

MINUTES OF THE SPECIAL COMMISSION MEETING of the City of St. Augustine Beach, Florida, held on Monday, MARCH 30, 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, Deputy City Clerk Sharon Widdifield.

INTERVIEW OF CANDIDATES FOR POSITION OF CITY ATTORNEY

Mayor Charles said he would allow each candidate a brief introduction, an opportunity to answer questions from the Commission, along with follow-up questions if needed, then a summary. The questions from the Commissioners were discussed, and five basic questions were chosen to ask all the candidates. These were: What is your experience with city/county governments? Who would be attending meetings for the City? How knowledgeable are you of the Sunshine Laws? How knowledgeable are you of Florida Constitutional Law? How do you feel about mediation versus litigation?

Mr. Dobson said he had reviewed all the original 21 candidates, then again reviewed the backgrounds of the finalists, but he had found nothing of substantial concern for any of them.

Commissioner George suggested that if no consensus can be reached on a candidate, the Commission not be required to make a final selection now. It was agreed to wait until the regular meeting in that event.

James Bedsole

Mr. Bedsole said he had lived in St. Johns County since 1976 and had been in practice there since 1985. He said he has represented the County's school district and Value Adjustment Board and is a code enforcement magistrate.

Experience with cities or counties: Mr. Bedsole said he had served as general counsel for the school district under contract. He stated that he had been involved in a number of land use and zoning matters.

Meetings: Mr. Bedsole said he would attend meetings, and Rob Cook, who is experienced in representing cities, could substitute for him if necessary.

Sunshine laws: Mr. Bedsole stated that he is well versed in public meetings law and said there have been many Attorney General opinions on these over the years. He felt comfortable giving workshops on the subject.

Mediation: Mr. Bedsole said he has mediation training and likes it as an alternative to continuing to litigate.

Constitutional Law: According to Mr. Bedsole, much interpretation of the Florida Constitution has been given.

Commissioner George asked about Mr. Bedsole's redevelopment experience and was told he had been involved with a subdivision platted in the early '80s and was aware of the problems of older subdivisions.

Summary: Mr. Bedsole said he lives in St. Augustine, had helped incorporate the Homeless Coalition and has been on their board of directors, is an emeritus director on the board of EPIC, and supports the First Coast Opera. He stated that he likes this area and intends to be here until retirement.

Chiumento and Guntharp

Michael Chiumento, Michael Chiumento III, and Lonnie Groot were present and said the firm was started in Flagler County 35 years ago and had represented Beverly Beach and Flagler Beach.

Experience with cities/counties: Mr. Groot had experience in Daytona Beach Shores, Sanford, Lake Helen, Oviedo, Orange City, Deland, and Palm Coast and said he is board certified in local government. Michael Chiumento said he had worked for Bunnell, Beverly Beach, East Flagler Mosquito Control, and Flagler Beach.

Meetings: Michael Chiumento III said he would attend the meetings and that there were associates in the firm who could attend in his absence, including Christine Camacho or Lonnie Groot.

Sunshine Laws: It was explained that the firm is aware of the requirements, and Mr. Groot said they teach classes for new officials on Sunshine Laws with materials provided.

Mediation: Michael Chiumento III felt it is critical to resolve disputes in mediation due to cost savings and public perception. He said they try to be proactive in avoiding litigation.

Land use matters: Michael Chiumento III said he represents developers in Flagler County and that disputes usually are due to a lack of communication. He said he is aware of growth management laws, platting, and all types of development plans.

Organizations: Michael Chiumento III: Rotary, president of the Flagler County Chamber of Commerce, past president of the Economic Development Commission.

Mr. Groot: Board of Directors of Boys and Girls Club, Florida Law Related Education Group, and East Central Florida Regional Planning Council.

Michael Chiumento: Chamber of Commerce, Rotary, Enterprise Flagler, and Committee of 100.

Summary: Mr. Groot said the firm offers counsel with experience in local government who can provide backup for the City Attorney and provide a strong level of resources.

James McCune

Mr. McCune said he has been an attorney for 11 years and started his firm in 2007. He had worked for the State Attorney, he said, and had over 30 jury trials. He had also been the city attorney there. Mr. McCune

introduced his partner, Benjamin Rich, who has worked with attorneys Larizza and Christine in the past and would cover for him if he is absent.

Experience with cities/counties: Welaka is the only city he has represented, Mr. McCune said, and he has attended meetings, gone to trial, written contracts, ordinances, resolutions, etc. for them.

Meetings: Mr. McCune said he would attend, with Mr. Rich as backup. In the event neither partner could attend, he said there were a number of other attorneys who would be capable of filling in.

Sunshine Laws: Mr. McCune said he is very familiar with them and said he had explained public records laws as well as meeting laws in Welaka.

Mediation: Mediation in all aspects of law, Mr. McCune said, makes things easier and cheaper, and both sides feel they have won something.

Land use issues: Mr. McCune said nothing had been filed against Welaka, but many issues have been mediated among the council and opposing attorneys.

Organizations: Learn to Read volunteer, teaches English for speakers of other languages at VoTech, board of directors for EPIC, chair for Big Brothers/Big Sisters.

Summary: Mr. McCune felt that experience is key. He wanted to give back to the community and to advise and help the Commission resolve its issues.

Vo Law

Amy Vo stated that she has been practicing in St. Johns County since 2007 and is now with Doug Burnett in St. Johns Law Group. She had worked with the Miami-Dade legal police bureau.

Doug Burnett said he had served as Assistant State Attorney, worked at the County Attorney's office, worked with George McClure at Rogers/Towers and as a partner, served as a full-time attorney for the Airport Authority, and as outside counsel for St. Johns County on various cases. He said he had experience in land use matters and was familiar with the Sunshine laws.

Meetings: Ms. Vo had originally intended to attend with Mr. Burnett as backup. She said either can be reached at any time, and the individual attending could be changed if required. Mr. Burnett said his retainer fee for this would be an additional \$400 and his hourly rate would be \$175.

Sunshine Laws: Ms. Vo was comfortable preparing and giving classes on various subjects, including the Sunshine Laws. Mr. Burnett said he had spoken to the First Amendment organization in the past and had handled such workshops at the State Attorney's office and Airport Authority.

Mediation: Mr. Burnett said each situation is unique when a city is sued. Mediation can quickly settle a case, he said, and is usually required. Ms. Vo said that mediation is better from a cost perspective and is quicker and easier than litigation.

Organizations: Ms. Vo: Junior Service League President, Board of Directors of Kids Bridge, Lighthouse Board, Chamber of Commerce, Rotary, Homeless Coalition. Mr. Burnett: Hospice, Lighthouse Board, advisory counsel to Salvation Army, Florida National Guard pro bono work, Economic Development Council, Chamber of Commerce, Ancient City Road Runners.

Summary: Ms. Vo said she takes pride in accessibility and noted that their office is close by. Mr. Burnett said they are a young law firm and will work hard.

[There was a short break from 8:40 p.m. to 8:45 p.m.]

Upchurch Bailey Upchurch

Mr. Richard Lewis noted his work with the Broward County school district while in law school and said the firm then hired him as co-counsel for the St. Johns County School District, Florida School for the Deaf and Blind, Flagler College, and the Tax Collector's Office.

Experience with cities/counties: The school districts, Mr. Lewis said, face many issues also faced by small cities and counties, such as land use and interagency issues. He noted that his firm advises St. Johns County staff on a daily basis.

Meetings: Mr. Lewis said he would attend, but that he and the eight other attorneys in the firm work as a team, which includes specialists in various fields.

Sunshine Laws: Mr. Lewis said he is very familiar with both meetings law and records law. He felt it is important to advise people new to public service about who they can talk to and when.

Mediation: When dealing with taxpayer dollars, Mr. Lewis said it is better to mediate before coming to litigation. Approach a case as if it will ultimately come to trial, he said, but try to avoid trial.

Land use matters: Mr. Lewis said his specialty is real estate law and noted that John Bailey has long experience with land use issues. He said he was comfortable in advising on land use issues.

Organizations: Teaching at St. Johns River Community College, YMCA, and Character Counts. Members of the firm, he said, are active in the community in a number of organizations. He said the firm has been around since 1925 and prides itself on consistence, accessibility, and affordability.

Summary: Mr. Lewis said his firm has over 150 years of combined legal experience and is familiar with the staff and department heads at the County and St. Augustine. By providing nine attorneys, he said, they can provide efficiency in handling the city's issues.

Christian Winicki

Mr. Winicki had graduated from law school in 2006 and had served as a criminal prosecutor for the 7th Judicial Circuit before moving to St. Augustine and starting an office in 2009. His specialties, he said, are criminal defense, bankruptcy, and small business and family law.

Experience with cities/counties: Mr. Winicki noted his experience as a criminal prosecutor and felt his experience with real estate issues would be helpful to the City.

Meetings: Mr. Winicki said he would attend meetings but could provide backup from colleagues in the area and noted that his parents have a law firm in Jacksonville and would help if needed.

Sunshine Laws: Mr. Winicki said he is competent with these and would make sure the Commission complies with their requirements.

Mediation: Mr. Winicki said that litigation is stressful and costly and that mediation and arbitration give a fair resolution to everyone.

Organizations: Board of YMCA.

Summary: Mr. Winicki felt this would be a great opportunity. While he is young, he said, he is dedicated and determined and would be accessible at all times.

DETERMINATION OF WHICH CANDIDATE TO HIRE

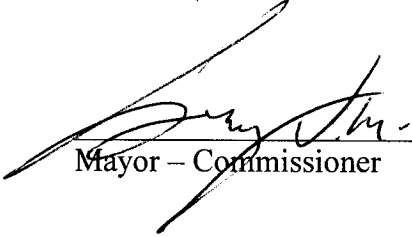
The Commission discussed the candidates and selected three finalists: Mr. Bedsole, Upchurch Bailey Upchurch, and St. Johns Law Group.

There were concerns about the cost of the services, and it was agreed that retainer fees and charges for extra legal work be discussed with the two more expensive of the finalists. Mayor Charles said he would meet with them along with the City Attorney and City Manager in order that the final selection could be made at the next meeting.

Mr. Dobson told the Commission to expect rate increases next year.

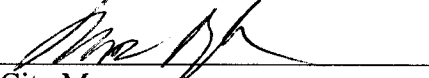
ADJOURNMENT

The meeting was adjourned without motion and vote at 9.50 p.m.



Mayor – Commissioner

ATTEST:



City Manager