


MEMORANDUM

TO: Mayor George
Vice Mayor England
Commissioner O'Brien
Commissioner Kostka
Commissioner Samora

FROM: Max Royle, City Manager 

DATE: January 22, 2019

SUBJECT: Parking in the City: Consideration of Ordinance for Residential Parking Permit System and Discussion of Other Parking Matters

INTRODUCTION

There are two reasons for this agenda topic: First, for you to discuss whether you want to have an ordinance to establish a residential parking permit system. At this time, you allow the majority of residents on a particular street to decide if they want the street posted "Resident Parking Only." However, there is no ordinance to support such a designation and thus no authority for the City's Parking Enforcement Specialist to enforce it if a non-resident parks on a designated street.

The second reason is to bring to your attention some other matters concerning parking on public property in the City, and to fulfill your directive that an update on parking matters be on the agenda for each of your regular meetings.

RESIDENT PARKING PERMIT SYSTEM

You last reviewed an ordinance to establish a resident parking system at your August 9, 2018, continuation meeting. Ms. Sonia Kulyk of 13th Street west of the Boulevard spoke to you about making that street resident parking only. You agreed with her request but decided not to pass the ordinance on first reading. Resident Parking Only signs were to be put up on a trial basis on 13th Street, data was to be gathered to see how just the posting of the signs worked, and the matter was to be brought back to you in September or October. However, because the annual budget had to be adopted in September and the length of the agenda for your October and November meetings, discussion of resident parking had to be postponed.

Vice Mayor England has said she's interested in having a more formal resident only parking system than one that is based on signs. She can explain her interest in more detail at your meeting.

To date, we've received no information or complaints from either residents or visitors about the Resident Parking Only restriction on 13th Street.

Attachments

Attached for your review is the following:

- a. Pages 1-3, the minutes of that part of your August 9, 2018, continuation meeting when you discussed the ordinance to establish a resident parking permit system.
- b. Pages 4-9, the proposed ordinance that you reviewed at the August meeting.

Actions Requested

There are two: First, that you discuss the proposed ordinance with Vice Mayor England. If you determine that the ordinance is needed, then we ask that you pass it on first reading. Its number will be 19-04.

The second action is that you discuss whether an ordinance is needed to adopt regulations authorizing the towing of vehicles. While towing can be an extreme measure, we recommend that we have an ordinance that will allow the administration to designate towing zones and to authorize the towing of parked vehicles from such zones.

OTHER MATTERS CONCERNING PARKING

They include an update on the following:

- a. Handicapped parking spaces
- b. Paid parking at Ocean Hammock Park
- c. Suggestions from residents for revenue for parking enforcement
- d. Task list of activities concerning adopting and implementing a paid parking system

Handicapped Parking

The Acting Public Works Director, Mr. Ken Gatchell, has measured the handicapped parking spaces on the City's plazas that are now improved parking areas, which are located east of the Boulevard, and on the improved 8th Street right-of-way, west of the Boulevard. He has found all the designated spaces except one conforming to state-mandated width, length, and access requirements. The one non-conforming handicapped space is on the north side of 8th Street, west of the Boulevard. That space will be repainted to meet the requirements.

There are four improved plazas west of the Boulevard that each need a designated handicapped parking space. These are the plazas at 14th Street, 11th Street, in front of the Sunshine Shop at 3rd Street, and in front of Kookaburra's, on the south side of 3rd Street. Mr. Gatchell will have designated handicapped spaces put on these plazas.

For handicapped parking spaces on unimproved parking areas, such as along 2nd Avenue between A and 1st Streets, and between 3rd and 5th Streets, Mr. Gatchell estimates that the cost for the required concrete pad for a designated space for each area will be between \$2,000-2,500. Possibly, two handicapped spaces will be needed between A and 1st Streets, and two between 3rd and 5th Streets. Money will have to be appropriated in the budget for them.

Paid Parking at Ocean Hammock Park

At a recent meeting, the question was raised whether the state would allow the City to charge for paid parking because of the state grants that reimbursed the City for part of the cost to purchase the Park's 16 acres. The City's Chief Financial Officer, Ms. Melissa Burns, checked with the state agency, the Florida Communities Trust, that provided the grants. She was told that the City could charge for parking and that the fee would have to be the same for everyone; in other words, non-City residents could not be charged a higher fee than residents.

Ms. Burns was also told that money collected from the parking fees would have to be kept in a separate fund and could be spent only for improvements to the Park, such as restrooms, trails, signage, a paved parking area, etc.

Residents' Suggestions for Revenue

In a January 13th article in The Record, a City resident, Ms. Laurel Dean, was quoted as saying that "she is willing to help city officials find other revenues..." than fees from parking. Shortly after that article appeared, the City Manager in an email to Ms. Dean asked her to provide suggestions for other revenues. In his email, the Manager pointed out that the City doesn't have the authority to levy bed taxes and sales taxes. The former is levied by the County, the latter by the state. The Manager also offered to set up a meeting with Ms. Dean and interested residents in city hall to discuss possible revenue sources. As of the date of this memo to you, Ms. Dean has not provided any suggestions nor suggested a date for a meeting. Perhaps she'll be at your February 4th meeting and will propose for parking enforcement and improvements. Impact fees (transportation, parks, public buildings) can be spent only on capital improvements needed because of growth, not on salaries and related personnel costs.

Task List

One of the directives that you gave the City Manager at your January 8th special meeting was for him to maintain and update the task list concerning paid parking activities. A task list was provided to you with the information prepared for your January 8th meeting. The list below begins with a major decision you made at that meeting.

- January 8: City Commission decides not to proceed with implementing the pay-by-phone parking system with Passport Labs but to work with the County on a joint paid parking system.
- January 8: First reading of ordinance to establish parking meter zones and to levy parking fines by resolution.

- January 9: City Manager calls County Administrator about the Commission's decision. Administrator has staff send draft of County's Request for Proposals for a parking management system.
- January 17: County advertises its Request for Proposals.
- January 18: Deadline for applications to be received by City from persons applying for the Parking Enforcement Specialist's position. Review of applications begins.
- January: Acting Public Works Director and City Manager review 11th through 15th Streets to determine what type of parking regulation sign should be erected on each street.
- January: Acting Public Works Director reviews dimensions of existing handicapped parking spaces on plazas, to see if they conform to regulations. All do. The handicapped space on the north side of 8th Street west of the Boulevard is non-conforming and needs to be repainted.
- January: Acting Public Works Director determines where handicapped parking stalls are to be put on the plazas at 3rd, 11th and 14th Streets, west of the Boulevard.
- January: Chief Financial Officer and City Manager meet with County Administrator and staff to discuss timeline and related matters for when County will implement its parking management system.

- February 4: At regular meeting, Commission reviews proposal for an ordinance for a Resident Only parking permit system and the City Manager's suggestion for an ordinance to permit the towing of illegally parked vehicles.
- February 4: Public hearing and final reading of ordinance to establish parking meter zones and to levy parking fines by resolution.
- February: Background checks and other pre-employment steps done of applicants for Parking Enforcement Specialist's position.
- February: City staff works on fines for various types of parking violations and on changes to existing parking regulations.
- February: Parking regulation signs put up by Public Works Department.
- February 21: Deadline for companies to submit responses to the County's Request for Proposals for a parking management system.
- February: Chief Financial Officer prepares pro forma for parking plan based on adoption of same parking management system that the County has in its Request for Proposals.

- March 4: Ordinance for resident parking permit system and to authorize the towing of vehicles has first reading.
- March 4: Resolution for the City Commission to approve parking fines.
- March 4: City staff presents to Commission proposals for changes to other parking regulations and fines for violations.
- March 4: Commission decides whether to have parking zones in the right-of-way along 2nd Avenue between A and C Streets, A and 1st Street, and 3rd and 7th Street designated

for paid parking. If the answer is yes, during March the Acting Public Works Director will estimate materials and their costs to improve the rights-of-way.

- March 4: City Commission reviews the pro forma prepared by the CFO.
- March 7: Evaluation by County staff of Requests for Proposals received for parking management system. The City's Information Technology Manager will participate in the evaluation.
- March: Written report to the City Commission of County's staff recommendations concerning a parking management system.
- March: Continuation of erecting parking regulation signs.
- March: Parking Enforcement Specialist is hired and training begins.
- March: Public Works Department has concrete slabs for handicapped parking put at parking areas along 2nd Avenue.

- April 1: Ordinance for resident parking permit system and to authorize the towing of vehicles has public hearing and final reading.
- April 1: City Commission sets date in April for special meeting to discuss County's proposed parking management system.
- April 1: City Commission considers proposal to ask Tourist Development Council for recommendation to the County Commission to appropriate bed tax revenue for public parking improvements in the City, such as along the north side of 4th Street, east of the Boulevard.
- April 2: County staff presents to County Commission the recommendation as to which firm to hire for a parking management system.
- April 9: County staff begins negotiating contract for parking management system with company the County Commission has approved.
- April: Acting Public Works Director has improved by lime rock or other material put on the rights-of-way along 2nd Avenue that the Commission has approved for paid parking.
- April: Parking Enforcement Specialist begins enforcing parking regulations, such as No Parking Anytime, though the City hasn't yet adopted the County's paid parking system.
- April: City Commission holds special meeting to review County's proposed parking management system, how it will be implemented in the City, and how much revenue it will provide to pay costs for enforcement of parking regulations and for improvements to public areas for parking. The Commission also considers having the City Attorney prepare an interlocal agreement with the County for the City and County to be partners on a parking management system.

- May 1: County executes contract for parking management system with the company selected to provide it.
- May: City staff works with County staff on implementing the system for parking areas in the City.

- June/July: CFO prepares Fiscal Year 2020 budget. Includes money to hire second Parking Enforcement Specialist, revenues from parking fees and fines to be spent on parking improvements, such as paver blocks in certain rights-of-way, and money to provide match for a grant from TDC funds for parking improvements.



**MINUTES
CITY COMMISSION MEETING
CITY OF ST. AUGUSTINE BEACH
THURSDAY, AUGUST 9, 2018, 5:01 P.M.
CONTINUATION OF AUGUST 6, 2018**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

I. CALL TO ORDER

Mayor George called to order the continuation of the Regular meeting at 5:01 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor George asked Commissioner Samora to lead the Pledge of Allegiance.

III. ROLL CALL

Present: Mayor George, Vice Mayor England, Commissioner O'Brien, and Commissioner Samora.

Commissioner Kostka was absent.

Commissioner O'Brien arrived at 6:29 p.m.

Also present: City Manager Royle, City Attorney Wilson, Police Commander Ashlock, Chief Financial Officer Burns, City Clerk Raddatz, Building Official Law, and Public Works Director Howell.

IV. OLD BUSINESS

1. Ordinance 18-13, First Reading, to Establish a Residential Parking Permit System (Presenter: Mr. Jim Wilson, City Attorney)

Mayor George introduced Item 1 and asked City Attorney Wilson for a staff report.

City Attorney Wilson advised City Manager Royle received an email that a resident would like to use her street as the pilot program and is in the audience.

Mayor George asked Ms. Kulyk to come to the podium.

Sonia Kulyk, 114 13th Street, St. Augustine Beach, FL, thanked the Commission for their concerns and advised that 13th Street residents would like to volunteer to be the test street. She explained that all the residents that she could reach on short notice on the 13th Street were supportive and signed a petition (Exhibit 1) to allow the testing. She recommended posting "Resident Parking Only" signs to see how that would deter parking in residential areas before any other permit process is done.

Mayor George advised that the Commission discussed eliminating the need for visitor permits and only having the residential decals. She asked Ms. Kulyk if she had any input for the Commission on that issue.

Ms. Kulyk advised that 13th Street residents felt that instead of doing permits and issuing decals, the Commission could install signs and see how visitors respond to them. She explained that most people will respect signs and that alone should deter visitors from parking on 13th Street or residential areas.

Mayor George asked Ms. Kulyk if she was asking to be a test case for signage only.

Ms. Kulyk advised yes.

Vice Mayor England asked not to drop the ordinance and would like to set a time when the second draft ordinance would be brought back.

Mayor George asked staff to give more input on this and to come back to the Commission with their suggestions.

City Attorney Wilson explained that he added at the last meeting to Section 19.31 of the code that it would be unlawful for any person to park in any area marked with a sign in accordance with this Chapter..., which should work regarding the enforcement of the signage. He explained that generally people obey the signs and would deter people from parking.

Vice Mayor England explained that she does not want to drop the work on this ordinance because we promised the community that the Commission would work on this and requested the second draft.

City Attorney Wilson advised that he would work on the second draft.

Mayor George advised that she agreed with Vice Mayor England because another street may want to be the test case for the permit system and the ordinance would be required for them to be the test case.

Mayor George opened the Public Comments section. Being none, Mayor George advised that the Commission has given direction as a whole to work on the second draft of the ordinance and bring it back to the Commission.

City Manager Royle asked when to bring this back to the Commission.

Mayor George advised that the second draft of the ordinance could be in September or October.

Commissioner Samora advised that he would like to hear more from the residents when moving forward on this ordinance and also receive input from Police Chief Hardwick on the enforcement of the signage.

Commander Ashlock commented that the Police Department and Police Chief Hardwick are fully on board with whatever the Commission decides and will enforce it. He explained that enforcement with all the tags would be more difficult, but the signs would be easy to enforce.

Vice Mayor England asked how the police officers would enforce the signage if they don't know who the residents are.

Commander Ashlock advised that the officers could run the tag to see if they are residents, but if the owners are not registered to the property, the officer would not know. He commented that they would start with warnings first to see how it works out.

Ms. Kulyk advised that complaint driven could work for enforcement as opposed to police officers running tags.

City Attorney Wilson agreed with Ms. Kulyk. He advised that the residents could have resident permit hangers so the police will know they are residents without running the tag.

Ms. Kulyk explained that the neighbors all know each other and does not anticipate having an issue or dispute with a neighbor that would call the police against a neighbor.

Commander Ashlock advised that if a neighbor has a birthday party and they are illegally parked, the police officers would have to enforce that issue.

Mayor George explained that the complaint-driven process would be the best option for enforcement because the neighbors would know if there was a party going on.

Public Works Director Howell advised that we need a test case. He explained that there could be complaints between neighbors. He suggested moving forward with the visitor permit system and a lot of the issues could be addressed with license plate recognition software. He explained that he feels that what is being proposed would not be enforceable, but the City needs a test case. He advised that signage was the cheapest way out.

It was the consensus that of the Commission to bring the ordinance back in September or October and gather data to see how this test case works and analyze the data to see how to implement the process.

Mayor George moved on to Item 2.

ORDINANCE

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, CREATING A RESIDENTIAL PARKING PERMIT PROGRAM; PROVIDING THAT IT IS IN THE PUBLIC'S BEST INTEREST TO PRESERVE THE RIGHTS OF RESIDENTS PARKING IN CERTAIN CONGESTED AREAS; PROVIDING GUIDELINES FOR THE CREATION OF RESIDENTIAL PARKING AREAS; PROVIDING FOR DESIGNATION OF AREAS; PROVIDING FOR ISSUANCE OF DECALS AND PERMITS; PROVIDING FOR GUIDELINES AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of St. Augustine Beach has a number of residential areas which are near commercial establishments and the beaches, which attract a number of visitors and tourists to those areas; and

WHEREAS, the large numbers of tourists and visitors that flock to the City during special events and holidays, which places a strain upon the City resources; and

WHEREAS, the use of City narrow right-of-ways for parking by tourists and visitors tends to adversely affect the quality of life for owners and residents living on those residential streets by creating traffic congestion, restricting access to and from their homes, restricting access of emergency vehicles to such areas and otherwise adversely affecting the safety and welfare of the residents; and

WHEREAS, to protect the safety, welfare and quality of life for the residents, the City Commission finds it necessary to allow for the creation of residential parking areas in certain impacted areas.

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

Section 1. Sections 19-52 through 19-61 are hereby created, as follows:

Section 19-52. -Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Residential permit parking area and area means that land containing streets or parts of streets primarily abutted by property that has zoning district designations, which includes residences as a permitted use on the official zoning map book. The city manager designates

residential permit parking (RPP) areas pursuant to criteria and procedures established in this article.

Residential permit parking zones and zones mean specific locations within the area. Any area may have more than one zone.

Decal means a decal issued for parking on a city street in an area or zone. The decal shall be permanently affixed to the inside left front window of the vehicle.

Other vehicle means a motor vehicle parked in an area or zone by a person who is not a resident and/or property owner in the area or zone and who has not obtained a decal/permit for the motor vehicle that is so parked.

Permit means a permit issued for parking on a city street in a designated area or zone. The permit shall be displayed on the left front dashboard of the vehicle.

Program year means the time beginning January 15 and ending January 14 of the next year.

Property owner means a person who can provide proof of property ownership in an area.

Resident means a person who resides in an area.

Sec. 19-54. - Purpose and exercise of authority to control vehicular traffic in certain congested areas.

- (a) The city commission finds and declares that it is in the best interest of the city to reduce vehicular congestion on designated city streets and to facilitate the efficient movement of traffic by providing for parking preference within certain areas meeting the criteria set forth in this article and that controlled vehicular decal/permit parking regulation is necessary to promote the health, safety and welfare of the city's residents.
- (b) While providing adequate parking spaces adjacent to or close by residences in the affected area, it is in the public interest to:
 - (1) Reduce hazardous traffic conditions resulting from the use of streets located within congested areas for the parking of vehicles by persons using such residential areas to gain access to other places;
 - (2) Protect those areas from excessive noise;
 - (3) Protect the residents of those areas from unreasonable burdens in gaining access to their residences and preserve the character of those areas;

- (4) Promote efficiency in the maintenance of those streets in a clean and safe condition;
- (5) Preserve the value of the property in those areas;
- (6) Preserve the safety of children and other pedestrians; and
- (7) Promote traffic safety, clean air and comfort, health, convenience and welfare of the city's inhabitants.

Sec. 19-55. - Guidelines.

- (a) Generally. The detailed operational guidelines for an area or zone designated pursuant to this article shall be established and approved by the city manager and shall be on file in the traffic engineering division.
- (b) Parking permit fees. The annual fee and renewal fee for decals/permits shall be enacted by the city commission.
- (c) Penalties, liability and enforcement. Penalties, liability and enforcement shall be as follows:
 - (1) Anyone violating or failing to comply with any of the requirements of this article shall be guilty of violation of this Code, subject to the penalties of Section 19-23 and 19-24 of this Code of this chapter.
 - (2) Any person parking or failing to remove a vehicle without a permit or decal in an area or zone during the time prohibited shall be deemed to have committed a violation and shall be punished pursuant to subsection 19-23 and 19-24 of this Code.
 - (3) In addition, or as an alternative to subsection (c)(2) of this section, an unattended vehicle without a valid decal/permit properly displayed in an area or zone during a prohibited time may be removed and impounded pursuant to subsection 19-31(d).

Sec. 19-56. - Exceptions.

Marked vehicles of public safety and public service agencies shall be exempt from this article. Unmarked public safety and public service vehicles shall be issued decals/permits without charge for official use only. Public service vehicles shall be limited to governmental and franchised public utility vehicles.

Sec. 19-57. - Designation of areas.

After following the procedures set out in this article, the city manager or thereon designee is authorized to post signs establishing residential parking zones. Vehicles may be restricted from parking in such areas unless bearing a valid decal/permit issued pursuant to this article. This authority shall be in addition to any other authority the city commission may have to regulate times and conditions of motor vehicle parking on public streets.

Sec. 19-58. - Criteria and procedures for establishing areas.

A section of the city shall be eligible for designation as a residential permit parking area based upon the following criteria and procedures:

- (1) The city commission shall request, or the city manager may conduct, upon his own initiative or upon receipt of a petition from Sixty Percent (60%) of the property owners, in such a proposed area, a study to determine if the proposed area meets the criteria established by this article. Following the study and upon approval by the city manager, the section under consideration is designated as a residential parking area.
- (2) In determining whether a proposed area identified is eligible for designation as an area, the city manager shall consider any relevant factors which include but are not limited to the following:
 - a. The extent of the desire and need of the property owners and/or residents for a residential permit parking as evidenced by receipt of verified petitions as provided for in this section;
 - b. The extent to which legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking regulations;
 - c. The extent to which vehicles parking in the area during the period proposed for parking regulations are other vehicles rather than vehicles owned by residents, owners or guests;
 - d. The extent to which motor vehicles registered to persons residing in the area cannot be accommodated by the number of available off-street parking spaces; and
- (3) The city manager shall cause parking signs to be erected upon the public streets in the area, indicating the times, locations and conditions upon which parking shall be by decal/permit only. When an area has been approved, designated and posted as an area, it shall be unlawful and a violation of this article to park a vehicle in an area without displaying a valid parking decal/permit.

- (4) The city commission or manager is authorized to remove the designation of an area upon request of Sixty Percent (60%) of the residents on any street so designated or upon a determination that the permit system no longer serves the intended purpose.

Sec. 19-59. - Issuance of decals.

Upon designation of a permit parking area or zone, the owner or resident shall be issued the appropriate decal upon application. A decal shall be issued only to the owner or operator of the motor vehicle who resides in that area. The application for a decal shall contain the name of the owner or operator of the motor vehicle; residential address; and the motor vehicle's make, model, registration, and tag number. The current motor vehicle registration shall be required and presented at the time of making an application to verify the contents of the application. If the vehicle is registered at an address other than the local residence, the applicant must provide other sufficient proof acceptable showing residency within the area. If the name of the registration is different from the applicant, a notarized letter must be obtained from the owner of the vehicle establishing permission to use the vehicle. The decal will be valid for a program year and shall be renewed for each successive program year if proof of residency can be provided, except that residents who own their residences are eligible for three-year decals. After the initial decal has been issued, any renewal of the decal shall be affixed to the vehicle no later than January 15 of the applicable program year.

Sec. 19-60. - Issuance of permits.

Upon designation of a permit parking area or zone, permits meeting the following criteria shall be issued to residents, property owners, visitors and/or persons with a business or community facility in the area or zone for an extended period.

- (1) Visitor permits are issued to residents in the area for use by their visitors coming from outside the area or zone who will be parking in the public right-of-way. Two permits can be obtained per residence for a program year.
- (2) Special visitor permits are issued to residents, property owners and/or businesses in the area or zone. These permits are issued to cover extenuating circumstances not covered by criteria established in subsections (1) through (4) of this section. They are issued for periods of one day, not to exceed a maximum of 40 per year per residence.
- (3) It shall constitute a violation of this article for any person to falsely represent himself as eligible for a decal/permit or to furnish any false information in an application in order to obtain a decal/permit.

Sec. 19-61. - Fee schedule.

A schedule of fees is imposed for the purchase of decals and permits shall be adopted by resolution.

SEVERABILITY. If any phrase, clause, sentence, subsection, section, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining phrases, clauses, subsections, or provisions of this Ordinance.

CODIFICATION. This ordinance shall be incorporated into the Code of the City of St. Augustine Beach. Any section, paragraph, number, letter and/or heading may be changed or modified as necessary to effectuate the forgoing. A copy of this Ordinance shall be maintained in the offices of the City Clerk.

EFFECTIVE DATE. This ordinance shall take effect upon passage.

PASSED by the City Commission of the City of St. Augustine Beach, Florida, upon Second Reading this ____ day of _____, 2018.

**CITY COMMISSION OF THE CITY
OF ST. AUGUSTINE BEACH**

ATTEST: _____
Max Royle, City Manager

By: _____
Undine C. George, Mayor

First reading: _____

Second reading: _____