

MINUTES OF THE REGULAR COMMISSION MEETING of the City of St. Augustine Beach, Florida, held on Monday, April 1, 2013 in the Commission Chambers of City Hall, 2200 A1A South, St. Augustine Beach, Florida.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Undine Pawlowski, Mayor S. Gary Snodgrass, Vice Mayor Rich O'Brien.

Also Present: City Manager Max Royle, Police Chief Robert Hardwick, City Attorney Doug Burnett, Public Works Director Joe Howell, Building Official Gary Larson, Finance Director Melissa Burns, and Deputy City Clerk Cathy Benson.

APPROVAL OF MINUTES OF THE REGULAR CITY COMMISSION MEETING OF MARCH 4, 2013

Motion: approve the minutes of March 4, 2013, Moved by Commissioner Andrea Samuels, Seconded by Commissioner Undine Pawlowski.

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

Yes: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Undine Pawlowski, Mayor S. Gary Snodgrass, Vice Mayor Rich O'Brien.

ADDITIONS OR DELETIONS OF THE AGENDA

Mr. Royle asked to remove agenda item #7 as it was not ready for discussion. He asked to add under Presentations a report on the Parking Study by Zev Cohen & Associates.

CHANGES TO ORDER OF TOPICS ON THE AGENDA

Mr. Royle asked to delay agenda Item VII. A. as the speaker had not yet arrived.

PRESENTATIONS

Added to the Agenda: Parking Study

Matt Lahti, of Zev Cohen & Associates, said the draft study was based on engineering analysis. They found some properties well suited for parking and pedestrian access. They expect to gain about 60 spaces near the 8th Street right-of-way.

- A. Request by Beautification Advisory Committee Chairman, Mr. Eric Chaconas, for More Funds for Projects.

Eric Chaconas explained the Committee planned to draft a 10 year vision plan for the City and seek grants. They will request funding for individual projects as they occur. Mr. Royle was asked to research when the City Commission adopted the vision plan and when they adopted the strategic plan for the City.

B. Designation of Pope Road and Mickler Boulevard as Section of the East Coast Greenway in the City

Wil Smith, Director of St Johns County Parks & Recreation Department and Herb Hiller, of Deland, asked approval for a letter that will allow designation of the Mickler Trail as a portion of the East Coast Greenway.

Motion: approve the request for a letter supporting designation of the Mickler Trail as a portion of the East Coast Greenway, **Moved by** Commissioner Andrea Samuels, **Seconded by** Commissioner Undine Pawlowski.

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

Yes: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Undine Pawlowski, Mayor S. Gary Snodgrass, Vice Mayor Rich O'Brien.

C. Resolution 13-03, to Support the Northeast Florida Regional Council's Strategic Regional Policy Plan

Margo Moehring said the regional plan was adopted in 1997 and needed to be updated. The plan is on their website and a copy of the summary will be left with the City Clerk. She was asking for general support from the City for a regional plan and for working together regionally. Mayor Snodgrass asked for a copy of the summary of the strategic plan. He wanted it to be reviewed by staff and then the Commission would be better able to consider this request. Commissioner Pawlowski said she had attended some of their meetings and supported the request.

PUBLIC COMMENTS

Steve Mitherz thanked Joe Howell and Ken Gatchell for providing information he requested. He asked if the two deputies from the County had been assigned here and if it was working. He asked about the presence of Alachua County deputies patrolling here. He also asked for an update on negotiations with the County on garbage and Mizell Road matters.

Bob Samuels said the Splash Park was beautiful and being used. He complemented all the staff working on it.

Bill Rosenstock agreed Splash Park was great. He said parking on the west side of A1A Beach Boulevard was useful and the City should buy the property. He said the State Bureau of Land Administration had determined the State owned Pope Road and the entrance to Anastasia Park, and not the County, and the parking lot there could be opened immediately if no changes are made to it. He said the City had the authority to open it.

John Maersk 2605 US 1 South, St. Augustine, President of local chapter of the ABATE motorcycle riders group. He thanked the City for joining in celebrating May as Motorcycle Safety Month.

Ed Slavin, St. Augustine, thanked the Commission for approving the East Coast Greenway matter and steps toward open government.

Dr. Patricia Gill 218 B Street, congratulated our citizens who work for the good of the City and communicate with government about what's going on. She tried to help with a grant application, but it did not go through. She found that the contracted grant writer had not been directed to look for grants.

Bob Kahler, 29 Sunfish Drive, said residents should view the City Commission meeting of July 16, 2012 to see the discussion of the Police Department. He felt too much has been spent on the Community Garden, and we should work to keep our cash reserves. He noted the Florida Department of Law Enforcement had exonerated the former Police Chief.

Ann Palmquist, 213 10th Street, complemented the Beautification Committee for their work and noted they are looking for nominations for beautification awards. Gated communities are not open to the public, so they are not eligible. She urged staff to seek grant funding for improvements using the vision plan to provide direction.

Bruce Wright, 18 15th Street, thanked the City Commission for hiring Police Chief Hardwick and Public Works Director Howell and he praised their work.

Ruby Power & Maxine Machesney from the Betty Griffin House thanked the City Commission for the proclamation recognizing April as Sexual Assault Awareness Month.

County Commissioner Rachael Bennett, 920 Saltwater Circle, complemented the City Commission for their efforts in the difficult job of trying to answer the concerns of their citizens. She appreciated the citizen advocates, and the Beautification Committee. The County has received calls from citizens regarding parking at the new Salt Life Restaurant now being built. The County would like a dialogue on permit conditions for the beach. She felt users were not sufficiently apprised of habitat conservation requirements. Mayor Snodgrass asked the City Manager to bring in May a protocol to address this. Ms. Bennett said the County has held off on the permit application to the Department of Environmental Protection (DEP) for the parking lot at Pope Road and if title research later finds the City owns the property, they will get a parking lot. She explained because of beach renourishment, DEP has moved its beach line of limits for parking. The former parking lot was not officially designed and so it was dangerous and needed to be correctly designed. The permit application should be submitted next week. The County's title search determined it was County property. The State's title search claims they own it. Mayor Snodgrass asked the City Manager to augment the report by providing a summary of the issues, findings, and the current status of Pope Road. Ms. Bennett said the County plans to fund the work to open the parking lot.

Chief Hardwick said that four Sheriff's deputies have been assigned here. Deputies from Putnam and Alachua Counties were here to help while their schools were on spring break.

City Attorney Burnett said that regarding negotiations on trash fees, our legal opinion was just sent to the County and we are waiting for a response. The City Manager had nothing to report regarding the dump site.

Building Official Larson reported the Salt Life Restaurant builders were working on water management issues and parking has been arranged for valet parking, but they have not said where the valets would put the vehicles. Commissioner Helhoski noted the Comprehensive Planning & Zoning Board granted the variance, and it did not come before the City Commission. Mr. Larson noted the second floor of the restaurant would be open space, so it would not be busy in inclement weather.

Mayor Snodgrass noted the City's grants writer had not been directed to search for potential grants. Mr. Royle will ask the grant writer her fee to search for grants in the categories identified by the City Commission such as transportation, safety and beautification.

[The meeting recessed at 8:21 p.m. and reconvened at 8:30 p.m.]

PUBLIC HEARINGS

1. Ordinance 13-03, Public Hearing and Final Reading: to Adopt Chapter 3 of the City Code to Prohibit Discrimination Based on Sexual Orientation or Gender Identity in Housing and Employment.

Ordinance 13-03 was read by title only by the City Attorney.

ORDINANCE NO. 2013-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO DISCRIMINATION, ADOPTING A CHAPTER 3 – DISCRIMINATION, PROHIBITING DISCRIMINATION WITHIN THE CITY OF ST. AUGUSTINE BEACH; PROHIBITING EMPLOYMENT DISCRIMINATION; PROHIBITING HOUSING DISCRIMINATION; REPEALING ORDINANCE 2013-01; CONSOLIDATING THE CITY'S PREVIOUSLY ADOPTED HOUSING DISCRIMINATION ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion: to adopt Ordinance 13-03 on second and final reading, **Moved by** Commissioner Undine Pawlowski, **Seconded by** Commissioner Brud Helhoski.

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

Yes: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Undine Pawlowski, Mayor S. Gary Snodgrass, Vice Mayor Rich O'Brien.

CONSENT

2. Proclamations:

A. to Declare April 9, 2013 as National Service Recognition Day

- B. to Declare April as Sexual Assault Awareness Month
- C. to Declare April as Child Abuse Prevention Month
- D. to Declare May 2013 as Motorcycle Awareness Month
- E. to Declare Friday, May 10, 2013 as Arbor Day in the City

Motion: to approve the Proclamations, **Moved by** Commissioner Brud Helhoski, **Seconded by** Commissioner Undine Pawlowski.

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

Yes: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Undine Pawlowski, Mayor S. Gary Snodgrass, Vice Mayor Rich O'Brien.

3. Budget Resolutions:

- A. 13-06, to Amend the FY 13 General Fund Budget to Recognize as Revenue \$2,375 Donated by the Civic Association for Police Uniforms and to Appropriate the Donation; and to Appropriate \$9,258 from the Forfeiture and Seizure Account to Purchase a Polaris Ranger for Beach Patrol
- B. 13-07, to Amend the FY 13 General Fund Budget to Transfer \$9,700 to the Finance/Administration Department's Budget to Pay for Part-Time Events Coordinator

Motion: to approve Budget Resolutions 13-06 and 13-07, **Moved by** Commissioner Andrea Samuels, **Seconded by** Commissioner Brud Helhoski.

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

Yes: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Undine Pawlowski, Mayor S. Gary Snodgrass, Vice Mayor Rich O'Brien.

OLD BUSINESS

- 4. Ordinance 13-04, First Reading, to Vacate Alley in Block 13, Chautauqua Beach Subdivision, between 9th and 10th Streets, and A1A Beach Boulevard and 2nd Avenue

Ordinance 13-04 was read by title only by the City Attorney.

ORDINANCE 13 - 04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA RELATING TO STREETS AND PUBLIC RIGHTS-OF WAY; VACATING AND ABANDONING PART OF AN UNNAMED 15 FOOT ALLEY LYING WITHIN BLOCK 13, CHAUTAUQUA BEACH SUBDIVISION, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

AN APPROXIMATELY FOUR HUNDRED (400) FOOT PORTION OF THE UNNAMED ALLEY FIFTEEN (15) FEET IN WIDTH IN BLOCK 13, CHAUTAUQUA BEACH SUBDIVISION, LYING BETWEEN THE NORTH LINE OF THE NORTH ONE-HALF OF LOTS 1, 3, 5, 7, 9, 11, 13 AND 15 OF BLOCK 13, CHAUTAUQUA BEACH SUBDIVISION, AND THE SOUTH LINE OF LOTS 2, 4, 6, 8, 10, 12, 14 AND 16 OF BLOCK 13, CHAUTAUQUA BEACH SUBDIVISION, ALL IN SECTION 34, TOWNSHIP 7, RANGE, 30, AS RECORDED IN MAP BOOK 2, PAGE 5, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Motion: to approve Ordinance 13-04 on first reading, **Moved by** Commissioner Andrea Samuels, **Seconded by** Vice Mayor Rich O'Brien.

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

Yes: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Undine Pawlowski, Mayor S. Gary Snodgrass, Vice Mayor Rich O'Brien.

5. Building Height: Continuation of Discussion re:

- A. Whether to Require 4/5ths Commission Vote to Allow an Exception to the 35-Foot Height Limit
- B. Determining a Method for Measuring the Building Height for Properties East of A1A Beach Boulevard

Commissioner Samuels said this issue came from a fear of high rise condos in the City. She felt it would not be appropriate to place it in the City Charter. Commissioner Pawlowski said the Charter Review Committee should not be prohibited from considering this or any other issue.

Building Official Larsen said he reviewed the Land Development Regulations and found they needed to be updated. He explained the height limit of 35 feet is interpreted as from the design wave crest (expected wave crest at a Category 2 hurricane). Mr. Larsen said this affects few properties in the City. He recommended amended wording on how to calculate heights on new construction. Vice Mayor O'Brien noted the suggestions from the Comprehensive Planning & Zoning Board chairman. Mayor Snodgrass asked Mr. Larson to have three local architects look at the plan and report their input next month.

6. Review of City Charter: Continuation of Discussion

Mr. Royle reported the City has seven applications for the Charter Review Committee. He put a notice soliciting applicants for the Committee in the newspaper, he wrote a column and the Mayor wrote a column urging public participation in the process. The City Commission agreed the Committee should send their recommendations to Commission by March 2014. Mr. Royle will confirm the ballot deadlines for the August primary and the November general elections in 2014 with County Supervisor of Elections. It was the consensus of the City Commission that the Charter Review Committee would have seven members and not have a chair or vice-chair. It was noted that Resolution 11-02 prohibits serving on more than one City Board at the same time. City Attorney Burnett said the restriction was made due to concerns with the Sunshine Law. The City Commission discussed methods to select members of the Charter Review Committee and

determined eligibility would be the same as for other City boards. Mr. Royle will ask Ms. Crotty to review Resolution 03-19, which established guidelines for the Charter Review Committee in 2003, and make recommendations for a similar Resolution. Ms. Crotty will also be asked to recommended methods to select Committee members and offer guidance on items other cities have included or excluded in consideration of the charter.

Mr. Slavin, St. Augustine, offered his opinion on the process.

7. 2nd Avenue Drainage Project:

- A. Award of Bid to S.E. Cline
- B. Budget Resolution 13-08, to Amend the FY 13 Road/Bridge Fund Budget to Appropriate Money for the Project

Postponed to next meeting.

8. Changes to Overlay District Regulations: Review of Proposed Ordinance

Mr. Larson reviewed his recommended changes. Vice Mayor O'Brien asked him to provide a copy of the old ordinance with strike throughs and indications of the changes. This Ordinance will be brought back to the next meeting.

NEW BUSINESS

9. Determination of Point of Order under Robert's Rules of Order: Request by Resident, Mr. Robert Kahler, to Discuss

Bob Kahler, 29 Sunfish Drive, said several former Mayors permitted residents to use Point of Order to raise issues. He felt precedence should rule in this matter. City Attorney Burnett explained that points of order are for members, i.e. City Commissioners, not for members of the audience. The audience has their time for public comment. Commissioner Samuels said she checked with the Florida League of Cities and was told the same. Mayor Snodgrass said he consulted with several other agencies and it was also the same.

10. Communication Towers: Review of Proposed Ordinance to Prohibit Them East of A1A Beach Boulevard

Mr. Burnett explained City Code currently restricts such cell towers to 300 feet from any residence. There was a concern that the towers might be built on A1A Beach Boulevard. He offered a draft ordinance which would prohibit the towers over 40 feet tall on the eastern side, or within 300 feet of the western side, of A1A Beach Boulevard. Mr. Larson reminded the Commission that federal law allows cell towers to locate almost anywhere provided they have studies proving it is needed and no other location will work.

Ordinance 13-05 was read by title only by the City Attorney.

ORDINANCE NO. 2013-05

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH RELATING

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TO APPENDIX A, ARTICLE III OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF ST. AUGUSTINE BEACH; AMENDING SECTION 3.02.03.11 TO ADD ADDITIONAL RESTRICTIONS ON THE LOCATION OF WIRELESS COMMUNICATION TOWERS TO PROTECT THE VISION AND SCENIC BEAUTY OF A1A BEACH BOULEVARD AND THE BEACHES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion: to approve Ordinance 13-05 on first reading, **Action:** Adjourn, **Moved by** Commissioner Andrea Samuels, **Seconded by** Vice Mayor Rich O'Brien.

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

Yes: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Undine Pawlowski, Mayor S. Gary Snodgrass, Vice Mayor Rich O'Brien.

11. Proposed Redlight Cameras: Review of Survey Results (Postponed to next meeting.)

COMMISSIONER COMMENTS

City Manager Royle said he received a letter of complements for the sewer drain work by contractor AWA. He advised the Maratea property might be available for purchase at a lower price than previously mentioned and he will look into the City's options.

Building Official Larson said the Land Development Regulations require that grass over 12 inches be cut. In a previous case, the City had a property mowed due to a snake problem. Now there is a problem on A Street with rats on a vacant lot. Mr. Larson asked for an allocation of funding to clean the lot. The City can lien the property and foreclose if the owners do not pay. Commissioner Samuels asked the cost of an exterminator.

Mr. Larson said a property owner on F Street had asked to vacate the street behind his lot. Normally, we would split the street in half between the abutting properties. The neighbor on the other side of that street does not want to accept the half street. Mr. Burnett will work with Mr. Larson on a solution.

Public Works Director Howell reported on the 2nd Avenue Drainage Improvement Project saying he was negotiating with the contractor to reduce the scope and cost of the project. The lights on 2nd Avenue should cost an additional \$50 per month and Florida Power & Light Co. will install them. The Marsh Creek project is a good example of working with the residents. It is done and looks great.

Police Chief Hardwick reported the purchase of a Polaris Ranger was being funded through County Beach Services. The 800 MHz system is up and working. He is working with Mr. Howell regarding dogs at Splash Park. He was working on a problem with on-street parking at Serenity Bay subdivision.

Commissioner Pawlowski noted that the City Commission adopted Roberts Rules of Order in Resolution 89-5. Mayor Snodgrass asked Mr. Royle to check the Resolution. Commissioner Pawlowski reported she was looking into parking meters. Vice Mayor O'Brien said the County was looking into using them county-wide. Commissioner Pawlowski said the City could work

with them and use economy of scale. She also asked the Commissioners to address their committee assignments. It was the consensus that Commissioner Helhoski would work on the Intergovernmental Committee, Commissioner Samuels on the Tourist Development Counsel, Vice Mayor O'Brien on the Visitors and Convention Bureau, Commissioner Pawlowski will work as a substitute on the Intergovernmental Committee and work on the Transportation Planning Organization and Economic Development Council, and Mayor Snodgrass with help as needed to cover absences.

Vice Mayor O'Brien said he heard some people thought Commissioners were texting during meetings. There are electronic devices, but most were used for research. Neptune Beach did a project with solar panels on their city hall. Through grants they spent about \$30,000 and expect a five year payback. We should look into such projects with grant funds.

Commissioner Helhoski said the Police Department response time is improved. He said he texts during breaks, but also receives texts regarding the meeting.

Commissioner Samuels reported the Ponte Vedre and the St. Johns County Chambers merged. Our City has been flagged due to an increase in workers comp claims. They are running a report now and she wants to see what can be done. She also suggested City Department Heads attend a FLC seminar and safety training that will be held locally in May. She recommended the Florida League of Cities' Risk Assessment come in and review our insurance and workers comp issues. Perhaps we could offer health fairs and safety training for our workers. She received information on some safety grants which she gave to the City Manager to research. Mayor Snodgrass asked for a report on employee accidents over the past 12 months, with investigations and actions taken. Commissioner Samuels said she had looked into a public bus system for City from A1A Beach Boulevard, and wanted to take Mr. Royle and Mr. Howell to look at surplus buses that are available. She also complimented the Police Department and Lt. Parker for good care of the residents.

Mayor Snodgrass had no comments.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 10:54 p.m.

ATTEST:



City Manager



Mayor – Commissioner

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDINGS WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE VIDEO CAN BE FOUND AT WWW.STAUGBCH.COM, OR BY CONTACTING THE OFFICE OF THE CITY MANAGER.)