

MINUTES OF THE SPECIAL COMMISSION MEETING of the City of St. Augustine Beach, Florida, held on Monday, MARCH 16, 2009, in the Commission Chambers of City Hall, 2200 A1A South, St. Augustine Beach, Florida.

CALL TO ORDER

Mayor Charles called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Also Present: City Manager Max Royle, Police Chief Richard Hedges, City Attorney Geoff Dobson, Public Works Director Marc Chattin, Finance Director Melissa Burns, Deputy City Clerk Sharon Widdifield.

Commissioner Samuels asked that the items regarding the budget be discussed before the Maratea purchase.

DISCUSSION OF CITY'S BUDGET AND FINANCIAL MATTERS

Mayor Charles stated that the cuts for the police department were the least desired to him.

Commissioner Samuels saw no need for 20% cuts and felt the department was doing a good job for the citizens.

Vice Mayor Helhoski commented that the citizens want protection and recommended no additional cuts but asked that the Police Chief be vigilant and save where he can.

Commissioner George said that the City should get by this year but that next year may be a problem. There has been an increase recently in crime, he said, and it is not a good time to cut the police budget further.

Commissioner O'Brien said the 10% and 20% cuts were intended as a backup plan and could be used if needed.

Mayor Charles noted that the Building Department is willing to use part-time positions.

Commissioner George suggested looking at that department at the next meeting, as the Building Official was not present.

Mayor Charles suggested looking at the garbage collection situation. Other small cities, he said, have much higher millage rates and still have garbage fees. He added that at this time, citizens here pay only for disposal and not pickup.

Commissioner Samuels supported a fee for service on trash collection.

Many property owners, Mayor Charles said, do not pay enough in total taxes to pay for trash pickup.

Mr. Chattin said he had thought the fee could be implemented next year if billing is done in house. Solid waste collection is expensive, he said, with half of every ad valorem dollar collected used for this.

Various methods of determining rates were discussed. Mr. Chattin said he wanted the charge to be fair. He recommended starting now to educate the public on this and said the revenue from the fees should help keep the millage rate down.

Mayor Charles asked for a presentation at the next meeting so the public will understand what is being proposed.

Mr. Chattin commented on the master drainage plan and said there is more work that needs to be done, but there are no resources available for it. He felt that the City needs a drainage utility such as other cities use. He noted that the Federal stormwater permit was renewed and that monitoring will be required within a few years. Work on the pond will also be necessary within a few years. Mr. Chattin asked for a special meeting to discuss drainage.

Commissioner George asked if impact fees can be used for drainage when it is needed in conjunction with roadways.

Mr. Chattin noted the 2nd Avenue ditch project, which is on hold for now. He said this would relieve some drainage problems on several streets. Road impact fees, Mr. Chattin said, can be used if the capacity of a roadway increased. If 2nd Avenue were to be opened between 1st and 3rd Streets and a bikepath built from 11th to A Street, he believed the City can spend impact fees for this. He indicated that the proposed hotel in the area may be moving forward, so their contribution to the project would help pay for it.

Mayor Charles asked to see what other cities have done, and Commissioner George said residents in the affected areas should be involved

Mayor Charles said there could be a special meeting and that affected residents would be informed of it.

Mayor Charles asked if some hourly positions could be salaried.

Mr. Dobson said it would depend on the duties of the employees, as they must fit the requirements for supervisory or professional exemptions.

Mr. Royle said there may be a possibility that some employees will fit the exemption requirements. Mr. Dobson said that when eligible individuals are identified, he would look at the job categories to determine if they can be salaried.

Steve Mitherz, 17 Sea Oaks Drive, asked if the \$300,000 for 2nd Avenue had been budgeted, and Ms. Burns said the whole project had been budgeted, with \$240,000 out of project reserves and \$560,000 from the hotel.

**BUDGET RESOLUTION 09-04, TO AMEND THE FY 09 ROAD/BRIDGE FUND
BUDGET TO RECOGNIZE \$6,000 FROM STATE FOR TREE INVENTORY GRANT**

Motion: to approve Budget Resolution 09-04, **Moved by** Mayor Frank Charles, **Seconded** by Commissioner Rich O'Brien.

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

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

DECISIONS CONCERNING CITY'S PURCHASE OF PHASE I OF THE MARATEA PROPERTY

Commissioner O'Brien said the meeting with the sellers went well and consensus was reached on a price of \$5,250,000.

Commissioner George asked if the bond financing contained a penalty for early payment.

Ms. Burns said the Florida League's representative has said they can add a condition that there be no penalty for early payment. There should be no problem with bond financing, she said.

Mayor Charles said he believed a grant for the purchase will be awarded due to the high score on the application.

Commissioner Samuels was concerned that Mr. Bush was not allowing the City onto the property to build the walkway and had rejected a hold harmless agreement. She asked that he put in writing that the City can use the land in order to build.

Vice Mayor Helhoski agreed that access should be part of the offer.

Linda Hawver, 417 Ocean Grove Circle, asked to reconsider moving the walkway if the parcel is obtained. She asked if this purchase will affect placement of the walkway and if it can be moved to northern part of the original property?

Mayor Charles said the bid has been granted and work started.

Mr. Chattin felt it would be possible to move a section of the walkway slightly in some areas to allow for landscaping, etc.

Motion: to agree on the purchase price of \$5.25 million with the condition that the City be allowed full access for construction of the walkway, **Moved by** Mayor Frank Charles, **Seconded by** Vice Mayor Brud Helhoski.

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

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

RANKING OF CANDIDATES FOR POSITION OF CITY ATTORNEY AND SCHEDULING SPECIAL MEETING TO INTERVIEW CANDIDATES

Commissioner Samuels has selected three candidates: 1. Charles Cino; 2. James Bedsole; 3. Christian Winicki . Her point system, she said was based on fees, experience, and location.

Commissioner George selected one candidate, James Bedsole, based on his experience, the availability of a backup attorney, and his office location near the city.

Vice Mayor Helhoski noted that sometimes outside attorneys are hired for special cases. He awarded points for the size of the practice and experience. His choices included James Bedsole, Upchurch Bailey Upchurch, and Charles Cino.

Commissioner O'Brien based his choices on location, experience, and cost. They were: 1. McCune Law; 2. James Bedsole; 3. Chiumento and Guntharp; 4. Upchurch Bailey Upchurch; and 5. Vo Law.

Commissioner Georges said that a large law firm might be disadvantage, noting that he wouldn't want a different attorney at every meeting.

Mayor Charles said that some situations might require an attorney in a particular specialty. Mr. Dobson said that tort actions are handled by the City's insurance company and that labor issues should have an outside counsel.

A special meeting was scheduled for March 30th to interview the seven candidates agreed on.

LICENSED PREMISES SELLING ALCOHOLIC BEVERAGES: CONSIDERATION OF REGULATIONS TO ALLOW BUILDING OFFICIAL TO DETERMINE WHERE WITHIN THE BOUNDARIES OF A LICENSED PREMISE ALCOHOLIC BEVERAGES MAY BE CONSUMED

Vice Mayor Helhoski distributed information to the Commission and explained that someone had complained about customers drinking on the sidewalk at his business. Part of the sidewalk, he said is on the business property. He had spoken with a State agent who said it is illegal to consume alcohol outside of a licensed premises or to enter or leave the premises with an open alcoholic beverage.

Vice Mayor Helhoski noted that the City has no open container law. Customers at an open-air business, he said, must leave the premises to use the restroom but are not comfortable leaving an open drink unwatched. The agent, Vice Mayor Helhoski said, suggested that a fence be built, but when it was

constructed, the agent said some customers were still drinking near a bike rack, which everyone considered was within the business premises.

No business with outside consumption in the City, Vice Mayor Helhoski said, is in compliance, as they don't have a letter from the City giving them permission for consumption of beverages outside their buildings. He noted that many events are held at the pier, and if someone walks away with a drink, the person with the event license gets in trouble. All such businesses are in violation now, he said, and something needs to be done.

Vice Mayor Helhoski asked if he can consider the entire property as licensed premises and if the City can issue a letter to that effect.

Mr. Dobson said he could expand the description of the business premises to include parking areas but that parkettes were public property. Vice Mayor Helhoski asked if there was any objection to stating in the letter that there is no open container law on parkettes,. There was no objection.

Mr. Dobson said the City Manager can sign the letter and that the same letter could be given to other businesses with this problem. There was consensus to issue such a letter, and Vice Mayor Helhoski said he would contact the other business owners involved.

ADJOURNMENT

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

Vote: Motion carried by general consent.

The meeting was adjourned at 8:03 p.m.



Mayor – Commissioner

ATTEST:



City Manager