Resolution 2020-39 Notice: Rules of Decorum

The speaker may present their viewpoint in this limited public forum without using terminology or gestures that cause a disruptive environment for public officials in the discharge of their duties or cause a disruptive environment hostile to the participation of other members of the public. Any person violating the rules of decorum as described in this section or otherwise displaying disruptive behavior, such as but not limited to, shouting, noisemaking, issuing threats, harassing or intimidating members of the public, interfering with the duties of elected or appointed officials and City staff during a public meeting, or otherwise interrupting or disrupting the proceedings may be removed from the public assembly pursuant to law.

Each speaker must comply with the following rules of decorum when addressing the commission, board or committee:

- The speaker may not address the commission, board or committee from the audience.
- The speaker may only approach the podium to speak when recognized by the chairperson.
- The speaker may not approach the dais without the chairperson's permission.
- The speaker must direct questions and comments at the commission, board or committee, through the chairperson.
- The speaker must observe the time limits set for public comment.
- The speaker at a public hearing must limit his or her comments to the subject of the hearing.
- The speaker must avoid making irrelevant, repetitive, personal, impertinent or slanderous comments.

A speaker violating these rules of decorum or otherwise disrupting a meeting may be gaveled out of order by the chairperson, and if the speaker willfully refuses to abide by the lawful order of the chairperson to cede the floor and cease and desist all disruptive behavior, the speaker may be removed for disrupting a public assembly pursuant to Chapter 871.01, Florida Statutes.

All members of the public, City Commission, staff, appointed board or committee members are required to wear a face covering over the nose and mouth at all times while in the meeting room in accordance with Administrative Order 20-17.

CITY OF ST AUGUSTINE EST. 1565

CITY OF ST. AUGUSTINE CITY COMMISSION

REGULAR MEETING AGENDA

MONDAY, JUNE 14, 2021 - 5:00 PM

ALCAZAR ROOM

---

1. CALL TO ORDER

- Roll Call
- Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Certificate of Appreciation presented to Representative Cyndi Stevenson. *(Vice Mayor Sikes-Kline)*

3.B. ***Proclamation 2021-21***: Proclaims June 26, 2021 as Greek Landing Day. *(J. Valdes, Commissioner)*

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.A.1. Informational presentation on the Internal Institute of Gastronomy, Culture, Arts and Tourism by Chris Pranis, Director of Sales & Marketing for Embassy Suites by Hilton St. Augustine Beach Oceanfront Resort. *(J. Regan, City Manager)*

7.B. Items of Great Public Importance

7.B.1. Presentation by Margaret Reeger with the Florida Department of Financial Services regarding Hurricane Financial Preparedness. *(J. Regan, City Manager)*

7.C. Other Items Requiring Public Hearing

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

8.A.1. ***Ordinance 2021-10***: Amends certain sections of Chapter 8 and updates portions of the City Code. *(R. Schauland, Building Official)*

8.A.2. ***Ordinance 2021-11***: Administrative procedures for various categories of real estate acquisitions by the City. *(I. Lopez, City Attorney)*

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

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

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

9.A.1. ***Ordinance 2021-12***: Amends Chapter 28, Article III, Division 2, related to vacation rentals. *(D. May, Assistant City Attorney)*

9.B. Resolutions

9.B.1. ***Resolution 2021-25***: Authorizes the annual renewal of the Traffic Signal Maintenance and Compensation Agreement between the Florida Department of Transportation and the City. *(R. Franklin, Director Public Works)*

10. STAFF REPORTS AND PRESENTATIONS

11. ITEMS BY CITY ATTORNEY

12. ITEMS BY 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 - JUNE 14, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON JUNE 28, 2021:

- Ordinance 2021-12

CA.3. Reminder of Upcoming Meetings:

- June 16, 2021, 9am, Special PZB Meeting
- June 21, 2021, 3pm, Special Meeting, Discussion of 2022 Budget Assumptions (Revenues)
- June 28, 2021, 5pm, City Commission Meeting
- July 12, 2021, 5pm, City Commission Meeting

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

- April 26, 2021, Regular City Commission Meeting
- May 10, 2021, Regular City Commission Meeting

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

- Jennifer and Andrew Sims - 267 Cervantes Avenue

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 License for Use of City Right-of-Way at 17 Hope Street. *(R. Franklin, Director Public Works)*

CA.9. Approval of order releasing the Code Enforcement lien levied against 97 Masters Drive as paid in full. *(I. Lopez, City Attorney)*

CA.10. Approval to advise St. Johns County of the City's exclusion from the application for the Community Development Block Grant as it may impede future grants that may be applied for. *(C. Sakryd, Deputy Director General Services)*

CA.11. Invoice for payment to Cavendish Partners, P.A. in the Marlowe v City matter for $15,322.45. *(I. Lopez, City Attorney)*

End Consent Agenda

City of St. Augustine
City Commission

Certificate of Appreciation

In Acknowledgement of and

Presented with Honor to

Representative Cyndi Stevenson

In recognition of

Your work and ongoing dedication to supporting the City of St. Augustine and your assistance in securing funding for the West Augustine infrastructure improvements during the 2021 Legislative Session.

Tracy Upchurch, Mayor

City of St. Augustine

La Lealisíma y Valerosa Ciudad de San Agustín de la Florida

Est. 1565

PROCLAMATION

Whereas, *June 26, 2021, marks the 36th Annual Greek Landing Celebration in St. Augustine celebrating the spirit and dignity of the Greek Community of the City's cultural fabric; and*

Whereas, *the Greek Landing Day Celebration commemorates the Greek pioneers who registered in St. Augustine on June 26, 1768, en route to the Turnbull land grant which became the New Smyrna Colony, seeking prosperity and freedom in the New World; and*
Whereas, this year's event coincides with the Greek Bicentennial for nearly, a half century after the colonists' arrival in the New World, Bishop Germanos of Patras raised the flag of the Greek revolution over the monastery of Agia Lavra in the Peloponnese on March 25, 1821; and

Whereas, *in 1829, after Greeks, aided by American, British, French and Russian Philhellenes in their strife for freedom, the violence ceased with the Ottoman's defeat, and Greece's autonomy recognized with the Treaty of Adrianople; and*

Whereas, *the Greek Landing Day memorializes in this year's festivities the landing of the eight ships that carried the Greeks and others of Mediterranean descent to St. Augustine; and*

Whereas, *the citizens of St. Augustine with the Greek Orthodox Archdiocese of America and the St. Photios Foundation, hereby recognizes St. Photios Greek Orthodox National Shrine as the Jewel of St. George Street, a bastion of religious, historic, and cultural treasure.*

NOW, THEREFORE, *the City Commission of the City of St. Augustine does hereby proclaim June 26, 2021, as* ***GREEK LANDING DAY*** *in the City of St. Augustine, and urges all our citizens to attend, participate and share in the rich heritage of St. Augustine's Greek Community.*

IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Seal of the City of St. Augustine to be affixed this 24th day of May in the year of our Lord two thousand and twenty-one and the four hundred and fifty-fifth year of the founding of St. Augustine, the Nation's Oldest City.*

_____

Tracy Upchurch, Mayor

2021-12

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

Date: June 7, 2021

RE: Informational Presentation on the International Institute of Gastronomy, Culture, Arts and Tourism (IGCAT) "Region of Gastronomy Award" Initiative

---

This agenda item is an informational presentation by Chris Pra nis, Director of Sales & Marketing for Embassy Suites by Hilton St. Augustine Beach Oceanfront Resort, regarding a local initiative to obtain the first "Wor ld Region of Gastronomy" in the Americas. This purpose of the presentation is informational; however, for the initiative to be successful, it must be endorsed by government at a minimum. If there is interest by the commission, staff would work out details and agreements that would define the City's role which would be brought back to the commission at a future date.

IGCAT is a non-profit institute based in Spain that has an award program to recognize a country or region for it gastronomic, cultural and arts contribution to the world. The designation is for a year and selection is a competitive process. The award causes the local stakeholders to work with a worldwide consortium of experts to elevate the standards of the gastronomy, culture and tourism sectors. IGCAT is the official secretariat forthe World Regions of Gastronomy Platform and operates throughout Europe. It is expanding to the Americas and has created an Americas award for 2023. St. Augustine is positioned to be the first selection for the designation.

We learned about the award from Jaume Gomila Saura, Menorca Sister City M ayor's Representative, during our 2019 Hispanic Film Festival sister city visit. Menorca will be designated the European Capital of Gastronomy in 2022. It was proposed by Mr. Saura that a designation for St. Augustine would be an excellent collaboration between our cities and offered to assist in building intere st in the private and government sector. The COVID pandemic hindered development for most of 2020. However, Francisco Guitard and Maria Isabel Montoya-Leonard, from the Nauta Institute (a Spanish non-profit focused on cultural exchange th rough education), have engaged our local hospitality and gastronomy industry. As a result of their work, the industry leaders want to pursue the award.

Mr. Pranis will describe the IGCAT, the award, other programs that accompany the award and the community involvement to date. Ms. Montoya-Leonard will be attending with Mr. Pranis and is available as a resource.

John P. Regan, P.E.
City Manager

The Office of Chief Financial Officer

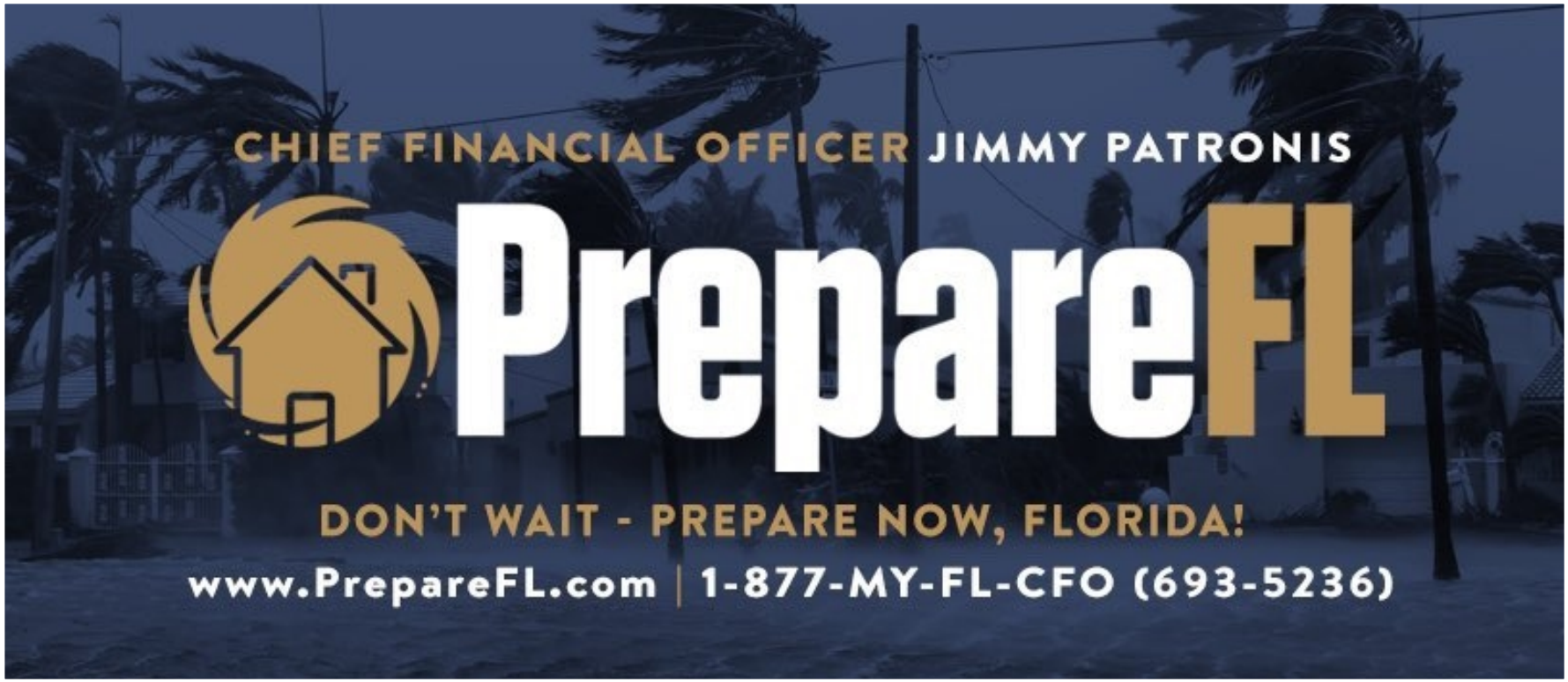
Florida Department of Financial Services

Margaret Reeger

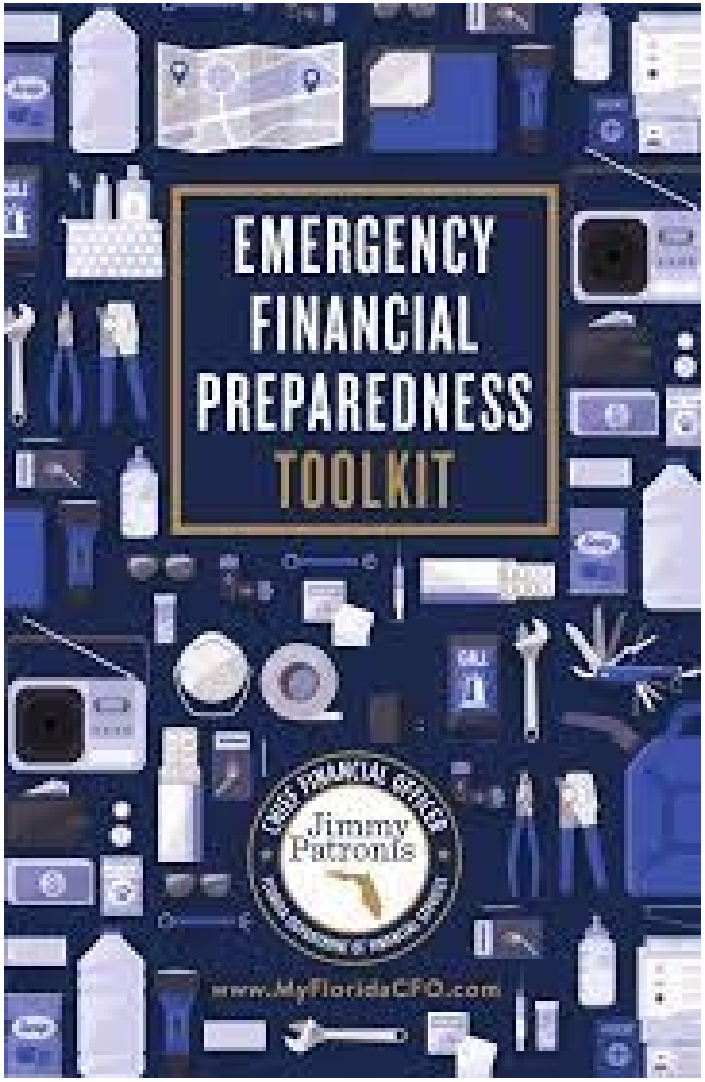
Northeast Florida Regional Manager

Office of External Affairs

MYFLORIDACFO.COM



MYFLORIDACFO.COM



CONSUMER SERVICES

- Answer questions about insurance policies
- Help consumers with insurance complaints
- Advocate on the consumers behalf
- Emergency Financial Preparedness

MAIN RESOURCES

Web:

MyFloridaCFO.com

PrepareFL.com

Phone Numbers:

General and Insurance:

1-877-MY-FL-CFO (1-877-693-5236)

Disaster Assistance:

1-800-22-STORM or (850)413-3089

State of FL Emergency Info:

1-800-342-3557

SOCIAL MEDIA

www.facebook.com/FLDFS

@FLDFS

QUESTIONS

THANK YOU

Margaret Reeger • Northeast Florida Regional Manager • Office of External Affairs
Margaret.Reeger@myfloridacfo.com • (850)755-7086

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: June 14, 2021

RE: Ordinance 2021-10 -Amending certain sections of Chapter 8 – Buildings and Building Regulations (Second Reading)

Ordinance 2021-10 amends and updates the City Code, Chapter 8, Article V - Floodplain Management. These changes address new requirements from the Federal Emergency Management Agency (FEMA) so that the City can maintain its Class 5 classification in the Community Rating System (CRS).

Ordinance 2021-10 also updates Chapter 8, Article III - Coastal Construction to address the Coastal Construction Control Line as well as updating the Flood Insurance Study date, and finally, it removes regulations that are no longer needed to be referenced in our City Code because they are now requirements of the Florida Building Codes.

The City of St. Augustine participates in the federal CRS which allows for discounts to be given to property owners on their flood insurance. Currently, property owners receive a 25% discount if their property is within the Special Flood Hazard Area because the City has a CRS classification of Class 5. At the beginning of this year, FEMA updated its prerequisites for certain classifications, which requires a local code update.

The FEMA updated prerequisite requires all communities to adopt and enforce a 1-foot freeboard requirement for all residential buildings. The City adopted this requirement in 2017, and it was adopted into the Florida Building Code the following year. This adoption did not include manufactured homes in manufactured home parks or subdivisions. Manufactured homes in manufactured home subdivisions currently have a different building elevation requirement than other residential structures in our ordinance. Ordinance 2021-10 removes this language and requires manufactured homes in manufactured home subdivisions to be elevated in the same manner as any other residential building. The City does not have any manufactured home parks or subdivisions, but it is necessary to keep the City consistent with FEMA requirements

The Coastal Construction Control Line update gives requirements for all construction seaward of the Coastal Construction Control Line. Within the City limits, this control line is only within the dune areas of Anastasia State Park, where new construction on state lands is unlikely. This update will make our City Code consistent with the Florida Building Codes.

Ordinance 2021-10 will identify the date of the currently adopted Flood Insurance Study (FIS) and we have included language to recognize future updates to the FIS that may occur from time to time. The FIS contains the Flood Insurance Rate Maps (FIRM), or flood maps, and the data that is used to determine the flood zones and base flood elevations.

Finally, Ordinance 2021-10 will update the code to remove some local higher regulatory standards in our City Code that have become mandatory in the Florida Building Codes. These standards do not need to be spelled out in the City Code anymore since they are State Building Code requirements.

On May 11, 2021, the Code Enforcement Adjustments and Appeals Board reviewed Ordinance 2021-10 and made a positive recommendation to amend the code.

On May 24, 2021, the City Commission passed Ordinance 2021-10 at first reading.

Please place Ordinance 2021-10 on the June 14, 2021 City Commission agenda for second reading and a public hearing.

If you have any questions, please let me know.

Richard "Buddy" Schauland, CBO, CFM
Building Official

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 8, ARTICLE II ADOPTED BUILDING CODES; ARTICLE III COASTAL CONSTRUCTION, AND ARTICLE V FLOODPLAIN MANAGEMENT OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Section 166.041, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures and the City Commission has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy; and

WHEREAS, City of St. Augustine participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements, achieving a CRS rating of Class 5; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better and to satisfy the prerequisite and for the City to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated such that the lowest floors are at or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the City Commission determined that it is in the public interest to amend the floodplain management regulations to better protect owners and occupants of

manufactured homes and to continue participating in the Community Rating System at the current class rating.

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

Section 1. Amendment to Chapter 8, Article II, Section 8-117. Chapter 8, Article II, Section 8-117 of the Code of the City of St. Augustine is hereby amended as follows:

"**Sec. 8-117. - Amendments of the Florida Building Code, residential.**

(a) The Florida Building Code, Residential, 7th Edition (2020)~~6th Edition (2017)~~, and all subsequent amendments and revisions, is adopted and incorporated by reference as the residential building code for the city.

~~(b) *R322.2.1 Elevation requirements.*~~

~~1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~

~~2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.~~

~~3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not specified.~~

~~4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~

~~*Exception:* Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.~~

~~(c)~~(b) *R322.2.3.1 Foundation requirements.* In addition to the requirements of this section:

Construction documents shall include documentation that is prepared and sealed by a registered design professional that the design and methods of construction resist flood loads and meet the requirements of this section.

~~(d) *R322.3.2 Elevation requirements.*~~

~~1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~

~~2. Basement floors that are below grade on all sides are prohibited.~~

~~3. The use of fill for structural support is prohibited.~~

~~4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.~~

~~*Exception:* Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.~~"

Section 2. Amendment to Chapter 8, Article III, Sections 8-201, 8-202, 8-203, and 8-204. Chapter 8, Article III, Sections 8-201, 8-202, 8-203, and 8-204 of the Code of the City of St. Augustine are hereby amended as follows:

"**Sec. 8-201. - Definitions.**

In construing this section, the definitions contained in Chapter 23 of the Code of the City of St. Augustine, and the following definitions shall apply:

...

~~*Substantial improvement* means any repair, reconstruction, rehabilitation, or improvement of a structure, where the actual cost of the improvement or repair of the structure to its pre-damage condition equals or exceeds, over a five-year period, a cumulative total of fifty (50) percent of the market value of the structure either:~~

~~(1) Before the improvement or repair is started; or~~

~~(2) If the structure has been damaged and is being restored, before the damage occurred.~~

~~The cumulative total cost does not include nonstructural interior finishings or roof coverings except when determining whether the structure has been substantially improved as a result of a single improvement or repair.~~

~~For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the state inventory of historic places.~~"

Sec. 8-202. - Construction requirements; major structures.

The design and construction requirements for major structures are in the Florida Building Code, Section 3109.

~~(a) In addition to conforming to the city building code, all major structures shall be designed, constructed, and located in compliance with National Flood Insurance Program regulations as found in 44 C.F.R. Parts 59 and 60, or the city floodplain management code, whichever is more restrictive. Major structures, except mobile homes, shall, at a minimum be designed and constructed in accordance with the city building code using a fastest mile-wind velocity of one hundred ten (110) miles per hour. Mobile homes shall conform to the Federal Mobile Home Construction and Safety Standards or the Uniform Standards Code ANSI book A-119.1, pursuant to F.S. § 320.823.~~

~~(b) Foundation design and construction of a major structure shall consider all anticipated loads resulting from a 100-year storm event, including wave, hydrostatic, and hydrodynamic loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour-producing forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the anticipated loss of soil above the design grade as a result of localized scour. The erosion computations required by this paragraph do not apply landward of coastal construction control lines established pursuant to F.S. Ch. 161, which have been established or updated since June 30, 1980.~~

Sec. 8-203. - Construction requirements; minor structures.

Minor structures shall be designed, constructed, and located in compliance with Chapter 8, Article V Floodplain Management ~~with National Flood Insurance Program regulations as found in 44 C.F.R. Parts 59 and 60, or the city floodplain management code, whichever is more restrictive,~~ and the applicable provisions of the city building code. Such structures shall be designed to produce the minimum adverse impact on the beach and the dune system and adjacent properties and to reduce the potential for water or wind blown material. Construction of a rigid coastal or shore protection structure designed primarily to protect a minor structure shall not be permitted.

Sec. 8-204. - Construction requirements; nonhabitable major structures.

Nonhabitable major structures shall be designed, constructed, and located in compliance with Chapter 8, Article V Floodplain Management ~~National Flood Insurance Program regulations as found in 44 C.F.R. Parts 59 and 60 or the city floodplain management code, whichever is more restrictive~~, and the applicable provisions of the city building code. Such structures shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with any applicable state and local standards not found in this section. All sewage treatment plants and public water supply systems shall be floodproofed to prevent infiltration of surface water from a 100-year storm event. Underground utilities, excluding pad transformers and vaults, shall be floodproofed to prevent infiltration of surface water from a 100-year storm event or shall otherwise be designed so as to function when submerged by such storm event."

Section 3. Amendment to Chapter 8, Article V, Section 8-410. Chapter 8, Article V, Section 8-410 of the Code of the City of St. Augustine is hereby amended as follows:

"**Sec. 8-410. - Basis for establishing flood hazard areas.**

The Flood Insurance Study for St. Johns County, Florida and Incorporated Areas dated December 7, 2018 ~~July 18, 2011~~, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Planning and Building Department, 75 King Street."

Section 4. Amendment to Chapter 8, Article V, Section 8-460. Chapter 8, Article V, Section 8-460 of the Code of the City of St. Augustine is hereby amended as follows:

"**Sec. 8-460. - Definitions.**

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

...

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 6, 1972.~~

~~*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

...

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser,~~ is the actual cash value (like-kind replacement cost depreciated for age , wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value established by the St. Johns County Property Appraiser plus ten (10) percent. Appraisals by qualified independent appraisers shall not use the "income capitalization approach," which based value on the use of the property and not on the structure.

...

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 6, 1972.~~

..."

Section 5. Amendment to Chapter 8, Article V, Sections 8-475, 8-477, 8-480, and 8-481. Chapter 8, Article V, Sections 8-475, 8-477, 8-480, and 8-481 of the Code of the City of St. Augustine are hereby amended as follows:

"**Sec. 8-475. - Foundations.**

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

(1) In flood hazard areas (zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this article. ~~Foundations for manufactured homes subject to section 8-479 of this article are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

(2) In coastal high hazard areas (zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this article."

"Sec. 8-477. - Elevation.

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or R322.3 (Zone V and Coastal A Zone). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with section 8-478 of this article, as applicable.~~

~~**Sec. 8-478. - General elevation requirement.**~~

~~Unless subject to the requirements of section 8-479 of this article, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~

~~**Sec. 8-479. - Elevation requirement for certain existing manufactured home parks and subdivisions.**~~

~~Manufactured homes that are not subject to section 8-478 of this article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

~~(1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~

~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.~~"

"Sec. 8-~~480~~478. - Enclosures.

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

Sec. 8-~~481~~479. - Utility equipment.

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area."

Section 6. Creation of Chapter 8, Article V, Section 8-499. Chapter 8, Article V, Section 8-499 of the Code of the City of St. Augustine is hereby created as follows:

Sec. 8-499. – Accessory structures.

Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

(1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

(2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.

(3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

(4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.

(5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

Section 7. 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 repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 8. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9. 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 10. Effective Date. This ordinance shall become effective ten (10) days following effective date, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

_____
Tracy Upchurch, Mayor-Commissioner

_____
Darlene Galambos, City Clerk
(SEAL)

City Commission

June 14, 2021

City Commission

Ordinance No. 2021-10

Ordinance No. 2021-10

OMB No. 1660-0022
Expires: March 31, 2020

National Flood Insurance Program
Community Rating System

Coordinator's Manual

FIA-15/2017

FEMA

National Flood Insurance Program
Community Rating System

Addendum to the 2017 *CRS Coordinator's Manual*

2021

FEMA

CITY OF ST AUGUSTINE EST. 1565

Ordinance No. 2021-10

Chapter 8 – Building and Building Regulations

Article III – Coastal Construction

Ordinance No. 2021-10

CITY OF ST AUGUSTINE EST. 1565

Ordinance No. 2021-10

COASTAL CONSTRUCTION CONTROL LINE.

The line established by the State of Florida pursuant to Section 161.053, Florida Statutes, and recorded in the official records of the respective county and which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

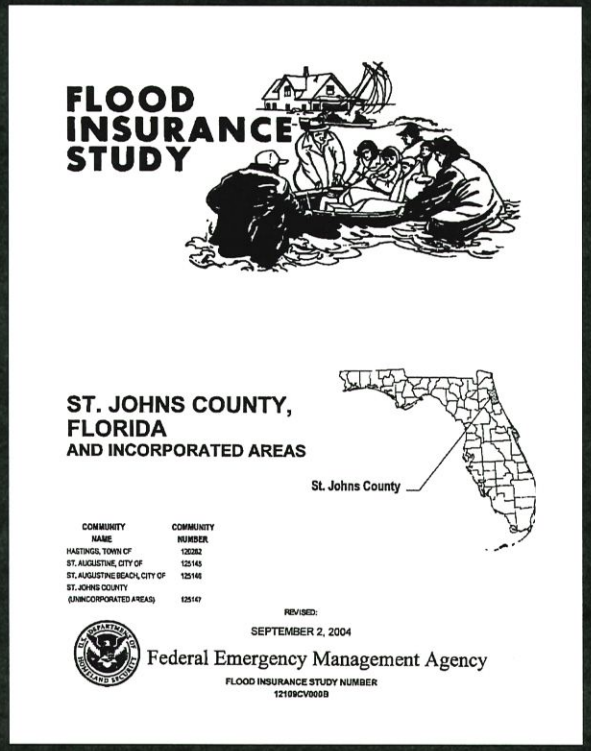
Ordinance No. 2021-10

CITY OF ST AUGUSTINE EST. 1565

Ordinance No. 2021-10

CITY OF ST AUGUSTINE EST. 1565

Ordinance No. 2021-10



FLOOD INSURANCE STUDY

ST. JOHNS COUNTY, FLORIDA
AND INCORPORATED AREAS

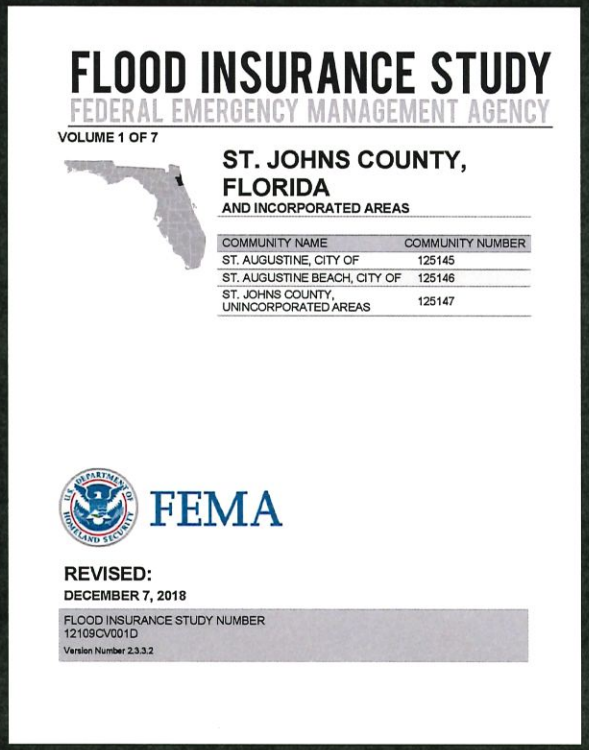
St. Johns County

COMMUNITY NAME	COMMUNITY NUMBER
HASTINGS, TOWN OF	120262
ST. AUGUSTINE, CITY OF	125145
ST. AUGUSTINE BEACH, CITY OF	125146
ST. JOHNS COUNTY (UNINCORPORATED AREAS)	125147

REVISED:
SEPTEMBER 2, 2004

Federal Emergency Management Agency

FLOOD INSURANCE STUDY NUMBER
12109CV000B



FLOOD INSURANCE STUDY
FEDERAL EMERGENCY MANAGEMENT AGENCY

VOLUME 1 OF 7

ST. JOHNS COUNTY, FLORIDA
AND INCORPORATED AREAS

COMMUNITY NAME	COMMUNITY NUMBER
ST. AUGUSTINE, CITY OF	125145
ST. AUGUSTINE BEACH, CITY OF	125146
ST. JOHNS COUNTY, UNINCORPORATED AREAS	125147

FEMA

REVISED:
DECEMBER 7, 2018

FLOOD INSURANCE STUDY NUMBER
12109CV001D
Version Number 2.3.3.2

CITY OF ST AUGUSTINE EST. 1565

Ordinance No. 2021-10

Sec. 8-410. - Basis for establishing flood hazard areas.

The Flood Insurance Study for St. Johns County, Florida and Incorporated Areas dated July 18, 2011, and **all subsequent amendments and revisions**...

Ordinance No. 2021-10

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 8, ARTICLE II ADOPTED BUILDING CODES; ARTICLE III COASTAL CONSTRUCTION, AND ARTICLE V FLOODPLAIN MANAGEMENT OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Ordinance No. 2021-10

Section 1. Amendment to Chapter 8, Article II, Section 8-117:

- Update to the current code cycle.
- Remove the freeboard requirement due to it being required in FBC, Residential:
  - R322.2.1 – requirement for A flood zones.
  - R322.3.2 – requirement for V flood zones.

CITY OF ST AUGUSTINE EST. 1565

Ordinance No. 2021-10

CITY OF ST. AUGUSTINE EST. 1565

Ordinance No. 2021-10

Section 2. Amendment to Chapter 8, Article III, Sections 8-201, 8-202, 8-203, and 8-204:

- Sec. 8-201 – removes definition of substantial improvement from this section.
- Sec. 8-202 – removes all the language. Refers construction requirements to FBC.
- Sec. 8-203 and 8-204 – directs to Floodplain Management article.

Ordinance No. 2021-10

Section 3. Amendment to Chapter 8, Article V, Section 8-410:

- Updates the Flood Insurance Study date.

Ordinance No. 2021-10

Section 4. Amendment to Chapter 8, Article V, Section 8-460:

- Adds definition for accessary structures.
- Removes definitions for:
  - Existing manufactured home park and subdivision.
  - Expansion of an existing manufactured home park and subdivision.
  - New manufactured home park and subdivision.
- Updates definition of market value.

CITY OF ST AUGUSTINE EST. 1565

Ordinance No. 2021-10

Section 5. Amendment to Chapter 8, Article V, Sections 8-475, 8-477, 8-480, and 8-481:

- Sec. 8-475 – removes foundation requirement.
- Sec. 8-477 – removes separate elevation requirement, adds elevation requirement as all other residential structures.
- Sec. 8-478 and 8-479 – separate elevation requirements language removed.
- Sec. 8-480 and 8-481 – renumbered to 8-478 and 8-479.

Ordinance No. 2021-10

Section 6. Amendment to Chapter 8, Article V, Section 8-499:

- Added to identify requirements for accessary structures.

Ordinance No. 2021-10

If this amendment to Chapter 8 is adopted:

- It is sent to the Florida Department of Emergency Management (FDEM)
- FDEM approves the change, sends to FEMA
- FEMA approves the change

Ordinance No. 2021-10

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 8, ARTICLE II ADOPTED BUILDING CODES; ARTICLE III COASTAL CONSTRUCTION, AND ARTICLE V FLOODPLAIN MANAGEMENT OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: May 25, 2021

RE: **ORDINANCE 2021-11: REAL ESTATE ACQUISITION PROCEDURES**

Ord. 2021-11 provides for administrative procedures for various categories of real estate acquisitions by the City. The procedures are progressive in that smaller purchases, those below $75,000, would be delegated to the City Manager's authority, while larger purchases require City Commission approval. Small purchases may include easements needed for roadway or utility projects, or small fee simple purchases to address the siting of utilities or traffic control devices. Purchases between $75,000 and $250,000 would come to the City Commission for approval with evidence of valuation and a staff analysis, but would not require a formal appraisal. Purchases greater than $250,000 would require a formal appraisal.

The proposed ordinance also creates an additional category for purchases of real estate that are deemed of a paramount public purpose or essential to the needs of the City. Those purchases would give the City Commission the latitude it has under Florida law and our Charter to negotiate a price from a willing seller without necessarily requiring the appraisal valuation to meet the purchase price. There are situations where a particular location or type of real estate interest may be more valuable to the City than a static appraisal would suggest, and this would outline the process to address these situations by providing the City Commission with a staff analysis, evidence of valuation and broad flexibility to address key City needs.

Please place Ordinance 2021-11 on the regular City Commission agenda for second reading on June 14, 2021.

Thank you.

Isabelle C. Lopez
City Attorney

Attachment

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

Agenda Title:

Administrative procedures for various categories of real estate acquisitions by the City.

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING CHAPTER 2, ARTICLE I, SECTION 2-2 PROVIDING PROCEDURES FOR REAL ESTATE ACQUISITIONS BY THE CITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Municipal Home Rule Powers Act provides for the broad exercise of home rule powers granted by the Florida Constitution; and,

WHEREAS, the City Charter at Section 3.02(c) provides that the City of St. Augustine may acquire property for any of the uses, needs, and purposes of the City; and,

WHEREAS, the City Charter at Section 2.02 vests in the members of the City Commission the authority of the governing body of the City; and,

WHEREAS, the City Charter at Sections 4.11-4.13 provides that the City Manager is delegated the authority to properly administer the affairs of the City at the direction of the City Commission, to be the chief purchasing agent for the City, and to manage all public works and public buildings; and,

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

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

Section 1. Creating Chapter 2, Article I, Section 2-2. Chapter 2, Article I, Section 2-2 of the Code of the City of St. Augustine, Florida, is hereby created as follows:

"Sec. 2-2. – Real estate acquisition procedures.

The following procedures are hereby adopted for the purchase of real property by the City of St. Augustine, whether for fee simple or other property rights in the subject real property, such as, but not limited to, easements:

1) Purchase price not to exceed $75,000.00: Staff analysis of need for the property, negotiated agreement with seller, approval by the City Manager.
2) Purchase price over $75,000.00 but not more than $250,00.00: Evidence of valuation, staff analysis of need for the property, negotiated agreement with seller, approval by the City Commission.

3) Purchase price of over $250,000.00: Minimum of one (1) appraisal, negotiated agreement with seller, approval by the City Commission.

4) Paramount public purpose or essential government need real estate purchase: Evidence of valuation, justification by City Manager of paramount public purpose or essentiality needs of the City for the particular purchase, negotiated agreement with seller, findings and approval by the City Commission. This category of real estate purchase may be approved by the City Commission due to an identified essential need for the purchase even if the purchase price exceeds the evidence of valuation.

If the City chooses to utilize the public records exemption for appraisals, offers and counteroffers it receives relating to the purchase of real property it must comply with the monetary thresholds and the requirements of Chapter 166.045, Florida Statutes.

These procedures are intended to apply only in instances of voluntary negotiations of a willing buyer and willing seller, and are not intended to apply in eminent domain proceedings.

These procedures are adopted pursuant to the city commission's broad home rule powers and charter authority, and are intended to be in addition to any other statutory authority, including but not limited to, public-private partnerships."

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 _____, 2021.

ATTEST:

_____
Tracy Upchurch, Mayor-Commissioner

_____
Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice Mayor, and Commissioners

DATE: June 2, 2021

RE: **AMENDMENTS TO CHAPTER 28, DIVISION 2, VACATION RENTALS**

The City Attorney's office conducted a review of the regulations adopted pursuant to Ordinance 2019-50 for the Regulation of Vacation Rentals. That review reveals the need for amendment to provide clarification of the intent and current practices of the city regarding required inspections and registration information in compliance with state law.

The Planning and Zoning Board reviewed these amendments and made positive recommendation for approval at its June 1, 2021, meeting.

The amendments include:

- Remove "property maintenance code" from Section 28-147 "Annual Inspection" and provide clarification that registration information provided by an applicant will be verified on site for approval in Section 28-146 "Registration."
- Remove "zoning code" from Section 28-147 "Annual Inspection" and provide a requirement for the zoning designation of the vacation rental for the purpose of determining whether the rental is monthly, weekly, or requires a submerged land lease in Section 28-146 "Registration."
- Clarify the full language regarding Florida Fire Prevention Code, Life-Safety Code, NFPA 101 in Section 28-147 "Annual Inspection."
- Clarify the language of "alarm" versus "detector" as well as the full language of Florida Fire Prevention Code, Life-Safety Code, NFPA 101 in Section 28-150 "Life-Safety."

Thank you for your consideration of this matter. Please contact me if you have any questions or comments.

Thank you.

Denise C. May

Denise C. May
Assistant City Attorney

Attachment

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

Agenda Title:

Amendments to Chapter 28, Division 2, Vacation Rentals

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 28, ARTICLE III, DIVISION 2, SECTION 28-146 PROVIDING REQUIREMENTS FOR REGISTRATION; AMENDING SECTION 28-147 CLARIFYING ANNUAL INSPECTIONS; AMENDING SECTION 28-150 CLARIFYING REQUIRED NFPA LIFE-SAFETY CODE REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City Commission found that regulation of Short-Term Rentals is in the best interest of public health, safety and general welfare by passage of Ordinance 2019-50; and

WHEREAS, in order to clarify the intent of the regulations, the City wishes to adopt an amendment of terms to clearly define the applicable law as the Florida Fire Prevention Code, Life-Safety Code, NFPA 101; and

WHEREAS, the amendment clarifies the intent of the City, and avoids any potential confusion on required registration information, required inspections, the practice of the City, and compliance with state law; and

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its June 1, 2021 regular meeting; and

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

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

Section 1. Amending Chapter 28, Article III, Division 2., Section 28-146. Chapter 28, Article III, Division 2., Sections 28-146 of the Code of the City of St. Augustine, are hereby amended as follows:

Sec. 28-146 – Registration

Every vacation rental shall register with the City on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of

registration and thereafter annually. The information provided on each listing of a vacation rental must accurately reflect the information submitted on the registration form. All information provided in the required registration application will be verified on site prior to approval of registration. Listings that inaccurately reflect information on the registration form information will be considered a separate violation of this code. The registration will include the following:

(i) Address of the vacation rental.

(ii) Name, address, and contact information of the property owner.

(iii) Name, address, and contact information of the property manager if different than the property owner.

(iv) Number of rental units offered to the public for rent at this location.

(v) Number of bedrooms.

(vi) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.

(vii) Site plan or other document depicting approved parking spaces provided.

(viii) Property owner authorization providing for inspection pursuant to Section 28-147 of this code.

(ix) The zoning designation of the vacation rental to determine whether the vacation rental is monthly, weekly, or requires a submerged land lease.

Section 2. Amending Chapter 28, Article III, Division 2., Section 28-147. Chapter 28, Article III, Division 2., Sections 28-147 of the Code of the City of St. Augustine, are hereby amended as follows:

Sec. 28-147 – Annual Inspection

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by City officials for an inspection of the Florida Fire Prevention Code, ~~life~~Life-~~safety~~ Safety ~~code~~Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time. ~~zoning code, and property maintenance code~~.

Section 3. Amending Chapter 28, Article III, Division 2., Section 28-150. Chapter 28, Article III, Division 2., Sections 28-150 of the Code of the City of St. Augustine, are hereby amended as follows:

Sec. 28-150 Life-Safety

(i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.

(ii) Each vacation rental will provide a smoke ~~detector~~alarm, a carbon monoxide ~~detector~~ alarm, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the Florida Fire Prevention

Code, ~~life~~Life ~~safety~~ Safety Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time~~or building code~~.

(iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the Florida Fire Prevention Code, Life Safety Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time~~building code~~. Each means of egress must be maintained, unobstructed, and operable.

(iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

Section 4. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be 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 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 7. Effective Date. This ordinance shall become effective upon passage.

PASSED by the City Commission ~~of the City of St.~~ Augustine, Florida, this _____day of _____, 2021.

ATTEST:

_____
Tracy Upchurch, Mayor-Commissioner

_____
Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: June 3, 2021

RE: Agenda Item for June 14, 2021 City Commission Meeting; Resolution 2021-25 Traffic Signal Maintenance and Compensation Agreement for FY 2021-2022 between the FDOT and COSA

The FDOT and COSA Public Works Department request City Commission consideration of the proposed resolution authorizing the annual renewal of the Traffic Signal Maintenance and Compensation Agreement, Exhibit A, between the FDOT and COSA for Fiscal Year 2021-2022.

The City of St. Augustine, as the maintaining agency, will continue to be responsible for the maintenance and continuous operation of the traffic signal systems at the locations listed within the Agreement's Exhibit A, attached with Resolution 2021-25.

The FDOT agrees to pay an annual compensation amount based on the Department's fiscal year for the maintenance and continuous operation of the traffic signal systems listed in Exhibit A.

Attached, please find the proposed Resolution 2021-25 with two originals of the Agreement and amended Exhibit A for Fiscal Year 2021-2022; and please let me know of any questions or concerns.

Sincerely,

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

Resolution 2021-25 and Amendment to Exhibit A

cc:

D. Galambos, City Clerk
I. Lopez, City Attorney
M. Breidenstein, Assistant City Manager
M. Simpson, Financial Services Director

RESOLUTION 2021-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AUTHORIZING THE EXECUTION OF THE ANNUAL AMENDMENT OF EXHIBIT A FOR FY 2021 OF THE TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF ST. AUGUSTINE DATED AUGUST 25, 2015.

WHEREAS, The City of St. Augustine deems it in the public interest to maintain certain traffic signals and control beacons of the State Highway System within the corporate limits of the City and to enter into the attached annual Amendment to Exhibit A for FDOT FY 2022 (July 2021- June 2022) per the original Agreement dated August 25, 2015 with the Florida Department of Transportation (FDOT) for the maintenance of those traffic signals and control beacons and the compensation of the City for providing such maintenance; and

WHEREAS, the City Attorney for the City of St. Augustine has approved the annual Amendment to Exhibit A of the Traffic Signal Maintenance and Compensation Agreement as to form, content and legal sufficiency;

WHEREAS, the City Commission of the City of St. Augustine designates an authorized representative to execute said Amendment, and its counterparts as described in Exhibit A;

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

Section 1. That the City of St. Augustine concurs in and hereby adopts and ratifies the provisions of Amendment to Exhibit A to the original Agreement dated August 25, 2015 with the Florida Department of Transportation for the maintenance of certain traffic signals and control beacons and compensation for said maintenance as described in said Amendment. A copy of the Amendment for FDOT FY2022 is attached hereto and incorporated herein as Exhibit "A."

Section 2. That the City Commission of the City of St. Augustine hereby authorizes the City Manager and City Clerk to execute Amendment to Exhibit A for FDOT FY2022, and subsequent annual Amendments to Exhibit A, to the Agreement dated August 25, 2015 and transmit same to the Florida Department of Transportation.

ADOPTED in Regular Session of the City Commission of the City of St. Augustine, Florida, this ___day of _____, 2021.

ATTEST:

_____
Tracy Upchurch, Mayor

_____
Darlene Galambos, City Clerk

(SEAL)

AMENDMENT TO THE TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

CONTRACT NO. ARV63
FINANCIAL PROJECT NO. 41353418809
F.E.I.D. NO. F596000420013
AMENDMENT NO. _____

THIS AMENDMENT TO THE TRAFFIC SIGNAL AND MAINTENANCE AGREEMENT ("Amendment") is made and entered into on this _____ day of _____ _____, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION ("Department"), an agency of the State of Florida, and City of St Augustine, ("Maintaining Agency").

RECITALS

WHEREAS, the Department and the Maintaining Agency on _____ entered into a Traffic Signal Maintenance and Compensation Agreement ("Agreement").

WHEREAS, the Parties have agreed to modify the Agreement on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants in this Amendment, the Agreement is amended as follows:

1. Exhibit A is amended, superseded and replaced in its entirety with the new Exhibit A that is attached to this Amendment.

IN WITNESS WHEREOF, the undersigned parties have executed this Amendment on the day, month and year set forth above.

City of St Augustine, Florida
(Maintaining Agency)

By: _____
(Authorized Signature)

Print/Type Name: _____

Title: _____

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
(Authorized Signature)

Print/Type Name: James Hannigan

Title: District Traffic Operations Engineer

Legal Review: _____

TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

Reimbursement for Maintenance and Operation

Exhibit A

Compensation for Maintaining Traffic Signals and Devices for FY 2022

Effective Date: from 07/01/2021 to 06/30/2022
CITY OF ST. AUGUSTINE

Intersection Location	Traffic Signals (TS)	Traffic Signal - Interconnected & monitored (IMTS)	Intersection Control Beacon (ICB)	Pedestrian Flashing Beacon (PFB)	Emergency Fire Dept. Signal (FDS)	Speed Activated Warning Display (SAWD) or Blank Out Sign (BOS)	Traffic Warning Beacon (TWB)	Travel Time Detector (TTD)	Uninterruptible Power Supplies (UPS)	Connected and Automated Vehicle Devices (CAVD)	Compensation Amount (using Unit Rates from Exhibit B)
SR 5A, (ALT US 1) at WILLIAMS ST.				$717							$717
SR 5A, (ALT US 1) at OLD MISSION AVE.				$717							$717
SR 5A, (ALT US 1) at LOCUST ST.				$717							$717
SR 5A, (ALT US 1) at HYPOLITA ST.				$717							$717
SR 5A, (ALT US 1) at N. OF BRIDGE OF LIONS				$717							$717

TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

Reimbursement for Maintenance and Operation

Exhibit A

Compensation for Maintaining Traffic Signals and Devices for FY 2022

Effective Date: from 07/01/2021 to 06/30/2022
CITY OF ST. AUGUSTINE

Intersection Location	Traffic Signals (TS)	Traffic Signal - Interconnected & monitored (IMTS)	Intersection Control Beacon (ICB)	Pedestrian Flashing Beacon (PFB)	Emergency Fire Dept. Signal (FDS)	Speed Activated Warning Display (SAWD) or Blank Out Sign (BOS)	Traffic Warning Beacon (TWB)	Travel Time Detector (TTD)	Uninterruptible Power Supplies (UPS)	Connected and Automated Vehicle Devices (CAVD)	Compensation Amount (using Unit Rates from Exhibit B)
SR207 at CR 5A (OLD DIXIE HWY.)		$5,139							$116		$5,255
SR312 at PLANTATION ISLAND DR./ANTIGUA	$3,577										$3,577
SR312 at MIZELL RD.	$3,577										$3,577
SR5, (US1) at SR207		$5,139							$116		$5,255
SR5, (US1) at SR16		$5,139							$116		$5,255

TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

Reimbursement for Maintenance and Operation

Exhibit A

Compensation for Maintaining Traffic Signals and Devices for FY 2022

Effective Date: from 07/01/2021 to 06/30/2022
CITY OF ST. AUGUSTINE

Intersection Location	Traffic Signals (TS)	Traffic Signal - Interconnected & monitored (IMTS)	Intersection Control Beacon (ICB)	Pedestrian Flashing Beacon (PFB)	Emergency Fire Dept. Signal (FDS)	Speed Activated Warning Display (SAWD) or Blank Out Sign (BOS)	Traffic Warning Beacon (TWB)	Travel Time Detector (TTD)	Uninterruptible Power Supplies (UPS)	Connected and Automated Vehicle Devices (CAVD)	Compensation Amount (using Unit Rates from Exhibit B)
SR5, (US1) at CASTILLO DR.		$5,139							$116		$5,255
SR5, (US1) at SR5A, (ALT US1)		$5,139							$116		$5,255
SR5, (US1) at CITY OF ST. AUGUSTINE FIRE STATION					$1,253						$1,253
SR5, (US1) at SAN CARLOS AVENUE		$5,139							$116		$5,255
SR5, (US1) at RAMBLA ST./WINN-DIXIE	$3,577								$116		$3,693

TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

Reimbursement for Maintenance and Operation

Exhibit A

Compensation for Maintaining Traffic Signals and Devices for FY 2022

Effective Date: from 07/01/2021 to 06/30/2022
CITY OF ST. AUGUSTINE

Intersection Location	Traffic Signals (TS)	Traffic Signal - Interconnected & monitored (IMTS)	Intersection Control Beacon (ICB)	Pedestrian Flashing Beacon (PFB)	Emergency Fire Dept. Signal (FDS)	Speed Activated Warning Display (SAWD) or Blank Out Sign (BOS)	Traffic Warning Beacon (TWB)	Travel Time Detector (TTD)	Uninterruptible Power Supplies (UPS)	Connected and Automated Vehicle Devices (CAVD)	Compensation Amount (using Unit Rates from Exhibit B)
SR5A (ALT US1) at MIDBLOCK HAWK		$5,139									$5,139
SR5A (US ALT. 1) at SAN CARLOS AVENUE		$5,139									$5,139
SR5A, (ALT US1) at MID BLOCK PEDESTRIAN (FORT)		$5,139							$116		$5,255
SR5A, (ALT US1) at SRA1A, MAY ST.		$5,139				$360			$116		$5,615
SR5A, (ALT US1) at MID BLOCK FSDB/MACARIS ST.	$3,577										$3,577

TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

Reimbursement for Maintenance and Operation

Exhibit A

Compensation for Maintaining Traffic Signals and Devices for FY 2022

Effective Date: from 07/01/2021 to 06/30/2022
CITY OF ST. AUGUSTINE

Intersection Location	Traffic Signals (TS)	Traffic Signal - Interconnected & monitored (IMTS)	Intersection Control Beacon (ICB)	Pedestrian Flashing Beacon (PFB)	Emergency Fire Dept. Signal (FDS)	Speed Activated Warning Display (SAWD) or Blank Out Sign (BOS)	Traffic Warning Beacon (TWB)	Travel Time Detector (TTD)	Uninterruptible Power Supplies (UPS)	Connected and Automated Vehicle Devices (CAVD)	Compensation Amount (using Unit Rates from Exhibit B)
SR5A, (ALT US1) at RIBERIA ST.		$5,139							$116		$5,255
SR5A, (ALT US1) at M. L. KING AVENUE		$5,139							$116		$5,255
SR5A, (ALT US1) at CORDOVA ST.		$5,139							$116		$5,255
SR5A, (ALT US1) at ST.GEORGE ST.		$5,139									$5,139
SR5A, (ALT US1) at AVENIDA/MENENDEZ/ BRG. OF LIONS		$5,139							$116		$5,255

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

750-010-22
TRAFFIC OPERATIONS
06/16

TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

Reimbursement for Maintenance and Operation

Exhibit A

Compensation for Maintaining Traffic Signals and Devices for FY 2022

Effective Date: from 07/01/2021 to 06/30/2022
CITY OF ST. AUGUSTINE

Intersection Location	Traffic Signals (TS)	Traffic Signal - Interconnected & monitored (IMTS)	Intersection Control Beacon (ICB)	Pedestrian Flashing Beacon (PFB)	Emergency Fire Dept. Signal (FDS)	Speed Activated Warning Display (SAWD) or Blank Out Sign (BOS)	Traffic Warning Beacon (TWB)	Travel Time Detector (TTD)	Uninterruptible Power Supplies (UPS)	Connected and Automated Vehicle Devices (CAVD)	Compensation Amount (using Unit Rates from Exhibit B)
SR5A, (ALT US1) at FT. ALLEY MID BLOCK		$5,139							$116		$5,255
SR5A, A1A at MALAGA ST.		$5,139							$116		$5,255
SR5A, CATHEDRAL ST. at ST. GEORGE ST.		$5,139									$5,139
SR5A/A1A, (ALT US1) at CASTILLO DR./SAN MARCO		$5,139									$5,139
SRA1A at MATANZAS BLVD.	$3,577								$116		$3,693

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

750-010-22
TRAFFIC OPERATIONS
06/16

TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

Reimbursement for Maintenance and Operation

Exhibit A

Compensation for Maintaining Traffic Signals and Devices for FY 2022

Effective Date: from 07/01/2021 to 06/30/2022
CITY OF ST. AUGUSTINE

Intersection Location	Traffic Signals (TS)	Traffic Signal - Interconnected & monitored (IMTS)	Intersection Control Beacon (ICB)	Pedestrian Flashing Beacon (PFB)	Emergency Fire Dept. Signal (FDS)	Speed Activated Warning Display (SAWD) or Blank Out Sign (BOS)	Traffic Warning Beacon (TWB)	Travel Time Detector (TTD)	Uninterruptible Power Supplies (UPS)	Connected and Automated Vehicle Devices (CAVD)	Compensation Amount (using Unit Rates from Exhibit B)
SRA1A at EDMINSTER AVE. MID BLOCK	$3,577								$116		$3,693
SRA1A, ANASTASIA BLVD. at R. B. HUNT ELEM. SCHOOL				$717							$717
							Total Lump Sum Amount*				$126,990.00

* Amount paid shall be the Total Lump Sum *(minus any retainage or forfeiture)*.

I certify that the above Traffic Signals and Devices will be maintained and operated in accordance with the requirements of the Traffic Signal Maintenance and Compensation Agreement. For satisfactory completion of all services detailed in this Agreement for this time period, the Department will pay the Maintaining Agency a Total Lump Sum (minus any retainage or forfeiture) of $126,990.00

Maintaining Agency Date

District Traffic Operations Engineer Date

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, April 26, 2021

The City Commission met in formal session Monday, April 26, 2021 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

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

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Director, Public Works
David Birchim, Director, Planning and Building
Todd Grant, Director, Utilities
Jessica Beach, Chief Resiliency Officer
Todd Neville, Audit Review Committee Board Member
Barry Fox, Police Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Cynthia Garris, City of St. Augustine, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

(None)

MOTION

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

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

(None)

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

The Commission heard from the following members of the public:

- Gail Wisler
- Harold W. Brown
- Lee Geanuleas
- Shaun Morrison
- Doug Russo
- Johanna L. Councilor
- Bruce Bates
- Melinda Rakoncay
- Lauren Giber

DRAFT

- Chris Fulmer
- Charles Pappas
- Bruce Maguire
- Gregory Bernard White, Sr.
- Dwala Willis
- Robert Nimmons
- Anthony Britton
- BJ Kalaidi

Public comment was closed.

5. CONSENT AGENDA

John Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA – APRIL 26, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON MAY 10, 2021:

- Ordinance 2021-04
- Ordinance 2021-06
- Ordinance 2021-08
- Ordinance 2021-09

CA.3. Reminder of Upcoming Meetings:

- May 10, 2021, 5pm, City Commission Meeting
- May 11, 2021, 8:30am, Strategic Planning and Mid-Year Budget Analysis Meeting
- May 24, 2021, 5pm, City Commission Meeting

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

- March 8, 2021, Regular City Commission Meeting

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

- 1431 Masters Drive - Rebecca Petersen for Stonecutters 77, LLC
- 401 Rodriquez Street - Roots Woodworking, LLC

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:

- Proclamation 2021-08: Proclaims May 2021 as Garden for Wildlife Month. *(B. Blonder, Commissioner)*

CA.8. Approval of ResilientStAug and Resilient Heritage branding. *(M. Wissel, Director Communications)*

CA.9. Approval of use of City Seal by the Tax Collectors Association Spring Conference per request from St. Johns County Tax Collector, Dennis Hollingsworth. (*D. Galambos, City Clerk*)

CA.10. Second quarter legal report. *(I. Lopez, City Attorney)*

CA.11. Second quarter Public Works and Utilities Update. (*R. Franklin, Director Public Works and T. Grant, Director Utilities*)

CA.12. Approval of statement in the amount of $6,637.50 from Cavendish Partners, PA for legal services in the MASCI General Contractor, Inc. matter.

End of Consent Agenda

<u>5.A.</u> Additions, deletions or modifications to Consent Agenda

(None)

5.B. Approval of Consent Agenda

MOTION

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

VOTE ON MOTION

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

6. APPEALS

(None)

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

7.A. General Public Presentations

(None)

7.B. Items of Great Public Importance

7.B.1. Review of the findings of the City's audit committee and presentation of the Comprehensive Annual Financial report (CAFR) by David Howie, CPA of Masters, Smith & Wisby, P.A.

Mark Simpson, Director, Finance, reviewed the topic and introduced Todd Neville, Audit Review Committee, and Gary Howie, CPA Partner, Masters, Smith & Wisby, P.A.

Mr. Neville discussed the Commission and auditor's responsibilities with regards to the CAFR. He stated the auditors cleared the previous year's findings and he commended Mr. Simpson and his team for the task. He noted that 13 journal entries were made, down from 36 the previous year, with zero as the ultimate goal.

Mr. Neville advised the Commission of the Audit Committee recommendations:

- Retain an outsourced internal auditor who reported to the Audit Committee
- Accept audit as presented and let the record show the audit was clean

Mayor Upchurch noted his appreciation for Mr. Neville's leadership and assistance with the topic.

Mr. Howie reviewed the CAFR and highlighted the following:

- Expected City to get Certificate of Achievement in Financial reporting for the year
- Unmodified opinion and healthy balance sheet with $38 million in cash at year end, $53 million in long term debt and $137 million total net position
- General Fund budget versus actual variance was $358,000
- Utility Fund had a $9 million net increase
- Stormwater and Solid Waste Funds broke even
- Visitor Center lost $500,000 due to COVID

Mayor Upchurch substantiated that there were no specific recommendations for the City requiring the Commission's attention, other than the suggestion of an internal auditor. He noted his appreciation for Mr. Howie's professionalism and attention to the topic.

MOTION

Mayor Upchurch MOVED that the Commission accept the CAFR. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

NAYES: None
MOTION APPROVED UNANIMOUSLY

Mayor Upchurch MOVED that the Commission direct the City Manager to prepare an RFP to seek out an independent firm who would serve as an internal auditor for the City. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

Mayor Upchurch thanked Mr. Howie, Mr. Simpson, and Mr. Neville.

Mayor Upchurch clarified the internal auditor findings would be presented to the Audit Committee, then to the Commission.

7.C. Other Items Requiring Public Hearing

7.C.1. Shipyards property amended Development Agreement.

David Birchim, Director, Planning and Building, reviewed the intent of the language additions and considerations within the *Amended and Restated Shipyards Development Agreement*.[1] He reminded the Commission that development agreements had two public hearings; one that evening and the second would be held during the May 10, 2021 Commission meeting.

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

Ellen Avery-Smith, Esq., Rogers Towers, P.A., stated the owners of the Shipyard's property, subject to the Development Agreement, were present, and the Agreement intent was to provide a unified plan of development.

Public comment was closed.

MOTION

Commissioner Horvath MOVED to pass the amended Development Agreement on first reading and place on second reading for May 10th. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

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

Mayor Upchurch requested discussion of Item 10.B., since Andrew Jackson, Esq. was present with his client and other agenda items may be lengthy.

There was Commission consensus to allow the request.

Item 10.B. discussed here.

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2021-07: Revises the City's Sewer Use Ordinance to implement the Environmental Protection Agency Dental Amalgam Rule and pharmaceutical hazardous waste ban.

Todd Grant, Director, Utilities, reviewed the Ordinance.

Public hearing was opened, however there was no response.

Public hearing was closed.

[1] Included with original Commission packet

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-07 on second reading. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez, City Attorney, read the title as follows:

ORDINANCE NO. 2021-07

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 26, ARTICLE I, SECTION 26-3 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ADD DEFINITIONS; AMENDING CHAPTER 26, ARTICLE IV, SECTION 26-78 OF THE CODE OF THE CITY OF ST. AUGUSTINE RELATING TO WASTEWATER PRETREATMENT; AMENDING SECTION 26-110 TO PROVIDE REGULATIONS FOR DENTAL AMALGAM AND RENUMBERING THE CURRENT SECTION 26-110; RENUMBERING THE SECTIONS OF CHAPTER 26, ARTICLE V; 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, Horvath, Valdes, Blonder, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

<u>8.B.</u> Ordinances – First Reading (only if required by law)

(None)

<u>8.C.</u> Resolutions – Public Hearing (only if required by law)

(None)

9. ORDINANCES AND RESOLUTIONS - NO PUBLIC HEARING REQUIRED

<u>9.A.</u> Ordinances – First Reading

<u>9.A.1.</u> Ordinance 2021-04: Amends the Sebastian Inland Harbor Planned Unit Development.

Mr. Birchim reviewed the Ordinance which encompassed a re-zoning request by the Sebastian Inland Harbor owners. He advised the Commission they were not being asked to prejudge or endorse the applicant's change, nor were they remanding the matter back to the Planning and Zoning Board (PZB) with instructions, approving any variances, exceptions or conservation overlay zone development applications; however, the Commission was to simply acknowledge there was a process to rezone property, and with receipt of the applicant's request the process could be followed.

MOTION

Commissioner Horvath MOVED to approve that the Commission send it back to the PZB.

Ms. Lopez explained the Commission required no action, as this was procedural. She advised the applicant had the right to convert their application to a different zoning category and the hearings would be held at the PZB, then return to the Commission pursuant to City Code procedures.

Commissioner Blonder expressed the following concerns:

- A motion and amended motion were made at the January 25th meeting which unanimously continued the first reading of Ordinance 2021-04 to the current meeting to "allow Developer time to respond to Commissioners requests on topics discussed" and there was no response

DRAFT

- The letter from Ms. Avery-Smith, Esq. indicated the property owners were unable to make the numerous requested modifications and maintain the development's financial feasibility
- Mr. Birchim's April 26th letter read the City Commission would 'direct' City staff, and this was a rezoning request; therefore, Commission action was unnecessary
- Concerned any action would be irregular and would set a precedent; therefore, the re-zoning request should not be heard or acted upon at that time which should be explicitly stated
- There should be no consideration for any amendments or revisions if the Ordinance was on first reading
- Two applications now existed and this was concerning and confusing

Commissioner Sikes-Kline concurred with Commissioner Blonder, and stated her confusion was that the Ordinance was an agenda item on first reading for passage or action.

Ms. Lopez advised the item was placed on the agenda as first reading since the current meeting was the stated date of continuance from the prior hearing and the agendas were prepared in advance; however, in the interim, the applicant requested to terminate the negotiated process, which was their due process right. She stated amending the Planned Unit Development (PUD) was a re-zoning application which was changed to a conventional zoning category by the applicant that would be processed by City staff. She noted the last Commission action was to place on first reading, and this was simply a place holder.

Ms. Avery-Smith advised the purpose of submitting the revised applications was to simplify the process, not circumvent, and changing the zoning to Residential General Office (RGO) was companion zoning to the already approved future land use designation. She expressed her appreciation for the time the Commission, the PZB and residents had spent over the past one and one-half years. She noted that the property owners were present for questions.

Mayor Upchurch concurred with Commissioner Blonder's comments, but stated the Commission was faced with this situation and had the advice of Counsel.

MOTION

Commissioner Blonder MOVED that they simply acknowledge that they had received this information from the applicant. Mayor Upchurch SECONDED the motion.

Commissioner Horvath stated the topic's complexity was the plans submitted in the package were the same as the PUD plans, and a different plan with all on-site parking and 50% coverage of uplands was forthcoming. She questioned what exactly would be sited. She noted this would be worked through with staff; however, she did not want to acknowledge seeing this information and then send it back, since this was not what would be presented to the PZB.

Ms. Avery-Smith advised the plans were for the purposes of conservation overlay zone, their requested zoning variance for side-yard setback for SA Marina's property, and the zoning exception application for parking for Seavens. She noted the RGO zoning category did not require a site plan, but a conformance with the land development regulations.

Mayor Upchurch stated the following:

- An application to amend the PUD was presented at a prior meeting which he suggested to vote down, and that caused dismay and a continuance was allowed
- If this was not voted down, then they start with a new proposal

- Ms. Avery-Smith's statements in her letter of April 15th were conflicting and for the Commission to view this as the same application would provide her client a tremendous benefit, when this was an entirely different application
- There should be a one year waiting period; however, the Commission and the City were being asked for a pardon to waive it

Ms. Lopez stated theoretically the Commission could vote this item down, but the challenge was successive rezoning applications were not heard for the same property, and procedurally the applicant chose to terminate the negotiations in a PUD and apply to rezone to an RGO.

Ms. Avery-Smith re-iterated the intent to convert the application was to save the Commission and the public time related to the PUD, and by stating the future land use designation was residential median and density mixed use returned the property to pre-2004 zoning which allowed the similar uses already proposed. She requested the record reflect that the application was not withdrawn to start over because of the one and one-half years of valuable time spent with the Commission, board members and the public, and it should be clear their intent was to continue forward with essentially a 'simpler project.' She advised the one-year waiting period was for an application denial, which was the reason it was modified and should return to the PZB for review as a significantly revised application.

Commissioner Blonder WITHDREW her MOTION.

Commissioner Blonder noted this was a brand-new application that would come before the PZB without any pre-judgment; therefore, she did not want a precedent set or tacit approval from the Commission by taking any action.

Mayor Upchurch requested that the Commission move to the next Agenda item.

9.A.2. Ordinance 2021-06: Amends the City's sign code.

Ms. Lopez reviewed the Ordinance and the necessary changes precipitated by a U.S. Supreme Court decision. She clarified the names of signs would be described in a content neutral way, with zero impact to business owners, and a recent PZB recommendation suggested the regulations only include commercial properties.

Commissioner Blonder commended City staff and the PZB for the time spent with updating the Ordinance. She expressed concern with citizen emails regarding the bayfront signage on residential property, and the lack of regulation for accessory residential use signs. She stated similar commercial aesthetic standards should be applied to residences and she reviewed the three alternatives provided by Ms. Lopez in a proposed sign definition letter to the PZB.[2]

MOTION

Commissioner Blonder MOVED to amend the proposed Amendment to the City Sign Code which includes no limitation on accessory residential use signs, to instead include in it's entirety 'Alternative A – Size, Cumulative'.

Commissioner Blonder advised the definition was appropriate to the City's character, had precedent, was concurrent with size limitations for commercial signs, and did not limit location or freedom of speech. She recognized the Avenida Menendez issue in the heart of the City and questioned any future sign regulation process without any current regulation; therefore, a minor amendment was necessary.

Commissioner Sikes-Kline stated she was not amiable to make new laws, especially when they pertained to curtailing freedom of speech, and the issue should be addressed

[2] Included in Commission packet

when there was a proliferation of annoying and bothersome signs that offended people. She questioned why staff had not selected 'Alternate A'.

Ms. Lopez advised that the PZB board members had a variety of viewpoints, but all had a sensitivity to a person's home being their castle with the ability to freely post their thoughts. She stated the PZB's consensus was a need for limitation to the number of signs, and they had directed her to develop the alternatives. She recited a PZB member comment which stated that 'creating a solution looking for a problem', then regulating, may elevate 'bad behavior.'

Mayor Upchurch noted many Homeowner's Associations (HOA)'s had much more restrictive requirements, specific limitations, or even prohibited yard signs, with a much more restrictive sign ordinance version than what was proposed. He added there was no time limit to the Ordinance which made it less restrictive and they were all aware of the problem on Avenida Menendez; however, he agreed this may be a solution looking for a problem.

Commissioner Horvath concurred with the comments of Mayor Upchurch.

Commissioner Valdes stated that people bought in HOA communities because of the regulations, and he did not believe there was a problem at the current time and did not want to pre-empt one.

Commissioner Blonder requested a second to her motion and stated this was an opportunity for the Commission, because the future could not be forecast as seen with traffic and flooding issues, and the attempt to get ahead of the curve on a potential problem was necessary. She asked Ms. Lopez to read the *Alternative A* language option from her March 29, 2021 memorandum.[3]

[3] Included with Commission packet

Ms. Lopez read the *Alternative A – Size, Cumulative* option.

Mayor Upchurch asked the Commission if there was a second motion.

MOTION FAILED FOR LACK OF SECOND.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-06 on first reading, place on second reading read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 3, ARTICLE II OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR AMENDMENTS TO THE DEFINITIONS OF SIGNS; PROVIDING FOR REMOVAL OF CONTENT BASED REGULATIONS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Valdes, Horvath
NAYES: Blonder
MOTION APPROVED 4/1

<u>9.A.3.</u> Ordinance 2021-08: Amends the definition of "bar, cocktail lounge, saloon or tavern" to be inclusive of any business that provides on-site sales and consumption of alcohol.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Blonder MOVED to approve Ordinance 2021-08 on first reading, move to second reading. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-08

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 MODIFYING THE DEFINITION OF BAR, COCKTAIL LOUNGE, SALOON OR TAVERN; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION[4]

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

9.A.4. Ordinance 2021-09: Formalizes basic procedural regulations for processing statutory development agreements.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-09 on first reading, place on second reading read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING THE CODE OF THE CITY OF ST. AUGUSTINE TO CREATE SECTION 28-38 PROVIDING FOR PROCEDURES FOR DEVELOPMENT AGREEMENTS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

9.B. Resolutions

9.B.1. Resolution 2021-23: Designates wild-caught shrimp as the official seafood of the City.

Darlene Galambos, City Clerk, reviewed the Resolution.

MOTION

Mayor Upchurch MOVED to approve Resolution 2021-23. The motion was SECONDED by Commissioner Sikes-Kline.

Commissioner Blonder recognized her support for the culture and history of the shrimp fishing tradition and the contributing families. She requested amending the Resolution to remove two paragraphs in order to focus the recognition on the rich cultural history of the shrimping industry in St. Augustine; the first noted shrimp's nutritional value, and the second was a statement of the sustainability of shrimp as a fishery.

At the request of Mayor Upchurch, Commissioner Blonder clarified the intent to remove the second paragraph's language and stated she did not want to diminish the

[4] Commissioner Valdes stepped away and was absent for the vote

City's rich cultural and historical fabric but advised the practices of bottom trolling for shrimp fishing were problematic in terms of maintaining marine ecosystems.

Commissioner Valdes noted he was aware through personal experience of the damage done by bottom trolling and stated that although wild caught shrimp was safer and healthier than farm grown, and was a renewable and sustainable resource, there was a price paid and the second paragraph should be modified.

Commissioner Sikes-Kline requested the addition of the shrimp's characteristic and distinct Florida favor and their uniqueness.

Mayor Upchurch concurred with Commissioner Blonder's comments regarding the nutritional value reference, and suggested the following modification of the last paragraph:

Whereas, *shrimp are a native species with a unique Florida flavor, and have long been a part of the history and culture of our community.*

Mayor Upchurch WITHDREW his MOTION. Commissioner Sikes-Kline WITHDREW her second.

MOTION

Mayor Upchurch MOVED to approve Resolution 2021-23 eliminating the fourth 'whereas' paragraph and amending what would now become the new fourth paragraph to say "Whereas, shrimp are a native species with a unique Florida flavor, and have long been a part of the history and culture of our community." The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Upchurch, Sikes-Kline, Valdes, Horvath, Blonder
NAYES: None

MOTION APPROVED UNANIMOUSLY

10. STAFF REPORTS AND PRESENTATIONS

<u>10.A.</u> Presentation by Jessica Beach, P.E., Chief Resilience Officer, Tricia Kyzar, University of Florida PhD Candidate and Dr. Eban Bean, PE Principal Investigator University of Florida with the results of the study to assess the vulnerability of on-site treatment and disposal systems to sea level rise and storm surge.

Jessica Beach, Chief Resiliency Officer, delivered the presentation and advised the report would be sent to the Florida Department of Environmental Protection (FDEP). She stated the report showed the areas in need which required coordination with the County, and the study leveraged the City for these projects. She advised there was no action required from the Commission as the study was for informational purposes only.

The Commission and Ms. Kyzar discussed:

- Study calculated runoff from land systems; amount coming from house into tank, through the drain field then through the soil to ground water, then to surface water
- Outfall from boats did not affect the study results
- Colored spots (red, blue, grey) on study identified the statistical confidence levels of the probabilities suggested
- Deficiency in soils and remedies was a data layer from the USDA natural resources conservation survey identifying sanitary soils as severely limited, moderately limited, slightly limited or not rated, and represented the soil's ability to process effluence from septic systems specific to the sanitary soil layer
- Florida had own specific sanitary soil layer

DRAFT

- Systems within the severely limited soils lacked ability to process septic tank effluence under normal conditions
- Current Code required the drain field at 24 inches above groundwater level during wet season, and sea level rise pushed water into the brown water, which pushed freshwater levels up and diminished that distance
- Study used modeling calculations from publicly available GIS data
- On demand pump-out service was provided at no charge as part of the mooring ball package for moored boats at the mooring field in Salt Run and at the Bayfront, and had greatly reduced ecosystem pollution loading

Mr. Regan advised he would verify whether a service charge was implemented on boats outside the mooring field that did not take advantage of the pump-out service, and he would advise the Commission at the next meeting.

Commissioner Blonder commended Ms. Beach and Ms. Kyzar for initiating the study and stated it was an excellent planning tool.

Mr. Regan commended City staff and the University of Florida for this report and noted the following:

- Septic tank data had not been seen before and was a building block to upcoming grant applications with the State of Florida
- Nitrogen loading from the septic tanks cumulatively equaled approximately 2% of nitrogen loading from the water at the City's wastewater treatment plant, and Salt Run was at 1%
- Proportionately this was a lot of nitrogen from Lighthouse Park that was not quantified until this study
- Study did not address bacteria loading; however, Salt Run highly monitored for bacteria due to oyster harvesting, but should build on study to see effects of nitrogen loading
- Motivated to work with Lighthouse Park community to create a centralized sewer system in some capacity

Mayor Upchurch thanked Ms. Beach and Ms. Kyzar and stated the Commission looked forward to the final report.

<u>10.B.</u> Application to reduce or eliminate lien at 13 Douglas Avenue, review of Code Enforcement Board recommendation.

<u>Item heard after Item 7.C.1.</u>

Mr. Birchim reviewed the item and noted the ambiguous legal issues surrounding the property's ownership. He advised the original cause for the lien had been corrected, and he requested that the Commission reduce the fine to $250, as per the April 13th Code Enforcement Board's recommendation, to cover City costs for prosecuting the case.

MOTION

Mayor Upchurch MOVED to accept the Code Enforcement Board recommendation. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

Mayor Upchurch stated the lien had been eliminated and he thanked Mr. Birchim, Mr. Jackson and Ms. Neville.

11. ITEMS BY CITY ATTORNEY

<u>11.A.</u> Legislative tracking (No Presentation)

Item posted for informational purposes.

11.B. Satisfactions and Releases of Utility Mortgages at 509 South Ponce de Leon Blvd. - Hydra Holdings, LLC.

Commissioner Valdes recused himself from the item.

Ms. Lopez advised this item was placed under this section instead of the Consent Agenda, since Hydra Holdings, LLC was Commissioner Valdes' property.

MOTION

Mayor Upchurch MOVED to approve the Release to Hydra Holdings, LLC. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION[5]

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

12. ITEMS BY CITY CLERK

12.A. Request for one appointment to the Code Enforcement Adjustment and Appeals Board.

Ms. Galambos reviewed the topic and noted one application was received from Brad Beach.

MOTION

Mayor Upchurch MOVED to appoint Mr. Beach to the Code Enforcement Board. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

13. ITEMS BY CITY MANAGER

13.A. Request to modify West Augustine Community Redevelopment Area Connection Fee Payment Policy.

Mr. Regan reviewed the topic and noted the efforts to propagate central sewer throughout West Augustine, along with assisting residents with connecting to gravity sewer systems. He noted the technical and financial challenges with providing pressurized systems and provided three recommendations:

- Move forward with a utility policy allowing pressurized connections in West Augustine
- Requested Commission permission to allow the payment policy to apply to pressurized systems, for use on existing homes only
- Modify budgetary impact to properly manage these connections while maintaining State compliance

Mr. Regan continued discussion of the project's principles in terms of social justice and equity, the requests of residents to connect to force main pressurized systems, the public health viewpoint on failing septic tanks, and environmental studies. He noted the importance of these topics in terms of fairness, economic development and inclusive community building.

Mr. Regan corrected an earlier public comment regarding the expenditure of taxpayer dollars, and clarified it was the ratepayers that had contributed two million dollars to the Utility fund, not the taxpayers, which was an important distinction.

Mr. Regan stated there were enormous grant opportunities forthcoming which were sought inside and outside of the City. He stated Representative Stephenson advised the current appropriation in Tallahassee for constructing another block segment of sewer was fully funded in the budget at $300,000.00 and could only be abolished by the Governor's veto. He commended Representative Stephenson's hard work in Tallahassee, and noted that without her, the City would have been unsuccessful with the West Augustine appropriation.

[5] Recusal Form attached to original minutes

Mr. Regan advised the City was in negotiations with the St. Johns County Schoolboard for a potential takeover of the Webster Elementary School lift station, and he forecast 11 immediate connections if negotiations were successful.

At the request of Mayor Upchurch, Mr. Regan advised that the payment policy was specific to West Augustine; however, it would apply to other homeowners inside the City whose only central sewer system access was through a pressurized main.

Mayor Upchurch acknowledged that septic tank costs were recurring and oftentimes people lacked the resources to maintain them. He noted with the many potential tank issues, this policy was a gift of mass improvement. He commended the excellent job done by City staff and contractors, and noted appreciation of Mr. Regan's practical leadership, vision and ability to see from an exponential level.

Commissioner Blonder discussed nutrient export calculations relative to location of the septic tanks, and the serious nutrient loading which affected the estuaries, seafood, and the region. She suggested the City take a proactive approach to environmental justice issues and water quality, and review situations such as the massive Indian River manatee die off. She noted her full support for Mr. Regan's recommendation.

MOTION

Mayor Upchurch MOVED to approve the policy. The motion was SECONDED by Commissioner Blonder.

VOTE ON MOTION

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

At the request of Commissioner Valdes, Mr. Regan explained the known differences in installation costs of gravity installed septic systems versus force main systems. He stated gravity service lines were roughly $30,000 per residential lot, the low pressures were approximately two-thirds to half the cost; however, they were much more difficult to operate, but in scenarios with ocean rise and frequent flooding these may be a direction to go in certain areas.

Mr. Regan advised a number of residents had written in regarding various City issues, such as the Lincolnville Cultural Center and the West Augustine healthcare facility, and he requested that Ms. Galambos distribute those letters to the Commission.[6]

Mr. Regan addressed a public comment regarding the street curve near the Alligator Farm and noted the City had worked on the issue for years, and the Florida Department of Transportation had solutions; however, tragedies associated with alcohol or drugs were not counted in the methodologies that would assist with change. He stated change was needed, there was community support, State leadership was rising, and comments made at that meeting would be evaluated and staff would return with strategies and recommendations for the Commission.

Mr. Regan advised he would follow up with problematic items such as approval of site line distances, parking spaces and cutting down vegetation which hindered site line distances both at the mid-walk crossing and at the intersection. He noted that Representative Stephenson was aware of the intersection issues and was ready to assist with effectuating a change. He requested that staff convert the dynamic messaging sign to a message pertaining to the curve itself and recognizing the inherent danger.

Commissioner Sikes-Kline advised she would be meeting in the near future with the

[6] Distributed to Commission at meeting

Lighthouse Park traffic committee regarding similar concerns, and she would bring information from that meeting to the Commission.

Mayor Upchurch advised of his own personal experience with the intersection in question and stated the importance of the issue as the community and visitors continued to grow. He noted his appreciation for Commissioner Sikes-Kline and Mr. Regan's efforts with the matter.

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Sikes-Kline invited Representative Stephenson to attend a Commission meeting, when State legislative session had ended, in order to properly recognize her.

Commissioner Sikes-Kline expressed her concerns with the Shipyard project's 541 new residential units, and San Sebastian Inlet Harbor's huge mobility issue. She stated the mobility fee proposal was in lieu of the traffic concurrency provision for the City, and this was a different way to address impacts and could be done with new development. She requested an update on the topic at a future meeting.

Commissioner Valdes thanked Mr. Regan and City staff for rapidly moving on the signs for the Save the Manatee initiative, and noted he hoped this would mitigate high-speed boat traffic problems.

Commissioner Valdes addressed the resiliency topic and the recent Building Code Task Force (BCTF) recommendation to address filling lots, and he questioned why there was no requirement to construct buildings and harden infrastructure and sewer systems in a manner that allowed lifting the structures in the distant future to combat the rising ocean. He requested Commission support to move forward with BCTF on modifying City Code to change the construction of buildings to allow necessary future relocation.

Mayor Upchurch requested that outside counsel fees listed on the Consent Agenda no longer be highlighted, as it was an unnecessary step for City staff.

There was Commission consensus to the Mayor's request.

Mayor Upchurch requested the return to regular Commission workshops for discussion of the quarterly reports and other essential City matters. He asked Mr. Regan to prepare a list of important topics for future workshops.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:53 P.M.[7]

_____
Tracy Upchurch, MAYOR

_____
Darlene Galambos, CITY CLERK

[7] Transcribed by Laura Morse

DRAFT

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, May 10, 2021

The City Commission met in formal session Monday, May 10, 2021 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

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

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Todd Grant, Director, Utilities
Reuben Franklin, Director, Public Works
David Birchim, Director, Planning and Building
Melissa Wissel, Communications Director
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Ted Voorhees, St. Cyprian's Episcopal Church, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

John Regan, City Manager, advised that James Knight with the Florida Department of Transportation (FDOT) would deliver a presentation as Item 7.A.1. of the Agenda; therefore, he encouraged those who were present to comment on Anastasia Boulevard to remain until that Item.

MOTION

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

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Proclamation 2021-07: Proclaims May 2021 as Older Americans Month.

Commissioner Horvath delivered the Proclamation which was accepted by Becky Yanni, Executive Director, Council on Aging.

Ms. Yanni thanked the Commission for the Proclamation and for their support.

DRAFT

Mayor Upchurch thanked Ms. Yanni for her service to the community.

3.B. Proclamation 2021-08: Proclaims May 2021 as Garden for Wildlife month.

Commissioner Blonder delivered the Proclamation which was accepted by J.B. Miller, Land Management Coordinator, City of St. Augustine.

Mayor Upchurch thanked Mr. Miller for his expertise and leadership with these topics.

3.C. Proclamation 2021-09: Proclaims May 2021 as National Historic Preservation Month.

Commissioner Sikes-Kline delivered the Proclamation which was accepted by Jenny Wolfe, Historic Preservation Officer, City of St. Augustine, and Leslee Keys, Florida Trust for Historic Preservation.

3.D. Proclamation 2021-10: Proclaims the week of May 16-22, 2021 as Public Works Week.

Mayor Upchurch delivered the Proclamation which was accepted by Reuben Franklin, Director, Public Works, City of St. Augustine.

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

The Commission heard from the following members of the public:

- Doug Russo
- Shawn Morrison
- Bruce Bates
- Jim Tunstall
- Debbie Wicker
- Wolfgang Schau
- Ronda Brennan
- B.J. Kalaidi

Public comment was closed.

5. CONSENT AGENDA

Mr. Regan read the Consent Agenda.

CONSENT AGENDA – MAY 10, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON MAY 24, 2021:

(None)

CA.3. Reminder of Upcoming Meetings:

- May 11, 2021, 8:30am, Special Meeting, Review Strategic Plan, Mid-year Budget Analysis Presentation
- May 24, 2021, 5pm, City Commission Meeting
- June 14, 2021, 5pm, City Commission Meeting
- June 21, 2021, 3pm, Special Meeting - Discussion of 2022 Budget Assumptions (Revenues)
- June 28, 2021, 5pm, City Commission Meeting

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

- March 22, 2021 - Community Redevelopment Agency Regular Meeting
- March 22, 2021 - Regular Commission Meeting
- April 12, 2021 - Regular Commission Meeting

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

(None)

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION /

DRAFT

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 to fly the American flag at half-staff on Sunday, May 23, 2021, in honor of former Mayor George Gardner. *(J. Regan, City Manager)*

CA.9. Approval of amended Subrecipient Subaward Funding Agreement between the City and St. Johns County. *(M. Simpson, Director Financial Services)*

End of Consent Agenda

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

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Horvath MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

6. APPEALS

(None)

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

7.A. General Public Presentations

7.A.1. Presentation by Jim Knight, Urban Planning Modal Administrator with the State of Florida, Department of Transportation, providing an update on the improvements to the intersections of Red Cox Road, Anastasia Boulevard and Old Quarry Road.

Mr. Regan introduced the topic.

Mr. Franklin stated the City was working with FDOT on short and long-term solutions to the intersection which was identified in the long-range transportation portion of the City's Mobility Plan and was also programmed in with North Florida Transportation Planning Organization (TPO). He noted land was an issue, and discussions had taken place with Carlos Aviles, Fire Chief, regarding the relocation of the fire station to assist with intersection improvements. He introduced Mr. Knight who planned to provide FDOT's perspective on the topic.

Mr. Knight presented a map for the Commission's visual and reviewed the following information[1]:

- Old Quarry and Red Cox were offset, so turning left onto side roads was a conflict
- Median was very narrow and difficult to store a vehicle
- FDOT ran signal warrants in 2019, which did not meet warrants for a traffic signal at that time
- FDOT suggested a restricted crossing U-turn intersection, which allowed turning left directly onto the side street
- Suggested widening median so any vehicle could U-turn, including RVs, boats, and full-size semi-trucks, promoting the need for an additional

[1] Attached to original minutes

right-of-way (ROW), which would work if the fire station was relocated
- Existing ROW was so tight, could not put in a traffic signal
- FDOT awaited the City's decision on relocating the fire station
- Once a plan was selected, public hearings would take place and alternatives could be developed
- FDOT anticipated an approximate four-to-five-year window of construction once project was programmed

The Commission and Mr. Knight discussed:

- Inability to install signalized crosswalks with flashing lights based on pedestrian counts which were done at optimal times, but did not meet warranted numbers
- Pedestrian counts based on erroneous data, since people avoided unsafe intersections
- City needed an interim solution such as warning lights or lowering the speed limit
- Signal warrants and speed limits were State law followed by FDOT using a formula-based procedure; therefore, speed limits could not arbitrarily be lowered
- Florida adopted the national standard for speed limits from the Manual of Uniform Traffic Control Devices, based on drivers speeding habits, and if area had history of accidents FDOT could adjust the miles per hour (mph) up or down
- Common mph for State roads was 30 to 45 mph, and speed limit was posted on the road at 40 which required significant reduction based on data in possession
- FDOT looked at illuminated pavement markings and could look at flashing lights for the short-term
- Address the reduction in car volume with signs that stated to avoid that direction, such as what had been used at the Bridge of Lions during work
- Re-evaluation needed for the speed limit calculation based on road width and curvature of road, and ingress and egress of curb cuts
- FDOT was constrained by legislation and they had State rule, not local rule
- Placement of a crossing guard at the intersection during school hours
- Short-term actions: FDOT revisit the survey on the warrant, speed up the flashing lights, put reflectors on the roads, and re-visit the speed limit
- Long-term actions: focus required on ROW constraint, fire station relocation, more land in the intersection, and the nearby State surplus property
- Intersection at Comares Avenue and Anastasia did not meet traffic demands and required attention

Mayor Upchurch expressed appreciation for Mr. Knight's attendance and for offering a solution and noted the understanding of government's slow pace, but he stated something needed to be done in the interim, and to wait five years was not a solution.

Commissioner Sikes-Kline asked Chief Aviles to provide insight on correcting the ROW long-term, relocating the fire station to the surplus parcel across from the amphitheater, and sharing the difficulties experienced by his crew at the intersection.

Chief Aviles discussed the fire station issues:

- Firefighters shared same concerns as the Commission regarding the intersection
- Many trees on fire station property scarred by vehicles leaving the roadway and driving onto property
- Fire station was built in 1959 and not subject to Americans with Disabilities Act (ADA) requirements
- Firefighters' actions were limited on specking fire apparatus with only five to six inches in the apparatus bay when parking or backing out fire trucks

DRAFT

- Fire station was often reason vehicles had to stop at intersection with fire trucks exiting onto Anastasia and clearing traffic
- School buses and boat trailers were unable to make the right-hand turn onto Red Cox because they needed a wider point of entry which backed up traffic
- Oftentimes firetrucks required to stop traffic northbound and drivers lacked the proper line of sight heading around the corner at 45 to 50 mph

Chief Aviles discussed the surplus parcel property:

- Across from amphitheater on A1A on the west side of road and was just under three acres
- Belonged to the State park but was non-contiguous and was on State's list of disposable properties
- Had 14 feet of elevation and area had no flood damage through previous hurricanes
- Would provide a lot of frontage on A1A with significant line of sight for vehicles leaving the roadway

Mayor Upchurch stated he understood Mr. Knight was just presenting for FDOT; however, he emphasized Commissioner Valdes' admonition for everyone to think creatively, and the urgency to do something immediate and seek long-term solutions.

Mr. Knight advised that FDOT looked at each traffic accident and questioned what measures would have corrected it, regardless of whether drugs or alcohol were involved. He stated the FDOT reviewed the recent fatal accident and searched for corrections to the issue, but noted that signals generally caused rear-ending, there was bad geometry with the offsets, the issue appeared to be speed related, and the focus was to try and lower the speeds and to make movements simpler for drivers.

Mr. Regan suggested the fire station relocation to the property across from the amphitheater was a separate issue which was reviewed in terms of details, sizing, zoning and property viability, but it linked to the intersection outcomes and opened up FDOT's range of design. He suggested the Commission get on record with the State that the City was interested in the property, so that FDOT had the ability to affect a solution to the curve issue. He advised upon Commission approval, a letter would be crafted for the Mayor's signature addressing that the City was not in the FDOT workplan, but the urgency was needed to start the process with regard to design options, cost estimations, and review of FDOT's process in order to develop a solution.

MOTION

Commissioner Horvath MOVED to direct the City Manager to prepare a letter to the Department of Environmental Protection expressing the City's interest in acquiring the surplus property. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

Commissioner Blonder inquired about immediate FDOT and City law enforcement measures in the interim to address the problems discussed.

Mr. Regan advised that variable dynamic messaging signs with 'Stay Safe Slow Down' were utilized from both directions, and he requested that Barry Fox, Chief of Police, address the law enforcement matter.

Chief Fox asserted the St. Augustine Police Department (SAPD) was doing everything within their power to effectively control the issue and he noted the following:

- Messaging boards were in place
- Police officers were at the intersection each school day when afforded

- Public Service Assistants were in place to slow people down
- Active patrol was in area
- US1 had issues with maintaining traffic flow through the City
- Corner had numerous mitigating issues involving speed and alcohol related accidents
- Human error difficult to fix, but ingress and egress difficulties that caused accidents could and should be fixed
- Most infractions were from people forgetting they entered a school zone

Commissioner Sikes-Kline stated if a road was designed like a shotgun, people would drive like a bullet, and the long stretch of straight road provided the ability to build up high speed; therefore, every measure should be used to warn people. She asked Mr. Knight about the possibility to expand the zone of bright yellow arrow lights on the curve to provide motorists alert messages sooner.

Mr. Knight advised he would check with FDOT's traffic operations group who installed those lights.

7.A.2. Presentation by Wanda Forrest, Transportation Planning Manager for the North Florida Transportation Planning Organization identifying upcoming publicly funded highway, transit and aviation projects planned and programmed for the St. Johns County area.

Mr. Franklin introduced Ms. Forrest and indicated the City's intentions were to get Red Cox Road into this TPO presentation within the five-year Transportation Improvement Program (TIP).

Ms. Forrest thanked Commissioner Sikes-Kline for serving on the TPO Board and stated it served Clay, Duval, Nassau and St. Johns County. She delivered the Presentation which discussed construction schedules and work summaries of these current and future planned projects:

- Avenida Menendez (SR A1A) from King Street to Castillo San Marcos
- King Street (SR 5A) from Malaga Street to Avenida Menendez
- Ponce De Leon North (US1 / SR5) from Marion Avenue to Fort Moss Trail
- Smart St. Augustine Connected Vehicle System in City
- SR 313 from SR 207 to South Holmes Boulevard
- First Coast Expressway (SR 23) from I-95 to East of CR 16
- First Coast Expressway (SR 23) from CR 16A (SPUR) to East of CR 209

The Commission discussed:

- Avenida Menendez project involved signalizing the pedestrian crossings with two traffic signals on both sides that would be timed with the signal
- Mr. Franklin would look into the pedestrian and bike pathway going through the north City and potential plans for a crosswalk at intersection of Main Street and Magnolia Avenue
- Plans to add a sidewalk in front of the Fort's parking area would require coordination with the National Park Service
- 'Smart Connected Vehicle System' included the City, TPO and State working together on placing variable message signs within community and at all City entry points, with updates for real time parking data to manage traffic during congested times
- Duration, impact, and navigation of roads for the Avenida Menendez (SR A1A) from King Street to Castillo San Marcos drainage project, set for 2023 construction, would be discussed at the June 28th Commission meeting and was a State project placing a five-foot diameter pipe in the road from Malaga Street to the Bridge of Lions

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

7.C.1. Shipyards property amended Development Agreement.

David Birchim, Director, Planning and Building, reviewed the topic, derived from the property owner's request to include a section called 'Development Rights' within the existing development agreement, which outlined overall residential density, lot coverage, and parking.[2]

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

- BJ Kalaidi

Public comment was closed.

Mayor Upchurch requested a project update from Stefan Johansson, CEO, Windward Marina Group.

Mr. Johansson thanked Mr. Regan for his support, encouragement and leadership which made the development team feel welcome. He reviewed the following:

- Project began one-and-a-half years ago
- Met with Commissioners individually for input on community needs
- Shipyard site not easy to develop with multitude of options
- Invited well known Architect Haan Dreswani to review the site
- Site had urban capabilities where everything based on five-minute walk
- Sustainability was all about the 'three Ps": People, Planet and Profit
- People: promote local businesses, not franchises, which made City unique, and farm to table restaurants
- Planet: Every structure would have denominational lowest adjacent grade (LAG) of 11 feet, no one in development would pay for flood insurance, put out of 500-year flood plain, no need to escape when flooding occurred, less pressure on roads because safe in homes
- American Flood Coalition reviewed the project and requested permission to make the project part of their storybook
- Profit: Multi-family component was most complicated with plan to offer housing rentals, townhomes and single-family residences
- Maintain the multi-family component furthest from water, to divert intensity from water, allowing for full connectivity
- Out of 100 developers, 95 questioned why an interior wrap parking garage was planned, and not grade parking
- Sean Seaberg was the local developer selected who built all over the country
- Developer was optimistic at major infrastructure in the ground the last quarter of 2021
- Meeting regarding the intersection at Dunkin Donuts took place with FDOT and they awaited an Intersection Control Evaluation (ICE) study which required working with the Thompson family, Upchurch family, Villa Calissa owners and Dunkin Donuts

Carl Masters, Senior Project Engineer, Windward Marina Group, stated the following:

- FDOT pre-application was processed
- Several alignments of area needed, biggest issue was the 5-point intersection with Iroquois Avenue and Arapaho Avenue
- ICE analysis was next step where FDOT required a few different designs to pick most successful
- FDOT was against signalizations on roadways due to congestion issue

[2] Included with original Commission packet

DRAFT

- Should not have problem with counts
- Paramount that front of development have main entrance signage for safety

Mr. Regan advised there was a City commitment in the amount of $500,000 to improve the intersection in question.

Commissioner Sikes-Kline requested Commission updates once the intersection improvements began, since the matter was complicated and close attention should be paid to the solutions if there was no plan for a signal.

Mayor Upchurch thanked Mr. Johansson and Mr. Masters.

MOTION

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

VOTE ON MOTION

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

7.C.2. Approval of the Second Amendment to Franchise Agreement for Ripley Entertainment, Inc.

Meredith Breidenstein, Assistant City Manager, reviewed the topic. She advised the noise decibel level tests had been performed by the SAPD on the trolleys, as requested by the Commission, and they were within compliance limits; therefore, she recommended approval of the amendment, which extended the existing Franchise Agreement to September 30, 2030.

Commissioner Blonder inquired about the Agreement's term and an available remedy for the City to timely address any complaints for City Code violations.

Ms. Breidenstein answered that the Franchise Agreement stated all City Codes must be followed, there was a reasonable expected time frame to remedy any code complaint, and if there were complaints that were not addressed, the Franchise Agreement could become void.

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

Public comment was closed.

MOTION

Commissioner Horvath MOVED to approve the Second Amendment to the Franchise Agreement for Ripley Entertainment, Inc. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

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

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2021-06: Amends the City's sign code.

Isabelle Lopez, City Attorney, reviewed the Ordinance, stated these were technical language changes to remove anything regarding sign content as required based on a recent Supreme Court decision, and noted this version was the same heard at first reading.

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

Public hearing was closed.

The Commission discussed:

- Local businesses competed for attention against national franchises with large backlit signs on US1; therefore, it was unfair to prohibit their use of banners or 'ribbon signs', especially for start-ups
- Banner signs were used in the County
- Revisit reasons banner signs excluded from US1 sign regulations and modifying the City's sign code, if the Commission willed
- National property owners had deep finance pockets for larger signs, local owners needed inexpensive options
- Sign code treated property owners uniformly, but the number of signs and maximum square footage was based on property's linear frontage; the larger the linear footage, the more signs you could have until cap reached
- National franchises treated the same as local businesses, with exception of State's protective regulations for franchises with copyrighted or trademarked logos or colors

Commissioner Horvath suggested a workshop on the topic.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-06 on second reading, read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 3, ARTICLE II OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR AMENDMENTS TO THE DEFINITIONS OF SIGNS; PROVIDING FOR REMOVAL OF CONTENT BASED REGULATIONS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

8.A.2. Ordinance 2021-08: Amends the definition of "bar, cocktail lounge, saloon or tavern" to be inclusive of any business that provides on-site sales and consumption of alcohol.

Ms. Lopez reviewed the Ordinance and stated the intent was to treat all bars similarly.

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

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-08 on second reading, read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-08

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 MODIFYING THE DEFINITION OF BAR, COCKTAIL LOUNGE, SALOON OR TAVERN; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

DRAFT

VOTE ON MOTION

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

8.A.3. Ordinance 2021-09: Formalizes basic procedural regulations for processing statutory development agreements.

Ms. Lopez reviewed the Ordinance and noted the procedural regulations would state there were two public hearings at City Commission, and the affected property owners would be notified in the same manner as with other matters, including a courtesy notice to the neighborhood council.

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

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-09 on second reading, read by title only. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING THE CODE OF THE CITY OF ST. AUGUSTINE TO CREATE SECTION 28-38 PROVIDING FOR PROCEDURES FOR DEVELOPMENT AGREEMENTS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Blonder, Horvath, 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

(None)

9.B. Resolutions

9.B.1. Resolution 2021-24: Supports the special category grant application to the Florida Division of Historical Resources by the Flagler Memorial Presbyterian Church.

Darlene Galambos, City Clerk, reviewed the Resolution which permitted repairs and rehabilitation to the original manse.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2021-24. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

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

DRAFT

10. STAFF REPORTS AND PRESENTATIONS

10.A. Discussion of Mobility Fees and Mobility Planning.

Mr. Birchim reviewed the topic which responded to the Commission's request. He noted the fee was charged one-time, only for new construction, and used for public transportation improvements identified in the City's Mobility Plan for things such as sidewalks, parking lots, intersection improvements, and parking shuttles. He reviewed the three-step process involved with enacting the fee:[3]

- Make commitment to mobility planning by updating transportation and mobility element in City's Comprehensive Plan, to abide by State law
- Remove old traffic and concurrency language in Chapter 21 of the City Code and replace with mobility planning language
- Adopt a mobility fee schedule, should Commission decide to proceed with charging the mobility fees

The Commission discussed:

- Assessment of fee to new development
- Planning Division annually took list of Code amendments to the Planning and Zoning Board for approval
- Prioritize Code amendments regarding mobility fee over the need to update State law 'cleanup' / changes since it was a top priority
- Funding would be needed as transportation development impacted roads and optimistic TDC dollars could be accessed for mobility needs
- Most State changes that were statutorily driven typically had a July 1 effective date, and a few were October 1, so there was some 'wiggle' room on amendments

There was Commission consensus to move forward and prioritize the mobility item.

Commissioner Blonder requested information on the consultant's role in the enabling language, as well as a comparison study of the City and comparative communities.

Mr. Birchim advised the Commission that since a transportation planner was not on staff, a consultant had assisted the City with the first step and was working on drafting enabling legislation. He noted the consultant had provided the sample mobility fee schedule and would be asked to do a comparison analysis with comparable cities' fee schedules.

Mr. Birchim stated a batch of Code Enforcement updates would be heard by the Code Enforcement Adjustment and Appeals Board (CEAAB) on Tuesday, May 11th that related to changes to the City's Flood Mitigation Code and were tied to the FEMA community rating score, which could not be delayed and required completion before FEMA's next audit.

Mr. Birchim concluded there was a 90-day State required lead time for advertising before the City could adopt the mobility fee schedule, and the Commission's review of the schedule prior to adopting may cause discourse in the community.

11. ITEMS BY CITY ATTORNEY

11.A. Legislative tracking. (No presentation)

Ms. Lopez summarized the Florida Senate and House bills which passed or failed, that were tracked by the legal department at the request of the Commission.[4]

Ms. Lopez stated her uncertainty about the home-based business bill, as a vote took place in the House and was then sent to the

[3] Included with original Commission packet

[4] Included with original Commission packet

Senate; however, Senators on the floor did not vote and it was sent back, but the House ended session.

Commissioner Sikes-Kline stated these bills were discussed by the Florida League of Cities (FLC), who requested local cities to issue veto letters addressed to the FLC with regards to the home-based business bill, so they could batch and give to Governor DeSantis for a veto.

Ms. Lopez suggested there was no harm with sending a letter opposing the home-based business bill, which was not favorable to local government and was a pre-emptive bill that would have stripped the City's ability to require home-based businesses to come before PZB as a use by exception.

There was Commission consensus to proceed with a letter to the FLC requesting the Governor's veto.

In response to Mayor's Upchurch's inquiry regarding the appropriations status, Ms. Lopez advised there was $300,000 in appropriations for West Augustine which had not been presented to the Governor for a potential line-item veto. She noted the Lincolnville Museum and the Health clinic had not yet been added.

Commissioner Sikes-Kline thanked Ms. Lopez for keeping the Commission updated and for her vigilance. She spoke on behalf of the FLC and noted the advocacy worked because of great City leadership.

Mr. Regan advised the City's legislative consultant submitted a detailed written report on every piece of legislation, and a report of all legislation in totality, and these reports would be sent to the Commission.

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

Mr. Regan reminded the Commission about the workshop planned for Tuesday, May 11 at 8:30 A.M., which would be in the same room configuration as the current meeting.

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Sikes-Kline noted her receipt of regular updates on the America Rescue Plan Act being developed from the National League of Cities, and she had requested an update for future meetings.

Commissioner Horvath expressed her optimism to work with the Commission at the workshop the following day.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:32 P.M.[5]

_____

Tracy Upchurch, MAYOR

_____

Darlene Galambos, CITY CLERK

[5] Transcribed by Laura Morse

DRAFT

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: June 2, 2021

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 267 CERVANTES AVENUE**

Enclosed is a Satisfaction and Release of Mortgage for 267 Cervantes Avenue, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine, Andrew Sims, and Jennifer Sims. The mortgage was recorded in the Public Records of St. Johns County on March 26, 2013. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the June 14, 2021 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

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

SATISFACTION AND
RELEASE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **ANDREW SIMS and JENNIFER SIMS**, whose address is 2 Marilyn Avenue, St. Augustine, Florida 32080, their heirs, assigns or successors in title (hereinafter referred to as "Mortgagors"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated March 21, 2013, recorded at Official Records Book 3705, Page 1055, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagors from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 3705, Page 1055, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2021.

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

ATTEST:

By:_____
Tracy Upchurch, Mayor-Commissioner

_____
Darlene Galambos, City Clerk

(S E A L)

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of [_] physical presence or [_] online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2021.

_____

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: LOT 7 OF ESTATES AT CERVANTES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 61, PAGE(S) 77-78 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCEL ID NUMBER: 094853-0070

LOCATION ADDRESS: 267 CERVANTES AVENUE, ST. AUGUSTINE, FLORIDA 32084

UNIT CONNECTION FEE
MORTGAGE

THIS MORTGAGE, by and between **Andrew Sims and Jennifer Sims**, whose address is 2 Marilyn Avenue, 32080 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA,** a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

Public Records of
St. Johns County, FL
Clerk # 2013020038,
O.R. 3705 PG 1055-1061
03/26/2013 at 02:05 PM,
REC. $29.00 SUR. $32.00
Doc. M $36.75
Int Tax $20.86

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity may be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee may foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of $101.80 for 120 months.

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this 21st day of March, 2013.

Signed, sealed and delivered in the presence of:

Barbara J. Muench
Witness
Printed Name: Barbara J Muench

John Augustus
Witness
Printed Name: John Augustus

BY: _____
(Printed Name) Andrew Sims
(Address) 2 Marilyn Avenue
(Telephone) 904-814-1440

Barbara J. Muench
Witness
Printed Name: Barbara J Muench

John Augustus
Witness
Printed Name: John Augustus

BY: Jennifer Sims
(Printed Name) Jennifer Sims
(Address) 2 Marilyn Avenue
(Telephone) 904-814-1440

*** * * NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE * * ***

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Andrew Sims**, who is personally known to me or who has produced FLA. DRIVER'S LICENSE as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 21st day of March, 2013.

Notary Public State of Florida
Barbara J Muench
My Commission EE078260
Expires 06/05/2015

Barbara J. Muench

Notary Public, State of Florida

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Jennifer Sims,** who is personally known to me or who has produced FLA. DRIVER'S LICENSE as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 21st day of March, 2013.

Barbara J. Muench

Notary Public, State of Florida

Notary Public State of Florida
Barbara J Muench
My Commission EE078260
Expires 06/05/2015

LEGAL DESCRIPTION

Lot 7 of ESTATES AT CERVANTES, according to the Plat thereof as recorded in Map Book 61, page(s) 77-78, of the Public Records of St. Johns County, Florida.

Parcel ID. No. 094853-0070

Exhibit "A"

UNIT CONNECTION FEE
PROMISSORY NOTE

APPLICANT(S) NAME: Andrew Sims and Jennifer Sims
ADDRESS: 2 Marilyn Avenue
St. Augustine, FL 32080

$10,428.00 St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **267 Cervantes Avenue 32084**, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **10,428.00 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **3.23 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **101.80 Dollars** each, commencing on the date hereof and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **dated as of March 21, 2013,** in the presence of:

Witness
Printed Name: Barbara J Muench

BY:

(Printed Name) Andrew Sims
(Address) 2 Marilyn Avenue
(Telephone) 904-814-1440

Witness
Printed Name: John Augustus

STATE OF FLORIDA

COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Andrew Sims,** who is personally known to me or who has produced FLA. DRIVER'S LICENSE as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 21st of March, 2013.

Notary Public, State of Florida

Notary Public State of Florida
Barbara J Muench
My Commission EE078260
Expires 06/05/2015

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **dated as of March 21, 2013,** in the presence of:

Barbara J. Muench
Witness
Printed Name: Barbara J Muench

BY: Jennifer Sims
(Printed Name) Jennifer Sims
(Address) 2 Marilyn Avenue
(Telephone) 904-814-1440

Witness
Printed Name: John Augustus

STATE OF FLORIDA

COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Jennifer Sims,** who is personally known to me or who has produced FLA. DRIVER'S LICENSE as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 21st of March, 2013.

Barbara J. Muench
Notary Public, State of Florida

Notary Public State of Florida
Barbara J Muench
My Commission EE078260
Expires 06/05/2015

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: May 21, 2021

RE: City Commission Consent Agenda Item for June 14, 2021
License for Use of City Right-of-Way at 17 Hope Street

Proposed is a License for Use of City Right-of Way which allows the property located at 17 Hope Street to install and maintain a brick paver driveway. The revocable License for Use of City Right-of-Way provides for the installation, use and maintenance of the brick paver driveway with no cost to the City of St. Augustine. The signed agreement is attached to this correspondence.

Sincerely,

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

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

LICENSE FOR USE OF CITY RIGHT-OF-WAY

COMES NOW **THE CITY OF ST. AUGUSTINE, FLORIDA**, a Florida municipal corporation ("Grantor"), whose address is P.O. Box 210, St. Augustine, Florida 32085-0210, and grants to Michael L. McLaughlin ("Grantee"), whose address is 17 Hope Street, St. Augustine Florida 32084, a non-exclusive, revocable License for the permissive use of the Grantor's public right-of-way known as 17 Hope Street located on the north side of the Grantee's real property situated in the State of Florida, County of St. Johns, and City of St. Augustine and described in Exhibit "A" attached hereto and incorporated herein by reference.

This License is subject to the following terms and conditions:

1. The Grantor may revoke this License at any time by delivery to the Grantee of written notice of revocation directed to the Grantee.

2. All notices required by this License shall be affected by delivery of said notice in writing to the recipient party by U.S. Mail, certified, return receipt requested. All notices shall be sent to the address of the recipient Grantor or Grantee and as described herein.

3. Grantor grants this License to Grantee on a continuing basis for use of the Grantor's right-of-way but only to the extent required by Grantee for the use of brick pavers constructed and located by the Grantee within a portion of said rights-of-way ad described in Exhibit "B" attached hereto and incorporated herein by reference. Grantee shall not use the property for parking, storage or placement of any structure other than brick pavers without the written permission of the City Manager or designee.

4. Grantee shall not occupy or use said right-of-way, nor shall Grantee permit the occupation or use of said right-of-way, for any purpose other than those purposes expressly permitted by this License.

5. In addition to any other reservations made herein, Grantor, in its sole discretion, may deem it in the public interest to use the subject right-of-way, or any portion thereof, for any public purpose and, therefore, declare a need to remove the Grantee's improvements. In that event, Grantor shall give Grantee thirty (30) days' written notice of revocation and cancellation of this License. Grantee shall have a reciprocal right of cancellation of this License upon thirty (30) days' written notice to the Grantor.

6. During the term of this License, Grantor shall bear no responsibility for the maintenance of any improvements made by Grantee within the right-of-way, and Grantee shall, at Grantee's sole expense, keep all such improvements in good order and repair.

7. Grantee shall not directly or indirectly assign, sublease, hypothecate, sell, mortgage, encumber or otherwise transfer this License or any interest therein without the written permission of Grantor.

8. To the extent permitted by law, the Grantee shall indemnify, defend, and hold the Grantor harmless from all claims and reasonable costs associated with this License. This provision relating to indemnification shall be subject to the limitations of liability set forth in Section 768.28, Florida Statutes. Nothing in this section shall operate as a waiver of sovereign immunity on the part the Grantor.

9. Grantee, at all times during the term hereof, shall carry public liability insurance against personal injury and property damage with a company authorized to conduct business in the State of Florida and satisfactory to the Grantor, protecting the City of St. Augustine against any and all claims for damages to persons or property as a result of or arising out of the use and maintenance by Grantee of the Grantor's right-of-way. Said insurance shall name the City of St. Augustine as an additional insured with limits of coverage not less than: $300,000, bodily injury or death, each person; $300,000, bodily injury or death, each accident; $300,000, property damage, each individual claim; and $300,000, property damage, each accident. Grantee shall supply written proof of insurance to Grantor within fifteen (15) days of the date of execution of this License and shall continue to supply such proof to Grantor annually on the anniversary date of the execution of this License. Grantor's representative with regard to providing the written proof required herein shall be the City Manager for the City of St. Augustine, P.O. Box 210, St. Augustine, Florida, 32085-0210, unless and until Grantor notifies Grantee otherwise in writing.

10. Upon the notice of termination or cancellation of this License by Grantor or Grantee, this License shall become null and void, at which time Grantee shall remove all improvements located within the right-of-way within thirty (30) days of receipt of such notice of termination or cancellation. If such improvements are not removed within thirty (30) days of initial notice, Grantor may remove such structures, and Grantee shall pay Grantor's costs of such removal within thirty (30) days of receipt of notice of such costs. If Grantee fails to pay such costs within thirty (30) days of notice, Grantee shall be liable for all costs of collection, including court costs and attorney's fees incurred by Grantor to collect such costs.

11. Grantor, at Grantor's expense, shall record this License in the Public Records of St. Johns County, Florida.

12. For any litigation arising out of the interpretation or enforcement of the terms and conditions of this License, venue shall lie exclusively in a court of competent jurisdiction located in St. Johns County, Florida.

13. Grantee, by acceptance of this License, acknowledges that the Grantee, and the Grantee's heirs, assigns and successors shall be unequivocally bound by the terms and covenants contained in this License.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, this _____ day of _____, 20___.

GRANTOR:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

ATTEST:

By:_____
Tracy W. Upchurch, Mayor

_____
Darlene Galambos, City Clerk

(SEAL)

STATE OF _____
COUNTY OF _____

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments. **TRACY W. UPCHURCH**, by means of [_] physical presence or [_] online notarization, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this _____ day of _____, 20__.

_____
Notary Public, State of Florida

* * * *SIGNATURES CONTINUE ON THE FOLLOWING PAGE* * * *

GRANTEE:

By: Michael McLaughlin

Print: Michael McLaughlin

Title: Owner

Signed, sealed and delivered in the presence of:

Witness: Todd Grant

Print: TODD GRANT

Witness: Jessica Morse

Print: Jessica Morse

STATE OF Florida

COUNTY OF St Johns County

I HEREBY CERTIFY that on this day, personally appeared before me, by means of [✓] physical presence or [ ] online notarization, MICHAEL MCLAUGHLIN, who is personally known to me or who has produced FL DL M242552591690 as identification, who is the person described in and who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 20th day of May, 2021.

Notary Public, State of Florida

KIMBERLY M. OGLESBY
MY COMMISSION # GG 159113
EXPIRES: November 24, 2021
Bonded Thru Notary Public Underwriters

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

CITY ATTORNEY

EXHIBIT "A"

LEGAL DESCRIPTION

Lot 5, Block "A" OF THE MASTERS TRACT IN THE CITY OF ST. AUGUSTINE, ACCORDING TO THE OFFICIAL MAP OF SAID CITY DATED JUNE 1, 1923, ST JOHNS COUNTY, FLORIDA

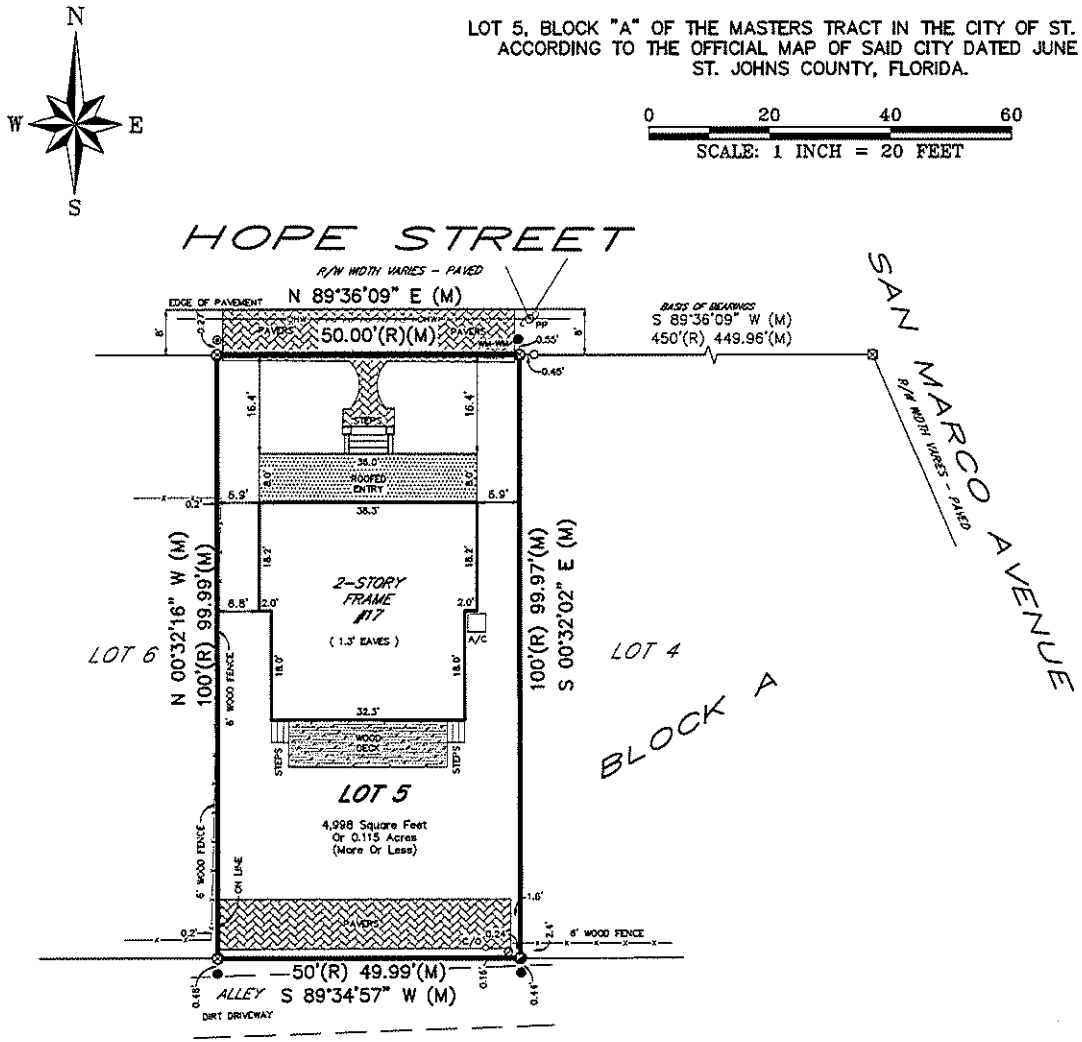
PARCEL IDENTIFICATION NUMBER: 192170-0050

O.R.4631, PG. 1170

EXHIBIT "B"

MAP OF SURVEY

LOT 5, BLOCK "A" OF THE MASTERS TRACT IN THE CITY OF ST. AUGUSTINE,
ACCORDING TO THE OFFICIAL MAP OF SAID CITY DATED JUNE 1, 1923,
ST. JOHNS COUNTY, FLORIDA.



LEGEND

R/W = RIGHT OF WAY
LB = LICENSED BUSINESS
CONC = CONCRETE
(R) = RECORD
(M) = MEASURED
PP = POWER POLE
OHW = OVERHEAD WIRE
WM = WATER METER
EM = ELECTRIC METER
C/O = CLEAN OUT
A/C = AIR CONDITIONER
= SET 5/8" IRON ROD - LB # 8177
= FOUND 3/8" IRON PIPE - NO IDENTIFICATION
= FOUND 1/2" IRON PIPE - NO IDENTIFICATION
= FOUND 5/8" IRON ROD - NO IDENTIFICATION
= FOUND 5/8" IRON ROD - "LAND TECH"
= FOUND 5/8" IRON ROD - # 4690
= FOUND "X" CUT IN CONCRETE

NOTES

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE "AE" (BASE FLOOD ELEVATION 7 FEET) AS DEPICTED ON FLOOD INSURANCE RATE MAP No. 12109C-0314-J, COMMUNITY No. 125145 FOR THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA AS REVISED 12/07/2018.
http://www.gis.bocc.co.st-johns.fl.us/imap/

THE BASIS OF BEARING AS SHOWN HEREON IS THE SOUTH RIGHT-OF-WAY LINE OF HOPE STREET HAVING AN ASSUMED BEARING OF S 89°36'09" W.

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVEGROUND, VISIBLE OBJECTS OBSERVED BY THE SURVEYOR.

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SURVEY.

THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR DEEDS, DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.

THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND EMBOSSED WITH THE SIGNING SURVEYORS SEAL.

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF:
MICHAEL L. McLAUGHLIN
REGIONS BANK dba REGIONS MORTGAGE
BRYAN C. GOODE, III., P.A.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTIONS 5J-17.051, 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE.

REVISIONS

04/26/2021	FINAL AS-BUILT AND EC - FB 497/72-73
09/03/2020	FOUNDATION AND EC - FB 485/23
1/31/2012	CORRECTED LEGAL DESCRIPTION
05/07/2021 4:45PM F:\ACS\2020\20-392\dwg\20-392FAS8.dwg	

TYPE OF SURVEY: BOUNDARY
DATE OF SURVEY: 01/25/2012
FIELD BOOK/PAGE(S): 308/40
DRAWING SCALE: 1" = 20'
JOB NUMBER: 20-392

ANCIENT CITY SURVEYORS
LB#8177
ACS
SURVEYORS • ENGINEERS
LAND PLANNERS
4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32086
PHONE: 904-797-9907 FAX: 904-797-6027

MICHAEL A. PIESCO PLS
Professional Land Surveyor #4793

SEAL

DATE SIGNED:

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: May 25, 2021

RE: **ORDER RELEASING CODE ENFORCEMENT LIEN: 97 MASTERS DRIVE**

Please find enclosed an Order Releasing Lien for 97 Masters Drive, owned by 97 Masters LLC. This release reflects the previously outstanding Code Enforcement lien levied against this property. The outstanding balance of $5,000.00 has been paid in full.

Please place the Order Releasing Lien on the consent agenda for consideration and execution at the June 14, 2021, City Commission meeting.

Should you have any questions or comments, please do not hesitate to contact me. Thank you.

Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Meredith Breidenstein, Assistant City Manager
David Birchim, Planning & Building Director
Darlene Galambos, City Clerk *(with original)*

Agenda Title:

Order releasing the Code Enforcement lien levied against 97 Masters Drive as paid in full.

BEFORE THE
CITY COMMISSION
OF THE CITY OF ST. AUGUSTINE

ORDER RELEASING LIEN
CEAAB CASE NO. CE2021-0028

IN THE MATTER OF: **97 MASTERS LLC**
97 MASTERS DRIVE
ST. AUGUSTINE, FLORIDA 32084

VIOLATION OF SECTION(S): Code of Law and Ordinances of St. Augustine, Florida:
CITY CODE, CHAPTER 25, SECTION 25-56

LIEN FILED AGAINST: **97 MASTERS LLC**

VIOLATION SITE: **97 MASTERS DRIVE, ST. AUGUSTINE, FLORIDA 32084**

LEGAL DESCRIPTION: **1-116 RAVENSWOOD SUB LOT 83 & ALL LOT 85 (EX N15.4 X 150 X 16.8FT) BLK 59-F OR4914/1805**

PARCEL NUMBER: **110060-0000**

ORDER

THIS MATTER having come to be heard before the Code Enforcement, Adjustments and Appeals Board of the City of St. Augustine on February 9, 2021, and this Board having entered the following Order:

- **ORDER FINDING VIOLATION AND IMPOSING A FINE**
  - Dated February 9, 2021
  - Recorded in O.R. Book 5243, Page 780 on April 21, 2021

And the Board, being fully advised in the premises, hereby finds:

- **THE ABOVE REFERENCED LIEN HAS BEEN PAID IN FULL.**

THEREFORE, it is hereby ordered that the lien against the property, as established in the Orders referenced herein, is hereby released.

IN WITNESS WHEREOF, this Order Releasing Lien has been duly signed and executed by the Lienor, this _____ day of _____, 2021.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

_____
Darlene Galambos, City Clerk
(SEAL)

By: _____
Tracy Upchurch, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **TRACY UPCHURCH**, by means of [ ] physical presence or [ ] online notarization, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2021.

_____
Notary Public, State of Florida
(S E A L)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, P.E.
City Manager

DATE: June 2, 2021

RE: City Commission Consent Agenda Item

As you're aware, the U.S. Department of Housing and Urban Development (HUD) has designated St John's County (County) as an urban county for allocation of FY 2019-2021 Community Development Block Grant (CDBG) funding. During this period, the City elected to be excluded from the urban county to maintain eligibility for Florida Small Cities CDBG program funding. The City has historically capitalized on the small cities CDBG programs recently receiving three grant awards directly from the Department of Equal Opportunity vice allocation through the County and their priority list.

At this time, the County is required to requalify as an urban county for FY 2022-2024 HUD, CDBG funding opportunities and has notified the City of it's eligibility to be included in, or excluded from the urban county entitlement program.

Participating or joining with the urban county will render the City ineligible to apply for Florida Small Cities CDBG programs. This will limit the City's ability to directly apply for CDBG project funding such as recent application for Hurricane Irma, Disaster Recovery mitigation and current pre-application for Coronavirus relief awards.

Staff recommends maintaining, the City's exclusion from participation in the urban county for the ability to directly participate in the Florida Small Cities Program funding. If you concur, please place this item on the consent agenda for the City Commission meeting, scheduled for June 14, 2021.

As always, please do not hesitate to contact me if you have any questions. Thank you for your assistance.

Corey L. Sakryd
Deputy Director, General Services

Encl: St. Johns County Urban County Notification Eligibility Letter
City of St. Augustine Urban County Draft Response Letter

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk
Jim Piggott, Director, General Services
file

St. Johns County Board of County Commissioners

Housing & Community Development

May 19, 2021

Mr. John Regan
City Manager
City of St. Augustine
P.O. Box 210
St. Augustine, FL 32085-0210

Dear Mr. Regan:

The U.S. Department of Housing and Urban Development (HUD) designated St. Johns County to be an urban county for the purpose of allocating funds for the FY 2019-2021 Community Development Block Grant (CDBG). At this time, the County is required to requalify as an urban county for FY 2022 – 2024. Therefore, the County must notify the City of St. Augustine of its right to elect to be included in, or be excluded from, the urban county, and request the City to make its intentions known by June 4, 2021.

St. Johns County values the CDBG program for funding housing programs, community development projects, and neighborhood revitalization activities and invites the City to participate in the County's CDBG program. However, the County recognizes the City's right to decide which course of action best meets the needs of its citizens.
To assist the City of St. Augustine with the decision to be included in the urban county, or to continue to be excluded from urban county, the County advises the City of the following HUD regulations:

1. If the City chooses to be included with the urban county, the City will not be eligible to apply for or participate in grants under the State CDBG program while it is part of the urban county.
2. If the City chooses to be included with the urban county, the City would also be a participant in the Housing Opportunities Made Equal (HOME) program, should the County receive HOME funding, and may only receive a formula allocation under the HOME Program as a part of the urban county. This does not preclude the urban county or the City from applying to the State for HOME funds, if the State allows. The County currently does not receive HOME funding.
3. If the City chooses to be included with the urban county, the City is also a participant in the Emergency Solutions Grant (ESG) program, should the County receive ESG funding directly from the federal government, and may only receive a formula allocation under the ESG Program as a part of the urban county. This does not preclude the urban county or the City from applying to the State for ESG funds, if the State allows.
4. If the City decides to be included with the urban county, the County and the City must execute a participation agreement, legal review, and governing board approval, in compliance with HUD rules and regulations.
5. The City must notify the County and the HUD Field Office, in writing prior to June 4, 2018, that it elects to be included or excluded in the urban county. Notice of the City's decision to participate should be provided to the County from the chief executive officer, and approved by City's governing body.

1955 US 1 South, Suite B-1, St. Augustine, FL 32086
P: 904.827.6890 | F: 904.827.6899
www.sjcfl.us

6. If the City chooses to be included in the urban county, such election will be effective for the entire three-year period of FY 2022 - 2024.
7. If the City chooses to be excluded from the urban county, such election will be effective for the entire three-year period of FY 2022 - 2024, unless the City specifically elects to be included in a subsequent year for the remainder of the urban county's three-year qualification period.

Thank you for your consideration of this matter. If you have any questions or concerns regarding the process or related HUD procedures, please contact me at rortiz@sjcfl.us or Larry M. Lopez, Sr. HUD Community Planning and Development Representative, at Larry.M.Lopez@HUD.gov .

Sincerely,

Roberto J. Ortiz
Housing and Community Services Manager

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

June 14, 2021

Roberto Ortiz
Housing and Community Development Manager
St. Johns County
500 San Sebastian Way, Suite 2300
St. Augustine, FL 32084

RE: Community Development Block Grant

Dear Roberto:

The City of St. Augustine elects to be excluded from St. Johns County's intent to apply for Urban County status with the U.S. Department of Housing and Urban Development (HUD).

The City is currently working on a $750k grant application for the St. Francis House. We would not be able to obtain this grant amount if we became a participant under the State CDBG program while it is part of the urban county. It might also affect other possible future CDBG grants that we may apply for.

Sincerely yours,

John P. Regan, P.E.
City Manager

Cc:
Meredith L. Breidenstein, Assistant City Manager
James C. Piggott, Director, General Services
Corey Sakryd, Deputy Director, General Services

JP

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: June 1, 2021

RE: **MARLOWE V. CITY OF ST. AUGUSTINE – INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find Invoice No. 05-2021-14-1743 dated June 1, 2021 from Cavendish Partners, P.A. for legal services rendered in May 2021 regarding the Marlowe v. City of St. Augustine matter.

The amount currently due is **$15,322.45**. We have reviewed the billing and submit same to you for placement on the consent agenda for the June 14, 2021 City Commission meeting.

WITH THIS INVOICE THE TOTAL EXPENDED TO DATE FOR ATTORNEY'S FEES AND COSTS ON THIS MATTER EQUALS $85,778.85.

Thank you.

Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Meredith Breidenstein, Assistant City Manager
Denise C. May, Assistant City Attorney
Darlene Galambos, City Clerk
Mark Simpson, Financial Services

CAVENDISH PARTNERS P.A.

200 West Forsyth Street, Suite 1300
Jacksonville, FL 32202

INVOICE

Date: 05/31/2021
Invoice #: 05-2021-14-1743
Matter: Marlowe
File #: 1743

INVOICE TOTAL AND BALANCE DUE $15,322.45

Bill To:
Isabelle Lopez, City Attorney
75 King Street
P.O. Box 210
St Augustine, FL 32085
Due Date: 06/30/2021
Please Remit Payment To:
Cavendish Partners, P.A.
200 West Forsyth Street
Suite 1300
Jacksonville, FL 32202

PAYMENTS RECEIVED AFTER 05/31/2021 ARE NOT REFLECTED IN THIS BALANCE DUE INVOICE