

MINUTES OF THE REGULAR COMMISSION MEETING of the City of St. Augustine Beach, Florida, held on Monday, March 4, 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.

Absent/Excused: 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 Cathý Benson.

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

Motion: approve the February 4, 2013 minutes, Moved by Commissioner Samuels, Seconded by Commissioner Pawlowski

Vote: Motion carried by unanimous voice vote (summary: Yes = 4)

ADDITIONS OR DELETIONS OF THE AGENDA

At the City Manager's request, the Commission agreed to add item # 5A to the Consent Agenda, a proclamation to declare March 8, 2013 as International Women's Day. Agenda item #7, Building Height, was postponed to the next meeting due to Vice Mayor O'Brien's absence.

CHANGES TO ORDER OF TOPICS ON THE AGENDA

None

PRESENTATIONS

A. Medal of Valor to Deputy David Tiller was presented by Chief Hardwick and Resident Agent in Charge Travis Smith from the Florida Department of Law Enforcement. The Combat Medal was also awarded to Deputy Tiller.

B. Civic Association's Donation of \$2,375 for the Purchase of Uniforms and Accessories for Five Bicycle Patrol Officers

Bill Jones from the Civic Association presented a check to the Mayor. Chief Hardwick said that when an officer is available, one will be out on a bicycle in the community.

Mayor Snodgrass presented a plaque to Robert Samuels for his years as Civic Association President from 2003-2012.

C. City Charter Review: Discussion of Process with Ms. Marilyn Crotty, Director, Florida Institute of Government, University of Central Florida

Ms. Crotty reviewed the process and explained the role of a facilitator.

Ed Slavin, St. Augustine, made recommendations for the charter review.

Commissioner Pawlowski asked if the Charter Review Committee would fall under the Sunshine Law, and was told it would. Commissioner Helhoski supported using a facilitator for the process.

Pat Gill, 218 B Street, said the last Charter Review Committee did not have a facilitator and they did a good job. She said the "Model City Charter" guide by the National Civic League would be good for the Committee and the Commission to review. Mayor Snodgrass supported hiring Ms. Crotty as the facilitator. He suggested retaining her now and working the next few months to refine the issues and select the committee members by May. Commissioner Pawlowski agreed and Commissioners Samuels added that the Commission should discuss what to look for in committee members. Commissioner Helhoski agreed. Commissioner Pawlowski said residents should be encouraged to submit ideas to be considered in the charter review process and to apply to be committee members.

Motion: to engage Ms. Crotty as facilitator for the Charter Review Committee at a cost of \$4,000 plus travel expenses., **Moved by** Mayor S. Gary Snodgrass, **Seconded by** Commissioner Undine Pawlowski.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Undine Pawlowski, Mayor S. Gary Snodgrass.

Mr. Burnett said he did not feel membership of the Charter Review Committee as well as another Board/Committee such as the Comprehensive Planning & Zoning Board, would constitute dual office holding. He will review the City policy on this. The Commission did not support asking any Charter Review Committee members to commit to not running for City Commission in the next election.

PUBLIC COMMENTS

Chris Mann, 509 F Street, thanked the City for supporting the Enterprising Women's Leadership Institute by issuing a proclamation declaring March 8, 2013 as International Women's Day.

Bob Kahler, Sunfish Drive, asked if a lawsuit was filed by former Police Chief Mathis.

Sabrina Gebert, 106 10th Street, asked about the lights on the bike path on 2nd Avenue.

Ann Palmquist, 213 10th Street, asked for trimming of vines on a light pole at 2nd Avenue and 10th Street.

Patricia Gill, 218 B Street, spoke about historic houses. She asked the City to write the County requesting Mr. Moore's assistance with historic resources. She also said the Beautification Committee suggested she write a grant request for beautification and for Arbor Day, which requires matching money. She offered to write the grant, which the City had two years ago. She said Chuck Lippe agreed to give his time as matching and City staff time can be used as matching. The grant is available for \$2,000-20,000. She suggested asking for A1A beautification.

Ed Slavin, Box 2084, St. Augustine, said the 450th Celebration Commission has no funds and no budget. He asked the Mayor to write a letter asking the status of the Commission.

Bill Rosenstock, 57 White Court, spoke regarding a partial release of lease on property north of Pope Road, which appears to transfer state park access #2 because the State did not want to maintain it. He said the 1985 agreement required the State to maintain the access and the handicap entrance. If the 1985 agreement is voided, it gives up many rights provided to the City of St. Augustine Beach.

Steve Mitherz asked the outcome of the meeting with the County on the garbage overcharge and on the Mizell Road issues, and what the City planned to do at this point. He asked where the 2nd Avenue drainage ditch project will start and end. He also requested an update on the cost of the pier park project and the dollar value of City staff time spent working on the new bathrooms.

St. Johns County Commissioner Bennett said the meeting with the County Manager and the City Manager on the garbage issue provided memos for the City's review. Though there were good discussions regarding the contaminated land, it was too soon to state any positions. It appears that the Pope Road parking site will be permitted, but discussion has been postponed to next meeting.

Mr. Royle reported there was no lawsuit from Ms. Mathis at this point. Depositions are being taken, but no suit has been filed. Mr. Burnett said the Clerk of Court may have some information available on the matter. Mayor Snodgrass said when the blended police plan was suggested, the Commission gave Chief Hardwick until July 1 to evaluate the department and submit his report. Mr. Howell said he is gathering options and working with Florida Power & Light regarding lights on the bike path, and will have options to discuss at the April City Commission meeting. He said it is not the City's responsibility to work around power or other wires, but he will check out the location of the vines. Mr. Royle said he would write a letter to the County asking for Mr. Moore's services. He will review the suggested beautification grant and talk with Ms. Gill to determine if the City can apply. It was the consensus of the City Commission to allow Mr. Royle to proceed with the application if appropriate. The Commission can approve the matching funds or services at a later time. He said the waste disposal fee issue was being reviewed in house. The dump site issue is under discussion with the County. Ms. Burns said \$207,566 was spent year-to-date on the restroom project. Mr. Royle will send Mr. Mitherz the requested number and value of staff hours spent on the Pier Park project when available. Mr. Burnett said he was working on a legal position on various issues supporting the City's position on the solid waste issue.

[Recess at 8:37 to reconvened at 8:49.]

PUBLIC HEARINGS

1. Request to Vacate Alley in Block 13, Chautauqua Beach Subdivision, between 9th and 10th Streets, and A1A Beach Boulevard and 2nd Avenue

It was the consensus of the City Commission to direct the City Attorney to prepare an ordinance to vacate the alley for consideration at the April meeting.

2. Ordinance 13-02, Public Hearing and Final Reading: to Amend the Comprehensive Plan's Capital Improvements Element to Adopt by Reference the School Board's Five-Year District Facilities Plan

Ordinance 13-02 was read by title only by the City Attorney.

ORDINANCE 13-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA ADOPTING THE ST. JOHNS COUNTY SCHOOL BOARD'S FIVE YEAR DISTRICT FACILITIES WORKPLAN BY REFERENCE INTO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ST. AUGUSTINE BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: to adopt Ordinance 13-02 on second and final reading, **Moved by** Commissioner Andrea Samuels, **Seconded by** Commissioner Undine Pawlowski.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Undine Pawlowski, Mayor S. Gary Snodgrass.

CONSENT

3. Resolution 13-03, to Adopt the Position Description for Events Coordinator and Police Lieutenant.
4. Budget Resolutions:
 - A. 13-01, to Amend the FY 13 General Fund Budget to Recognize Revenue for Pier Park Restroom Project
 - B. 13-02, to Amend the FY 13 General Fund Budget to Recognize Revenue and to Provide for Various Appropriations
 - C. 13-03, to Amend the FY 13 General Fund Budget to Transfer and Appropriate Money for Compensated Absence

- D. 13-04, to Amend the FY 13 General Fund Budget to Transfer and Appropriate Money from Audit Fees to Road & Bridge Fund
- E. 13-05, to Amend the FY 13 Road & Bridge Fund Budget to Transfer and Appropriate Money from Audit Fees.
- 5. Proclamation to Declare April 17, 2013 as Military Family and Community Covenant Day
- 5. A. Proclamation to Declare March 8, 2013 as International Women's Day

Motion: approve consent agenda items 3 through 5 A, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Undine Pawlowski, Mayor S. Gary Snodgrass.

Moved by Commissioner Undine Pawlowski, **Seconded by** Commissioner Andrea Samuels.

OLD BUSINESS

6. Former Building Department Office: Interim Report on Plan to Renovate

Paul Slava, President of the Art Studio Group, reported that the Internal Revenue Service is about one year behind in processing applications for non-profit organizations. As a result, the Art Studio Group cannot apply for funds to renovate the building until the non-profit status is approved. They want to proceed with some cosmetic beautification while waiting. He asked permission to proceed with painting and façade work and cleaning that can be done at this point.

Pat Gill said the building might qualify as a historic building and supported its preservation.

Mr. Larson was concerned with the building's integrity where cracks are growing wider. It was the consensus of the City Commission to allow the Art Studio Group to proceed with site improvement such as fences and lawn work, and to have Mr. Larson report on the condition and safety of the building. Mr. Slava agreed the Group would not touch the building itself until allowed.

7. Building Height: Continuation of Discussion

Postponed to next meeting.

NEW BUSINESS

8. Anti-Discrimination: Adoption of Comprehensive Ordinance to Create Chapter 3 of the City Code

Ordinance 2013-03 was read by title only by the City Attorney.

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: approve Ordinance 2013-03 on first reading, **Moved by** Commissioner Andrea Samuels, **Seconded by** Commissioner Undine Pawlowski.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Undine Pawlowski, Mayor S. Gary Snodgrass.

9. Ownership of East End of Pope Road: Authorization for City Attorney to Engage Title Search Company

Mr. Burnett explained that the County had done some research on this but he wanted to do a detailed title search from an outside source. He estimated it would cost \$2,500-3,500. Commissioner Samuels said in 2008-09, when the scenic overlook was built, they did a survey and title search. It was the consensus of the City Commission to check with the County for a title search and if not available, move forward with the title search recommended by Mr. Burnett.

Mr. Rosenstock said he called the Department of Environmental Protection (DEP) to ask about the scenic overlook and was told no permit was issued unless those who put it there have ownership of the property. However, they do not require a title search as proof of ownership. The County did certify on the DEP application that they owned the property.

COMMISSIONER COMMENTS

City Manager Royle said the City received a nice letter about the Community Garden move.

Public Works Director Howell reported the relocation of the Community Garden was completed and the fence would be installed this week. Several offices needed to be rekeyed to comply with requirements for Police Department certification and other security measures will be installed in both the Police Department and City Hall.

Chief Hardwick said there have been no reports of incidents on the bike path, but he would continue to investigate security there. There were 10 to 12 car burglaries over the weekend, and all of the cars were unlocked. He reported the union was voted out last week and he is filing the appropriate paperwork to decertify. A citizen recently recommended a grant which the Police Department is applying for. St. Johns County Beach Services will donate an all-terrain vehicle to the City which can be utilized by Police as well as other City departments. The computer terminal in the Finance Director's office needs extra security. He will report on a possible need

for a security camera at Splash Park at the next Commission meeting. The 800 MHz system should be online in 2 weeks.

Commissioner Pawlowski said discussion of Commissioner assignments should be continued to the next meeting when Vice Mayor O'Brien is present.

Commissioner Helhowski said his Intergovernmental Committee meeting will be held on Wednesday. He supported security cameras at City Hall, saying there are many options available that are not very expensive. Mr. Burnett explained that meetings to discuss security are exempt from the Sunshine Law.

Commissioner Samuels reported on meetings of the Chamber of Commerce, the Visitors & Convention Bureau, the Northeast Florida League of Cities, and a legislative session in Washington, D.C.

Mayor Snodgrass said he met with the County regarding waste disposal, Mizell Road, and the Community Garden.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 9:38 p.m.



Mayor – Commissioner

ATTEST:



City Manager

(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.)