

**MINUTES OF THE SPECIAL COMMISSION MEETING of the City of St. Augustine Beach, Florida, held on Monday, April 20, 2009, in the Commission Chambers of City Hall, 2200 A1A South, St. Augustine Beach, Florida.**

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m. by Mayor Charles, who then asked to eliminate Item 8, as the item in question is already in the budget. There was no objection.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

**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

**UPDATE REPORT ON DRAINAGE PROJECTS**

Mr. Chattin commented that most of the current Commissioners were not on the Commission when the master drainage plan was adopted. He explained the projects that were already permitted and noted that many of them had not been done but were ready for modeling.

The completed projects were enumerated, along with several projects remaining to be done. The 2<sup>nd</sup> Avenue ditch, he said, is ready to go now. A map was presented showing several areas of concern and noting those of highest priority.

The 2<sup>nd</sup> Avenue project, Mr. Chattin said, will receive \$560,000 in funding from the new hotel to be built. Additional funds for the cost estimate of \$950,000, he said, will come from savings. Mr. Chattin commented that one funding alternative is using impact fees, which require improving the capacity of a roadway. It was his belief that opening 2<sup>nd</sup> avenue between 1<sup>st</sup> and 3<sup>rd</sup> streets and adding a bikepath all the way to A Street will result in adding capacity on A Street. He added that no other area in the City could be identified for these impact fees and thus the City could lose the funds.

Mr. Dobson explained that the County and the City's auditor would have to decide what projects qualified for use of impact fees, which are for specific purposes only and are intended to offset impacts from new construction and cannot be used for maintenance.

Commissioner George said that the residents in the 2<sup>nd</sup> Avenue area are opposed to opening the road there and asked if the road could be left unopened and the bikepaths replaced instead. Mr. Dobson stated that a road might be needed also, but the final say would be the County, the City Commission, and, after the fact, the auditor.

Several alternatives on the project were discussed, and Mayor Charles suggested polling the owners in the area and explaining the situation to them.

Commissioner Samuels asked if other drainage problems could be addressed while the 2<sup>nd</sup> Ave project is being discussed. Mr. Chattin replied that all but one could be done now, but funding is needed. He was hoping to spend impact fees strictly on the roadway and use the \$560,000 from the hotel for other projects

It was suggested that someone talk to the County and the auditors, and Mr. Chattin asked to have a meeting with the homeowners near 2<sup>nd</sup> Avenue. Vice Mayor Helhoski added that the owners should be informed of why the City is considering the street opening. There was no objection.

### **CONSIDERATION OF STORMWATER UTILITY FEE**

Mr. Chattin said that long-range funding is needed for stormwater management. The City is now entering the sixth year of its discharge permit, he said, and in coming years the quality of discharged water must be addressed. In addition, he said, there is now more system to maintain and not adequate facilities, personnel, or equipment to do this. The two funding options, Mr. Chattin said are the General Fund, including property taxes, or a service fee through a stormwater utility. He said it would be necessary to determine feasibility, create a billing system, have a public information program, and then implement the program.

Methods of determining an equitable fee were discussed, and Mr. Chattin believed it would average less than \$10.

Mr. Royle noted a proposal in the House and Senate to limit collection of revenues by local governments and to cap them at the 2011 level with increases only by growth and inflation. He said there is a need to gradually move away from property tax and find other revenue sources. The City must maintain drainage and meet state and federal requirements or face fines, he said.

Patricia Gill, 218 B St., objected to garbage or stormwater fees, saying they were merely taxes.

### **DISCUSSION OF EROSION PROBLEM, OUTFALL CANAL IN MARSH CREEK SUBDIVISION**

Mr. Royle explained that engineers have done a study of the erosion problem, and staff have discussed it with the Marsh Creek Homeowners' Association and a property owner involved. The County, City, and Homeowners' Association benefit from the drainage canal, he said, and the DOT may be involved, because they turned over a 75-foot easement instead of the 100 feet promised. He asked for direction from the Commission on how to proceed.

Mr. Dobson cautioned that work can be done on the easement but not on private property outside the easement.

Discussion followed of the possible causes and remedies for the erosion of the canal, and photographs of the affected areas. Mr. Royle said the engineer's study indicated that the canal had been affected by tidal flows and that a property owner says the erosion is due to pumping. Photos, he said, show vegetation lining the banks has been removed and may have affected erosion there.

Mr. Chattin commented that maintenance is an issue, and he believed a bulkhead is the best solution.

Mayor Charles recommended determining the cost of a solution and the percentages each party should pay. Commissioner George added that the Commission needs to see the results of the study by Taylor Engineering.

Gerry Scheid, 178 Herons Nest in Marsh Creek, commented that the problem will become more expensive to address as the erosion continues.

Tom Rau, 34 View Point Place, said Commission should review the easement and Water Management permits. Levels of water vary at different times, he said, and he believed the removal of vegetation did not create problem.

Albert Holmberg, 11 Lake Shore, noted that in the original three-party agreement the State was to purchase property but only an easement was provided. The State, he said, should be major contributor.

Mayor Charles suggested having staff determine what the DOT will do and having the attorney review the agreement.

### **APPROVAL OF DOCUMENTS RELATED TO FINANCING FOR THE MARATEA PROPERTY**

Mr. Dobson said the bond counsel had found a technical glitch regarding timing of notice to citizens on the original referendum. Bond counsel, he said had recommended the resolution be passed if so desired. Some suggestions to resolve the issue may involve a delay in the acquisition he said, but an extension is possible. If necessary, Mr. Dobson said he could ask a court to validate the bonds , but this would delay closing.

Resolution 09-02 was approved by unanimous voice vote.

Mr. Dobson indicated a document that each Commissioner is to sign, if truthful, saying that no two Commissioners have discussed what action is to be taken regarding the purchase and that they are not employees of BB&T.

Mr. Dobson added that if the closing goes past May 8<sup>th</sup>, it will affect points for a potential grant.

### **CONSIDERATION OF MATTERS CONCERNING THE CITY'S BUDGET**

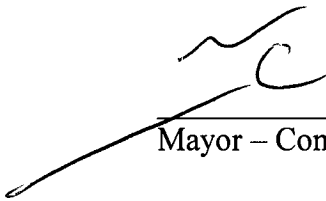
This item was removed from the agenda

Commissioner George noted the County Commission meeting on Tuesday and asked if Commissioners will attend. Both Commissioner O'Brien and Commissioner Samuels wanted to attend for the Civic Association , but Mr. Dobson counseled that if more than one Commissioner is present, they should listen and not speak.

Mr. Royle noted that the evening meeting was advertised by the TDC.

### **ADJOURNMENT**

The meeting was adjourned without motion and vote at 8:35 p.m.



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Mayor – Commissioner

ATTEST:



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City Manager