



**MINUTES
CITY COMMISSION MEETING
CITY OF ST. AUGUSTINE BEACH
MAY 5, 2014 7:00 PM.**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Samuels, Vice-Mayor O'Brien, Commissioner Helhoski, Commissioner Pawlowski, Commissioner Snodgrass.

Also Present: City Manager Royle, City Attorney Burnett, Deputy City Clerk Benson, Finance Director Burns, Police Chief Hardwick, Public Works Director Howell, and Building Official Larson.

APPROVAL OF MINUTES OF THE REGULAR CITY COMMISSION MEETING OF APRIL 7, 2014 AND THE SPECIAL MEETING OF APRIL 3, 2014

Motion: to approve the minutes of the April 7, 2014 and April 3, 2014 City Commission meetings, **Moved by** Commissioner Snodgrass, **Seconded by** Vice-Mayor O'Brien.

Motion passed unanimously.

ADDITIONS OR DELETIONS OF THE AGENDA

Vice Mayor O'Brien added Corey Downs and her son R.J. to the Presentations.

CHANGES TO ORDER OF TOPICS ON THE AGENDA

PRESENTATIONS

Corey Downs, F Street, said that her son R.J. was injured in a jet ski accident off the beach. As a result she suggested location signs on the beach showing the cross street or mile marker to help visitors identify their location when requesting aid. Commissioner O'Brien showed one of the signs currently posted and said he felt the signs could be more effective. By consensus, Commissioner O'Brien was given permission to approach the County and to try to expedite a signage program.

A. Comprehensive Planning and Zoning Board: Interview of Mr. Zachary Thomas for the Position of Junior Alternate

Motion: to appoint Mr. Zachary Thomas as a Junior Alternate member of the Comprehensive Planning and Zoning Board, **Moved by** Mayor Samuels, **Seconded by** Vice-Mayor O'Brien.

Motion passed unanimously.

B. Anastasia Mosquito Control District: Important Information re: Mosquito-Borne Illnesses
Ali Fulcher, 211 C Street, reviewed the District's history and their recommendations for residents. Commissioner Helhoski asked if some of the information could be posted on the City's website.

C. Ms. Cheryl Freeman, Director, St. Johns County Retired and Senior Volunteer Program:

- 1) To Inform the Commission and the Public About the Program
- 2) Proclamation to Designate May 19-23, 2014 as Senior Corps Week

Cheryl Freeman spoke regarding Senior Corps. She noted that 35% of their volunteers are from St. Augustine Beach.

Motion: to approve the Proclamation of May 19-23, 2014 as Senior Corps Week, **Moved by** Commissioner Pawlowski, **Seconded by** Commissioner Snodgrass. Motion passed unanimously.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

D. Ms. Wanda Forrest, Northeast Florida Transportation Planning Organization: Review of the Transportation Improvement Program for Fiscal Years 2014-15 through 2018-19

Ms. Forrest said the Board has members representing Atlantic Beach, Neptune, and Jacksonville Beach on a rotating basis, as well as members representing St. Augustine, St. Johns County and Duval County each. They will adopt the plan at their June 12, 2014 meeting.

PUBLIC COMMENTS

Steve Mithers, 17 Sea Oaks Drive, asked the status of talks with the County regarding property on Mizell Road.

Bruce Wright, 118 15th Street, recounted his experience getting a dead cat removed from A1A Beach Blvd. He wanted the public to know the proper procedure for removal of a dead animal. Mr. Howell said the City Public Works Department will remove dead animals from the roadway or public property.

Ann Palmquist 213 10th Street, asked about the traffic congestion at beach access streets. Commissioner Helhoski agreed the limited parking at the beach creates the problem, especially at the pier and A Street.

Bill Rosenstock, 57 White Court, thanked Mayor Samuels for talking about the parking problem on the radio today. He urged the City to take the Pope Road parking area from the County and provide additional spaces. It would be funded by beach tolls.

Mayor Samuels said the Mizell Road fire station will be built in 2-5 years. Once it is occupied, the County will return the old fire station building to the City and take back the contaminated land on Mizell Road. The financial issue with the County regarding garbage has been resolved. She also assured the public that she was following the parking lot project and expected it to open soon.

PUBLIC HEARINGS - None

CONSENT

1. Proclamations:

- A. to Declare May 2014 as Civility Month
- B. to Declare May 2014 as Older Americans Month

Motion: to approve the two proclamations on the consent agenda, **Moved by** Commissioner Snodgrass, **Seconded by** Commissioner Pawlowski.
Motion passed unanimously.

2. Budget Resolutions for Mid-Fiscal Year Adjustments to Budget:

- A. 14-12, to Adjust General Fund Revenues and Expenditures
- B. 14-13, to Adjust Road/Bridge Fund Revenues and Expenditures

Motion: to approve Budget Resolutions 14-12 and 14-13, **Moved by** Commissioner Snodgrass, **Seconded by** Vice-Mayor O'Brien.
Motion passed unanimously.

OLD BUSINESS

3. Ordinance 14-01, First Reading, to Amend the City Charter

Ordinance 14-01 was read by title only by the City Attorney.

ORDINANCE NO 14-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, AMENDING THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE BEACH BY THE ADDITION OF A PREAMBLE TO SUCH CHARTER LAWS TO STATE THE REASONS AND INTENT OF THE CHARTER; AMEND SECTION 1-2 OF SUCH CHARTER LAWS TO DELETE THEREFROM THE LEGAL METES AND BOUNDS BOUNDARY DESCRIPTION OF THE CITY OF ST. AUGUSTINE BEACH AND PROVIDE FOR THE LOCATION OF THE LEGAL BOUNDARY DESCRIPTION; AMENDING SECTION 1-3 OF SUCH CHARTER LAWS TO PROVIDE THE CITY OF ST. AUGUSTINE BEACH WITH ALL POWERS UNDER THE CONSTITUTION AND LAWS OF THIS STATE; AMENDING SECTION 1-4 OF SUCH CHARTER LAWS TO PROVIDE THAT NO MEMBER OF THE CITY COMMISSION SHALL BE ELECTED A MAYOR BY THE MEMBERS OF THE CITY COMMISSION TO SERVE MORE THAN TWO CONSECUTIVE TERMS; AMENDING SECTION 1-4 OF SUCH CHARTER LAWS TO PROVIDE THAT ONCE ELECTED, CITY COMMISSIONERS MUST MAINTAIN PHYSICAL RESIDENCY AND VOTER REGISTRATION IN THE CITY THROUGHOUT TERM OF OFFICE, PROVIDING FOR ELECTION OF CITY COMMISSIONER BY THE COMMISSION OR SPECIAL

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ELECTION IN THE EVENT OF DEATH, RESIGNATION, OR DISQUALIFICATION OF A CITY COMMISSIONER, AND DELETING PROVISIONS FOR THE FORFEITURE OF OFFICE BY A COMMISSIONER; AMENDING SECTION 1-5 OF SUCH CHARTER LAWS PROVIDING ADDITIONAL NOTICE OF SPECIAL MEETINGS, AND ESTABLISHING THAT THE COMMISSION SHALL DETERMINE ITS OWN RULES, ORDER OF BUSINESS, AND KEEP MINUTES OF MEETINGS; AMENDING SECTION 1-5 OF SUCH CHARTER LAWS PROVIDING PROCEDURE FOR EMERGENCY MEETINGS OF THE COMMISSION, REQUIRING AFFIRMATIVE VOTE OF MAJORITY PLUS ONE TO ESTABLISH EMERGENCY IN ORDER TO CONDUCT BUSINESS, PROVIDING THE EMERGENCY MAY BE THE ONLY SUBJECT CONSIDERED, AND PROVIDING AN AFFIRMATIVE TWO-THIRDS (2/3) VOTE OF A QUORUM FOR ALL OTHER ACTIONS AT EMERGENCY MEETING; AMENDING SECTION 1-5 OF SUCH CHARTER LAWS PROHIBITING INTERFERENCE WITH ADMINISTRATION, PROVIDING THE COMMISSION OR ITS MEMBERS SHALL DIRECT AND SUPERVISE OTHER CITY OFFICERS AND EMPLOYEES ONLY THROUGH THE CITY MANAGER; AMENDING SECTION 1-5 OF SUCH CHARTER LAWS TO PROHIBIT THE CITY COMMISSION AND ITS MEMBERS FROM CONTROLLING OR DEMANDING THE APPOINTMENT AND REMOVAL OF ANY CITY ADMINISTRATIVE OFFICER OR EMPLOYEE WHOM THE CITY MANAGER OR ANY SUBORDINATE OF THE CITY MANAGER IS EMPOWERED TO APPOINT; AMENDING SECTION 1-5 OF SUCH CHARTER LAWS TO PROHIBIT THE HOLDING OF OTHER OFFICE OR EMPLOYMENT BY AN ELECTED COMMISSIONER DURING THE TERM FOR WHICH THE COMMISSIONER WAS ELECTED TO THE COMMISSION AND TO PROHIBIT FORMER COMMISSIONERS FROM HOLDING ANY COMPENSATED APPOINTIVE OFFICE OR EMPLOYMENT WITH THE CITY UNTIL ONE YEAR AFTER EXPIRATION OF TERM FOR WHICH MEMBER WAS ELECTED OR APPOINTED TO COMMISSION; AMENDING SECTION 1-6 OF SUCH CHARTER LAWS PROVIDING FOR THE DUTIES AND AUTHORITY OF THE MAYOR-COMMISSIONER; AMENDING SECTION 1-7 OF SUCH CHARTER LAWS TO PROVIDE THAT A COMMISSIONER SHALL FORFEIT OFFICE IF THE COMMISSIONER LACKS ANY QUALIFICATION FOR THE OFFICE, FOR FELONY CONVICTIONS DURING COMMISSIONERS TERM IN OFFICE, AND FOR THREE (3) CONSECUTIVE UNEXCUSED ABSENCES FROM REGULAR MEETINGS; AMENDING SECTION 1-7 OF SUCH CHARTER LAWS TO PROVIDE THAT A VOTE OF THREE (3) COMMISSIONERS IS REQUIRED TO CONFIRM FORFEITURE OF OFFICE; AMENDING SECTION 1-8 OF SUCH CHARTER LAWS TO PROVIDE THAT THE CURRENT CITY MANAGER MAY ONLY BE REMOVED BY A FOUR-FIFTHS VOTE OF FULL CITY COMMISSION AND UPON RETIREMENT, RESIGNATION, OR REMOVAL OF CURRENT CITY MANAGER, ALL SUBSEQUENT CITY MANAGERS SHALL BE APPOINTED BY A MAJORITY VOTE; AMENDING SECTION 1-8 OF SUCH CHARTER LAWS TO PROVIDE THE RESIDENCY REQUIREMENTS FOR THE CITY MANAGER, TO PROVIDE THE COMMISSION WITH RESPONSIBILITY TO ESTABLISH COMPENSATION FOR THE CITY MANAGER, AND PROVIDING FOR THE DUTIES OF THE CITY MANAGER AS CHIEF EXECUTIVE OFFICER OF THE CITY; AMENDING

SECTION 1-8 OF SUCH CHARTER LAWS TO ESTABLISH PROCEDURE FOR CITY MANAGER TO DESIGNATE A CITY OFFICER OR EMPLOYEE TO EXERCISE THE DUTIES AND POWERS OF CITY MANAGER DURING CITY MANAGER'S TEMPORARY ABSENCE AND PROVIDING CITY COMMISSION WITH POWER TO REVOKE DESIGNATION; AMENDING SECTION 1-9 OF SUCH CHARTER LAWS TO DELETE THEREFROM THE POWER OF CITY COMMISSION TO APPOINT CHIEF OF POLICE, VEST APPOINTMENT POWER OF CHIEF OF POLICE TO CITY MANAGER, AND TO PROVIDE FOR REMOVAL OF CHIEF OF POLICE BY CITY MANAGER WITH CONFIRMATION BY MAJORITY VOTE OF FULL CITY COMMISSION; AMENDING THE CHARTER LAWS OF THE CITY BY THE ADDITION OF A NEW SECTION TO BE KNOWN AS SECTION 1-13 TO PROVIDE FOR THE CREATION OF THE POSITION OF CITY CLERK, PROVIDING FOR THE APPOINTMENT AND DUTIES OF SUCH CITY CLERK; AMENDING THE CHARTER LAWS OF THE CITY BY THE ADDITION OF A NEW SECTION TO BE KNOWN AS SECTION 1-14 TO PROVIDE FOR THE CREATION OF THE POSITION OF CITY ATTORNEY, PROVIDING FOR THE QUALIFICATIONS, APPOINTMENT, AND DUTIES OF SUCH CITY ATTORNEY; AMENDING THE CHARTER LAWS OF THE CITY BY THE ADDITION OF A NEW SECTION TO BE KNOWN AS SECTION 1-16 TO PROVIDE LIMITATIONS ON DISPOSITION OF CITY-OWNED PARKS, REQUIRE REFERENDUM FOR ACTIONS TO INCREASE PERMITTED HEIGHT OF BUILDINGS AS ESTABLISHED IN ORDINANCES 07-13, 08-09, 13-08, AND 13-14, LIMIT THE MAXIMUM HEIGHT OF BUILDINGS TO THIRTY-FIVE (35) FEET, AND TO PROVIDE FOR RECONSTRUCTION OF BUILDINGS OVER THIRTY-FIVE (35) FEET IF THE BUILDING IS DESTROYED OR SUBSTANTIALLY DAMAGED BY TERRORIST ACT, FIRE, OR OTHER NATURAL AND DISASTROUS FORCE; AMENDING THE CHARTER LAWS OF THE CITY BY THE ADDITION OF A NEW SECTION TO BE KNOWN AS SECTION 2-7 TO PROVIDE FOR THE RECALL OF ELECTED OFFICIALS AS PROVIDED BY GENERAL LAW; AMENDING THE CHARTER LAWS OF THE CITY BY THE ADDITION OF A NEW SECTION TO BE KNOWN AS SECTION 2-8 TO PROVIDE AUTHORITY AND PROCEDURE FOR CITIZEN REFERENDUM

Mayor Samuels said Sections 9 and 10 called for 48 hours' notice to call an emergency meeting. She felt in an emergency that was too long. The consensus of the Commission was to delete "48 hours" and replace with "reasonable". Commissioner Pawlowski noted the change applied only to emergency meetings and not to special meetings.

Commissioner Pawlowski suggested the language of Sections 18 and 19 could be worded differently to clarify the vote for the current manager is not a change to the current city charter. Section 24 should reflect a super-majority vote was needed for the current attorney. Section 28 should add "and require voter approval". Section 30 should clarify that existing buildings over 35 feet may be reconstructed within the three-dimensional envelope of the area of the pre-disaster building.

It was the consensus of the Commission to have Commissioner Pawlowski work with the City Attorney on the ordinance language before second reading.

Bob Kahler, 29 Sunfish Drive, said the next City Manager and Police Chief should have the protection of a super-majority vote to dismiss.

Motion: to approve Ordinance 14-01, as amended, on first reading, **Moved by** Commissioner Snodgrass, **Seconded by** Mayor Samuels.

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

Yes: Commissioner Helhoski, Commissioner Pawlowski, Commissioner Snodgrass, Mayor Samuels, Vice-Mayor O'Brien.

NEW BUSINESS

4. Repair of Solid Waste Truck:

- A. Approval of Sole Source, Wilson Machine and Welding Works of St. Augustine, to do the Repairs
- B. Budget Resolution 14-14, to Appropriate \$8,325 for the Repairs

Bob Kahler, 29 Sunfish Drive, asked the nature of the work and why it was sole source. Mr. Howell explained the damage was with the rear compaction blade and the deflection plate was cracked and punctured. Similar repairs were done to another truck earlier. This is the only business in the vicinity that does this type of work. Traveling to other areas for repairs adds the expense of transportation and time to the cost.

Motion: to approve the recommended repair of the solid waste truck and to approve Budget Resolution 14-14, **Moved by** Commissioner Snodgrass, **Seconded by** Vice-Mayor O'Brien.

5. City Finances: Review of Five-Year Financial Plan

Finance Director Burns explained that she used averaging for the growth and tax rate estimates. The economy is improving and the City is good financial shape.

6. City Attorney: Discussion of Performance Evaluation

The City Commission discussed whether an evaluation was needed as the City Attorney is an independent contractor. It was the consensus of the Commission to take no action.

COMMISSIONER COMMENTS

Building Official Larson – Demolition of the Beachfront Resort's office, kitchen, and dining room area will begin soon.

Public Works Director Howell – A Street has been closed while the drainage pipeline was installed. The project is winding down and should be completed soon.

City Manager Royle – A monopole communication tower is being considered at the Winn Dixie plaza south of the City. Nearby residents will be notified and the development will need a minor

modification. The consensus of the Commission was to authorize the Mayor to attend County meetings on the subject. Attorney Burnett pointed out that the City should know if the tower provides for co-location of at least six users. It should provide sufficient coverage to eliminate cell phone reception problems in the city.

The City received a solicitation to change lights inside city hall to LED, but no cost estimate was provided. The City is also looking into solar paneling for the Public Works building. Florida Power & Light will not install LED street lights at this time. Commissioner Snodgrass asked the City Manager to request an energy audit from the power company. Mayor Samuels asked the City Manager to look for energy grants.

Police Chief Hardwick – Reported that the staff member accreditation was out for extended illness and a volunteer is currently filling in for her. He asked permission to use forfeiture funds to pay for this additional expertise. Mayor Samuels asked if paying would make her an employee. Attorney Burnett said the person would be a project manager, not an employee. It was the consensus of the Commission to authorize the use of forfeiture funds to pay for an independent contractor to work on accreditation. Mr. Burnett and Chief Hardwick will write an agreement for the consultant.

Commissioner Pawlowski said she had been working with Ms. Burns on the next budget.

It was the consensus of the Commission to move the June 2014 Regular Meeting of the City Commission to Monday, June 9, 2014.

Vice Mayor O'Brien – Received compliments on the landscaping project near the 7-11 store. Mr. Howell said new welcome signs should arrive in mid-May. A plan to improve the south entrance to the City is underway, but the City will need permission from the Florida Department of Transportation before any improvement can be made to the north entrance.

Residents from the Anastasia by the Sea complex have complained about loud music.

Commissioner Helhoski – Talked with Chief Hardwick briefly regarding security at meetings and requested the Commission hold a shade meeting to discuss options. Attorney Burnett advised that the discussion of security can be held in private and no public record would be made. By consensus, the Commission agreed to meet in private immediately following this meeting.

Parking is an issue near the pier.

By consensus, the Commission approved a request from Commissioner Helhoski to be filmed in the Commission Chamber and to include the City seal in the filming.

Mayor Samuels – Received Commission permission to attend discussions with the County, Chief Hardwick, and the Florida Department of Transportation regarding parking and traffic issues. It was the consensus of the Commission to continue allowing staff to cover the No Parking signs on some side streets as needed during periods of heavy congestion.

Ann Palmquist, 213 10th Street, said it might help if the Wednesday farmers market vendors set up under the pavilion instead of using parking areas. Also, parking on 10th Street made passage nearly impossible for emergency vehicles.

Commissioner Helhoski – There are 3-4 ice cream trucks in the city. He asked if a taco truck could do the same thing. The Commission agreed to discuss it at their next meeting.

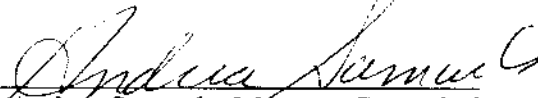
ADJOURNMENT

There being no further business to come before the City Commission, the meeting adjourned at 9:11 p.m.

ATTEST:



City Manager


Andrea Samuels, Mayor – Commissioner

(DUE TO A POWER FAILURE, PORTIONS OF THIS MEETING WERE NOT RECORDED. THE RECORDINGS WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. THE VIDEO CAN BE FOUND AT WWW.STAUGBCH.COM, OR BY CONTACTING THE OFFICE OF THE CITY MANAGER.)