It also provides for other occupations such as real estate and law if the member has extraordinary knowledge in the field of historic preservation. In order to be consistent with current interpretation of Chapter 112.313(7)(b) regarding the ability to continue your occupation while seated on a public board, the categories were further described and the catch-all 'other interest' category was removed. HARB at its September 24th meeting encouraged the broadening of the pool of applicants for HARB so long as the descriptions fully captured the level of knowledge and expertise required to be an effective HARB member.

Please place Ordinance 2020-29 on the regular City Commission agenda for second reading on October 26, 2020.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Ordinance defining professional and occupational qualifications for HARB membership and provides for new artisan, trade, and occupational categories.

ORDINANCE NO. 2020-29

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 2, ARTICLE II, DIVISION 3, SECTIONS 28-81 AND 28-82 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO DEFINE SPECIFIC PROFESSIONAL AND OCCUPATIONAL QUALIFICATIONS FOR MEMBERSHIP IN HARB; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Historic Architectural Review Board (HARB) at its September 24th, 2020 meeting recommended that a broader range of professions and occupations be represented for possible membership to the board; and,

WHEREAS, HARB further emphasized the importance of the opportunity to serve of various stakeholders as an asset to the board in its deliberations; and,

WHEREAS, HARB membership by necessity must include current practitioners of various professions and trades regulated by the board and these subject matter experts should continue to be able to practice their profession or trade while serving on HARB; and,

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

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

Section 1. Amendment to Chapter 28, Article II, Division 3, Sections 28-81, 28-82, and 28-83. Chapter 28, Article II, Division 3, Sections 28-81, 28-82, and 28-83 of the Code of the City of St. Augustine, Florida are hereby amended, as follows:

“Sec. 28-81. - Created; membership.

(1) There is hereby created an historic architectural review board consisting of five (5) regular members ~~and two (2) alternate members~~ to be appointed by

the city commission from applications submitted on forms as from time to time promulgated by the city manager and approved by the city commission. Each member shall meet the requirements of the position they wish to fill.~~have either thorough training or experience demonstrating competence in the field of historic preservation. Qualifications shall include training or experience in architecture, history, architectural history, art history, planning, archeology, or related disciplines to the extent that such professionals are available in the community. Board membership shall also include other persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines.~~ Two (2) members of the board as established herein shall be appointed for a term of one (1) year; two (2) for a term of two (2) years; and one (1) for a term of three (3) years. ~~Alternates shall be appointed for a three-year term.~~ Thereafter all members shall be appointed for three-year terms except those appointed to fill vacancies for unexpired terms, in which case the appointment shall be for the unexpired term only. ~~Alternates shall have previously served as regular members and~~ Members shall comply with all local and state requirements of office. ~~Alternates will only be called upon to participate and vote at meetings in the event of an anticipated lack of quorum or bare minimum quorum of the regular members.~~

Sec. 28-82. - Minimum qualifications criteria.

One member must be a licensed, professional architect. The remaining members must hold a professional license, or educational credentials and professional membership in the fields of History, Archeology, Architectural History, Historic Landscapes and Architecture, Art History, Planning, Real Estate, Law, or Construction as further described below. It is the intent of this regulation to allow a member of HARB to continue to practice their profession or occupation while holding this public office, consistent with state law. As utilized herein the following fields of experience shall have the minimum qualifications set forth. In addition to the following qualifications, one (1) seat on the board shall be designated for a licensed, professional architect.

- (1) *History.* The member must be a licensed professional, or hold the required educational credentials and professional membership, in this field. The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one (1) of the following:
 - a. At least two (2) years of fulltime experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historic organization or agency, museum or other professional institution.
 - b. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

- (2) *Archaeology.* The member must be a licensed professional, or hold the required educational credentials and professional membership, in this field. The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology or closely related field plus:
- At least one (1) year of fulltime professional experience or equivalent specialized training in archaeological research, administration or management.
 - At least four (4) months of supervised field and analytic experience in general North American archaeology.
 - Demonstrated ability to carry research to completion. In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least one (1) year of fulltime professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least one (1) year of fulltime professional experience at a supervisory level in the study of archaeological resources of the historic period.
- (3) *Architectural history.* The member must be a licensed professional, or hold the required educational credentials and professional membership, in this field. The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation or closely related field, with course work in American architectural history; or a bachelor's degree in architectural history, historic preservation or closely related field plus one (1) of the following:
- At least two (2) years of fulltime experience in research, writing or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution.
 - Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
- (4) *Historic landscapes and architecture.* The member must be a licensed professional, or hold the required educational credentials and professional membership, in this field. The minimum professional qualifications in historic landscapes and architecture are a professional degree in architecture or landscape architecture or state license to practice architecture or landscape architecture, plus one (1) of the following:
- At least one (1) year of graduate study in architectural preservation, American architectural history, historic landscapes, preservation planning or closely related field.
 - At least one (1) year of fulltime professional experience on historic preservation projects. Such graduate study or experience shall include detailed investigations of historic structures and landscapes, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

- (5) Art history. The member must be a licensed professional, or hold the required educational credentials and professional membership, in this field. The minimum professional qualifications in architectural history are a graduate degree in art history or closely related field, with course work in art history; or a bachelor's degree in art history or a closely related field plus one (1) of the following:
- At least two (2) years of fulltime experience in research, writing or teaching in art history with an academic institution, historical organization or agency, museum, or other professional institution.
 - Substantial contribution through research and publication to the body of scholarly knowledge in the field of art history.
- (6) Planning. The member must be a licensed professional, or hold the required educational credentials and professional membership, in this field. The minimum professional qualifications in urban planning or urban design are a bachelor's degree in planning or closely related field, with course work in historic preservation plus one (1) of the following:
- At least two (2) years of fulltime experience in project work, research, writing or teaching in planning, urban planning or urban design, with an academic institution, historical organization or agency, museum, or other professional institution or planning and design firm on historic preservation projects.
 - Substantial contribution through research and publication to the body of scholarly knowledge in the field of historic preservation.
- (7) Real Estate. The member must be a licensed professional, or hold the required educational credentials and professional membership, in this field. The minimum professional qualifications in real estate sales, brokerage, or development are a broker or real estate agent license plus one (1) of the following:
- At least five (5) years of fulltime experience in real estate sales or redevelopment of historic properties in St. Augustine's regulated districts with a demonstrated emphasis on historic preservation and a commitment to supporting ethical real estate sales and redevelopment of historic properties.
 - Substantial contribution through research and publication to the body of scholarly knowledge in the field of real estate redevelopment and historic preservation.
- (8) Law. The member must be a licensed professional, or hold the required educational credentials and professional membership, in this field. The minimum professional qualifications are a law degree from an accredited law school, plus one (1) of the following:
- A course of study demonstrating advanced coursework in national registry and local designations, or historic preservation law.

b. At least one (1) year of fulltime professional experience on historic preservation projects. Such study or experience shall include detailed investigation and legal analysis of potential national or local designations for specific projects, or legal analysis, briefs, or memos relating to historic preservation law review articles or litigation.

(9) Construction. The member must be a licensed professional, or practice in an occupation substantially regulated by HARB within the City of St. Augustine, such as residential or commercial construction contracting or skilled artisan and trades, rehabilitating historic structures and landscapes plus one (1) of the following:

a. At least five (5) years of fulltime experience in residential or commercial construction contracting or skilled artisan and trades in St. Augustine's regulated districts focusing on historic preservation and restoration.

b. Substantial contribution through field training, teaching, or research and publication to the body of technical knowledge in the field of historic restoration and preservation.

~~(6) [Appointment.] Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines who do not have a professional degree in any of the fields set forth in this section may be appointed by the city commission when persons with such degrees are not available for appointment, or when such appointment is determined to be in the best interest of the city."~~

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

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

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

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

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

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

Tracy Upchurch, Mayor-Commissioner

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: October 13, 2020

RE: **ORDINANCE 2020-30: ALTERNATE HARB MEMBERS**

HARB discussed the on-going issue of seating alternate members for that board at its September 24th meeting. Part of the discussion centered on the somewhat rigid ethics laws and their potential interpretation for HARB alternate members. HARB saw value in continuing to require that alternates be both qualified under the HARB categories and be former HARB members. Alternates are only seated and 'activated' when there is a lack of quorum or bare quorum. This means that in any given year, alternates may never be asked to serve at a meeting at all, but they need to be able to quickly step in and be familiar with HARB and the various AGHP requirements in order to be effective.

Due to the appearance of impropriety and self-dealing, board members cannot directly present an application before the board they serve on; other team members must do so. This creates a hardship for former HARB members to be appointed by the City Commission, as they still need to ply their trade yet may never actually be called to serve for a meeting. Our community is very small and the size of the applicant pool for qualified members is exceedingly limited. Former HARB members who still maintain an active practice have offered to serve as alternates, but cannot do so if it means they are completely barred from presenting their projects before HARB, as many of them are the sole professional member of the project.

We suggest the following ordinance to create a feasible hybrid: alternates cannot present during a meeting they have been seated to hear items, but they may do so otherwise. If this ordinance is acceptable with the City Commission, I would also suggest that I present it to the Commission on Ethics for their review and comment. Should the Commission on Ethics still find that the hybrid model is unacceptable, the issue would be returned to the City Commission for possible repeal of this standalone ordinance.

Please place Ordinance 2020-30 on the regular City Commission agenda for second reading on October 26, 2020.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Ordinance creating HARB alternate members and providing for standards and procedures for their participation.

ORDINANCE NO. 2020-30

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 2, ARTICLE II, DIVISION 3, SECTION 28-81 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO CREATE ALTERNATE MEMBERS OF HARB AND TO PROVIDE STANDARDS AND PROCEDURES FOR THEIR PARTICIPATION; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Historic Architectural Review Board (HARB) at its September 24, 2020 meeting recommended that former members of HARB who are not seated for a particular meeting should be allowed to present projects directly to the board; and,

WHEREAS, HARB acknowledged the difficulty in seating qualified alternates and emphasized the important volunteer community service of experienced former HARB members to the quasi-judicial process while recognizing the economic need for those former HARB members to continue to practice their trade; and,

WHEREAS, HARB membership by necessity must include current practitioners of various professions and trades regulated by the board and these subject matter experts should continue to be able to practice their profession or trade while serving on HARB; and,

WHEREAS, HARB specifically recognized the importance of allowing alternate members to continue to be able to practice before this board unless called to be seated for a particular meeting, noting the high threshold of requirements to serve as an alternate, the importance to the board of seating qualified alternates, and the limitation that alternates not present matters at a meeting that they would be officiating.

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

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

Section 1. Amendment to Chapter 28, Article II, Division 3, Section 28-81.
Chapter 28, Article II, Division 3, Section 28-81 of the Code of the City of St. Augustine, Florida is hereby amended, as follows:

“Sec. 28-81. - Created; membership.

(2) The Historic Architectural Review Board may, in addition to its regular members, have a maximum of two (2) alternate board members to be appointed by the city commission from applications submitted on forms as from time to time promulgated by the city manager and approved by the city commission. The alternate members shall be appointed for a three-year term and may be reappointed for additional terms at the discretion of the City Commission. Alternate members shall meet the requirements of the position they wish to fill as promulgated in section 28-81 and 28-82 of this code and have previously served as regular members of the Historic Architectural Review Board. Alternate members will only be called upon to be seated and serve in their alternate member capacity, participate, and vote at meetings, in the event of an anticipated lack of quorum or bare minimum quorum of the regular members. It is the intent of this regulation to allow alternate members of this board to continue to practice their profession, trade or occupation while holding this public office, consistent with state law. Furthermore, due to the scarcity of available alternate members and the substantial public benefit to the community of their volunteer efforts when called upon to serve at a specific meeting, it is the intent of this regulation to allow alternate members to present applications in their professional capacity to this board unless they are seated to serve at the same meeting.

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

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

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or

unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

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

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

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

Tracy Upchurch, Mayor-Commissioner

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: September 30, 2020

RE: RESOLUTION 2020-35: WEST SAN SEBASTIAN BROWNFIELD DESIGNATION

Enclosed please find Resolution 2020-35, designating the properties identified as Parcel ID Nos. 084560-0000, 102810-0000, 102990-0000, 154860-0000, 154870-0000, and 155540-0000 as a Brownfield area, along with the Public Works staff report and a map which includes the designated parcels and other supporting documentation from the applicant.

The Brownfield designation is a statutory process. Brownfields can either be proposed by the local government or individuals, corporations, or other non-governmental legal entities. Often, as in this case, a developer will purchase a contaminated property with the intent to redevelop it, contingent on a Brownfield designation to pay for some of the cleanup costs.

While the statute requires the local government to designate the Brownfield area and to subsequently notify the Florida Department of Environmental Protection (DEP), the program is administered by the state and no funding is required by the local government.

The Commission should evaluate the application based on the following criteria, provided by statute:

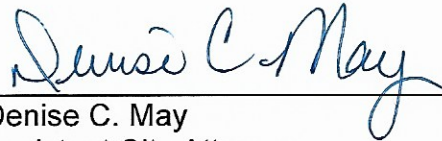
- A person who owns or controls the site is requesting the designation and agrees to rehabilitate and redevelop the area;
- The rehabilitation and redevelopment of the site will result in economic productivity of the area, along with at least 5 new permanent jobs created;
- The redevelopment is consistent with the comprehensive plan;
- Notice was provided to neighbors and nearby residents; and
- The developer has provided reasonable assurances the he or she has sufficient financial resources to complete the rehabilitation and redevelopment.

Following adoption by the local government, the applicant then works with DEP to obtain funding in order to complete the project.

The statute requires two public hearings. The first hearing was held on September 23, 2020, in the Alcazar Room here at City Hall by the applicant. This is the second hearing, and public input is required. Included in this application are: the resolution; legal description of the property (exhibit 1); staff report with associated map (exhibit 2); certification of property ownership pursuant to the Florida Brownfields Redevelopment Act, agent authorization, application for brownfield area designation, proof of notice documents, financial assurances letter, site summary and future plans memo from the applicants agent, and the relevant Florida Statutes.

Please place Resolution 2020-35 on the regular City Commission agenda for adoption on October 12, 2020, under item 8.C. This resolution requires a public hearing.

Thank you,

A handwritten signature in blue ink that reads "Denise C. May". The signature is written in a cursive style and is positioned above a horizontal line.

Denise C. May
Assistant City Attorney

Attachments

xc: Meredith Breidenstein, Assistant City Manager
Isabelle Lopez, City Attorney
Reuben Franklin, Director of Public Works
Darlene Galambos, City Clerk

Agenda Title:

Resolution 2020-35: West San Sebastian Brownfield Designation.

RESOLUTION 2020-35

A RESOLUTION DESIGNATING PARCEL NOS. 084560-0000, 102810-0000, 102990-0000, 154860-0000, 154870-0000, 155540-0000, LOCATED WEST OF THE FLORIDA EAST COAST RAILWAY AND SOUTH OF SAN SEBASTIAN VIEW, ST. AUGUSTINE, FLORIDA 32084, AS A BROWNFIELD REHABILITATION AREA AND FOR ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, CLDG Hendricks Commercial, LLC, (the "Owner") owns parcel numbers 084560-0000, 102810-0000, 154860-0000, 154870-0000 102990-0000 and 155540-0000, located west of the Florida East Coast Railway and south of San Sebastian View, St. Augustine, Florida 32084 (the "Property"), a description of all parcels is attached hereto as **Exhibit 1**; and

WHEREAS, Owner is planning to redevelop the Property with a commercial development which would include commercial uses; and

WHEREAS, Owner has requested that the City of St. Augustine designate the Property a Brownfield Area as authorized by Section 376.80, Florida Statutes; and

WHEREAS, the Public Works Department has issued a staff report, attached hereto as Exhibit 2, including a map of the designated property, and incorporated herein by reference, recommending that the Brownfield designation requested by Developer be approved; and

WHEREAS, Florida Statutes require that an area outside of a community redevelopment area, Enterprise Zone, Empowerment Zone, closed military base, or designated Brownfield pilot project be designated as a Brownfield Area by local government resolution; and

WHEREAS, valuable economic incentives accrue to those who redevelop designated Brownfield sites.

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

Section 1. The City of St. Augustine adopts the findings of fact and conclusions of law as described in the recitals herein.

Section 2. For the purposes of the Florida Brownfields Redevelopment Act, Sections 376.77 - 376.85, Florida Statutes, (hereinafter, the "Act"), the Property is hereby designated a Brownfield Area. This designation shall not, however, render the City of St. Augustine liable: for the cost of site rehabilitation or source removal, as those terms are defined in Sections 376.79(19) and (20), Florida Statutes; for other costs in excess of those attributable to the City as administrator of a Brownfields Program; or, as a property owner, if the City hereafter acquires any realty within the designated Brownfield Area. A copy of the staff report with staff findings and a map adequate to clearly delineate exactly which parcel is to be included in the brownfield area is attached hereto **Exhibit 2**.

Section 3. Following enactment of this resolution approving the Brownfield Area designation, Owner will negotiate a Brownfield Site Rehabilitation Agreement ("BSRA") with the Florida Department of Environmental Protection ("FDEP"). Owner is pursuing the Brownfield Area designation and BSRA in order to benefit from the State of Florida's Voluntary Clean Up Tax Credit Program (VCTC). The VCTC will allow Owner to receive the 50% State corporate income tax credit for assessment and cleanup costs up to an annual amount of \$500,000.00. Owner also wishes to apply for cleanup liability protection from the State. Preliminary environmental site assessments have revealed soil and groundwater contamination above FDEP standards on some of the parcels. Owner wishes to clean and redevelop the site for commercial use.

Section 4. In accordance with Section 376.80, F.S., a copy of this resolution designating the property as a Brownfield Area shall be sent to FDEP within 30 days of the adoption of this resolution.

Section 5. This resolution shall become effective immediately upon adoption by the City Commission.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this ____ day of _____, 2020.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA

Darlene Galambos, City Clerk
(Corporate Seal)

Tracy Upchurch, Mayor-Commissioner

EXHIBIT 1

LEGAL DESCRIPTION

SURVEYORS DESCRIPTION

A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE J.S. SANCHEZ GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 15274, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A **POINT OF REFERENCE**, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2506); THENCE SOUTH 77°33'46" WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12°26'14" WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH 77°33'46" WEST, 231.51 FEET; COURSE 2) THENCE SOUTH 12°26'14" EAST, 3.75 FEET; COURSE 3) THENCE SOUTH 77°33'46" WEST, 35.53 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22°38'36" WEST, 35.04 FEET) TO THE **POINT OF BEGINNING**; THENCE SOUTH 77°34'03" WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS; THENCE NORTH 33°13'24" WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH 12°25'57" WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH 77°34'03" WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH 12°25'57" EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE, AS STATED IN SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527; THENCE NORTH 23°51'02" WEST, ALONG LAST SAID LINE, A DISTANCE OF 5893.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 52; THENCE NORTH 53°04'16" EAST, DEPARTING FROM LAST SAID LINE, A DISTANCE OF 235.73 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF SAN SEBASTIAN VIEW (BEING A VARIABLE WIDTH RIGHT OF WAY, AS DESCRIBED AS "PARCEL "A" IN OFFICIAL RECORDS BOOK 3849, PAGE 1466), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 877.97 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 66°23'52" EAST, 764.47 FEET) TO THE POINT OF TANGENCY; THENCE NORTH 62°08'31" EAST, CONTINUING ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 228.72 FEET TO THE INTERSECTION OF LAST SAID RIGHT OF WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 1160.86 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET) TO THE POINT OF TANGENCY; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET; COURSE 5) THENCE SOUTH 03°21'21" EAST, A DISTANCE OF 69.60 FEET; COURSE 6) THENCE SOUTH 03°12'41" EAST, A DISTANCE OF 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET; COURSE 8) THENCE SOUTH 04°15'56" EAST, A DISTANCE OF 68.62 FEET; COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 881.42 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET) TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS

EXHIBIT 2
STAFF REPORT



1565 – 2015
450 years

City of St. Augustine

St. Augustine, Florida
Nation's Oldest City



Public Works

September 21, 2020

Staff Report – Brownfield Area Designation – West San Sebastian

CLDG Hendricks Commercial, LLC is requesting that a parcel owned by CLDG Hendricks Commercial, LLC be designated as a Brownfield Area under the process authorized by § 376.80, Florida Statutes (F.S.). This parcel, totaling 133.90 acres, is bounded by San Sebastian Road to the north and Florida East Coast Railway right-of-way to the east.

From at least 1960 through at least 1971, the northeastern corner of the Property contained a rail spur and appears to have been utilized as a storage and laydown yard for the adjacent railway. During various environmental assessments conducted during due diligence inspection periods in 2018 and 2019, soil and groundwater impacts resulting from historic railway activities were detected. Specifically, previous prospective purchasers of the Property identified arsenic and petroleum constituent concentrations exceeding Cleanup Target Levels established by the Florida Department of Environmental Protection (“FDEP”). Additionally, buried construction and demolition debris has been identified on the Property.

To date, a complete assessment of the environmental impacts has not been performed. Nevertheless, the existing data indicate that arsenic impacts in soil terminate approximately 150-feet west of the railway. Groundwater impacts also appear to be limited to that general area. Applicant’s environmental consultant, Mechling Engineering & Consulting, Inc., is currently preparing a work plan to complete site assessment activities which will be submitted to FDEP for approval prior to conducting such work.

Upon approval by the City of St. Augustine, the applicant will enter into a Brownfield Site Rehabilitation Agreement with the FDEP. Under the Brownfield Program, the Florida Department of Environmental Protection will provide guidance and regulatory review of all assessment reports and future remedial actions. Progress of these environmental activities will be regularly communicated to a Community Advisory Board, made of local citizens and stakeholders.

CLDG Hendricks Commercial, LLC is currently planning on redeveloping the site. Redevelopment plans include multifamily apartments on the property.

Following enactment of the legislation approving the designation, the owner will negotiate a Brownfield Site Rehabilitation Agreement (BSRA) with FDEP. The enactment of the BSRA will allow the owner and/or future owner to pursue Voluntary Cleanup Tax Credits and cleanup liability protection from the State of Florida for actual remediation activities conducted on the site.

As required by §376.80(2)(c), F.S., the applicant proposing the designation of a new Brownfield Area must establish the following:

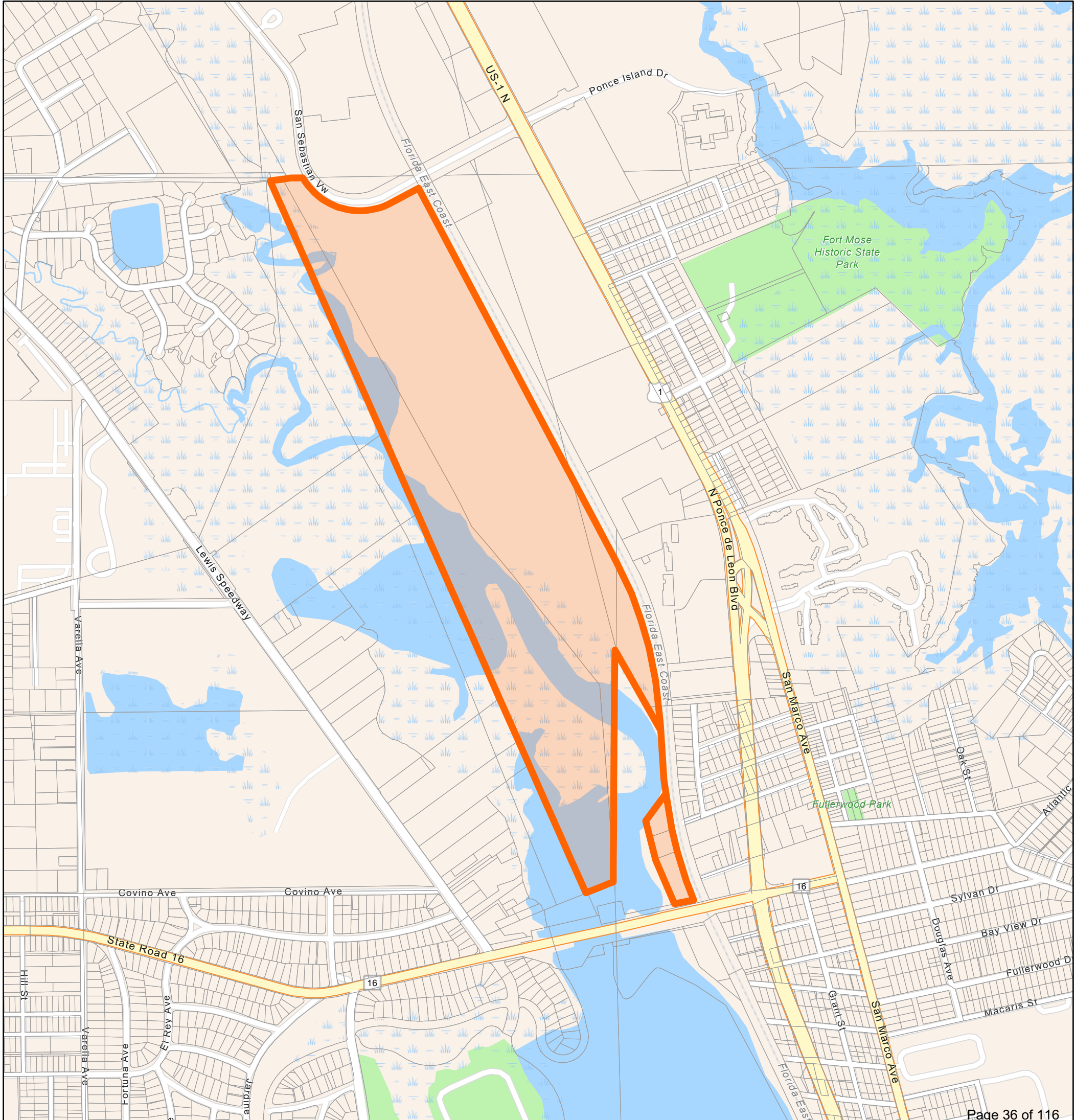
1. The owner or entity controlling the brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the site;
2. The rehabilitation and redevelopment of the site will result in five permanent jobs;
3. The redevelopment is consistent with the comprehensive plan and land development regulations;
4. Public notice for the proposal will be provided pursuant to §376.80(1)(c), F.S.; and,
5. The owner or entity has provided real assurance of sufficient financial resources to implement and complete the Brownfield Site Rehabilitation Agreement.

CLDG Hendricks Commercial, LLC has answered in the affirmative for all requirements.

City Staff recommends APPROVAL of the Brownfield Area designation.

Please contact City of St. Augustine Public Works Department at (904) 825-1040, option #6 for additional information.

LOCATION MAP



Property Ownership Affidavit

Date: August 25, 2020

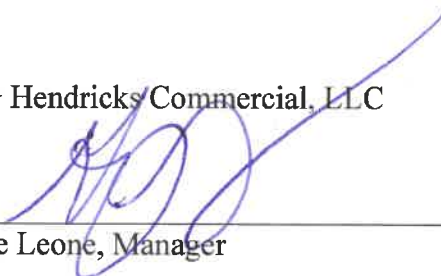
**Brownfields Program, Public Works Department
City of St. Augustine, Florida**

To whom it may concern:

I, George Leone, Manager of CLDG Hendricks Commercial, LLC, hereby certify that I am the Owner of the property described in the legal description, attached hereto as Exhibit "A", in connection with the official request for brownfields designation of said property. I hereby authorize the City of St. Augustine, Florida to designate said property as a Brownfields Area, pursuant to the Florida Brownfields Redevelopment Act.

Property Real Estate Numbers (RE #): 084560-0000, 102810-0000, 154870-0000, 154860-0000
102990-0000 and 155540-0000

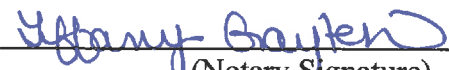
CLDG Hendricks Commercial, LLC



George Leone, Manager

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 25 day of August, 2020, by George Leone, Manager of CLDG Hendricks Commercial, LLC, who is personally known to me or has produced _____ as identification.



(Notary Signature)



TIFFANY GAYTON
Commission # GG 288978
Expires December 26, 2022
Bonded Thru Budget Notary Services

Exhibit "A"

SURVEYORS DESCRIPTION

A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE J.S. SANCHEZ GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 15274, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A **POINT OF REFERENCE**, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2506), THENCE SOUTH 77°33'46" WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12°26'14" WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16, THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH 77°33'46" WEST, 231.51 FEET; COURSE 2) THENCE SOUTH 12°26'14" EAST, 3.75 FEET; COURSE 3) THENCE SOUTH 77°33'46" WEST, 35.53 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22°38'36" WEST, 35.04 FEET) TO THE **POINT OF BEGINNING**; THENCE SOUTH 77°34'03" WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS, THENCE NORTH 33°13'24" WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH 12°25'57" WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH 77°34'03" WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH 12°25'57" EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE, AS STATED IN SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527, THENCE NORTH 23°51'02" WEST, ALONG LAST SAID LINE, A DISTANCE OF 5893.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 52, THENCE NORTH 53°04'16" EAST, DEPARTING FROM LAST SAID LINE, A DISTANCE OF 235.73 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF SAN SEBASTIAN VIEW (BEING A VARIABLE WIDTH RIGHT OF WAY, AS DESCRIBED AS "PARCEL "A" IN OFFICIAL RECORDS BOOK 3849, PAGE 1466), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 877.97 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 66°23'52" EAST, 764.47 FEET) TO THE POINT OF TANGENCY, THENCE NORTH 62°08'31" EAST, CONTINUING ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 228.72 FEET TO THE INTERSECTION OF LAST SAID RIGHT OF WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD, THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET, COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.98 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET, COURSE 3) THENCE SOUTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 1160.86 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.63 FEET) TO THE POINT OF TANGENCY; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET; COURSE 5) THENCE SOUTH 03°21'21" EAST, A DISTANCE OF 69.60 FEET, COURSE 6) THENCE SOUTH 03°12'41" EAST, A DISTANCE OF 226.46 FEET, COURSE 7) THENCE SOUTH 03°16'30" EAST, A DISTANCE OF 50.00 FEET; COURSE 8) THENCE SOUTH 04°15'36" EAST, A DISTANCE OF 68.62 FEET, COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 881.42 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET) TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS

Agent Authorization

City of St. Augustine
Public Works Department
75 King Street
4th Floor, Elevator B
St. Augustine, Florida 32084

**Re: Agent Authorization for Parcel IDs 084560-0000, 102810-0000, 154870-0000,
154860-0000 102990-0000 and 155540-0000**

Ladies and Gentlemen:

You are hereby advised that George Leone, as Manager of CLDG Hendricks Commercial, LLC, a Florida limited liability company, hereby authorizes and empowers DRIVER, MCAFEE, HAWTHORNE & DIEBENOW PLLC, to act as agent to file an application for brownfield designation for the above referenced properties and in connection with such authorization to file such applications, papers, documents, request and other matters necessary for such requested change as submitted to the City of St. Augustine.

CLDG Hendricks Commercial, LLC, a Florida
limited liability company

By: _____

George Leone
Manager

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 21 day of September, 2020 by George Leone, as Manager of CLDG Hendricks Commercial, LLC, a Florida limited liability company, on behalf of the company, who is personally known to me or has produced _____ as identification.

[Notary Seal]

Tiffany Gayton
(Notary Signature)



TIFFANY GAYTON
Commission # GG 286978
Expires December 26, 2022
Bonded Thru Budget Notary Services

City of St. Augustine Brownfields Redevelopment Program
Application for Brownfield Area Designation

Please complete this application to initiate the brownfield area designation process if the property is located outside of a designated Brownfields Area, Community Redevelopment Areas, Enterprise Zones, Empowerment Zones, closed military bases, or the designated Brownfield Pilot Project Areas. It is important to complete all applicable sections and attach all necessary information. Section 376.80 of Florida Statutes (F.S.) establishes the legal requirements for an applicant, other than a local government, to request a brownfield area designation.

I. Property Information

Property Address South of San Sebastian Road, west of Florida East Coast Railway.

Property Name West San Sebastian Brownfield Area

City St. Augustine

State FL

Zip Code 32084

Property Size (acres or sq./ft.) 133.90 acres

Parcel I.D. (RE #) 084560-0000, 102810-0000, 154870-0000, 154860-0000 102990-0000 and 155540-0000

City Council District N/A

Property Use Code (if known) TBD – use will be consistent with RL-1 zoning

Zoning District (if known) RL-1

FL DEP I.D. Not yet assigned ☐ Not Applicable

Applicant's Interest in Property; please select below.

- ☒ Owner
- ☐ Tenant
- ☐ Under Contract
- ☐ Option to Purchase/Lease
- ☐ Letter of Intent
- ☐ Other (If other, please describe) _____

Is the property subject to an enforcement action under the Comprehensive Environmental Compensation or Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), or Chapter 376 or 403, Florida Statutes? YES ☐ NO ☒

If so, please provide details below.

Are there outstanding property taxes due on the property? YES ☐ NO ☒

If yes, please explain. _____

Are there any liens on the property? YES ☐ NO ☒

If yes, please explain.

II. Project Description

Provide a brief description of current and past known property use(s).

Provide a brief description of all environmental conditions and issues associated with the property.

Historic aerials of the property indicate that portions of the property were utilized as a laydown yard/storage site associated with the adjacent railway. That usage resulted in arsenic impacts in the soil and groundwater.

Provide a brief description of anticipated plans for assessment and remediation of environmental conditions and issues associated with the property.

Site will undergo assessment and remediation as required by 62-780, F.A.C. It is anticipated that institutional controls will be utilized.

Provide a brief description of the anticipated redevelopment plan.

The site will be redeveloped for apartment use consistent with RL-1 zoning.

Is the project consistent with the local Comprehensive Plan and a permitted use under the applicable local Land Development Regulations, as required per Section 376.80(2)(c)(3), F.S.?

Yes.

Or, will the proposed project involve a request for a change in Zoning and/or Land Use? If so, please provide a brief description of the circumstances associated with the anticipated request.

N/A

Provide a detailed statement describing how the property/project currently qualifies for a Brownfields Designation per Section 376.80, F.S.

The property is currently undeveloped and will be redeveloped to make better use of the site. The existing arsenic impacts require assessment and remediation to redevelop and utilize the property.

Provide reasonable assurance that sufficient financial resources are available to implement and complete the redevelopment plan and a rehabilitation agreement, as required per Section 376.80(2)(c)(5), F.S.

The applicant, who owns the property, has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the site. Corner Lot Development Group, LLC is a sophisticated and experienced development and acquisition company. Corner Lot has developed dozens of residential and commercial properties in Northeast Florida. Additional information about these projects can be found at <https://www.cornerlotdevelopment.com>. Based on the credentials and record of success in consummating the development of various commercial and residential properties in Northeast Florida, Corner Lot has the necessary financial resources to implement and complete the site development pursuant to a rehabilitation agreement and redevelopment plan.

Provide information on how the redevelopment project will improve economic productivity of the area, and whether a minimum of five (5) new permanent jobs will be created, as required per Section 376.80(2)(c)(2), F.S.

The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least five permanent new full-time jobs. The project once completed is anticipated to create around six to seven full time positions not associated with the implementation of the cleanup or construction activities. Such job creation will result in the payment of payroll taxes and salaries thereby benefitting the local economy and increasing the economic productivity in the area. Once developed, the project will consist of a 330 unit, for rent, apartment community.

Please attach any non-confidential environmental assessment documentation associated with the project. This includes Phase I and Phase II Reports, Site Assessment Reports, and Remedial Action Plans. Environmental reports generated during due diligence investigations are attached. A site assessment plan is currently under development by applicant's environmental consultant, Mechling Engineering & Consulting, Inc.

III. Applicant Information

Name George Leone Corporation CLPD Hendricks Commercial, LLC

Address 1611 Atlantic Boulevard

City Jacksonville

State FL

Zip Code 32207

Phone 904-551-2540 Fax _____

Email gleone@cornerlotdevelopment.com

Legal Status of Applicant

- ☐ Individual/Sole proprietorship
☒ Limited Liability Company
☐ Florida Corporation
☐ Out-of-State Corporation
☐ General Partnership
☐ Limited Partnership

State of Incorporation FL

Name of current property owner if different from Applicant N/A

If the current property owner is not the Applicant, please provide information from the current owner that they do not object to the property being designated a brownfield area. N/A.

Has the Applicant previously spoken to and/or met with the City Brownfields Redevelopment Office?

YES ☒ NO ☐

Please list the types of State or Federal assistance/incentives the Applicant is interested in.

State of Florida Voluntary Clean up Tax Credit (VCTC); Statutory Liability Protection

I am applying for a designation by the City of St. Augustine of the subject property as a brownfield area, under the process established by Section 376.80, F.S. I affirm that the content presented in this application is correct to the best of my knowledge.

/s/Charles (Trey) F Mills, III

August 25, 2020

Agent for Applicant

Date

THE ST. AUGUSTINE RECORD
Affidavit of Publication

DRIVER MCAFEE PEEK & HAWTHORNE
ONE INDEPENDENT DR, STE 1200

JACKSONVILLE, FL 32202

ACCT: 18899
AD# 0003308163-01

PO#

PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a SA Notic Misc in the matter of **BROWNFIELD AREA DESIGNATION RES.2020-35** was published in said newspaper on **09/17/2020**.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

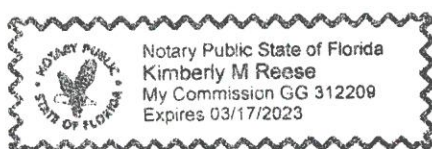
Sworn to (or affirmed) and subscribed before me by means of

☒ physical presence or
☐ online notarization

this _____ day of **SEP 17 2020**

by *Melissa Rhinehart* who is personally known to
me or who has produced as identification

Kimberly M Reese
(Signature of Notary Public)



PUBLIC NOTICE

**ST. AUGUSTINE PROPOSED
BROWNFIELD AREA
DESIGNATION
RES. 2020-35**

Real property (Parcel IDs 084560-0000, 102810-0000, 154870-0000, 154860-0000 102990-0000 and 155540-0000) located at southwest of the intersection of San Sebastian Road and the Florida East Coast Railway, St. Augustine, FL 32084 will be rehabilitated under Chapter 376, F.S. of the State of Florida's Brownfields Program. The property is proposed to be designated a Brownfield Area to allow the negotiation of a Brownfield Site Rehabilitation Agreement (BSRA) with the Florida Department of Environmental Protection for purposes of remediating and redeveloping the site.

Public hearings to receive public comment on the proposed Brownfield Area designation have been scheduled for:

Wednesday, September 23 at 11 AM, to be held at The Alcatraz Room, First Floor, City Hall, 75 King Street, St. Augustine, FL 32084, and

Monday, October 12 at 5 PM, to be held at The Alcatraz Room, First Floor, City Hall, 75 King Street, St. Augustine, FL 32084.

If anyone has questions, concerns, and/or comments, please contact:
904-825-1040, option #6.

0003308163 September 17, 2020

Thu, Sep 17, 2020
9:18:39AM

Legal Ad Invoice

The St. Augustine Record

Send Payments to:
The St. Augustine Record
One News Place
St. Augustine, FL 32086

Acct: 18899
Phone: 19048078201
E-Mail:
Client: DRIVER MCAFEE PEEK & HAWTHO

Name: DRIVER MCAFEE PEEK & HAWTHORNE
Address: ONE INDEPENDENT DR, STE 1200

City: JACKSONVILLE **State:** FL **Zip:** 32202

Ad Number: 0003308163-01
Start: 09/17/2020
Placement: SA Legals
Copy Line: PUBLIC NOTICE ST. AUGUSTINE PROPOSED BROWNFIELD AREA DESIGNATION RES. 2020-35 Real property (Parc

Caller: KRISTA BRUBY
Issues: 1
Rep: Melissa Rhinehart

Paytype: BILL
Stop: 09/17/2020

Lines 38
Depth 3.25
Columns 1

Price \$58.34

PUBLIC NOTICE

ST. AUGUSTINE PROPOSED BROWNFIELD AREA DESIGNATION RES. 2020-35

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If anyone has questions, concerns, and/or comments, please contact:
904-825-1040, option #6.

0003308163 September 17, 2020



FOR SALE

SINGLE F

197 HO

900

SHERIFF

ST. JOHN'S COUNTY



September 23, 2020

To whom it may concern,

We are the accountants for Corner Lot Development Group, LLC and affiliates (which includes CLDG Hendricks Commercial, LLC).

We reviewed the asset and pro forma schedules provide by Corner Lot Development Group, LLC. As of the date of this letter, the entity appears to have fine financial standing and has the financial capability to perform the "Flagler Crossing" development.

Sincerely,

A handwritten signature in black ink, appearing to be the letter "B" followed by a horizontal line.

Bryan Reyes, CPA

MEMORANDUM

TO: City of St. Augustine

FROM: Trey Mills, Driver, McAfee, Hawthorne & Diebenow, PLLC

DATE: September 22, 2020

RE: Site Summary
Proposed West San Sebastian Brownfield Area (“Property”)

From at least 1960 through at least 1971, the northeastern corner of the Property contained a rail spur and appears to have been utilized as a storage and laydown yard for the adjacent railway. During various environmental assessments conducted during due diligence inspection periods in 2018 and 2019, soil and groundwater impacts resulting from historic railway activities were detected. Specifically, previous prospective purchasers of the Property identified arsenic and petroleum constituent concentrations exceeding Cleanup Target Levels established by the Florida Department of Environmental Protection (“FDEP”). Additionally, buried construction and demolition debris has been identified on the Property. As a result of those impacts, multiple developers have inspected and opted not to close on the Property.

To date, a complete environmental assessment of the environmental impacts has not been performed. Nevertheless, the existing data indicate that arsenic impacts in soil terminate approximately 150-feet west of the railway. Groundwater impacts also appear to be limited to that general area. Applicant’s environmental consultant, Mechling Engineering & Consulting, Inc., is currently preparing a work plan to complete site assessment activities which will be submitted to FDEP for approval prior to conducting such work.

Upon approval by the City of St. Augustine, the applicant will enter into a Brownfield Site Rehabilitation Agreement with the FDEP, which document provides, among other things, timelines from conducting assessment and remediation. Under the Brownfield Program, the FDEP will provide guidance and regulatory review of all assessment reports and future remedial actions. Progress of these environmental activities will be regularly communicated to a Community Advisory Board composed of made of local citizens and stakeholders.

Recently, the City of St. Augustine Commission voted to rezone the Property to RL-1, which authorizes for redevelopment as apartments. Ultimately, upon completion of remedial activities, the applicant will redevelop the Property as apartments containing at least 330 residential units. Redevelopment of the Property will create at least five (5) permanent jobs associated with, among other areas, apartment leasing and management and janitorial services.



Select Year: 2019 ▼ Go

The 2019 Florida Statutes

[Title XXVIII](#)
NATURAL RESOURCES; CONSERVATION,
RECLAMATION, AND USE

[Chapter 376](#)
POLLUTANT DISCHARGE PREVENTION
AND REMOVAL

[View Entire
Chapter](#)

376.80 Brownfield program administration process.—

(1) The following general procedures apply to brownfield designations:

(a) The local government with jurisdiction over a proposed brownfield area shall designate such area pursuant to this section.

(b) For a brownfield area designation proposed by:

1. The jurisdictional local government, the designation criteria under paragraph (2)(a) apply, except if the local government proposes to designate as a brownfield area a specified redevelopment area as provided in paragraph (2)(b).

2. Any person, other than a governmental entity, including, but not limited to, individuals, corporations, partnerships, limited liability companies, community-based organizations, or not-for-profit corporations, the designation criteria under paragraph (2)(c) apply.

(c) Except as otherwise provided, the following provisions apply to all proposed brownfield area designations:

1. Notification to department following adoption.—A local government with jurisdiction over the brownfield area must notify the department, and, if applicable, the local pollution control program under s. [403.182](#), of its decision to designate a brownfield area for rehabilitation for the purposes of ss. [376.77-376.86](#). The notification must include a resolution adopted by the local government body. The local government shall notify the department, and, if applicable, the local pollution control program under s. [403.182](#), of the designation within 30 days after adoption of the resolution.

2. Resolution adoption.—The brownfield area designation must be carried out by a resolution adopted by the jurisdictional local government, which includes a map adequate to clearly delineate exactly which parcels are to be included in the brownfield area or alternatively a less-detailed map accompanied by a detailed legal description of the brownfield area. For municipalities, the governing body shall adopt the resolution in accordance with the procedures outlined in s. [166.041](#), except that the procedures for the public hearings on the proposed resolution must be in the form established in s. [166.041\(3\)\(c\)2](#). For counties, the governing body shall adopt the resolution in accordance with the procedures outlined in s. [125.66](#), except that the procedures for the public hearings on the proposed resolution shall be in the form established in s. [125.66\(4\)\(b\)](#).

3. Right to be removed from proposed brownfield area.—If a property owner within the area proposed for designation by the local government requests in writing to have his or her property removed from the proposed designation, the local government shall grant the request.

4. Notice and public hearing requirements for designation of a proposed brownfield area outside a redevelopment area or by a nongovernmental entity. Compliance with the following provisions is required before designation of a proposed brownfield area under paragraph (2)(a) or paragraph (2)(c):

a. At least one of the required public hearings shall be conducted as closely as is reasonably practicable to the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents' considerations, and other relevant local concerns.

b. Notice of a public hearing must be made in a newspaper of general circulation in the area, must be made in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual public hearing.

(2)(a) *Local government-proposed brownfield area designation outside specified redevelopment areas.*—If a local government proposes to designate a brownfield area that is outside a community redevelopment area, enterprise zone, empowerment zone, closed military base, or designated brownfield pilot project area, the local government shall provide notice, adopt the resolution, and conduct public hearings pursuant to paragraph (1)(c). At a public hearing to designate the proposed brownfield area, the local government must consider:

1. Whether the brownfield area warrants economic development and has a reasonable potential for such activities;
2. Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;
3. Whether the area has potential to interest the private sector in participating in rehabilitation; and
4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes.

(b) *Local government-proposed brownfield area designation within specified redevelopment areas.*—Paragraph (a) does not apply to a proposed brownfield area if the local government proposes to designate the brownfield area inside a community redevelopment area, enterprise zone, empowerment zone, closed military base, or designated brownfield pilot project area and the local government complies with paragraph (1)(c).

(c) *Brownfield area designation proposed by persons other than a governmental entity.*—For designation of a brownfield area that is proposed by a person other than the local government, the local government with jurisdiction over the proposed brownfield area shall provide notice and adopt a resolution to designate the brownfield area pursuant to paragraph (1)(c) if, at the public hearing to adopt the resolution, the person establishes all of the following:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site.
2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. [420.0004](#) or the creation of recreational areas, conservation areas, or parks.
3. The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations.
4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated pursuant to paragraph (1)(c), and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be posted in the affected area.
5. The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.

(d) *Negotiation of brownfield site rehabilitation agreement.*—The designation of a brownfield area and the identification of a person responsible for brownfield site rehabilitation simply entitles the identified person to negotiate a brownfield site rehabilitation agreement with the department or approved local pollution control program.

(3) When there is a person responsible for brownfield site rehabilitation, the local government must notify the department of the identity of that person. If the agency or person who will be responsible for the coordination

changes during the approval process specified in subsections (4), (5), and (6), the department or the affected approved local pollution control program must notify the affected local government when the change occurs.

(4) Local governments or persons responsible for rehabilitation and redevelopment of brownfield areas must establish an advisory committee or use an existing advisory committee that has formally expressed its intent to address redevelopment of the specific brownfield area for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. Such advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. The person responsible for brownfield site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement, and provide the committee with a copy of the draft plan for site rehabilitation which addresses elements required by subsection (5). This includes disclosing potential reuse of the property as well as site rehabilitation activities, if any, to be performed. The advisory committee shall review any proposed redevelopment agreements prepared pursuant to paragraph (5)(i) and provide comments, if appropriate, to the board of the local government with jurisdiction over the brownfield area. The advisory committee must receive a copy of the executed brownfield site rehabilitation agreement. When the person responsible for brownfield site rehabilitation submits a site assessment report or the technical document containing the proposed course of action following site assessment to the department or the local pollution control program for review, the person responsible for brownfield site rehabilitation must hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

(5) The person responsible for brownfield site rehabilitation must enter into a brownfield site rehabilitation agreement with the department or an approved local pollution control program if actual contamination exists at the brownfield site. The brownfield site rehabilitation agreement must include:

(a) A brownfield site rehabilitation schedule, including milestones for completion of site rehabilitation tasks and submittal of technical reports and rehabilitation plans as agreed upon by the parties to the agreement.

(b) A commitment to conduct site rehabilitation activities under the observation of professional engineers or geologists who are registered in accordance with the requirements of chapter 471 or chapter 492, respectively. Submittals provided by the person responsible for brownfield site rehabilitation must be signed and sealed by a professional engineer registered under chapter 471, or a professional geologist registered under chapter 492, certifying that the submittal and associated work comply with the law and rules of the department and those governing the profession. In addition, upon completion of the approved remedial action, the department shall require a professional engineer registered under chapter 471 or a professional geologist registered under chapter 492 to certify that the corrective action was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the department.

(c) A commitment to conduct site rehabilitation in accordance with department quality assurance rules.

(d) A commitment to conduct site rehabilitation consistent with state, federal, and local laws and consistent with the brownfield site contamination cleanup criteria in s. [376.81](#), including any applicable requirements for risk-based corrective action.

(e) Timeframes for the department's review of technical reports and plans submitted in accordance with the agreement. The department shall make every effort to adhere to established agency goals for reasonable timeframes for review of such documents.

(f) A commitment to secure site access for the department or approved local pollution control program to all brownfield sites within the eligible brownfield area for activities associated with site rehabilitation.

(g) Other provisions that the person responsible for brownfield site rehabilitation and the department agree upon, that are consistent with ss. [376.77-376.86](#), and that will improve or enhance the brownfield site rehabilitation process.

(h) A commitment to consider appropriate pollution prevention measures and to implement those that the person responsible for brownfield site rehabilitation determines are reasonable and cost-effective, taking into

account the ultimate use or uses of the brownfield site. Such measures may include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include goals for the reduction of releases of toxic materials.

(i) Certification that the person responsible for brownfield site rehabilitation has consulted with the local government with jurisdiction over the brownfield area about the proposed redevelopment of the brownfield site, that the local government is in agreement with or approves the proposed redevelopment, and that the proposed redevelopment complies with applicable laws and requirements for such redevelopment. Certification shall be accomplished by referencing or providing a legally recorded or officially approved land use or site plan, a development order or approval, a building permit, or a similar official document issued by the local government that reflects the local government's approval of proposed redevelopment of the brownfield site; providing a copy of the local government resolution designating the brownfield area that contains the proposed redevelopment of the brownfield site; or providing a letter from the local government that describes the proposed redevelopment of the brownfield site and expresses the local government's agreement with or approval of the proposed redevelopment.

(6) Any contractor performing site rehabilitation program tasks must demonstrate to the department that the contractor:

- (a) Meets all certification and license requirements imposed by law; and
- (b) Will conduct sample collection and analyses pursuant to department rules.

(7) During the cleanup process, if the department or local program fails to complete review of a technical document within the timeframe specified in the brownfield site rehabilitation agreement, the person responsible for brownfield site rehabilitation may proceed to the next site rehabilitation task. However, the person responsible for brownfield site rehabilitation does so at its own risk and may be required by the department or local program to complete additional work on a previous task. Exceptions to this subsection include requests for "no further action," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation.

(8) If the person responsible for brownfield site rehabilitation fails to comply with the brownfield site rehabilitation agreement, the department shall allow 90 days for the person responsible for brownfield site rehabilitation to return to compliance with the provision at issue or to negotiate a modification to the brownfield site rehabilitation agreement with the department for good cause shown. If an imminent hazard exists, the 90-day grace period shall not apply. If the project is not returned to compliance with the brownfield site rehabilitation agreement and a modification cannot be negotiated, the immunity provisions of s. [376.82](#) are revoked.

(9) The department is specifically authorized and encouraged to enter into delegation agreements with local pollution control programs approved under s. [403.182](#) to administer the brownfield program within their jurisdictions, thereby maximizing the integration of this process with the other local development processes needed to facilitate redevelopment of a brownfield area. When determining whether a delegation pursuant to this subsection of all or part of the brownfield program to a local pollution control program is appropriate, the department shall consider the following. The local pollution control program must:

- (a) Have and maintain the administrative organization, staff, and financial and other resources to effectively and efficiently implement and enforce the statutory requirements of the delegated brownfield program; and
- (b) Provide for the enforcement of the requirements of the delegated brownfield program, and for notice and a right to challenge governmental action, by appropriate administrative and judicial process, which shall be specified in the delegation.

The local pollution control program shall not be delegated authority to take action on or to make decisions regarding any brownfield site on land owned by the local government. Any delegation agreement entered into pursuant to this subsection shall contain such terms and conditions necessary to ensure the effective and efficient administration and enforcement of the statutory requirements of the brownfield program as established by the act and the relevant rules and other criteria of the department.

(10) Local governments are encouraged to use the full range of economic and tax incentives available to facilitate and promote the rehabilitation of brownfield areas, to help eliminate the public health and

environmental hazards, and to promote the creation of jobs and economic development in these previously run-down, blighted, and underutilized areas.

(11)(a) The Legislature finds and declares that:

1. Brownfield site rehabilitation and redevelopment can improve the overall health of a community and the quality of life for communities, including for individuals living in such communities.
2. The community health benefits of brownfield site rehabilitation and redevelopment should be better measured in order to achieve the legislative intent as expressed in s. 376.78.
3. There is a need in this state to define and better measure the community health benefits of brownfield site rehabilitation and redevelopment.
4. Funding sources should be established to support efforts by the state and local governments, in collaboration with local health departments, community health providers, and nonprofit organizations, to evaluate the community health benefits of brownfield site rehabilitation and redevelopment.

(b) Local governments may and are encouraged to evaluate the community health benefits and effects of brownfield site rehabilitation and redevelopment in connection with brownfield areas located within their jurisdictions. Factors that may be evaluated and monitored before and after brownfield site rehabilitation and redevelopment include, but are not limited to:

1. Health status, disease distribution, and quality of life measures regarding populations living in or around brownfield sites that have been rehabilitated and redeveloped.
2. Access to primary and other health care or health services for persons living in or around brownfield sites that have been rehabilitated and redeveloped.
3. Any new or increased access to open, green, park, or other recreational spaces that provide recreational opportunities for individuals living in or around brownfield sites that have been rehabilitated and redeveloped.
4. Other factors described in rules adopted by the Department of Environmental Protection or the Department of Health, as applicable.

(c) The Department of Health may and is encouraged to assist local governments, in collaboration with local health departments, community health providers, and nonprofit organizations, in evaluating the community health benefits of brownfield site rehabilitation and redevelopment.

(12) A local government that designates a brownfield area pursuant to this section is not required to use the term “brownfield area” within the name of the brownfield area designated by the local government.

History.—s. 4, ch. 97-277; s. 3, ch. 98-75; s. 11, ch. 2000-317; s. 2, ch. 2004-40; s. 44, ch. 2005-2; s. 7, ch. 2006-291; s. 5, ch. 2008-239; s. 2, ch. 2014-114.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: October 15, 2020

RE: **ORDINANCE 2020-31: CEAAB DUTIES**

Please find attached Ordinance 2020-31 amending Sections 2-212 and 2-213 of the City Code regarding the powers and duties of the Code Enforcement Adjustment and Appeals Board. These amendments provide for notifications required by Section 162.09(1), Florida Statutes, to be made to the City Manager and for the board to hear applications for reduction of fines and fees prior to and after recording liens. The amendments are to make explicit the process currently followed by the board.

Please place Ordinance 2020-31 on the regular City Commission agenda for first reading on October 26, 2020.

Thank you.


Denise C. May
Assistant City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Provides for notifications required by Section 162.09(1), Florida Statutes, to be made to the City Manager and for the board to hear applications for reduction of fines and fees prior to and after recording liens.

ORDINANCE NO. 2020-31

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 2, ARTICLE V, DIVISION 2, SECTIONS 2-212 AND 2-213 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE NOTIFICATION TO CITY MANAGER OR HIS OR HER DESIGNEE; TO PROVIDE FOR APPLICATION TO THE CODE ENFORCEMENT, ADJUSTMENTS, AND APPEALS BOARD FOR REDUCTION OF FINES AND FEES PRIOR TO LIEN RECORDATION OR FOR RECOMMENDATION TO THE CITY COMMISSION FOR REDUCTION OF FINES OR FEES ON RECORDED LIENS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the designation of a point of contact for notification to the governing body of the City of St. Augustine will clarify the existing informal process by designating the City Manager or his or her designee as the notification point of contact consistent with Chapter 162, Florida Statutes; and

WHEREAS, individuals seeking a reduction of fines and fees prior to recording of a lien against the property due to a resolved code enforcement matter will be able to address the Code Enforcement, Adjustments, and Appeals Board directly, thus minimizing unnecessary procedural steps; and

WHEREAS, individuals seeking a full or partial reduction of a recorded lien due to a code enforcement violation will first be required to obtain a recommendation from the Code Enforcement, Adjustments, and Appeals Board prior to City Commission hearing the matter; and

WHEREAS, the Code Enforcement, Adjustments, and Appeals Board has greater familiarity with the details of the case and the prior representations of the parties during the code enforcement process in order to provide a more meaningful recommendation to the City Commission; and

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

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

Section 1. Amendment to Chapter 2, Article V, Division 2, Sections 2-212 and 2-213. Chapter 2, Article V, Division 2, Sections 2-212 and 2-213 of the Code of the City of St. Augustine, Florida are hereby amended, as follows:

“Sec. 2-212. - Organization.

The members of the code enforcement board shall elect a chairman from among the members of the board. The presence of four (4) or more members shall constitute a quorum of the enforcement board. Members shall serve without compensation, but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the city commission or as are otherwise provided by law. All notifications to the local governing body required by section 162.09(1), Florida Statutes shall be made by notification to the City Manager or his or her designee.

Sec. 2-213. - Powers.

Enforcement proceedings, conducting of hearings and powers of the code enforcement board shall be as provided by the Local Government Code Enforcement Board Act [F.S. § 162.01 et seq.].

The code enforcement board shall hear applications for reduction of fines or fees prior to recordation of lien and approve or deny applications based on the evidence presented after consideration of factors as outlined in section 162.09(2)(b).

The code enforcement board shall hear application for reduction of recorded liens and make recommendation for approval or denial to the City Commission. The City Commission shall make final determination and approve or deny reduction, modification, or release of recorded liens.”

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

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

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

construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

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

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

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

Tracy Upchurch, Mayor-Commissioner

CITY OF ST. AUGUSTINE, FLORIDA

M E M O R A N D U M

TO: John P. Regan
City Manager

DATE: October 15, 2020

RE: Commission Presentation
AXON Body Worn Cameras

The St. Augustine Police Department will be implementing AXON body worn cameras in the near future. This presentation will be meant to update the commission of our progress towards this goal.

If you concur, please place this matter on the next available agenda for the consideration and approval of the City Commission.

Thank you for your consideration in this matter.



Barry E. Fox
Chief of Police

dt
attachment

cc: D. Galambos, City Clerk w/original attachment

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 26, 2020

RE: Staff Presentation – Short Term Rental Web Page and Registration

The registration period for short term (vacation) rentals has opened and staff would like to make a brief presentation to the City Commission explaining the city's short term rental web page and registration links. Courtesy notice letters have been sent to 524 short term rental property owners with instructions on how to register their rental units with the city and this presentation may help guide them through the registration process.

Please place this staff presentation on the October 26, 2020 City Commission agenda.

If you have any questions, please let me know.



David Birchim, AICP
Director, Planning and Building

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 26, 2020

RE: Building Code Advisory Committee Goals

On October 12, 2020, the City Commission endorsed a program to update the city's flood mitigation code, building code and zoning code as they relate to flood protection and resiliency. Although broad consensus was reached on the need to update the code's flood protection rules, there is more work to be done defining the specific goals of the citizen advisory committee. I have drafted some potential goals for discussion purposes.

Goal #1 – Protect older homes from the flooding impacts of new homes that are required to be constructed at higher elevations.

Goal #2 – Provide incentives for property owners to use building techniques which do not require land filling for new home construction.

Goal #3 – Limit the amount of impervious surface that is allowed on residential lots. There is currently no limit to the amount of paving a homeowner can do on their property.

City staff has begun the advertising process for committee members and the City Commission is scheduled to select committee members on November 9. There was a discussion about the number of new homes permitted during the year and I have attached the Planning and Building Department's monthly permitting spreadsheet for the year so far.

Please place this discussion item on the October 26, 2020 City Commission agenda.

If you have any questions, please let me know.



David Birchm, AICP
Director, Planning and Building

CITY OF ST AUGUSTINE PLANNING BUILDING DEPARTMENT

2020 BUILDING PERMITS ISSUED YTD

PERMIT TYPE	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL NUMBER	TOTAL AMOUNT
ADDITION	\$48,000.00	\$0.00	\$50,000.00	\$0.00	\$28,909.00	\$30,000.00	\$350,000.00	\$0.00	\$307,500.00					\$814,409.00
	1	0	1	0	1	1	2	0	2				8	
BUILDING	\$461,256.00	\$1,041,246.50	\$786,612.00	\$645,946.84	\$797,354.60	\$861,451.57	\$545,498.60	\$2,368,085.95	\$3,623,407.82					\$11,130,859.88
	30	41	30	22	34	30	33	37	48				305	
CAR PORT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$86,350.00	\$0.00	\$53,075.00	\$46,000.00					\$185,425.00
	0	0	0	0	0	3	0	2	1				6	
DECK	\$18,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$14,000.00	\$55,835.00	\$0.00	\$0.00					\$87,835.00
	3	0	0	0	0	3	2	0	0				8	
DEMOLITION	\$20,000.00	\$52,000.00	\$100.00	\$5,000.00	\$45,000.00	\$13,500.00	\$101,500.00	\$5,500.00	\$18,614.00					\$261,214.00
	2	4	1	1	2	3	8	2	3				26	
DOCK	\$100,000.00	\$0.00	\$65,500.00	\$98,585.00	\$0.00	\$0.00	\$31,000.00	\$0.00	\$0.00					\$295,085.00
	1	0	1	1	0	0	1	0	0				4	
ELECTRICAL	\$28,090.00	\$42,340.00	\$64,903.00	\$47,729.00	\$11,950.00	\$38,753.00	\$48,973.50	\$58,977.00	\$58,875.00					\$400,590.50
	12	9	9	10	7	20	14	13	16				110	
FENCE	\$31,395.00	\$24,271.00	\$26,280.00	\$31,589.00	\$11,076.00	\$29,202.00	\$16,527.00	\$18,189.00	\$27,488.00					\$216,017.00
	10	8	6	5	7	12	5	5	11				69	
FIRE ALARM	\$79,890.00	\$4,000.00	\$1,750.00	\$0.00	\$0.00	\$9,500.00	\$4,750.00	\$0.00	\$4,500.00					\$104,390.00
	1	1	1	0	0	1	1	0	1				6	
FIRE SPRINKLER	\$10,000.00	\$280,000.00	\$40,658.00	\$120,500.00	\$1,500.00	\$7,700.00	\$267,880.00	\$42,200.00	\$0.00					\$770,438.00
	1	8	6	2	1	2	1	4	0				25	
FIRE SUPRESSION	\$0.00	\$0.00	\$2,848.49	\$1,000.00	\$0.00	\$1,637.00	\$0.00	\$850.00	\$900.00					\$7,235.49
	0	0	1	1	0	1	0	1	1				5	
FLOODPLAIN	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00					\$10,000.00
	1	0	0	0	0	0	0	0	0				1	
FOUNDATION	\$0.00	\$0.00	\$44,800.00	\$9,609.20	\$0.00	\$0.00	\$4,532.00	\$0.00	\$12,408.00					\$71,349.20
	0	0	3	1	0	0	1	0	1				6	
GAS	\$12,386.37	\$6,543.00	\$1,400.00	\$4,250.00	\$4,500.00	\$5,560.67	\$4,400.00	\$5,950.00	\$10,193.75					\$55,183.79
	9	5	1	4	4	6	4	5	8				46	
MECHANICAL	\$248,501.00	\$127,656.88	\$132,466.00	\$87,011.00	\$115,817.68	\$83,744.00	\$174,093.00	\$98,721.00	\$135,499.70					\$1,203,510.26
	15	27	24	19	20	17	21	23	25				191	
NEW COMMERICAL	\$300,000.00	\$985,722.00	\$0.00	\$0.00	\$1,500,000.00	\$250,000.00	\$0.00	\$0.00	\$6,500,000.00					\$9,535,722.00
	1	1	0	0	2	1	0	0	1				6	
NEW GARAGE	\$27,000.00	\$0.00	\$30,000.00	\$40,000.00	\$0.00	\$70,000.00	\$0.00	\$0.00	\$0.00					\$167,000.00
	2	0	1	1	0	1	0	0	0				5	
NEW MULTI-UNIT RESIDENTIAL	\$0.00	\$0.00	\$400,000.00	\$0.00	\$0.00	\$600,000.00	\$0.00	\$0.00	\$0.00					\$1,000,000.00

CITY OF ST AUGUSTINE PLANNING BUILDING DEPARTMENT

2020 BUILDING PERMITS ISSUED YTD														
PERMIT TYPE	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL NUMBER	TOTAL AMOUNT
	0	0	1	0	0	1	0	0	0				2	
NEW SINGLE FAMILY DWELLING	\$309,625.00	\$1,709,930.50	\$2,377,599.00	\$2,086,279.00	\$1,100,660.00	\$4,273,107.00	\$2,096,700.00	\$1,345,620.00	\$3,275,081.00					\$18,574,601.50
	1	5	8	6	4	15	11	6	10				66	
NEW SWIMMING POOL	\$28,000.00	\$239,500.00	\$498,966.00	\$135,000.00	\$41,000.00	\$113,500.00	\$43,000.00	\$160,000.00	\$260,559.98					\$1,519,525.98
	1	5	8	2	1	3	1	4	5				30	
PLUMBING	\$41,722.00	\$12,619.00	\$19,184.00	\$79,640.00	\$10,520.00	\$26,171.00	\$5,875.00	\$12,638.00	\$58,782.00					\$267,151.00
	10	8	9	9	5	11	5	6	9				72	
RELOCATION	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00					\$0.00
	0	0	0	0	0	0	0	0	0				0	
ROOF	\$346,553.64	\$133,703.00	\$733,440.37	\$138,643.71	\$226,527.55	\$319,099.98	\$352,439.00	\$168,960.35	\$166,673.10					\$2,586,040.70
	29	12	26	14	20	26	25	20	15				187	
SHED	\$0.00	\$6,940.00	\$4,415.00	\$6,173.00	\$0.00	\$1,815.00	\$33,795.00	\$10,029.00	\$42,464.38					\$105,631.38
	0	3	3	2	0	1	2	3	5				19	
SIGN	\$9,300.00	\$13,193.00	\$14,150.00	\$7,800.00	\$11,860.04	\$11,220.73	\$6,723.25	\$3,550.00	\$7,839.60					\$85,636.62
	6	7	7	3	8	8	5	4	4				52	
STORM DAMAGE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00					\$0.00
	0	0	0	0	0	0	0	0	0				0	
TOTAL PERMITS MO.	136	144	148	103	116	166	142	135	166	0	0	0	1256	
TOTAL AMOUNTS	\$2,129,719.01	\$4,679,664.88	\$5,295,071.86	\$3,544,755.75	\$3,906,674.87	\$6,846,311.95	\$4,143,521.35	\$4,352,345.30	\$14,556,786.33	\$0.00	\$0.00	\$0.00		\$49,454,851.30

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: October 19, 2020

RE: Agenda Item for October 26, 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 Agenda for the October 26, 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


For 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”

October 26, 2020

Todd J. Grant, P.G.

Director, Utilities

Reuben C. Franklin, Jr., P.E.

Director, Public Works



Public Works & Utilities Update Agenda

Key Updates

- 13 Lift Station Rebuilds (FEMA)
- Maria Sanchez Flood Mitigation Project (FEMA)
- West Augustine Sewer Improvements
- Lincolnville Drainage & Utility Improvements
- Major Projects in Design Phase
- Mobility Program

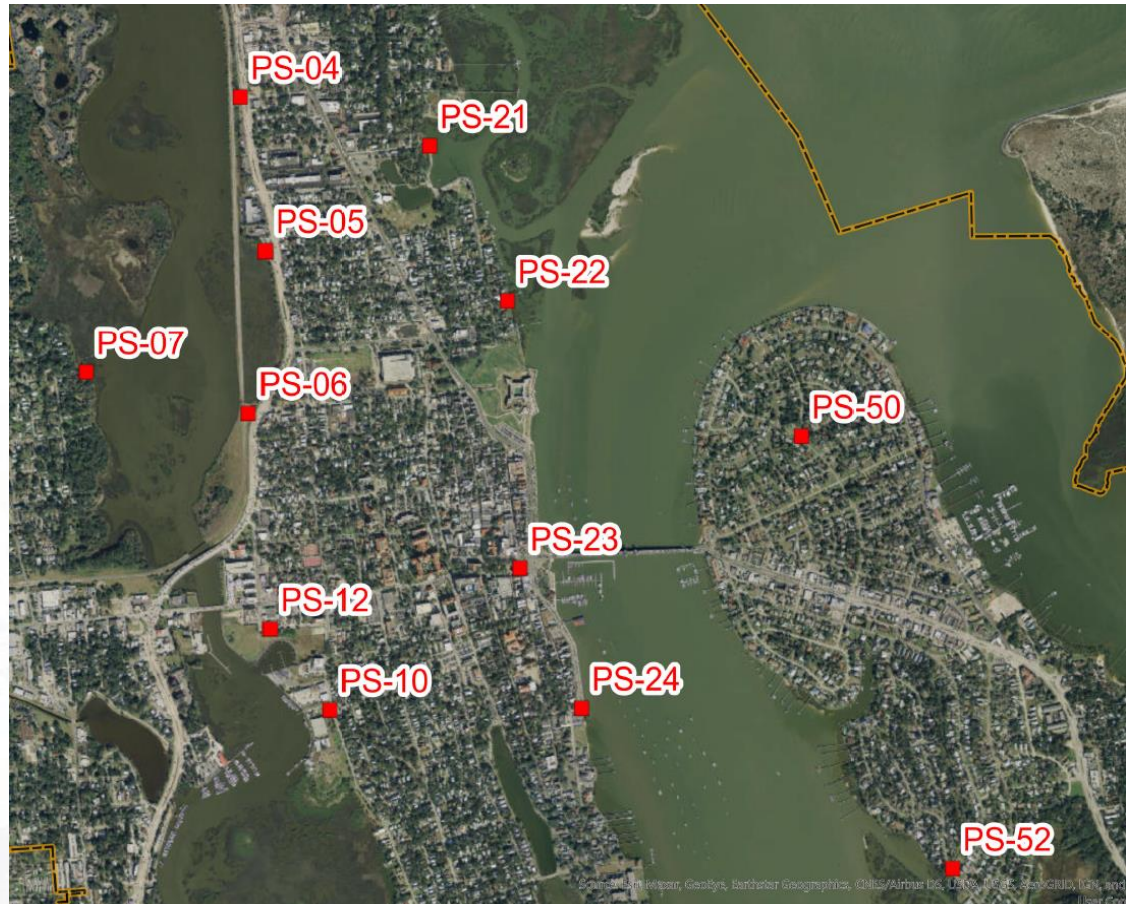
Overview

- CIP Overall Status Summary



FEMA 13 LIFT STATIONS REHABILITATION

- ❖ Bidding Complete
 - ❖ First 10 of 13 Stations
- ❖ Bid Evaluation Phase
- ❖ Pre-Bid Estimate: \$14.2 M
- ❖ Awaiting GMP from the CMAR
- ❖ List of 13 Lift Stations to be Rehabilitated or Replaced:
 - ❖ LS-4, 5, 6, 7, 10, 11, 12, 21, 22, 23, 24, 50, and 52
- ❖ Arricola Ave. Force Main





Maria Sanchez Flood Mitigation Project (FEMA)

Progress-to-date:

- ❖ Completed Basis of Design Report
 - ❖ 60% of Design submitted to Florida Division of Engineering Management (FDEM) for the FEMA Scope of Work
- ❖ Additional Design Underway to support the FEMA Approved Scope of Work
 - ❖ Utility Conflicts
 - ❖ Roadway and Streetscape
 - ❖ Environmental Mitigation
 - ❖ Landscape Architectural Renderings

Next Steps:

- ❖ Secure Easements
- ❖ Public Outreach, PZB
- ❖ Complete Supporting and Final Design (Fall 2021)





CITY OF
ST AUGUSTINE
EST. 1565

Maria Sanchez Flood Mitigation Project (FEMA)





West Augustine Sewer Improvements

West 5th Street Sewer Extension, Phase 2 – In Progress:

- ❖ State Grant (FDEP) and City Funded; Install new gravity sewer on West 5th Street between Volusia and Duval Streets and connect area residents
- ❖ Abandon 13 existing septic systems and connect residents to new sewer system in Phase 2
- ❖ Construction of Phase 2 is on schedule; Estimated completion March, 2021



West 5th Street Sewer Extension, Phase 1 – Complete:

- ❖ State Grant (FDEP) Funded; Installed new gravity sewer on West 5th Street between Duval and Nassau Streets and connected area residents
- ❖ Installation of new gravity sewer mains, manholes, and services is complete
- ❖ 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



CITY OF
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EST. 1565

Lincolnville Drainage & Utility Improvements

- ❖ Project was grant funded through CDBG/FDEO, SJRWMD, & LCRA
- ❖ **Final road reconstruction is complete!**





Major Projects in Design Phase

Design Milestones Achieved

- ❖ **Sevilla Street Brick Roadway & Utility Improvements**
 - Progressed to Final Design Phase
- ❖ **Lincolnvile 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**
 - Detailed Design



Mobility Program: Activity Management

Mobility Program Activity Update - October 26, 2020

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	30%	Mar-21	Issued work order to begin the plan
San Marco Bike Lanes	Install bike lanes, crosswalks & sidewalk between US1 & SR16	70%	Mar-21	Design is complete
City				
Parking Code Update	Review and update parking code requirements	30%	1/31/2021	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	50%	TBD	Approved by HARB; SJRWMD Permitting
Bike Share Program	Develop a sponsored bike share program for the City	90%	Fall 2020	Bikes have arrived and preparing for launch
City Marina Crosswalk	Design and bid crosswalk at City Marina	100%	-	Bids came in over budget
Local (SJC, CoSAB, TPO, etc.)				
EV Charging Stations	Working with FPL to select more locations	-	-	
Anastasia Blvd Study	Develop Complete Street options for the corridor from Red Cox to BoL	10%	6/1/2021	Collecting corridor data

Legend

	on target		at risk		corrective action required
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Mobility Program: Activity Management (continued)

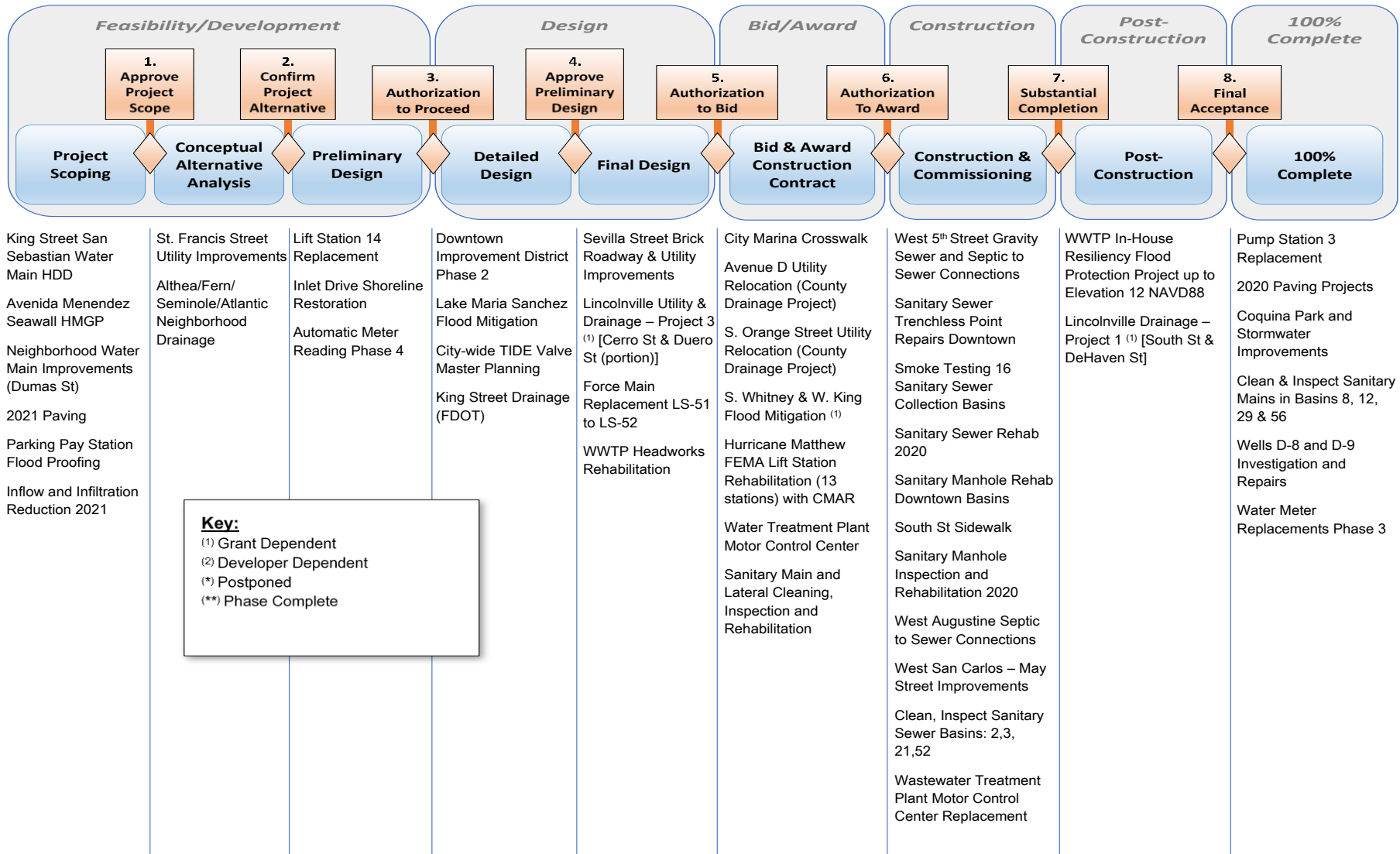
Progress to Date				
Level/Initiative	Deliverable/Activity	% Complete	Est. Finish	Notes
State (FDOT, SJRWMD, DEP)				
San Marco Ave & May Street	Intersection and drainage improvements	95%	TBD	Intersection is being modified to improve turning radii
Red Cox Rd/Anastasia Blvd	Intersection improvements	30%	-	Data Collection Complete, FDOT working on concept
Zorayda/A1A Ped Crossing	Design	90%	TBD	Easement approved; ready to construct
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		
→ Approved Easement for Crosswalk		→ Bikeshare Launch		
→		→		
→		→		
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
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CIP Overall Status Summary

Design-Bid-Build Active Projects – through October 26, 2020





CITY OF

ST AUGUSTINE
— EST. 1565 —

Additional Questions and Commission Discussion

CITY OF ST. AUGUSTINE

M E M O R A N D U M

TO: Mayor and City Commissioners

DATE: October 19, 2020

RE: Notification of Board Term Expirations and Vacancies

- Lincolnville Community Redevelopment Steering Committee
- Code Enforcement, Adjustment & Appeals Board
- St. Augustine Police Officers' Retirement System

Notification is being made to the Commission relevant to two (2) vacancies on the Lincolnville Community Redevelopment Steering Committee, one (1) vacancy and three (3) term expirations on the Code Enforcement, Adjustment & Appeals Board and one (1) vacancy on the Police Officer's Retirement System Board of Trustees.

Advertisements requesting applications to these boards have been placed in the St. Augustine Record, the deadline to submit applications is Wednesday, October 28, 2020 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

BOARD OF TRUSTEES
ST. AUGUSTINE POLICE OFFICERS' RETIREMENT SYSTEM

Meets quarterly, 4th Wednesday of Feb., May, Aug., and Nov. - 3:00 p.m.
Police Department, 151 King Street

	<u>Elected</u>	<u>2-year terms</u> <u>Term Expires</u>
Assistant Chief Anthony Cuthbert	11/5/15 fill vacancy	09/30/21
Police Representative		
<u>P. O. Drawer 1950, 32085-1950</u> 825-1074 “		
Bus: Police Department		
 Cpl. Jeff Truncellito, Secretary/Treasurer	09/22/04	09/30/22
Police Representative	Re-elected 09/30/06	
<u>P. O. Drawer 1950, 32085-1950</u> 825-1092	Re-elected 09/29/08	
Bus: Police Department	Re-elected 09/30/10	
	Re-elected 10/05/12. 9/30/12. 9/30/24/2018	

Vacancy 09/30/20

Doug Hernandez 814-7062	fill term vacancy	11/09/09		09/30/22
<u>Res: 79 Fullerwood Dr., 32084</u>	Reappointed	09/30/10		
	Reappointed	10/22/12, 11/10/2014		
	Reappointed	10/12/20		

Steve Fricke	02/17/17 fill vacancy			09/30/21
Board Appointed 5 th member				
<u>P. O. Drawer 1950, 32085-1950</u>				
Bus: Retired				

CONSULTANTS

Cindy Farrow
Salem Trust Company
1715 Westshore Blvd., Ste 750
Tampa, FL 33607
813-301-1291
Fax 813-301-1295

Michael Tierney
Actuarial Concepts
3020 Hartley Road, Suite 250
Jacksonville, FL 32257
904-262-3020
FAX 904-268-3374

William H. Schultz
Richmond Capital Mgmt.
10800 Midlothian Turnpike, Suite 217
Richmond, VA 23235
804-379-8285
Fax 904-379-9362

Martin E. La Prade, CFA
Sawgrass Asset Mgmt, LLC
1579 The Greens Way, Suite 20
Jacksonville, FL 32250
904-493-5500
Fax 904-493-5522

BOARD OF TRUSTEES
St. AUGUSTINE POLICE OFFICERS RETIREMENT SYSTEM

Authorization:	City Charter, Article X, Police Officers Retirement System.
Number of Members:	Five 5
Terms of Office:	Elected and appointed members – two 2 year terms.
Appointment:	Two 2 legal residents appointed by City Commission; two 2 elected by the Police Officers; and one 1 selected by previous four 4.
Qualifications:	None stated in ordinance
Duties:	The general administration, management, and responsibility for the proper operation of the retirement system, including administration of investments and disbursements, and for construing and making effective the provisions thereof.
Attendance:	Elected trustee fails to attend three 3 consecutive meetings, unless excused, a vacancy is created Sec 2-162.
Meetings:	Quarterly – 3 rd Tuesday of February, May, August, and November.

BOARD OF TRUSTEES
ST. AUGUSTINE POLICE OFFICERS' RETIREMENT SYSTEM

Meets quarterly, 4th Wednesday of Feb., May, Aug., and Nov. - 3:00 p.m.
Police Department, 151 King Street

	<u>Elected</u>	<u>2-year terms</u> <u>Term Expires</u>
Assistant Chief Anthony Cuthbert	11/5/15 fill vacancy	09/30/21
Police Representative		
<u>P. O. Drawer 1950, 32085-1950</u> 825-1074 “		
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Attendance:	Elected trustee fails to attend three 3 consecutive meetings, unless excused, a vacancy is created Sec 2-162.
Meetings:	Quarterly – 3 rd Tuesday of February, May, August, and November.

CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

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

Board Member	Contact information	Appointment	3-Year Terms Expire
VACANT			12/27/2021
Stephen E. Simmons, JD Retired Judge	97 Cerro Street 302-229-8000 sesjdis@gmail.com	12/14/15 1 st full term 12/10/2018 2 nd full term	12/27/2021
Charlu “Cece” Reigle Realtor	343 St. George St 904-315-3150 ccreigle@gmail.com	2/26/2018 fill vacancy	12/27/2020
Charles Pappas	46 Macaris Street, 32084 charlespappas@mac.com 617-519-3017	1/27/2020 1 st full term	12/27/2022
Karen Valachovic Realtor/Registered nurse	38 Carrera St., 32084 904-923-6053 karenvseils@gmail.com	2/10/2020 1 st full term	12/27/2022
Thomas Day Retired	19 Saragossa St. 32084 904-819-9711 tomday1@comcast.net	01/14/19 fill vacancy	12/27/2020
Larry Weeks Director of BS and Campus Planner/Flagler	106 Inlet Drive 32080 904-810-5313 larryd.weeks@gmail.com	01/08/18 1 st full term	12/27/2020

Updated 1/11/18

CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

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

LINCOLNVILLE COMMUNITY REDEVELOPMENT
STEERING COMMITTEE

Meets Bi-Monthly, 1st Monday - 7:00 p.m.
Willie Galimore Center

3 Year Terms

Term Expires

Seat 1:		04/30/2020
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Seat 2:		04/30/2020
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Seat 3: Carolyn O. Wright 142 Martin Luther King Ave, 32084 904-827-1082	Appointed: 2/22/2016 reappointed 5/13/2019 cwrightlincolnvillcra@gmail.com	04/30/2022
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Seat 4: Rev Rory M. Hermann 121 De Haven St., 32084 904-982-5989	Appointed: 2/22/2016 reappointed 5/13/2019 past0rrmh@gmail.com	04/30/2022
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Seat 5: Nathan Baer 122 Bridge St, 32084 (904) 293-9615	Appointed: 2/22/2016 reappointed 5/13/2019 hoosierswin@gmail.com	04/30/2022
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LINCOLNVILLE COMMUNITY REDEVELOPMENT
STEERING COMMITTEE
(revised to reflect the wording of the LCRA-SC By-Laws)

Authorization:	<i>Chapter 28, Zoning, Code of the City of St. Augustine, Art II, Div. II. Section 28-57 Amended 4.14.2003, Ordinance 2003-14; Amended 4.8.2013, Ordinance 2013-06.</i>
Number of Members:	Five (5)
Appointment:	By City Commission
Terms of Office:	The term of the members shall begin and run from March 1 st of the year the appointment was made. In appointing the first Steering Committee, the Agency shall designate and appoint two (2) members to serve a three-year term and three (3) members to serve a two-year term. Upon the expiration of the individual staggered term, the members shall thereafter be appointed to a three-year term. Members appointed to fill a vacancy for an unexpired term shall serve for the remainder of the unexpired term and may be reappointed to one full term. No member may serve for more than two consecutive full terms.
Reappointment:	Normal terms to expire on April 30th.
Qualifications:	The membership of the Steering Committee shall consist of five (5) members and shall receive no salary or compensation for their services. The members shall be appointed by majority vote of the Agency. Preference shall be given to members who have established their primary residence within the boundaries of the Lincolnville CRA, have established a business within the boundaries of the Lincolnville CRA, own real property within the boundaries of the Lincolnville CRA or are otherwise a stakeholder in the boundaries of the Lincolnville CRA.
Duties:	The purpose of the Steering Committee is to advise and assist the Agency on planning and implementation of goals, programs, projects and activities related to the Agency's approved Lincolnville Redevelopment Plan. The Steering Committee may make recommendations to the Agency regarding the implementation of the Lincolnville Redevelopment Plan. The Steering Committee may recommend a schedule or prioritization of programs and may recommend the allocation of funds for specific projects. The Steering Committee may also recommend amendments to the approved Lincolnville Redevelopment Plan.
Attendance:	Absences unexcused by the chairman for two 2 of three 3 consecutive meetings shall constitute a resignation of the position.
Meetings:	Second Tuesday of each month, 7 P.M., the Willie Galimore Center.

05/14/19

CITY OF ST. AUGUSTINE

City Commission Special Budget Meeting August 14, 2020

The City Commission met by means of Communications Media Technology (CMT) Friday, August 14, 2020 at 9:30 A.M. The meeting was called to order by Chairman Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Leanna S. A. Freeman, Vice Mayor/City Commissioner
Nancy Sikes-Kline, City Commissioner
Roxanne Horvath, 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 & Building
Todd Grant, Director, Utilities
Reuben Franklin, Director, Public Works
Mark Simpson, Director, Finance
Jim Piggot, Director, General Services
Barry Fox, Chief of Police
Melissa Wissel, Communications Manager
Candice Seymour, Recording Secretary
Laura Morse, Recording Secretary
Marie Lopes, Office Assistant

2. General Public Comments

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

3. Presentation of and discussion regarding FY 2020 proposed budget, strategic action items and capital improvement plan.

John Regan, City Manager, introduced the subject and requested a discussion of the Strategic Plan.

Mayor Upchurch expressed his appreciation of City staff. He noted the Plan was informative and applauded Mr. Regan and the City team for using the Plan as an integral part of daily City management.

Mr. Regan introduced Strategic Plan objectives, noting a recommendation to remove Event Planning and Management and Capital Plan Financing.

Mr. Regan reviewed items that would assist the City with workforce diversity goals and community inclusivity.

Regarding the removal of Event Planning and Management from the Strategic Plan, the Commission discussed the following:

- Use objective to further City goals of increasing diversity, equity and inclusion and use pro-active approach to encourage these event types to meet City goals
- Cited 'Eventful Cities', a comprehensive book on festivals

- and events worldwide showing cities using events to further goals
- Noted the City's 450th anniversary event, which created an international brand
- Events impacted everything in Plan, such as quality of life and cultural issues, and now the new objective of inclusion and diversity
- Objective was a large part of how the City moved forward on other Plan aspects; therefore, should leave it to see the development
- Select events that projected the City's desired image, which was how people would view City
- City accepted requested events because of business they brought; however, should tailor events to project City's real values instead of the value the event projects

Ms. Lopez cautioned the Commission that based on the public nature of the City venues, they could not pick and choose events based on City values.

Based on the discussion, Mr. Regan suggested leaving 'Event Planning and Management' in the Strategic Plan and suggested revising the objective's definition, as currently it focused on crowd control, mobility and traffic congestion.

Regarding the removal of Capital Plan Financing from the Strategic Plan, the Commission discussed the following:

- Intent was reviewing the objective title and language, rather than removal
- City operations would remain unchanged if objective removed
- Suggested changing the title to: *Financing and Budget Excellence*
- Clarification regarding how the future sunseting of the Community Redevelopment Association (CRA) would affect Capital Plan Financing
- Should set other goals in addition to the Comprehensive Annual Financial Report (CAFR)

- Discussed items were attributed to the leadership of Mark Simpson, Director, Financial Services
- Each department had five-year horizon goals, and one was *Excellence in budgeting*
- Encouraged active staff participation in professional associations for building City brand
- Annually received *Certificate of Excellence* in CAFR from the Government Finance Officers Association (GFOA) but City should seek more challenging certifications and awards in budgeting
- Objective should remain strategic in improving service, delivery, and stringent budgeting to present an accurate budget, and thus provide the lowest ad valorem rates

Meredith Breidenstein, Assistant City Manager, reviewed fiscal year 2020 challenges and accomplishments. She noted the biggest challenge was pandemic related decreased revenue; however, the City accomplished many planned projects despite the challenges faced.

Ms. Breidenstein provided a highlighted summary of the 2021 Proposed Budget:

- No fee increases except stormwater fees
- Typo noted in fire assessment fee, which was at 49.44% of Fire Department eligible expenses
- Five years of adjustments for the Utility fund, while looking at future costs needed for maintenance, repairs, and new capital projects
- Utility rate increase not proposed; however, as costs increased, may need a one to two percent increase
- Solid waste fund was a continued challenge due to increase in tipping fees and equipment costs
- No Cost of Living Adjustment (COLA) for City staff, based on May numbers for small Southeast cities showing negative COLA

- Budget office rolled back into Finance where it was previously
- Planning and Building department shifted to electronic plan submittal, reducing need for front desk employees
- January 2020 County ad valorem assessment revenues were believed to be solid
- State and parking revenues and franchise fees were dependent on economy and forward projections
- Cautiously projected year somewhat back to normal and would ensure incoming revenues before spending on large projects; therefore, major spending was not planned for October 1
- Quarter one may arrive before large dollar contracts implemented, and would not cut necessities
- Public should not feel a significant change in level of City service

Ms. Breidenstein summarized the Revenue Budget and noted many revenue line-items by category decreased, and taxes, specifically ad valorem, increased.

Reuben Franklin, Director, Public Works, updated the Commission on the Lake Maria Sanchez project:

- Identified funds and expected design completion and construction readiness September 2021
- Developed conceptual landscape plan showing how improvements like cross sections, pumping station and bulkhead area would appear, then begin public outreach to show residents full scope of project
- Planned submittal of Planning and Zoning Board (PZB) application for conservation easement
- Planned submittal of Army Corps permits which was an eight to twelve-month process
- Scope added for complete re-design of underground utilities, including full roadway reconstructs

along Cordova, Bridge and Grenada Streets

Ms. Breidenstein reviewed the Expenditure Budget, including personnel, capital improvements and funding existing projects.

The Commission discussed the plan for funding take-home police cars:

- Negotiated with Police Union
- Budget included moving toward an assigned vehicle program to avoid vehicle sharing, a positive aspect during COVID-19
- Budget did not assume purchase of new police cars, but annual reduction of selling old police cars
- Annually budgeted at least five new police cars and rotated out five
- Planned to withhold three cars for current and future years, and were nine to ten vehicles short from each officer having an assigned vehicle
- Previous assigned car program showed sick time reduction

Ms. Breidenstein evaluated the Revenue Funds:

General Fund:

- Ad valorem would not be severely impacted by COVID-19
- CRAs were affected by future ad valorem decreases or increases and as the figures increased, so did the required City transfers along with the County amounts

Utility Fund:

- No rate increases, but expected revenue increase with more home development
- Slight expenditure increase was related to debt service increase
- Committed to transferring to the *Renewal & Replacement (R&R) Fund*, a separate fund strictly for utility capital improvements
- 2013 rate study showed annual transfer less than \$1 million to

R&R, but rates designed to spend \$2 to \$3 million to avoid borrowing more than necessary

- Budgeted for flow-based connection fees and transferring it to accommodate future capacity funding needs

Stormwater Fund:

- Included proposed rate increase from \$7.50 to \$8.00 per single family unit, to be brought to the Commission in form of a Resolution
- Set up for maintenance of the stormwater system
- Used fund as reserves built up to match awarded grant funds

Solid Waste Fund:

- Costs continued to rise and did not want to chase expenses with rate increases
- Budget was balanced and fund would not include any new vehicles this year; however, purchased two vehicles in budget last year

Marina Fund:

- Performed well despite taking hard hits with storm
- Borrowed money to replace it, but all debt service for repairs was paid back and all FEMA reimbursements had been received
- Revenues not impacted by COVID-19 like other revenues
- Projected decreased revenue because fuel sales decreased but offset expense also declined
- Planned transfer of over \$370,000 back to reserves for marina this year, if all revenues and expenditures came in as budgeted

Visitor Information Center Fund:

- VIC fund took large hit with garage closure; therefore, normal revenues not there in 2020
- 2021 would be conservative without anticipation of quickly coming back
- Projected over \$1 million loss in 2020 due to revenue reduction

- CRA covered debt service
- Reduced expenses where possible
- Reduced transfer to Garage Sinking Fund
- Use of reserves required to fund current year
- If all went well, in 2021 would continue normal transfers to the Sinking Fund and General Fund from mobility specific and historic preservation projects
- Gift shop revenue down reducing the cost of goods sold
- Tourist Development Council (TDC) commitment had slight fund reduction
- VIC to Historic Preservation transfer tracked continually and went towards Historic Preservation projects while matching funds to grants

Commissioner Sikes-Kline praised the Marina's management on their ability to make prudent decisions which built up reserves for future damage. She acknowledged the VIC fund reduction from the TDC; however, noted that hope existed for the Nights of Lights.

Ms. Breidenstein concluded the presentation and noted the following:

- Strategic Plan's importance for building budgets
- Acknowledged great input from Directors and Managers
- Commended Mr. Simpson and Amanda Anderson, Administrative Coordinator, and the financial team's effort with this Plan
- Millage proposal and budget would be presented at the upcoming budget hearings
- Monthly and mid-year financial updates would continue, and unless the Commission requested changes, the budget would move forward

Mr. Regan summated four big takeaways from the budget meeting:

- Total employee numbers lowered
- No fee increases, except modest increase in the stormwater fee
- Flat budget year over year
- Awaited revenues before spending, more of a 'debit card' budget approach versus a 'credit card' approach, as sensitive about future due to COVID-19

Darlene Galambos, City Clerk, noted the upcoming budget meeting dates:

- September 3, 2020 at 5:05 p.m.*
- *CRA would be prior to meeting
- September 17 at 5:05 p.m.

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

- BJ Kalaidi

4. Adjournment

There being no further business, the meeting was adjourned at 11:12 A.M.¹

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

¹ Transcribed by Laura Morse

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, September 14, 2020

The City Commission met by means of Communications Media Technology (CMT) Monday, September 14, 2020 at 5:00 P.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
Mark Simpson, Director, Financial Services
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

Pastor Matt McCloghry of Colonial Church delivered the invocation, and Mayor Upchurch led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Commissioner Horvath requested to add Proclamation 2020-10 under Special Presentations.

MOTION

The Commissioners MOVED to amend the Agenda as re-stated and the motion was APPROVED BY UNANIMOUS VOICE VOTE.

3. Special Presentations, Recognitions and Proclamations

Commissioner Horvath read Proclamation 2020-10.¹

¹ Attached to original minutes

MOTION

Commissioner Horvath MOVED to approve Proclamation 2020-10. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

4. Public Comments for General Public Comments or for Agenda items not requiring a separate public hearing

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

- Chris Fulmer
- Carla Markel Gomez
- Jenna Bernstein
- Robert Tilson
- Shawn Morrison
- Doug Russo
- Forrest Parham
- Rhonda Brennan
- Christina Pacetti
- Hugh Washington
- BJ Kalaidi

Public comment was closed.

5. Consent Agenda

Item reviewed after 13.A.

CONSENT AGENDA – SEPTEMBER 14, 2020

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON SEPTEMBER 28, 2020:

(None)

CA.3. Reminder of Upcoming Meetings:

- September 17, 2020, 5:05pm, Special Budget Meeting

- September 28, 2020, 5:00pm, Regular City Commission Meeting
- October 12, 2020, 5:00pm, Regular City Commission Meeting

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

- July 13, 2020, Regular City Commission Meeting
- July 17, 2020, Shade Meeting
- July 27, 2020, Shade Meeting
- July 27, 2020, Regular City Commission Meeting

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

867 W. 8 Street - Ronald C. Proctor

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 order releasing code enforcement lien levied against 125 Washington Street as it was paid in full. (*I. Lopez, City Attorney*)

CA.9. Approval of a license agreement for the use of city right-of-way for an existing dock at 7 Inlet Place. (*D. Birchim, Director Planning and Building*)

CA.10. Approval of a grant agreement with the Florida Department of Environmental Protection which will pay 100% of the costs to the City for conducting a study to assess the vulnerability of on-site treatment and disposal systems to sea level rise and storm surge. (*R. Franklin, Director Public Works*)

CA.11. Approval of additional funding from the St. Augustine sewer set-aside fund for the West 5th Street project in West Augustine in the amount of \$350,000.00. (R. Franklin, Director Public Works)

CA.12. Invoice approvals: Cavendish Partners, P.A. in the amount of \$2,697.00 for Marlowe v. City and St. Augustine Court Reporters in the amount of \$273.75 for transcription services in the same case. (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 Sikes-Kline MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

6. Appeals

6.A. Appeal of the denials of Certificate of Appropriateness and Certificate of Demolition by the Historic Architectural Review Board (HARB) for 67 Marine Street.

David Birchim, Director, Planning and Building, reviewed the topic and requested the Commission to proceed with affirming, overturning or remanding the case to HARB with instructions. He advised that the Commission should determine whether due process was afforded, the correct law applied, and if the decision was based on competent and substantial evidence.

Mr. Birchim stated it was important to note this project was reviewed by HARB on two separate occasions prior to their July 16,

2020 denial and he introduced the following individuals involved with the appeal:

- Paul Thompson, Property owner
- Steven Schuyler, Architect
- Jim Wilson, Attorney
- Jenny Wolfe, Historic Preservation Officer, City of St. Augustine

Mr. Wilson stated the following:

- Board failed to follow applicable rules and did not consider the correct law or the project's substantial and favorable evidence
- The Board's 2017 Opinion of Appropriateness left minor project details for consideration; however, the project's major part was placing garage beneath structure and was approved by opinion
- The Board heard discussion that the chimney would be taken down regardless, since it could not be saved while raising the house
- Mr. Thompson would incorporate old materials, if possible, to resemble the old chimney
- Should consider area streetscape, as Mr. Thompson's request substantially conformed
- Several houses on same street looked similar to the requested modifications
- During HARB discussion the streetscape was not addressed as the focus was on building the additional structure approved by HARB three years prior

Mr. Wilson asked the Commission to overturn HARB's decision based on the correct law not being followed and concluded this was the first situation seen in his years as an attorney.

Mayor Upchurch opened the forum for Commission questions and discussion.

Commissioner Sikes-Kline asked if the garage elevation was included in the 2017 presentation provided by the applicant.

Ms. Wolfe stated the following:

- Packages sent a week prior to the meeting included a different design than the one presented; however, the new design was submitted to staff in advance of meeting
- A revised verbal recommendation was made at the hearing, evident in the transcripts provided
- Written addendum to the staff report was sent as a cover sheet, and noted the submittal of revised plans and would be presented to the Board during the meeting

At the request of Commissioner Horvath, Ms. Wolfe clarified that the garage under the existing house, as shown in that meeting, was given the Opinion of Appropriateness.

Commissioner Valdes asked if HARB had ever issued an Opinion that went straight to a Certificate, and Mr. Birchim advised this had not occurred in the past.

Commissioner Freeman asked about Jon Benoit's inquiry from the 2017 meeting transcript regarding elevation comparison with neighboring properties and the difference from 2017 to 2020, since today things were more elevated.

Mr. Birchim noted the following:

- Streetscape study was requested at the June 2020 HARB meeting, prepared by Mr. Schuyler and submitted to the Board in July
- Study showed the height of the proposed building at 67 Marine was largely the same height as neighboring properties
- From 2017 to date, several bayfront Marine Street buildings backed up to these properties and had been elevated with HARB's approval

The Commission provided ex parte communication.

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

Via email:

- Jorge Gallego
- Deborah Callahan and Earl Stratton
- Margaret and Ralph Molinari

Public hearing was closed.

The Commission discussed:

- Applications should be decided on a case by case basis
- Garage elevation was presented at the 2017 hearing and HARB's decision considered that when granting the opinion with full awareness it was a flood mitigation measure and a garage
- Applicant proceeded in good faith with detailed plans, approved design and concept, then denied in July 2020 based on expansion of flood mitigation project
- The code, application, and concept were not changed during process
- Consider saving the chimney and if unable, recycle the materials
- HARB granted opinion and the subsequent request for a certificate was not a material difference
- HARB did not want to grant removal of chimney prior to the building being elevated
- Settle chimney matter without returning to HARB, as no unanswered questions or issues regarding whether to save or reconstruct existed

MOTION

Commissioner Valdes MOVED to approve or uphold the Appeal and in that Appeal ask for an undertaking from the owner and his architect that he take steps to lift the existing chimney, and if

unsuccessful, the components of the chimney be recycled into a new reproduction of said chimney. The motion was **SECONDED** by Commissioner Sikes-Kline.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

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

7.A. General Public Presentations

7.A.1. Approval of Nights of Lights Agreement with Old Town Trolley Tours. Additionally, Dave Chatterton, General Manager of Old Town Trolley Tours, will present their operational plan designed to keep all guests safe and socially distanced from one another during the 2020 Nights of Lights.

Jim Piggot, Director, General Services reviewed the topic. He stated the Commission would determine the Nights of Lights (NOL) start date after discussing Item 9.A.1.

MOTION

Commissioner Sikes-Kline **MOVED** to approve the Agreement. The motion was **SECONDED** by Mayor Upchurch.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mr. Chatterton reviewed the NOL operating plan and newly implemented safety and sanitizing measures as follows:

- Safety and sanitizing procedures were similar to those used at Disney, Universal and SeaWorld
- Installed clear plexiglass partitions between each seating row
- Prior to and after each tour, the vehicle would be cleaned using electrostatic sprayers which used chlorinated disinfecting tablets and were EPA registered with a kill time of one minute for COVID-19
- Minimal PPE required for staff to apply the solution which dried safely and odorless within minutes
- Tours were sold as reserved seating only, avoiding long lines
- Waiting area at Visitor Information Center allowed for patrons to be six to eight feet apart
- Visitors sold entire row of seats versus individual tickets and only four persons per row allowed
- Planned consistent sanitization of visitor restrooms and periodic closure for deep sanitization and cleaning, with temporary restrooms available during those times

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

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

Isabelle Lopez, City Attorney, reviewed the Ordinance.

Public hearing was opened; however there was no response.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2020-02 on second reading read by title only. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING ARTICLE VII OF CHAPTER 22 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING DEFINITIONS; DESIGNATING CITY PARKS, VENUES, AND FACILITIES; PROVIDING TERMS OF USE; PROVIDING PENALTIES; PROVIDING THE CITY MANAGER THE AUTHORITY TO DECLARE SPECIAL CONDITIONS AND EMERGENCIES; LISTING PROHIBITED ACTIVITIES IN CITY PARKS, VENUES, AND FACILITIES. PROVIDING REGULATIONS FOR LARGE GROUP FEEDINGS IN PARKS; REQUIRING A PERMIT FOR CERTAIN EVENTS IN THE CITY; REQUIRING AN APPLICATION FOR CERTAIN EVENTS IN THE CITY; PROVIDING REQUIREMENTS FOR THE CITY MANAGER UPON APPROVAL OR DISAPPROVAL OF A PERMIT; PROVIDING A PROCEDURE FOR APPEAL; PROVIDING DUTIES FOR A PERMITTEE; PROVIDING AUTHORITY FOR THE CITY MANAGER TO REVOKE A PERMIT UNDER CERTAIN CONDITIONS; PROVIDING PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

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

(None)

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

(None)

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

9.A.1. Ordinance 2020-26: Amends Section 3-23 of the City Code to provide the start and end dates for the display of Nights of Lights.

Mr. Regan reviewed the Ordinance and noted the three policy issues that required a decision by the Commission:

- City lighting start date which required passing an Ordinance on first reading with a Resolution brought to a subsequent meeting that set the formal dates and times
- Refrain from having formal lighting ceremony since it was contrary to the COVID goals
- Suspend satellite parking system

Mr. Regan discussed the following:

- Change request to start NOL earlier from two weeks to one week based on setup ability of installation crews
- Businesses needed an economic boost, and earlier start would uplift community's emotional spirit
- Master mobility plan use of satellite parking originally intended for Francis Field; however, since

publication of agenda, wanted to honor original land intent and refrain from use of Francis Field for the holiday season

Mayor Upchurch noted the Commission's awareness of the significant hit taken by the business community. He was in favor of Mr. Regan's NOL recommendations and requested that the City Manager be given authority to use the public events field for parking, if necessary, without returning to the Commission.

Commissioner Freeman stated she did not currently support using the events field and noted the circumstances and intended use when the property was acquired. She suggested the Ordinance language keep the finite dates but state that under exceptional circumstances the date could be moved and the Commission would determine the exceptional circumstances.

Ms. Lopez clarified the section of the City Code being modified was an illumination standard which applied to private business owners with parameters of holiday display lights during NOL.

Commissioner Sikes-Kline was not amiable to modifying the Ordinance as she believed it provided flexibility for the Commission to annually establish actual dates based on the circumstance.

MOTION

Commissioner Freeman MOVED to amend Ordinance 2020-26 to under exceptional circumstances expand the commencement date by a period of one week but without special circumstances the dates remaining what they are currently.

Motion FAILED for lack of a second.

Mayor Upchurch requested clarification of the restrictions to maintain Francis Field as an open space.

There was discussion on the topic:

- Francis Field was donated land and deed stated public recreation use
- A resolution or a proclamation existed from the then City Commission to set Francis Field aside for public recreational use
- An evolving perspective existed on what public use, public recreation and public open space may be
- Shuttling system parked an average of 400 cars a night and based on turnover, represented about a 150 to 200 space lot to accommodate the need
- Unsure if field was needed, but open holiday season, watch numbers, and only use as last resort
- Looked at open-air trolley systems to run from Barry Broudy property across from US1 into town; however property not yet developed

MOTION

Mayor Upchurch MOVED that Ordinance 2020-26 be read by title only, passed and moved to second reading to public hearing. The motion was SECONDED by Commissioner Sikes-Kline.

Ms. Lopez requested clarification whether the Nights of Lights would begin the first or second Saturday of November.

Mayor Upchurch AMENDED his motion to start Nights of Lights the second Saturday in November. The amended motion was SECONDED by Commissioner Sikes-Kline.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-26

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 3-23 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING FOR THE START AND END DATES FOR

DISPLAY OF THE NIGHTS OF LIGHTS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION²

AYES: Upchurch, Sikes-Kline, Horvath
Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

At the request of Mr. Regan, there was Commission consensus on the following:

- Suspension of lighting ceremony for this year
- Suspension of shuttling system for this holiday season and would work with private sector, parking garage, opening up more public parking, and would only bring event field in as last resort

9.B. Resolutions

9.B.1. Resolution 2020-11: Formally adopts the Terms of Use for Public Property Manual.

Ms. Lopez reviewed the Resolution.

MOTION

Commissioner Horvath MOVED to pass Resolution 2020-11. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Horvath, Upchurch, Sikes-Kline,
Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

² Commissioner Freeman left the meeting

9.B.2. Resolution 2020-29: Approval of request to St. Johns River Water Management District and the State of Florida, Department of Environmental Protection to reduce permit and application fees pursuant to Florida Statutes.

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

MOTION

Mayor Upchurch MOVED to pass Resolution 2020-29. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION³

AYES: Upchurch, Horvath, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

10. Staff Reports and Presentations

(None)

11. ITEMS BY CITY ATTORNEY

11.A. 2020 post legislative session update.

Ms. Lopez provided an update on the topic and highlighted the bills that were closely followed issues:

- Electric bicycles
- Fireworks
- De-regulation of professions and occupations, specifically mobile food trucks
- Growth management act
- Vacation rentals, or short-term rentals

Commissioner Sikes-Kline noted the hard work of the Commissioners who attended the Tallahassee hearings.

³ Commissioner Valdes was absent for the vote

Mr. Regan updated the Commission on the response from St. Johns County on the agenda items the City submitted for the legislative agenda, which had standing positions from prior Resolutions. He noted the County included five of the items, but not the following:

- Limiting the spoiler candidates' ability to close primary elections
- Position on oil drilling in Florida waters
- Opposition to seismic testing in the Atlantic Ocean

12. ITEMS BY CITY CLERK

12.A. Notification of two term expirations on the St. Augustine Police Officers Retirement System.

Darlene Galambos reviewed the item.

12.B. Notification of two term expirations on the Lincolnville Community Redevelopment Area Steering Committee.

Item reviewed with 12.A.

13. ITEMS BY CITY MANAGER

13.A. Recommendation by the appointed committee of a name for the property located at 91 Coquina Avenue.

Melissa Wissel, Communications Manager, discussed the property's history and design. She reviewed input taken from a public survey for name selection of the park and concluded that the majority requested 'Coquina Park' as the name.

MOTION

Commissioner Sikes-Kline MOVED to name the property at 91 Coquina Avenue as 'Coquina Park'. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch noted Coquina Park was a tremendous community asset and commended City staff on the project.

Ms. Wissel noted the intent to have a ribbon cutting ceremony at Coquina Park once COVID-19 was no longer a threat.

Mr. Regan provided an update on the monument relocation costs in response to Commissioner Valdes' request during a budget meeting. He noted the following:

- All payroll runs were not available, but a close and modest estimate of time was completed
- Direct costs were \$318,689.86, broken down as follows:
 - \$236,000 for contractor costs
 - \$42,500 for unforeseen conditions which forced contracting a barge and moving monument by water
 - \$40,189 spent in overtime, fencing security modifications, and security
- Over the past three years, and more particularly the past three months, management put a tremendous amount of time and energy into the monuments and indirect costs were not tracked; therefore true costs were much larger

Commissioner Sikes-Kline expressed her appreciation for the time, effort and problem-solving skills for those involved in the monument relocation. She stated that Trout Creek was a beautiful place for the monument to be preserved and appreciated by all.

Mayor Upchurch noted the issue represented the community tensions when

looking at the Strategic plan, core values and balancing issues of diversity and inclusion while respecting historic preservation. He stated many communities would have opted to remove a monument and store it, or perhaps destroy it. He said that contrary to public comment, City staff was always transparent, and whether the Commission's decision was agreed with or not, the motion was acted upon with high ethical and professional standards. He expressed appreciation for Randy Ringhaver for his willingness to assume some expense for the monument's move, as this was an enormous gift to the community.

Item '5. Consent Agenda' was read by Mr. Regan.

14. Items by Mayor and Commissioners

Commissioner Valdes noted his unfortunate inability to attend the Visitors and Convention Bureau (VCB) meetings due to his schedule and workload and asked other Commissioners or Ms. Wissel if they could attend.

Discussion ensued as to who would attend the VCB meetings.

There was Commission consensus for Ms. Wissel to represent the City at the VCB meetings and convey the content to the Commission and staff.

Commissioner Sikes-Kline noted the following:

- Appreciated the incredible service the Tourist Development Council (TDC) provided
- The 'traveler's sentiment' update looked good for prospective travelers and tourism readiness
- VCB accurately projected a 14% decline July 2020 over July 2019 for TDC tax collections
- Encouraged getting a flu shot

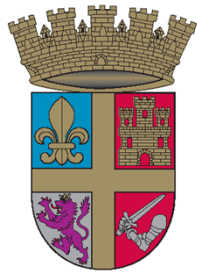
15. Adjournment

There being no further business, the meeting was adjourned at 7:14 P.M.⁴

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

⁴ Transcribed by Laura Morse



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

❧ PROCLAMATION ❧

WHEREAS, hospice and palliative care provides patients and families the highest quality care during life-limiting illnesses and at the end of life, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends and committed caregivers; and

WHEREAS, professional and compassionate hospice staff including physicians, nurses, social workers, therapists, counselors, health aides and clergy provide comprehensive care focused on the wishes of each individual patient; and

WHEREAS, providing high-quality hospice care reaffirms our belief in the essential dignity of every person, regardless of age, health or social status, and that every stage of human life deserves to be treated with the utmost respect and care; and

WHEREAS, hospice care providers encourage everyone to learn more about options of care and to share their wishes with family, loved ones and their health care professionals; and

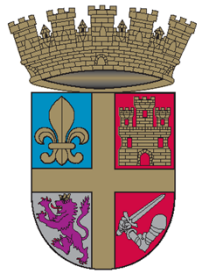
WHEREAS, for over 41 years, Haven Hospice has provided specialized end-of-life care for more than 74,000 patients and families with all types of life-limiting illnesses, and is focused on providing comfort, maintaining the dignity of individuals, and improving their quality of life.

NOW, THEREFORE, the City Commission of the City of St. Augustine hereby proclaims November, 2020 as “**National Hospice Palliative Care Month**”, and encourages our citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of St. Augustine to be affixed this 9th day of November in the year of our Lord two thousand and twenty and the four hundred and fifty-fifth year of the founding of St. Augustine, the Nation’s Oldest City.

“Most Loyal and Valorous”

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



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

Tracy Upchurch, Mayor

2020-13

"Most Loyal and Valorous"

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

CITY OF ST. AUGUSTINE

M E M O R A N D U M

TO: John P. Regan
City Manager

DATE: October 19th, 2020

RE: Tourist Development Council (TDC) Agreement

Attached for your approval is a 1-year agreement between the City of St Augustine and St Johns County that expires on September 30th, 2021. This agreement provides additional funds to operate the Visitors Information Center (VIC) totaling \$135,000 which is twenty five percent lower than previous years due to COVID. Next year the City will reapply for the full \$180,000 and a three-year term as we did in the past. This funding amount was applied to the FY202-21 VIC's budget during the City's budget process.

Therefore, if you concur with this matter, please place this item on the October 26th commission meeting consent agenda for approval and signature.

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

**TOURIST DEVELOPMENT AGREEMENT AMENDMENT
BETWEEN
ST. JOHNS COUNTY, FLORIDA
AND
THE CITY OF ST. AUGUSTINE, FLORIDA**

THIS TOURIST DEVELOPMENT AGREEMENT AMENDMENT ("Amendment") is entered into by and between St. Johns County, Florida ("County"), a political subdivision of the State of Florida, by and through its Board of County Commissioners ("Board"), whose address is 500 San Sebastian View, St. Augustine, Florida 32084, and the City of St. Augustine, Florida ("City"), a municipal corporation organized and existing under the laws of the State of Florida, whose address is P.O. Box 210, St. Augustine, Florida 32085-210.

RECITALS:

WHEREAS, the County and the City entered into the Tourist Development Agreement ("Agreement") for a term beginning on October 1, 2017, and ending on September 30, 2020; and

WHEREAS, the Agreement provides for an extension of the term for a period of up to one (1) year, upon mutual consent by the parties; and

WHEREAS, the parties hereby seek to amend the Agreement to extend the term for one (1) additional year subject to the revised terms contained herein; and

WHEREAS, the Board has determined that extending the term for one (1) additional year to provide the tourist related services described in the Agreement and to operate the VIC is a proper public purpose and is in the best interests of the citizens of the County.

NOW, THEREFORE, the County and the City, in consideration of the mutual covenants and conditions hereinafter expressed, do hereby agree as follows:

Section 1. Effect of Recitals.

The above Recitals are incorporated into the body of this Agreement, and said Recitals are adopted as findings of fact.

Section 2. Extended Term.

A. The Extended Term of the Agreement shall begin on October 1, 2020, and continue through and until 11:59 p.m., on September 30, 2021.

Section 3. Compensation.

The maximum amount available as compensation to the City for satisfactory performance of the Scope of Services is one hundred thirty five thousand dollars (\$135,000), unless otherwise amended in the manner set forth in the Agreement.

Section 4. Effect of this Amendment.

With the exception of the changes noted in this Amendment, all of the terms, conditions and provisions contained in the Agreement shall remain in full force and effect.

5. Execution in Counterparts.

This Amendment may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties have hereto executed this Amendment on the date and year below written:

COUNTY

CITY

By: _____
County Administrator
Date: _____

By: _____
Position: _____
Date: _____

Legal Review as to Sufficiency:

By: _____
Deputy County Attorney
Date: _____

WITNESS: _____
Print Name: _____

WITNESS: _____
Print Name: _____

ATTEST: Brandon Patty, Clerk

By: _____
Deputy Clerk

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: October 7, 2020

RE: ANNUAL STATUS REPORT – CITY ATTORNEY’S OFFICE

Please find enclosed the following documents reflecting the year-in-review:

1. Public Meetings Attendance Chart
2. Work Log Drafting & Review Chart
3. In-House Counsel Litigation and Appeals Chart
4. Cases Aided by Outside Counsel Chart
5. City Ordinance Violation Disposition Chart
6. Ordinance & Resolution Chart
7. Staff & New Board Member Training Chart
8. Legislative Bill Tracking Chart
9. Proposed Budget Changes Chart – FY 2020-21

Administrative:

The City Attorney’s office currently consists of one City Attorney with twenty-four (24) years of experience and one Assistant City Attorney with seven (7) years of experience. The office is supported by an administrative assistant who also provides reciprocal lunch and vacation coverage to the City Manager’s administrative assistant.

The offices physically consist of three separate offices, with overflow filing capacity at the City Manager’s office, and printing capacity at a communal printer in a separate room. The preliminary budget submitted to Administration for fiscal year 2020-21 is \$479,243.00. This includes salaries and benefits, professional membership dues, continuing education and training, office supplies, copying, and specialty supporting services such as special magistrate fees, real estate appraiser costs, title company searches, court reporting costs, and legal research software and books.

Overview:

The City Attorney’s office provides general counsel services to the City Commission and all of the City’s boards and committees; the CRA, HARB, PZB, Code Enforcement, as well as, issue specific committees as appointed. The range of services includes attending public meetings, drafting resolutions and ordinances, reviewing upcoming agenda items, training staff and boards on Government in the Sunshine, Public Records and Ethics, assisting staff in answering board member or citizen questions, and advising staff on issues ranging from land use to life safety codes. In addition, the City Attorney by Charter advises officials on issues relating to their official duties, which can include requesting formal and informal opinions from the Commission on Ethics or the Attorney General’s office. Public meetings comprised **202.25 hours of attorney time** from October 2019 – September 2020, with an additional **14 hours of new board member and staff public records training**.

Legislative Review:

The City Attorney keeps abreast of changes in the law or proposed legislation that may impact the City. This past legislative session was especially active in terms of sponsored bills that could have impacted the City. Our office tracked **83 bills** from initial filing through enactment or setting aside. We assist the City's legislative consultants on both text and strategy, as needed.

Special Projects:

As part of our staff support to City departments, in the past year we have actively reviewed and provided comment and proposed language to a number of special projects, including this year's EAR-based Comprehensive Plan Amendments, mobility planning, short-term rental regulations, utility service area updated interlocal with St. Johns County, and major infrastructure grants. In addition, we review annually the legally available revenue sources from tax levies and other sources in conjunction with the Director of Budget & Performance Management.

Contracts, Agreements, Bonds, Leases:

Contract and procurement review is provided by our office, as are traditional and submerged land leases. Most standard contracts, including letter agreements, leases, license agreements, bailments and object loan agreements utilize standardized templates created and revised episodically by the City Attorney's office, and modified based on specific project needs. Additional contract and bid review is required when the City piggybacks on other agency contracts, and occasionally vendors insist on their specific contract forms which requires more revisions and legal review. All bonds, contracts, and instruments, per Charter, must be reviewed and endorsed by the City Attorney. The City Attorney's office reviewed **719 documents** this past year.

In-House Litigation:

The City Attorney's office also provides the defense to Petitions for Writ of Certiorari (appeals of zoning or permit denials) from the local circuit court through to all appeals. Historically, this office did not defend this type of litigation, but outsourced it. Since 2011, we have kept this type of work in-house with the City Attorney. We have also kept other types of litigation in-house, including mandamus actions, a riparian rights lawsuit, as well as, the defense of all code enforcement orders through the statutory hearing process before a special magistrate, known as §70.51 hearings. This past year was especially litigation laden as we defended in-house both the mask mandate related to COVID-19 administrative orders, and the lawsuit relating to moving the Confederate monument.

We prosecute both criminal and civil code violations, which includes discovery, motion practice, hearings and ultimately trial. Included with this report is a chart of dispositions showing **120 criminal cases** prosecuted by our office from October 2019 – September 2020. Typical criminal code enforcement cases involve drinking in public, camping in public, urinating in public or panhandling in violation of City ordinances. Cases that involved more intensive work are highlighted in the in-house litigation chart. In addition to criminal code enforcement, this office also enforces through the court system, civil citations. These range from skateboard and leash law violations that are not administratively paid within the first thirty (30) days, to more complex mooring field and noise violations that raise constitutional and procedural claims. This office also prosecutes small claims cases on occasion and defends the City's interests as a creditor in foreclosures and bankruptcies, as well as prosecuting civil forfeiture cases and responding to garnishment proceedings.

The City Attorney's office continues to work with the Circuit Court's Veterans Treatment Court Coordinator, the Veterans Administration and the St. Augustine Police Department's Community Outreach officers to identify potential candidates among the City's criminal defendants for assistance from the VA or other rehabilitation centers.

In addition to purely litigation matters, the City Attorney's office also responds to inquiries by the Justice Department, Labor Department, and local citizens on issues ranging from handicap accessibility to wage and hour issues involving our contractors, as well as complaints pursuant to the City's Human Rights Ordinance.

Outside Counsel:

The City Attorney by Charter is authorized to retain outside counsel to assist in the legal representation of the City. Some recurring outside counsel costs include labor law, but others are individualized case-by-case assistance on specialty issues such as eminent domain and environmental law. Although outside counsel is retained, the City Attorney's office provides research, review, and revision support.

The City must hire a special magistrate when a property owner makes a claim to the statutory alternative dispute resolution process (§70.51), such as when appealing an order of the Code Enforcement Board. The City must also pay for a special criminal defense attorney for indigent defendants in criminal citation prosecutions, as required by law. Our office represents the Code Enforcement Board and defends its orders, but statutorily we are prohibited from also representing the prosecution of Code Enforcement cases before that Board. Most cases are presented and prosecuted by the Building Official and code enforcement officers directly, but occasionally an attorney must be hired to advise staff in its prosecution of a particularly involved or difficult case. With the enactment of the Short-Term Rental ordinances, the City has also authorized the use of a Special Magistrate to hear violations of those regulations, and the cost of this professional service is included in the City Attorney's budget.

Litigation that is not covered by our insurer, such as contract disputes or complex real estate/land development litigation, is billed to outside firms. These cases tend to be document and discovery intensive. This type of intensive litigation requires dedicated paralegal and associate support staff, as well as, litigation software to track discovery that our office does not possess. Although the assistance of outside counsel relieves the work load of the two (2) attorneys in the City Attorney's office, nonetheless, outside counsel rely on our institutional knowledge and we are intrinsically involved in assisting their work, especially when reviewing discovery requests and coordinating the sometimes very extensive responses necessary from our dozen City departments. In addition, our office coordinates with the outside attorneys on all pre-litigation claims, most of which consist of slip and fall personal injury, including research and analysis regarding the City's historic ownership, maintenance, and control of right-of-way.

Conclusion:

I hope that this brief report gave you a meaningful review of our duties and operations. This year was especially challenging as we faced a global pandemic and all its related public health and legal issues. As always, should you wish to meet with me individually to discuss any of this information, or the specifics of a particular case, please let me know.

I have asked the City Manager to place this annual status report under City Attorney Items on the City Commission's agenda for the October 26, 2020 City Commission meeting.

The report is for your review and approval and although I am not asking to make a presentation, I will be ready to answer any questions if needed.

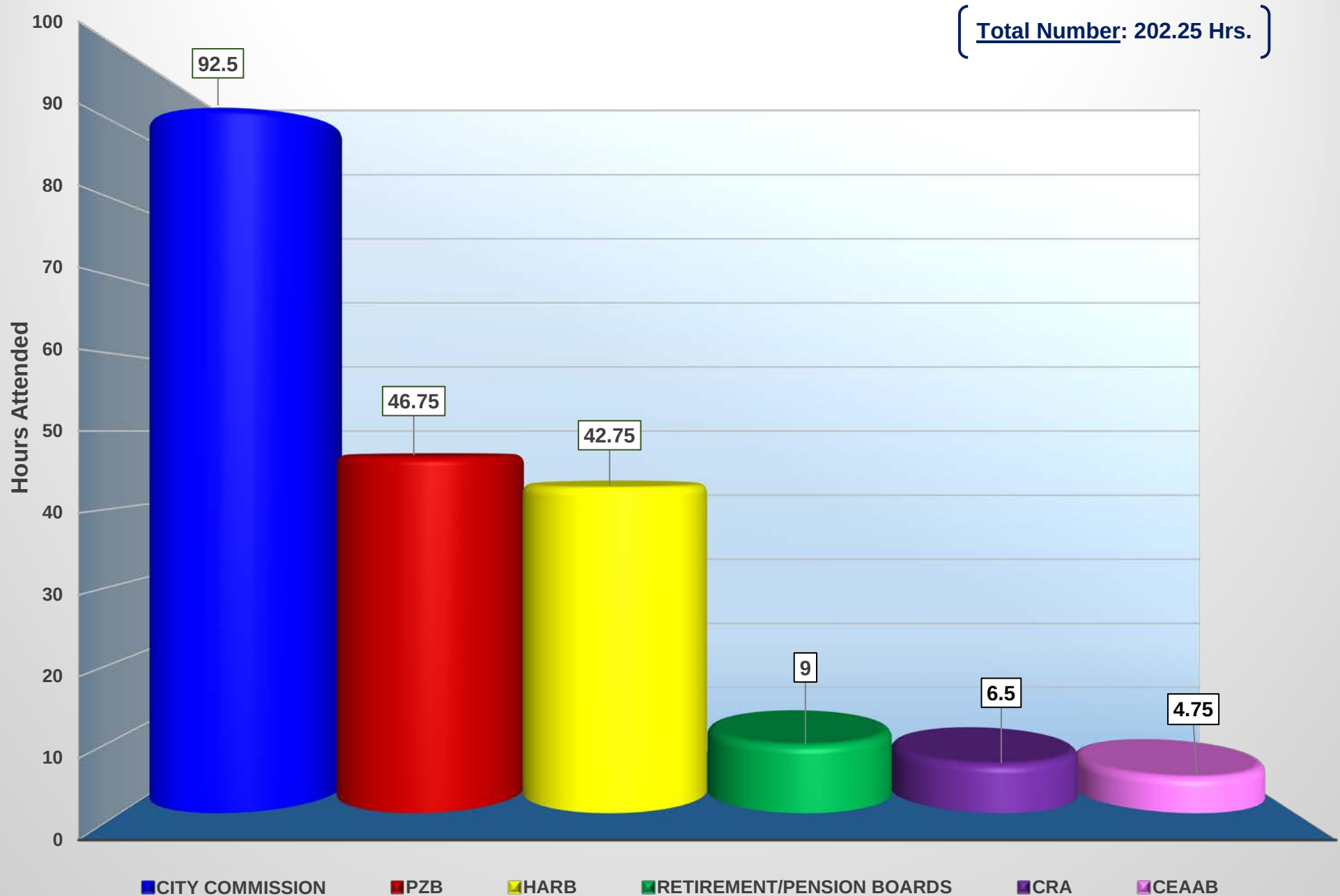
Sincerely,



Isabelle C. Lopez
City Attorney

Attachments

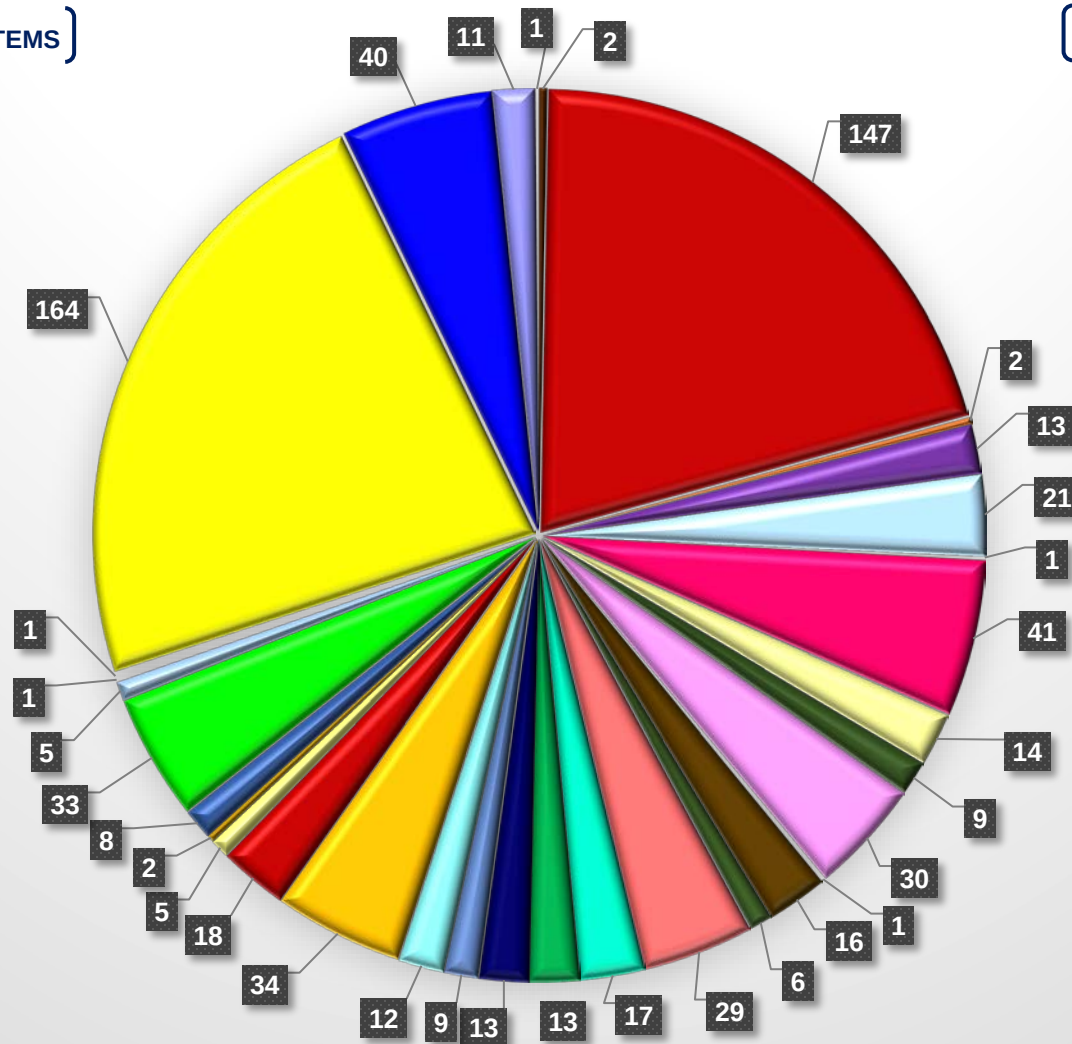
PUBLIC MEETINGS ATTENDANCE: FY 2019-2020



WORK LOG DRAFTING & REVIEW: FY 2019-2020

(BY NUMBER OF ITEMS)

(TOTAL: 719 ITEMS)

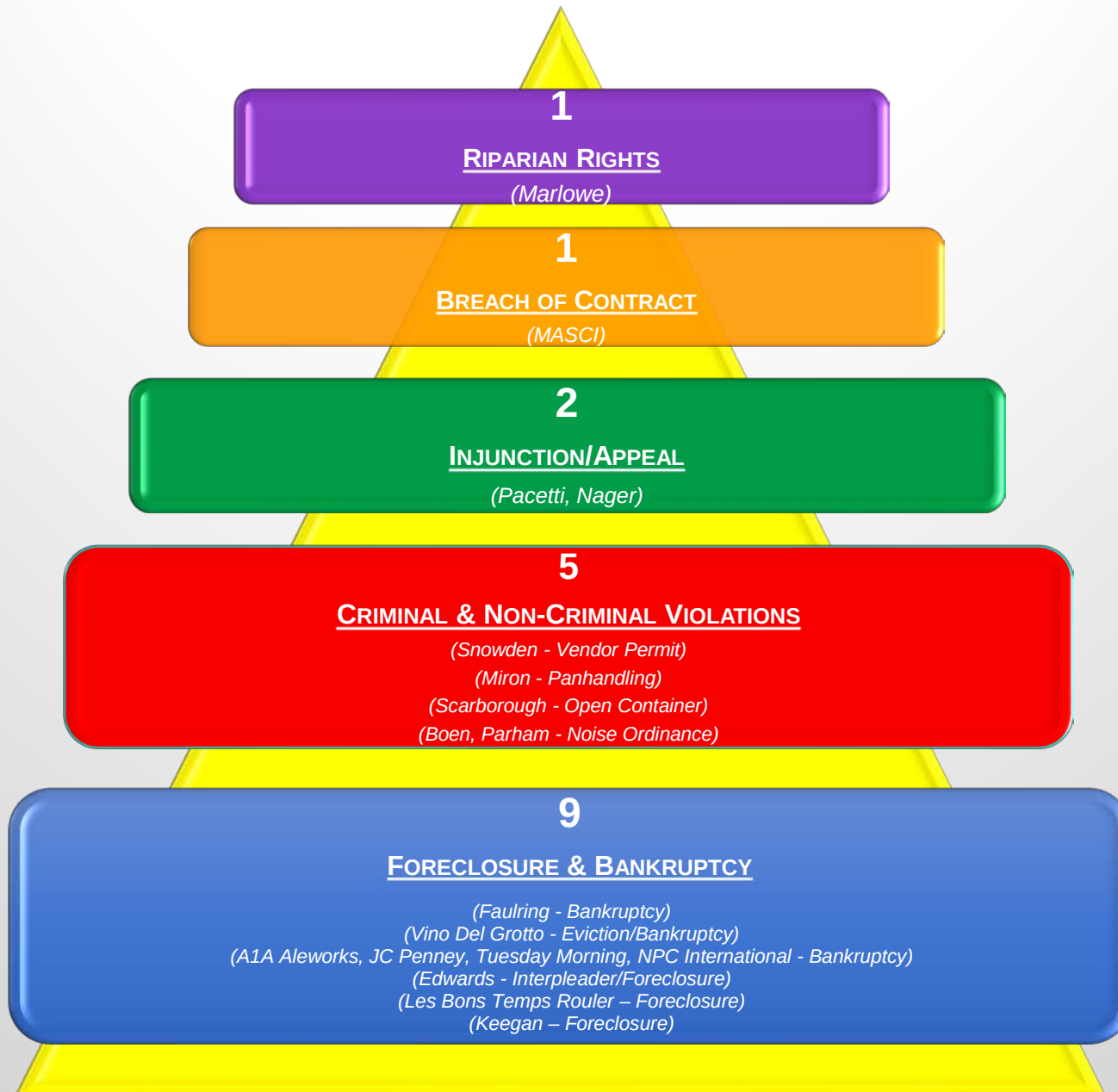


Agreement - 147	Appeal - 2	Application - 13	Bill of Sale - 21
Brochure - 1	Contract - 41	Correspondence - 14	Deed - 9
Easement - 30	Estoppel - 1	Form - 16	Interlocal Agreement - 6
Lease Agreement - 29	License - 17	Lien Release - 13	Maintenance Bond - 13
Memorandum - 9	Order - 12	Ordinance - 34	Performance Bond - 18
Personal Guaranty - 5	Petition - 2	Plat - 8	Pleading - 33
Release & Waiver - 5	Release of Easement - 1	Report - 1	Research - 164
Resolution - 40	Submerged Lands Lease - 11	Survey - 1	Waiver - 2

IN-HOUSE COUNSEL – LITIGATION & APPEALS: FY 2019-2020

[By Number of Cases]

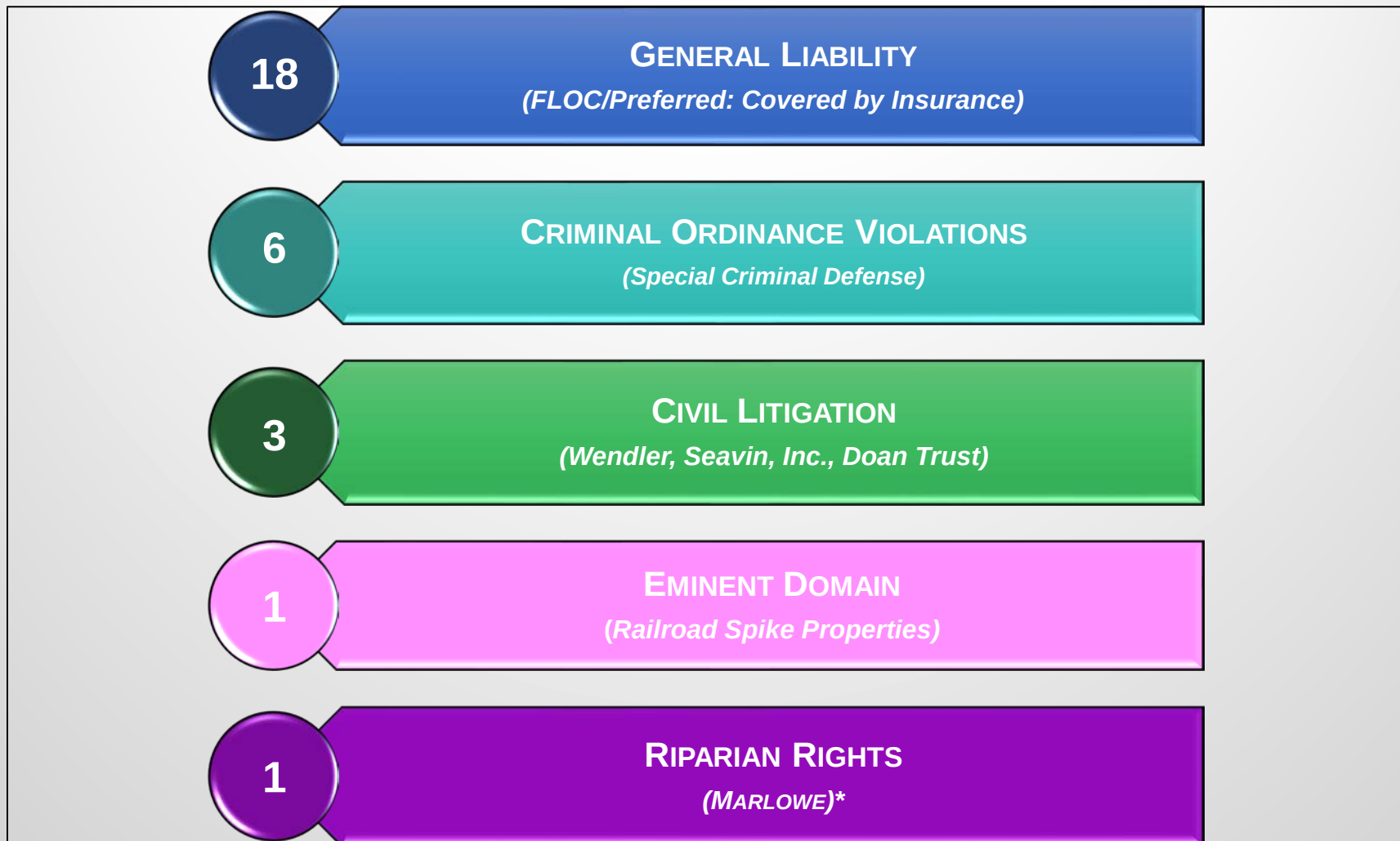
[Total: 18 Cases]



CASES AIDED BY OUTSIDE COUNSEL: FY 2019-2020

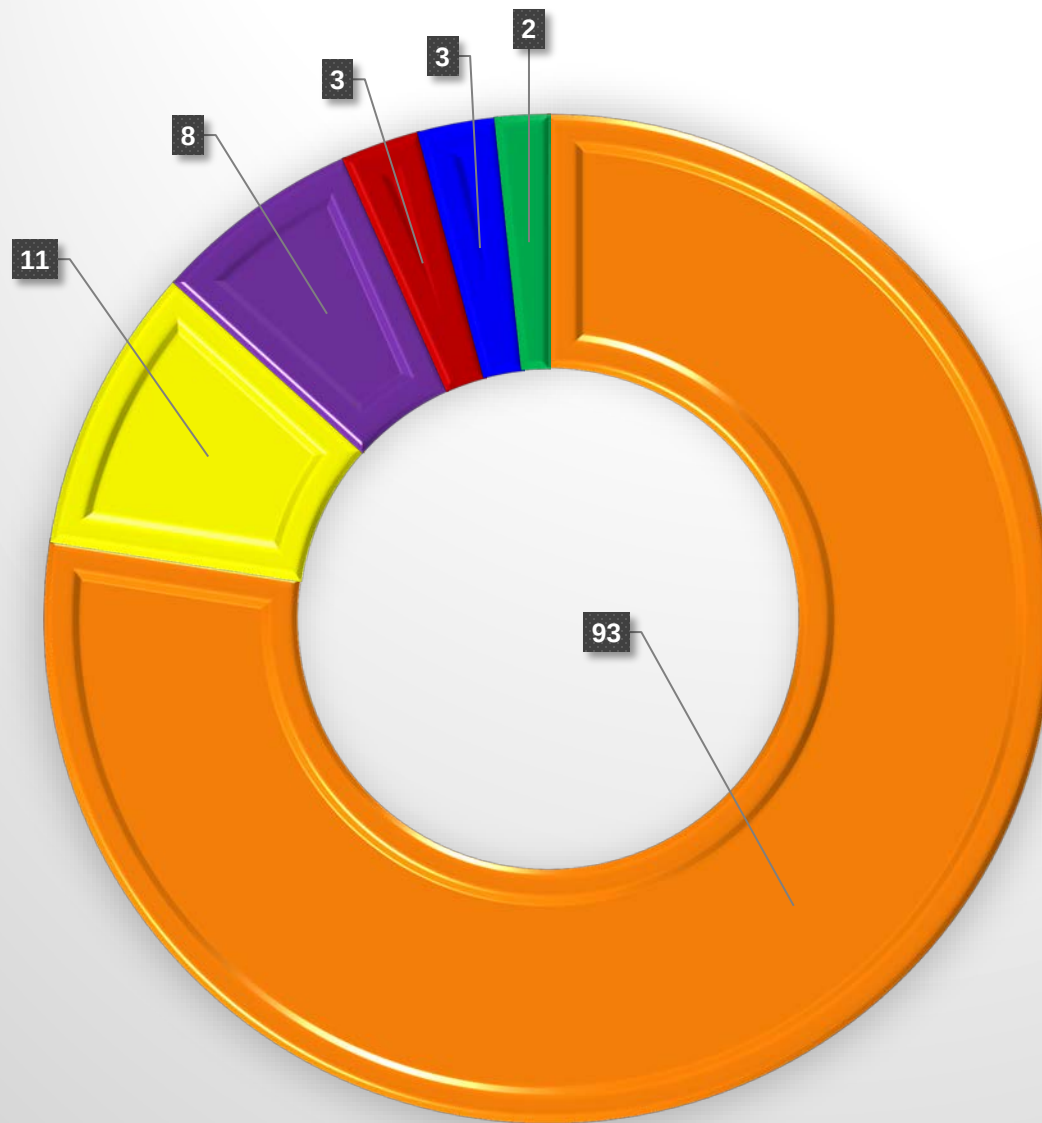
[By Number of Cases]

[Total: 29 Cases]



**Working jointly between City Attorney and Michael Cavendish.*

CITY ORDINANCE VIOLATIONS: FY 2019-2020



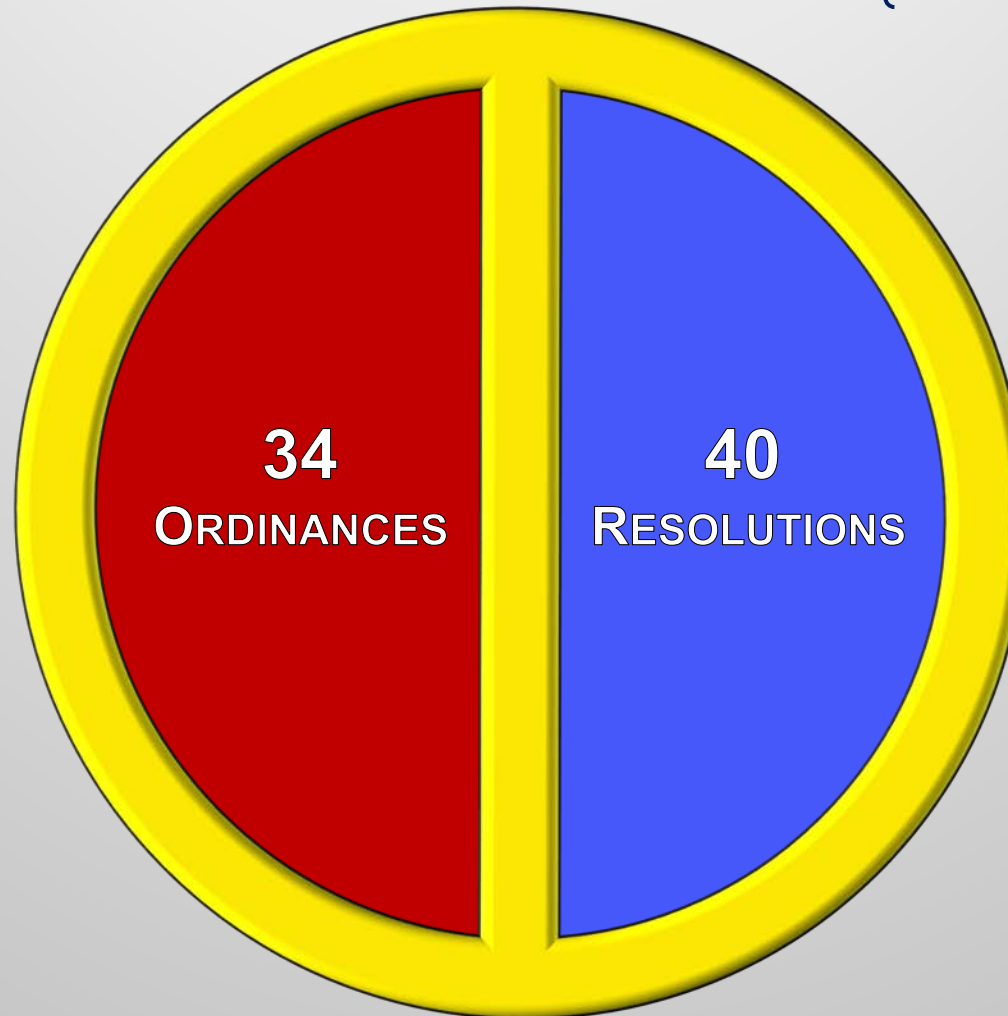
(BY NUMBER OF CASES)

(TOTAL: 120 CASES)

- Adjudicated Guilty - 93
- Nolle Prossed - 11
- Administratively Dismissed - 8
- Adjudication Withheld - 3
- Dismissed - 3
- Paid Fine - 2

ORDINANCES & RESOLUTIONS – FY 2019-2020

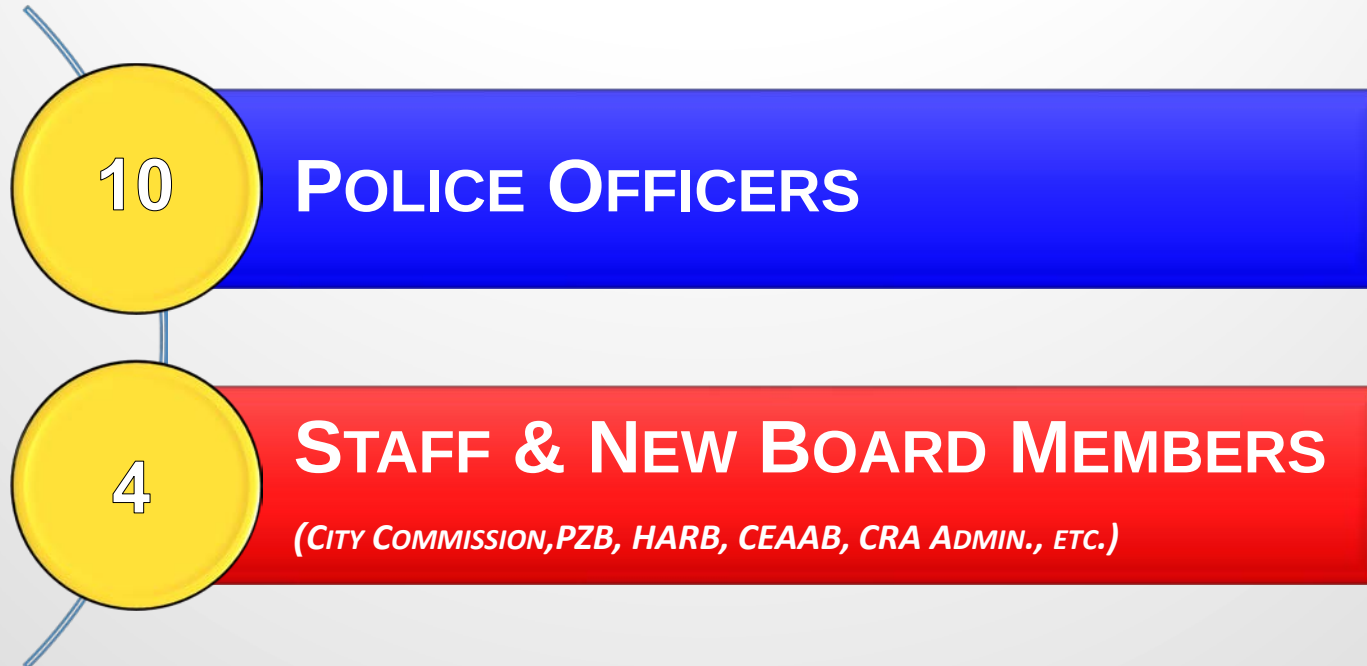
{ TOTAL: 74 ITEMS }



STAFF & NEW BOARD MEMBER TRAINING: FY 2019-2020

{ BY NUMBER OF HOURS }

{ TOTAL: 14 HOURS }



LEGISLATIVE BILL TRACKING: 2020 SESSION

(Total: 83 Bills)

Vacation Rentals	SB 1128 & HB 1011
Preemption of Local Occupational Licensing	SB 1336 & HB 3
Local Licensing	SB 890 & HB 1161
Building Design	SB 954 & HB 459
Private Property Rights Protection	HB 519
Growth Management	SB 1766, SB 410 & HB 203
Public Construction	SB 246 & HB 101
Sanitary Sewer Laterals	SB 150
Environmental Accountability	HB 1091
Preemption of Recyclable & Polystyrene Materials	SB 182 & HB 6043
Development Orders	SB 250 & HB 6019
Supermajority Vote Req to Impose, Auth, Raise Local Tax/Fees	HB 477
Home-Based Businesses	SB 778 & HB 537
Taking Claims in Areas of Critical Concern	SB 748 & HB 587
Impact Fees	SB 1066 & HB 637

Housing	SB 998 & HB 1339
Brownfields & Site Rehabilitation	SB 1350 & HB 1001 & SB 1152
Stormwater Management Systems	SB 686 & HB 405
Electric Bicycles	SB 1148 & HB 971
Local Government Fiscal Transparency	SB 1702 & HB 1149
Electric Vehicles	SB 1230 & HB 1219
Legal Notices	SB 1340 & HB 7
Municipal Service Taxing & Benefit Units	SB 1330
Government Integrity	SB 1538 & HB 1111
Opportunity Zones	SB 1612 & HB 1429
Biosolids Management	SB 1654 & HB 1267
Real Property	SB 1680 & HB 6063
Deregulation of Profession & Occupations	SB 474 & HB 1193
Sovereign Immunity	SB 1302
Contingency Fees	SB 1574 & HB 7043

Public Procurement of Services	SB 506 & HB 441
Local Government Public Construction Works	SB 504 & HB 279
Fiduciary Duty of Care for Appt Public Officials & Exec Officers	SB 1270 & HB 1113
Firefighters' Bill of Rights	SB 620 & HB 215
Fireworks	SB 140 & HB 65
Environmental Regulation	SB 326 & HB 73
St. Aug WWTP Resiliency Armoring	HB 2671
St Aug Flood Resiliency Master Plan Implementation	HB 2673
St Aug West Aug Septic to Sewer 2020	HB 2675
Surrendered Newborn Infants	SB 864 & HB 1217
Local Government Reporting	SB 1512 & HB 7069
Legislative Review of Occupational Regs.	SB 1124 & HB 707
Local Government Accountability	SB 766 & HB 611
Public Officers & Employees	SB 1490 & HB 1435
Florida Drug & Cosmetic Act	SB 172 & HB 113

PROPOSED BUDGET – FY 2020-2021

CODE	CATEGORY	FY 19-20 BUDGET (Actual)	FY 20-21 BUDGET (Proposed)
110	Executive Salaries	\$ 227,392	\$ 246,789
120	Regular Salaries & Wages	\$ 41,629	\$ 42,466
140	Overtime	\$ 0	\$ 0
160	Holiday Supplement	\$ 195	\$ 195
161	Accrued Leave Payout	\$ 0	\$ 0
210	FICA Taxes	\$ 18,518	\$ 20,834
220	Retirement Contributions	\$ 63,247	\$ 69,624
230	Life & Health Insurance	\$ 22,195	\$ 24,098
240	Workers Compensation	\$ 480	\$ 516
250	Unemployment Compensation	\$ 538	\$ 579
	SUBTOTAL	\$ 374,194	\$ 405,102
	INCREASE		+ \$ 30,907
310	Professional Services	\$ 56,000	\$ 45,000
330	Court Reporter Services	\$ 1,100	\$ 1,200
340	Other Contract Services	\$ 2,840	\$ 3,720
400	Travel Expenses	\$ 1,920	\$ 1,770
401	Car Allowances	\$ 7,800	\$ 7,800
410	Telecommunications Services	\$ 1,855	\$ 2,166
420	Postage	\$ 500	\$ 500
464	Office Equip. Repair & Maintenance	\$ 930	\$ 930
471	Reproduction	\$ 2,400	\$ 2,400
490	Miscellaneous Charges	\$ 500	\$ 500
510	Office Supplies	\$ 500	\$ 500
515	Non-Capital Fixed Assets	\$ 0	\$ 0
520	General Operating Supplies	\$ 350	\$ 280
521	Uniforms	\$ 150	\$ 150
540	Subscriptions	\$ 5,815	\$ 2,740
541	Professional Dues & Memberships	\$ 1,455	\$ 1,685
542	Education & Training	\$ 2,150	\$ 2,150
543	Books	\$ 1,000	\$ 650
640	Machinery & Equipment	\$ 0	\$ 0
	SUBTOTAL	\$ 87,265	\$ 74,141
	DECREASE		(\$ 13,124)
	TOTAL	\$ 461,459	\$ 479,243
	DIFFERENCE		+ \$ 17,784