

MINUTES OF THE REGULAR COMMISSION MEETING of the City of St. Augustine Beach, Florida, held on **Monday, March 3, 2008**, in the Commission Chambers of City Hall, 2200 A1A South, St. Augustine Beach, Florida.

I. CALL TO ORDER

Mayor O'Brien called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Mayor Brud Helhoski. Absent/Excused: Commissioner Frank Charles.

IV. APPROVAL OF MINUTES OF THE REGULAR CITY COMMISSION MEETING OF FEBRUARY 4, 2008

Motion: To Approve, Moved by Vice Mayor Brud Helhoski, Seconded by Commissioner Ed George.

Vote: Motion carried by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Ed George, Commissioner Don Terrill, Mayor Rich O'Brien, Vice Mayor Brud Helhoski.

Mayor O'Brien suggested that because Commissioner Charles was absent, Item #3 relating to transient rentals be continued to the April meeting. There was no objection.

V. PRESENTATIONS:

A. Proclamations:

1. to Declare March 8, 2008 as International Women's Day

Mr. Dobson read the proclamation, which was accepted by Ms. Grace Guido, Ms. Robin Nadeau and Ms. Ann Palmquist.

Vote: Proclamation approved without motion by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Mayor Brud Helhoski.

2. to Declare April 2008 as Child Abuse Prevention Month

Mr. Dobson read the proclamation, which was accepted by representatives of St. Johns County Community Based Care.

**Vote: Proclamation approved without motion by unanimous voice vote (summary: Yes =4).
Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice
Mayor Brud Helhoski.**

Mayor O'Brien commended Ms. Lynne Greene for her service on the Beautification Advisory Committee from 1997 to 2007 and presented a plaque to her.

B. Requests for Special Event Permits:

1. 2nd Annual Sea Turtle Festival at County Pier Pavilion, Saturday, April 26, 2008,
10 a.m. – 4 p.m.

Motion: To approve permit. Moved by Mayor Rich O'Brien, Seconded by Commissioner Ed George.

Vote: Motion carried by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Mayor Brud Helhoski.

2. Arts and Crafts Show at County Pier Park, Saturday and Sunday, May 24 and 25,
2008 from 10 a.m. to 5 p.m.

Motion: To approve permit.. Moved by Mayor O'Brien, Seconded by Vice Mayor Helhoski.

Vote: Motion carried by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Mayor Brud Helhoski.

3. Civic Association's Annual "A Taste of St. Augustine Beach" on Sunday, May 18, 2008 at the County Pier Pavilion from Noon to 6 p.m.
4. Civic Association's Annual Spring/Summer Concert Series at the County Pier Pavilion at 7 p.m. from Wednesday, May 7th to Wednesday, September 24, 2008

Motion: To approve both permits. Moved by Mayor Rich O'Brien, Seconded by Vice Mayor Brud Helhoski.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Mayor Brud Helhoski.

Ms. Andrea Samuels, secretary of the Civic Association, asked that a massage therapist be permitted at the Association's Farmers' Market.

There was discussion regarding allowing forms of art and services, and Mr. Dobson noted that St. Augustine has had problems because of this.

Ms. Samuels commented that the amphitheatre has massage therapists at their farmers' market.

Mr. Royle stated that the City allows food and hand-made goods only.

Mr. Dobson said that if services are allowed, there must be standards. He said he will consult with St. Augustine's attorney regarding this.

Motion: To amend ordinance to allow a six months' trial for one chair massage at Farmers' Market, Moved by Mayor Rich O'Brien Seconded by Commissioner Don Terrill.

Vote: Motion carried by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Mayor Brud Helhoski.

5. Request for Special Event Permit for Kids Triathlon

[This topic was added to the agenda prior to the meeting]

Representatives of the YMCA asked to close the north lane of Pope Road. from the Boulevard to Old Beach Road 1 1/2 hours for this event.

Chief Hedges said this is a County road and he would coordinate with them on this event. He said the overtime cost would be \$500 , which might be reduced by using County PSAs.

Vote: Approved without motion the permit request and to have the cost of closing Pope Road paid by the City. Approved by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vic Mayor Brud Helhoski.

C. Cultural Council: Update Report on Renovations and Possible Programs for the Former City Hall

Mr. Les Thomas reported that the Dance Company holds regular classes 30 hours per week on average and noted classes in yoga, kindermusic, theatre readings, and seminars. He commented that the grant status is not good, because the State is not funding many projects. He hoped to have a previous grant application approved in June.

Mr. Phil McDaniel said that the Council had invested \$900,000 to date, including grant money. He said that the Council is working with County to extend recreation to include cultural activities and that the County might partner with City and Cultural Council to complete the building. Mr. McDaniel said he believed bed taxes might be used for the building if events were aimed at tourism. He asked that someone from City staff work with them on these ideas.

D. Stormwater Detention Pond Outfall Evaluation:

1. Review of Proposal from Taylor Engineering

Steve Schropp of Taylor Engineering explained that this was an evaluation of erosion downstream of the stormwater outfall and would include reviewing construction and alterations of the system; reviewing and running of the stormwater model used; looking at open discharge and summarizing the results into a written report; and then meeting with staff to discuss the

findings and recommend ways to address problem.

Commissioner George asked to be present at the meeting when the draft report is presented to staff.

2. Budget Resolution 08-05, to Amend the FY 08 Road/Bridge Fund Budget to Pay for the Evaluation

Motion: To Approve the fixed rate of \$19,236.50. Moved by Commissioner Ed George, Seconded by Mayor Rich O'Brien.

Vote: Motion carried by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Mayor Brud Helhoski.

F. Streetlights Along A1A Beach Boulevard North of City's Limits:

1. Consideration of Mayor O'Brien's Proposal
2. Review of Proposal from Volkert and Associates to Do Study

Mayor O'Brien asked to postpone this discussion until the April or May meeting. He wanted to pursue all options and to work with St. Augustine and the County to reduce or eliminate costs.

VI. ADDITIONS OR DELETIONS TO THE AGENDA

Item #12 was postponed because the Planning and Zoning Board is not ready for the joint meeting.

VII. CHANGE TO ORDER OF TOPICS ON THE AGENDA

Mayor O'Brien asked to move Item #8 ahead for discussion because the presenter was here from out of town.

8. Piping of 2nd Avenue Ditch between A and 10th Streets: Review of Proposal for Civil Engineering Services from the City's Consultant, Stone, Joca and Mahoney

Gary Sneddon of Stone Joca Engineers had met with City staff regarding this project. He explained that the piping area runs by a proposed motel development, and he understood that the developer was to help pay for the system. It was his understanding that the project would be coordinated with the developer, the County, and other entities.

Mr. Royle said the City will pay Stone Joca for design, permitting, and construction administration, and Mr. Ashdji, the hotel developer, will pay towards the actual construction.

Commissioner George commented that some of the ditch may belong to a private developer and that the City does not have deed to part of property where ditch will go.

Mr. Sneddon said that part of where the ditch is located is on private property, but the intent was to design so that the pipe follows the City right-of-way.

Mayor O'Brien noted that the survey was done in 2005 and Mr. Sneddon said there had not been many changes in the area, so the survey should work in this instance.

Motion: To approve the \$38,600 fees for the 2nd Avenue ditch piping, Moved by Commissioner Ed George, Seconded by Mayor Rich O'Brien.

Vote: Motion carried by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Mayor Brud Helhoski.

VIII. COMMISSIONER COMMENTS

Mayor O'Brien noted that emergency management would now be handled by Chief Hedges. He commented that meetings are now televised on cable only, but the City will work on streaming video so meetings would be available to others. Activity on the new post office location was noted, as well as traffic light poles going up at A Street. Mayor O'Brien said there had been a meeting with business and property owners regarding a name change on a section of A1A to the Boulevard, and he will ask the County Commission to change addresses accordingly.

Vice Mayor Helhoski reported that the Intergovernmental Committee would meet next Wednesday. He noted a sidewalk in need of repair, and Mr. Chattin said he was getting estimates for this.

Commissioner George noted that three cedar trees in his neighborhood were taken down without permit and asked what the City can do to let people know about the tree regulations. There were suggestions to put this information in newspapers and the City newsletter. Mr. Dobson said that a proposed ordinance would require replacement of such trees and daily fines for non-compliance. Commissioner George asked that tree services be made aware of any new regulations.

Commissioner Terrill: No report.

City Attorney Dobson said that Mr. Rumrell had provided several proposed ordinances regarding transient rentals and that he and Mr. Larson would propose another definitive ordinance. In the Lake Sienna matter, he said, there had been no reply to his calls, but he understood that the matter had been resolved.

Max Royle: No report.

Gary Larson: No report.

Marc Chattin: No report.

Chief Hedges said there had been discussion of proposals for an IT server, and recommendations should be received within week or two. He said he had met with Mr. Chattin regarding how to make crosswalks more visible.

IX. PUBLIC HEARINGS

1. Ordinance 08-02, Public Hearing and Second Reading: to Make Minor Changes to the City's Parking Regulations (Section 19 of the City's General Code)

Mr. Dobson read the ordinance by title only. There was no comment from the public.

Motion: To approve Ordinance 08-02, Moved by Mayor Rich O'Brien, Seconded by Vice Mayor Brud Helhoski.

Vote: Motion carried by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Mayor Brud Helhoski.

2. Ordinance 08-03, First Public Hearing and Second Reading: to Adopt Comprehensive Plan Policies for the Conservation/Coastal and Future Land Use Elements to Mixed Use Properties

Mr. Dobson read the ordinance by title only and said that if approved, the ordinance would have a public hearing at the next regular meeting. There was no public comment.

Commissioner George noted that at a recent Planning and Zoning Board meeting an individual had tried to use the Mixed Use Ordinance instead of a variance. Mr. Larson said that the interpretation of renovation was not correct. and that this had involved an addition to a house. He said the ordinances were being tweaked.

Motion: Approve Ordinance 08-03, Moved by Mayor Rich O'Brien, Seconded by Vice Mayor Helhoski.

Vote: Motion carried by unanimous voice vote (summary: Yes =4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Mayor Brud Helhoski.

X. PUBLIC COMMENTS

None

XI. CONSENT

None

XII. OLD BUSINESS

3. Transient Lodging Facilities: Review of Two Proposed Ordinances

[This item was postponed.]

4. A1A Beach Boulevard: Review of Vision Plan's Goals

Mayor O'Brien noted that there have been accomplishments and that much work has gone into

this.

Mr. Larson reported that the A Street town center is next, and that there are three projects in the works that might fit into the vision plan. There is no property owners' association yet, he said.

Regarding a logo, Mayor O'Brien noted that graphics are available through the Scenic Highway program and that Flagler College students might also take on as project.

Mr. Larson commented that incentives are needed to attract businesses, and there was discussion about eliminating or temporarily suspending impact fees. Mr. Larson said he did not want to jeopardize the City's relationship with the County, who might oppose dropping the fees, but that there is a need to attract businesses with some tax incentive.

Public Comments

Mr. Clint Richardson said City had agreed to share the cost of moving his business sign. He said that only two companies interested in doing this, and the cost was over \$11,000.

Vice Mayor Helhoski recalled former Commissioner Ellis putting a cap of \$8,000 on this work.

Commissioner Terrill said he believed that a cap was mentioned but that no motion had been made.

Mr. Chattin said that getting quotes for such projects is difficult. The previous estimate of \$8,000 did not include base or electrical work, he said, and this is probably a fair price.

Motion: To approve paying 50% of the \$11,235 expenditure on the sign, Moved by Mayor Rich O'Brien, Seconded by Commissioner Don Terrill.

Vote: Motion carried by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Brud Helhoski.

5. Maratea Property (Former London Tract):

Mr. Royle noted that some of the Commissioners have already met with County staff regarding purchase of this property, and an appraisal is being done, with the City to pay half the cost. If the owners accept, he said, the County and City will apply for grants totaling \$13 million. Mr. Royle suggested that funding for this purchase still go to the voters in case the Florida Communities Trust turns down the grant applications.

- a. Review of Proposed Ordinance to Ask Voters to Approve Millage for Purposes of Preserving Open Space and Water Quality, the Construction and Maintenance of Parks, and the Completion of the City's Trail System**

Motion: To approve the proposed ordinance, Moved by Commissioner Ed George, Seconded by Mayor Rich O'Brien.

Vote: Motion carried by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice

Mayor Brud Helhoski.

Albert Holmberg, 11 Lake Shore Drive, commented that this ordinance refers to construction and maintenance of parks, while the Charter says that the County is responsible for parks and recreation in City. He felt that if this is placed on a ballot it should be split between uses for preservation and for parks.

b. Consideration of Letter Stating that City with the County is Interested in Purchasing the Property

Motion: To approve writing a letter stating that the City with the County is interested in purchasing the property, Moved by Commissioner Ed George, Seconded by Vice Mayor Helhoski.

Vote: Motion carried by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Mayor Brud Helhoski.

c. Review of Professional Services Agreement with The Trust for Public Land to Do Feasibility and Public Opinion Research Concerning the Referendum

Mr. Royle was concerned about spending the \$16,000 the Trust would charge. He said there were a number of citizens who would go into the community to get support for this.

No action was taken.

d. Budget Resolution 08-04, to Amend the FY 08 General Fund Budget to Appropriate \$3,250 to Commission's Budget to Pay Half the Cost for an Appraisal of the Maratea Property

Motion: To approve appropriating funds to pay half the cost of an appraisal of the Maratea property, Moved by Mayor Rich O'Brien, Seconded by Commissioner Don Terrill.

Vote: Motion carried by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Mayor Brud Helhoski.

6. Ordinance 08-04, First Reading, to Prohibit the Parking of Tractor Trailers, Other Large Trucks, and Recreational Vehicles on Right-of-Way and in Residentially Zoned Areas

Mr. Dobson read the ordinance by title only and said that if approved, the ordinance would have a public hearing at the next regular meeting.

Mr. Dobson explained that it was expected to have separate ordinances for boats and RVs. He said that other cities have ordinances on RVs that have withstood court challenges, and that if this ordinance passes, the City can look at boats, jet skis, etc.

Vice Mayor Helhoski was concerned that this is too restrictive, and Commissioner George commented that this is beach community, where recreational vehicles and boats are common.

Mr. Dobson explained that the present ordinances are unenforceable because of the way they are written. He said that either the existing ordinance should be repealed or a new ordinance should be drafted to regulate such vehicles.

Vice Mayor Helhoski said he had no problem with prohibiting parking in the right-of-way but not on private property. Mr. Dobson said that Section 3 could be eliminated to allow parking on private property.

Motion: To amend the ordinance by eliminating section 3 and deleting the last line of the second Whereas, Moved by Vice Mayor Brud Helhoski, Seconded by Commissioner Ed George.

Vote: Motion carried by unanimous voice vote (summary: Yes = 4)

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Brud Helhoski.

7. Celebrating City's 50th Birthday: Update Report on Preparations

Mr. Royle commented that there was a preliminary meeting of a committee on this, and that another meeting will be held on March 11th and will be open to the public.

Commissioner George agreed that citizens should be involved, and Mayor O'Brien suggested contacting St Augustine to see how they planned their celebrations.

XIII. NEW BUSINESS

9. Drainage Project: Request from Residents for City to Pipe Mickler Ditch between Pope Road and 16th Street

Mr. Royle explained that the Ocean Walk subdivision had submitted this request during the last budget preparations, but no action had been taken then, and they have now made another request.

Commissioner George said this ditch could be dangerous, but the piping should be addressed in the budget hearings

There was consensus to postpone this matter to the next budget hearings.

10. City's Regulations Concerning Farmers' Markets: Request to Change Them to Allow Massage Therapy Services

[This item was covered earlier in the agenda.]

11. Development in the City: Review of Building Official's Annual Report for 2007

There were no questions.

12. Workshop Meeting: Request by Planning Board to Hold One with the City Commission

[This item was postponed.]

XIV. BOARD AND DEPARTMENTAL REPORTS

XV. ADJOURNMENT

Motion: Adjourn, Moved by Commissioner Don Terrill, Seconded by Mayor Rich O'Brien.

Vote: Motion carried by unanimous voice vote (summary: Yes = 4).

Yes: Commissioner Don Terrill, Commissioner Ed George, Mayor Rich O'Brien, Vice Mayor Brud Helhoski.

The meeting was adjourned at 9:01 PM

MINUTES APPROVED AT REGULAR COMMISSION MEETING APRIL 7, 2008

Mayor – Commissioner

ATTEST:

City Manager