

MINUTES OF THE REGULAR COMMISSION MEETING of the City of St. Augustine Beach, Florida, held on Monday, January 5, 2009 in the Commission Chambers of City Hall, 2200 A1A South, St. Augustine Beach, Florida.

CALL TO ORDER

The meeting was called to order by Vice Mayor Helhoski at 7:00 p.m.

PLEDGE OF ALLEGIANCE

SWEARING IN OF COMMISSIONERS FOR SEATS I AND II

Andrea Samuels (Seat I) and Rich O'Brien (Seat II) were sworn in by City Attorney Geoff Dobson.

ROLL CALL

Present: Commissioner Rich O'Brien, Commissioner Brud Helhoski, Commissioner Frank Charles, Commissioner Edward George, Commissioner Andrea Samuels.

Also Present: City Manager Max Royle, Assistant Police Chief Joni Mathis, City Attorney Geoff Dobson, Public Works Director Marc Chattin, Building Official Gary Larson, Finance Director Melissa Burns, and Deputy City Clerk Sharon Widdifield

ELECTION OF MAYOR AND VICE MAYOR FOR 2009

Commissioner George nominated Commissioner Charles as Mayor.
Commissioner Samuels nominated Commissioner O'Brien as Mayor.

Vote: Commissioner Charles was elected Mayor by 4-1 roll call vote.

O'Brien:	O'Brien
Samuels:	Charles
George:	Charles
Charles:	Charles
Helhoski:	Charles

Commissioner Samuels nominated Commissioner O'Brien as Vice Mayor.
Commissioner George nominated Commissioner Helhoski as Vice Mayor.

Vote: Commissioner Helhoski was elected Vice Mayor by 3-2 roll call vote.

Samuels	O'Brien
George	Helhoski
Helhoski	Helhoski
O'Brien	O'Brien
Charles	Helhoski

APPROVAL OF MINUTES OF THE REGULAR CITY COMMISSION MEETING OF DECEMBER 1, 2008

Motion: to approve the minutes, **Moved by** Vice Mayor Brud Helhoski, **Seconded by** Commissioner Andrea Samuels.

Vote: Motion carried by unanimous voice vote (**summary:** Yes = 5).

Yes: Commissioner Rich O'Brien, Vice Mayor Brud Helhoski, Mayor Frank Charles, Commissioner Edward George, Commissioner Andrea Samuels.

ADDITIONS OR DELETIONS TO THE AGENDA

Commissioner George noted that the representative from St. Johns River Water Management was not present and suggested that Item C under Presentations be postponed.

Vice Mayor Helhoski asked that policies regarding employees discussing grievances with Commissioners be discussed and possibly changed. It was agreed to add this as Item 12 under New Business.

Mr. Chattin requested that the Commission address the approval of sick leave donation for two employees. There was no objection.

CHANGE TO ORDER OF TOPICS ON THE AGENDA

None.

PRESENTATIONS

A. Plaques:

- 1. To Former Commissioner Don Terrill for Four Years of Service to the City on the Commission**

The plaque was presented to Mr. Terrill by Mayor Charles, and a bouquet of roses was presented to Mrs. Terrill.

- 2. To Commissioner Andrea Samuels for Serving on the Planning Board, January 2007 to November 2008**

Ms. Samuels accepted the plaque from Mayor Charles.

B. City's 50th Birthday Celebration: Update Report on Events by City Gate Productions

Ms. Melissa Stuart reported that banners for the celebration are available for sale and will be displayed on light poles. Sponsor kits, she said, explain the banner program and have been distributed to local businesses.

A '50s Twist and Shout party has been planned in March at the Holiday Inn, she said, with a dance contest, fashion contest, and other entertainment. Ticket sales will begin January 7th. Press releases, Ms. Stuart said, have gone out all over Florida.

C. Water Conservation: Presentation of New Regulations by the St. Johns River Water Management District

[This item was postponed.]

COMMISSIONER COMMENTS

Commissioner O'Brien reported on the TDC meeting and said that bed tax collections are down . Winter Wonderland at the amphitheatre, he said, had over 50,000 guests this year. At a recent meeting with Congressman Mica, Commissioner O'Brien said he had been reassured regarding funding for the renourishment project. He stated that a meeting was scheduled for January 14th with Sea Colony representatives regarding the Maratea walkway. He also commented that Beach Blast-Off was a success, and he thanked everyone involved.

Vice Mayor Helhoski noted that Beach Blast-Off and the recent good weather had been good for local businesses.

Commissioner Charles reminded the Commission of an event in St. Augustine honoring the ambassador from Spain.

Commissioner George: No report.

Commissioner Samuels asked if there could be a liaison to the Civic Association, as this had been done in the past. Mayor Charles agreed to appoint Commissioner Samuels, and there was no objection.

City Attorney Dobson referred to his written report and said other items would be discussed during the meeting.

Marc Chattin introduced Bob Morgan, who presented several members of Boy Scout Troop 205. They were attending the meeting as part of their work on merit badges. Mr. Chattin also explained that two of his employees have been hospitalized and have exhausted their sick leave. He asked that other employees be allowed to donate leave to them. The Commission agreed to this.

Assistant Chief Mathis announced that Ron Parker Memorial Day would be held at Ron Parker Memorial Park on Monday, January 12th at 11 AM.

Gary Larson No report.

Commissioner George noted that the interlocal agreement with the County requires a meeting to be held regarding beach management by January 15th and asked if it has been held. Mr. Royle said the County had not yet set a date for the meeting, but he would follow up on it. Commissioner George also announced the vision plan workshop to be held by the Planning and Zoning Board on January 8th.

Mayor Charles stated that the Planning and Zoning Board had reviewed all items on the agenda under Public Hearings and had recommended approval of all of them.

PUBLIC HEARINGS

1. **Conditional Use Permit: Request for Renewal of Permits for Food and/or Beverage Service/Consumption on Outside Deck and Sale/Consumption of Canned Beer Outside of T-Shirt Shack at Oasis Restaurant, 4000 A1A South, Mr. Peter Messler, Applicant**

Mayor Charles commented that the previous permit was approved for only one year and asked if this could be a three- year permit.

Janelle Bryant, 3960 A1A South, was concerned with the noise from the Oasis and said the windows at the business have been open recently. Selling beer from the outside location, she said, seemed like a drive-in liquor store.

Ms. Patricia Gill of the Planning and Zoning board said there were two separate requests. The Board, she said, had recommended a one-year extension for the first, noting that the business did not live up to all the requirements of the original permit. Regarding selling beer outside the building, she said a three-year extension had been recommended.

Vice Mayor Helhoski said he understood the windows were to be closed, and Mr. Peter Messler said they were closed once the band started. He said the outside TVs are usually off by 10:00 PM.

Commissioner George was concerned about the Commission's recourse if problems occur within the three-year period. Mr. Dobson said that the Code Enforcement could review violations of the permit conditions and could revoke the permit.

Motion: to approve both permits with a three-year expiration, **Moved by** Mayor Frank Charles, Seconded by Commissioner Rich O'Brien.

Vote: Motion carried by unanimous voice vote (**summary: Yes = 5**).

Yes: Commissioner Andrea Samuels, Vice Mayor Brud Helhoski, Commissioner Edward George, Mayor Frank Charles, Commissioner Rich O'Brien.

2. **Ordinance 08-33, Public Hearing and Final Reading: to Allow Package Stores and Sale of Packaged Alcoholic Beverages**

Mr. Dobson read the ordinance by title only.

Mr. Albert Holmberg, 11 Lake Shore Drive, opposed the ordinance, because it relaxed the regulations that made this a family-oriented community, and he noted that the majority of police calls involve alcohol.

Commissioner O'Brien asked if new businesses could get a conditional use permit for a package store, and Mr. Dobson replied that allowing that would require a separate ordinance.

Motion: to approve Ordinance 08-33, **Moved by** Vice Mayor Brud Helhoski, **Seconded by** Commissioner Andrea Samuels.

Vote: Motion carried by unanimous voice vote (**summary: Yes = 5**).

Yes: Commissioner Andrea Samuels, Vice Mayor Brud Helhoski, Commissioner Edward George, Mayor Frank Charles, Commissioner Rich O'Brien.

3. Ordinance 08-35, Public Hearing and Final Reading: to Change Land Use from Commercial to Parks and Recreation for Hammock Dunes Park

Mr. Dobson read the ordinance by title only.

Ms. Patricia Gill said the Planning and Zoning Board had 7-0 to recommend accepting the ordinance. If this were a conservation area, she said, it could also help preserve the dunes on the property.

Motion: to approve Ordinance 08-35 **Moved by** Vice Mayor Brud Helhoski, **Seconded by** Commissioner Edward George.

Vote: Motion carried by unanimous voice vote (**summary:** Yes = 5).

Yes: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Edward George, Mayor Frank Charles, Commissioner Rich O'Brien.

4. Ordinance 08-36, Public Hearing and Final Reading: to Change Zoning from Commercial to Parks and Recreation for Hammock Dunes Park

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

Motion: to approve Ordinance 08-36, **Moved by** Commissioner Edward George, **Seconded by** Vice Mayor Brud Helhoski.

Vote: Motion carried by unanimous voice vote (**summary:** Yes = 5).

Yes: Commissioner Andrea Samuels, Vice Mayor Brud Helhoski, Commissioner Edward George, Mayor Frank Charles, Commissioner Rich O'Brien.

PUBLIC COMMENTS

Bill Rosenstock, 57 White Court, had a plan to eliminate port-a-potties on the beach, because they are a sanitary nuisance. Portable restrooms, he said, could be placed at street ends wherever there are water hookups, and he added that these were exempt from DEP permitting. TDC funds, he said, could be used for them. He asked that the Commission request a feasibility study by the County Utility Department. There was no objection to sending a letter to that effect.

Steve Mitherz, 17 Sea Oaks Dr., asked about the lawsuit regarding transient rentals. Mr. Dobson said there has not been a hearing yet on the motion to dismiss. Mr. Mitherz asked about the plans for the Marriott hotel and commented that trash is not being collected on the beach as required by the interlocal agreement.

County Commissioner Ken Bryan explained that he is the City's liaison on the County Commission and said he will be attending City meetings in the future.

CONSENT

None

OLD BUSINESS

5. Acquisition of Maratea Property, First Phase:

A. Review of Proposed Purchase Agreement

Commissioner O'Brien said he had been present at negotiations and explained how a price had been reached. He felt this was a good starting agreement, which could be renegotiated.

Mr. Dobson said that a meeting with the County has been set for January 8th, and following that, comments would be given to the sellers' attorney. He was concerned that the agreement as drafted was one-sided and that the timeframes mentioned were not sufficient. He commented that provisions for buffers, drainage, etc. could reduce the net acreage and therefore the value.

If a new appraisal is needed, Commissioner Samuels asked who would pay for one. Mr. Royle said the City would.

Commissioner George asked if the two appraisals could be modified, and Mr. Dobson explained that a new one is required for the grant. Until this is received, Mr. Dobson said, there is little for the Commission to decide.

Mayor Charles asked when the taxes are due, and Mr. Dobson said those concerning the City have been paid, but the sellers want the City to pay for taxes due before the closing date.

Mr. Wil Smith, Assistant Director of Parks & Recreation for the County, and Tony Cubbedge, of County Land Management, explained that the acreage includes a drainage area laid out in the original plans, which include drainage for Phase II of the development. The access easement, Mr. Cubbedge said, would serve both phases.

Mr. Smith said that if the purchase is completed before May, the City could apply for another grant in this year's grant cycle. Commissioner George asked if the survey, another appraisal, and the negotiations can be finished by May.

Commissioner Samuels was concerned about paying full price for land the City cannot fully use, and Mr. Smith replied that trails could be put on some of the conservation areas.

Patricia Gill suggested that the contract require that any drainage larger than in that in the original plans would be the developer's responsibility. If the agreement comes back in February, she said, there is not much time before May, and she recommended that after the County meeting, the total sales contract come back to the Commission at a special meeting and then financing be obtained as soon as possible.

Mayor Charles said there is another special meeting this month, and this matter could be combined with that meeting.

B. Review of Proposal for Financing from BB&T Bank

Vice Mayor Helhoski noted that banks don't want an appraisal more than 6 months old.

6. City Attorney Services: Request to Advertise for Proposals

Mr. Royle said that Mr. Dobson is anxious to retire, the and Commission needs to move forward on finding a replacement.

Mayor Charles suggested using a committee as was done with selecting a Police Chief.

Mr. Royle said the Commissioners could individually score the applications and interview the top candidates.

Mr. Dobson said that part-time city attorneys are hard to find.

Commissioner George suggested that one-person attorney practices should be considered, as they can have backup attorneys in case of an absence. He also suggested advertising in nearby cities. Commissioner George commented that most attorneys charge for phone conversations, etc., and that the contract should define the minimum increment for such charges. He recommended interviewing the backup attorney also.

The Commission agreed to Commissioner George's suggestions, and there was no objection to proceeding with advertising.

7. Commission and City Staff Goals:

A. Review of 2008 Goals

Commissioner George commented that letters sent on behalf of the City should be approved by the entire Commission. Mayor Charles agreed.

Police Department goals regarding warnings and citations were discussed with Assistant Chief Mathis, and it was agreed that these goals might be changed to include contacts rather than citations and warnings.

Mr. Larson said the visioning plan is being discussed by the Planning and Zoning Board and that mixed use is awaiting DCA approval.

It was determined that the server recommended for emergency planning is now in place. The City's emergency generator was discussed, including the operating capacity and fuel availability, and Mr. Chattin said the generator is serviced annually by professionals.

B. Consideration of Goals for 2009

It was decided that these goals would be discussed later.

8. City's TV Channel: Consideration of Policies That Govern What Can Be Shown On It

Commissioner George recommended keeping the channel for use only by governmental entities or for governmental information.

Commissioner Samuels felt that programs of interest to residents by groups such as the Civic Association should be broadcast.

Mr. Dobson said that opening the door to public access has caused many cities to be sued.

Commissioner Samuels felt that public use could be regulated, but Mr. Dobson said regulations must be non-discretionary and could not be content related.

It was agreed to leave the policy as it is.

NEW BUSINESS

9. Renewable Energy: Discussion of Possible Uses and Sources

Vice Mayor Helhoski asked to look into solar panels for City buildings. He said these panels no longer need batteries, as FPL can purchase the power as it is generated. The Public Works roof, he said, could easily collect energy.

Mayor Charles said he wants to see the cost return on this investment.

Commissioner O'Brien said there could be grant money for this.

Mayor Charles noted that streetlights should be solar powered and said he knew an expert in the field and could schedule a presentation from him.

Vice Mayor Helhoski said that a budget line item is needed to get started, and that the City should provide an example for its citizens.

Commissioner George asked about use of water heaters and air conditioners in city hall on weekends. Vice Mayor Helhoski said these could be put on timers on to turn them off or down on weekends.

10. 2nd Avenue between 1st and 10th Streets: Consideration of Paving Sections for Increased Capacity

Mr. Larson commented that over one-half million dollars remains on hand in road impact fees. He said these funds could be used on 2nd Avenue. The Planning and Zoning Board, he said, could look at this issue this month.

Mayor Charles noted that some impact fees can be used for purchase of new Police vehicles.

Commissioner George stated that this plan would get rid of the only bikepath not on a roadway. If piping can be put in while leaving the bikepath, he said this would be the best compromise.

Commissioner Helhoski agreed that a lot of people use those bikepaths. He asked if property owners need the road for access to their lots, and Mr. Larson said they have access now.

Mr. Dobson said that impact fee use is spelled out in the interlocal agreement with the County.

Commissioner George and Patricia Gill asked that this information be provided to the Planning and Zoning Board before its meeting.

Commissioner George also asked Mr. Royle to send an email to the Commissioners with a recap of the Commission's requests at this meeting.

11. Police Union Negotiations: Request for Commission to Set Date for Special Meeting

Mr. Dobson said the Commission has never gone through this process before and that all Commissioners need to be there. These meetings are exempt from the Sunshine Laws for good reason, he said, but the meeting must be limited to the subject at hand with no deviation.

The Commission agreed to hold the meeting on Monday , January 26th at 7:00 PM.

12. Request to Discuss Change to Policy for Employee Grievances

Vice Mayor Helhoski said there have been several situations where employees felt a satisfactory response was not received to a complaint and that these could have been rectified if Commissioners were allowed to help. He suggested a randomly selected Commissioner who could talk with the employee, City Manager, department heads, etc. He felt that opening up communication could prevent litigation.

Mr. Royle said there is a grievance procedure in place. If an employee is not satisfied with the handling of his grievance, he can appeal to the Commission.

Mr. Dobson said this would be an invitation to bypass the chain of command.

Commissioner Samuels said it is important to maintain the chain of command, and that employees have to learn to work within it.

Commissioner George said the City now has a union in the Police Department and that other departments could follow suit.

Mr. Dobson stated that grievances by union members must go through the union.

Commissioner O'Brien suggested a review of what employees can do if they have a problem.

Mr. Dobson said that it is important to have a policy whereby employees must report any harassment, etc. and follow the procedures. Failure to follow the policy, he said, would be a defense in a lawsuit. He suggested reviewing the policy for allegations of hostile working environment and being sure employees are aware of it by periodically having a brief program for employees and one for supervisors. Meetings on grievance policies, he said, can be combined with safety meetings and should be documented. He added that these should include use of computers.

Mayor Charles recommended that Vice Mayor Helhoski meet with the City Attorney regarding what input he's received. Mr. Dobson said that when a Commissioner talks to him, the content is private.

Vice Mayor Helhoski said his intention was to create an outlet that might prevent problems mushrooming.

Mr. Dobson noted that all employees should be aware of the policy permitting no retaliation for pursuing a grievance.

Vice Mayor Helhoski asked that the policies be reviewed, any changes made, and all employees made aware of the policies.

Additional Business

Mr. Royle explained that the Finance Director, Ms Burns, needs approval of new check signature cards.

Vote: Approval of the new signature cards carried by unanimous voice vote (**summary:** Yes = 5).
Yes: Commissioner Andrea Samuels, Vice Mayor Brud Helhoski, Commissioner Edward George, Mayor Frank Charles, Commissioner Rich O'Brien.

BOARD AND DEPARTMENTAL REPORTS

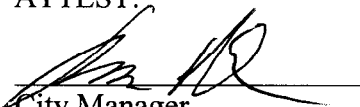
Commissioner George noted that the La Fiesta Ocean Inn had been accepted to the Florida Green Lodging Program. Commissioner O'Brien explained the project's requirements, which include recycling, water-saving devices, etc.

ADJOURNMENT

Motion: to adjourn, **Moved by** Commissioner Edward George, **Seconded by** Commissioner Andrea Samuels.

The meeting was adjourned at 9:30 PM by general consent.

ATTEST:


City Manager



Mayor – Commissioner