



**MINUTES
CITY COMMISSION MEETING
CITY OF ST. AUGUSTINE BEACH
JANUARY 6, 2014**

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

SWEARING IN OF COMMISSIONERS ANDREA SAMUELS AND RICH O'BRIEN AS MAYOR AND VICE MAYOR, RESPECTIVELY, FOR 2014

Former Mayor Snodgrass administered the oath of office for Mayor Samuels and Vice Mayor O'Brien.

ROLL CALL

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

Also Present: City Manager Royle, City Attorney Whitehouse, 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 DECEMBER 2, 2013

Motion: to approve the minutes of the December 2, 2013 meeting, **Moved by** Commissioner S. Gary Snodgrass, **Seconded by** Vice Mayor Rich O'Brien.

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

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

ADDITIONS OR DELETIONS OF THE AGENDA

The City Commission agreed to table item 7 regarding golf carts for further review by City staff with the County.

Motion: to approve the change to the agenda, **Moved by** Commissioner Undine Pawlowski, **Seconded by** Vice Mayor Rich O'Brien.

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

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

CHANGES TO ORDER OF TOPICS ON THE AGENDA - None

PRESENTATIONS

- A. Plaque to Mr. Tom Large, Public Works Grounds Foreman, for 20 Years of Employment with the City

Mr. Howell and Mayor Snodgrass presented a plaque to Mr. Large.

PUBLIC COMMENTS

Bob Kahler, 29 Sunfish Drive, spoke about free speech and previous Commission actions.

Steve Mitherz, 17 Sea Oaks Drive, asked about a date for mediation with the County on garbage fees and the contaminated land. He asked when the Salt Life restaurant would open and if they had arranged for more parking.

Ed Slavin, Box 3084, St. Augustine, said the people need to try harder to get along despite their political differences. The people should question authority more often.

County Commissioner Rachel Bennett said the mediation with the City and the County had been scheduled for January 13. A joint meeting will also be scheduled which will be a public meeting and will be advertised.

Commissioner Snodgrass said he would attend the mediation.

Mr. Larson said the Salt Life restaurant has a lease for an additional 40 parking spots. He did not have an estimate of a completion date.

PUBLIC HEARINGS

1. Conditional Use Permit: Request for Approval to Existing Permit to Allow Outside Music at Coquina Beach Surf Club, 451 A1A Beach Boulevard, Mr. Chris Way, Applicant

Mr. Way was not present. City Attorney Whitehouse said the Commission could continue the item or go forward with it. Vice Mayor O'Brien said he talked with Mr. Way today and he said he was unable to attend but wanted to go forward with the request. Commissioner Pawlowski said she talked with a representative of the nearby home owners who said they would attend this meeting.

Chuck Nauss, 200 12th Street, requested denial of the application because it would violate the City's noise ordinance.

Jeremiah Mulligan, 18 Bermuda Run Way, said the applicant had speakers outside now and was notified of the violation, but continue to play the music outdoors. He asked the Commission to deny the application.

Motion: to oppose the application to amend the Conditional Use Permit for the Coquina Beach Surf Club, **Moved by** Mayor Andrea Samuels, **Seconded by** Commissioner S. Gary Snodgrass.

Vice Mayor O'Brien noted the balance of quality of life for residents and having a business friendly environment. He suggested a 90 day trial period. Commissioner Helhoski agreed.

Mayor Samuels said there were no businesses playing outside music on A1A Beach Boulevard. Commissioner Helhoski noted that his business was not affected by the noise ordinance, as it had a conditional use permit.

Commissioner Snodgrass said the City wanted to help businesses, but being sensitive to our residents was important. He noted the minutes show that in the past the Comprehensive Planning and Zoning Board specifically asked Mr. Way if he wanted outside music and he said no.

Commissioner Pawlowski added that the application did not indicate if the music was recorded or live and there was a lack of ability to control the volume of live music. She supported the Board's recommendation.

Vice Mayor O'Brien asked if the motion could be amended to allow piped in music only. Mayor Samuels said it would be better if Mr. Way reapplied with specifics on the music.

Vote: Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

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

No: Vice Mayor Rich O'Brien.

CONSENT

2. 2nd Avenue Drainage Project: Request for Approval of Change Order #3

3. Budget Resolutions:

A. 14-01, to Amend the FY 2014 General Fund Budget to Transfer and Appropriate Money to Various Accounts in the Police Department's Budget

B. 14-02, to Amend the FY 2014 General Fund Budget to Transfer and Appropriate \$7,500 to the Building Department's Other Contractual Services Account

C. 14-03, to Amend the FY 2014 General Fund Budget to Transfer and Appropriate \$1,600 to the Parks/Recreation Department's Training/Education Account

Motion: to approve the items on the consent agenda, **Moved by** Mayor Andrea Samuels, **Seconded by** Vice Mayor Rich O'Brien.

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

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

OLD BUSINESS

4. Proposed Courtyard by Marriott Hotel:

- A. Review of Ordinance to Amend Planned Unit Development to Include Preservation of Two Trees and Reserving of Lots between 7th and 8th Streets for Parking.
- B. Consideration of Reducing Payment to the City of \$560,000 for the Vacating of 6th Street Right-of-Way between A1A Beach Boulevard and 2nd Avenue

City Manager Royle explained that Ordinance 14-01 was drafted to provide conditions about preserving the trees, providing for public parking, and the amount to be paid to the City for the 6th Street vacation. Commissioner Pawlowski said the Commission had agreed the public parking would be provided in perpetuity and removed the previous agreement to examine the parking issue after three years. Commissioner Snodgrass added that the City's recent appraisal of the property was lower than at the time the original agreement was made and he supported reducing the payment to \$316,000.

Farid Ashdji assured the Commission that the public parking would be provided from 10 a.m. to 5 p.m. on days they are not holding any event. He agreed to preserve the trees identified. He promised that if the Commission reduced the payment to \$316,000, he would pay the funds within 60 days. Mayor Samuels asked if he was in agreement with the lots remaining available for public parking in perpetuity. Mr. Ashdji said a review of the parking needs after three years would be more appropriate.

Mr. Larson said he was contacted by someone who was thinking of buying the same lots for use as paid parking. Mr. Ashdji said the lots were not for sale and he had not spoken with anyone about them.

Vice Mayor O'Brien asked that signage be posted indicating that public parking was permitted between those hours.

Commissioner Helhoski agreed that the consensus at the last meeting was to have the public parking in perpetuity.

Commissioner Pawlowski recommended that if, after three years, the lots are determined not to be needed for parking, the developer would repay the City the balance of the deferred amount, which would be \$244,000. Mr. Ashdji said he would have to check with his company before he could make that agreement. He wanted to retain the option to sell the lots if they were determined not to be necessary. Mayor Samuels suggested he meet with his company and come back next month to discuss the agreement.

Ed Slavin, Box 3084, St. Augustine, said the Marriott Corporation was quite successful and did not need concessions from the City. He urged the City to receive something in exchange for any concessions. He recommended the Commission require they pay a living wage.

Mayor Samuels reviewed the offer of reducing the payment to \$316,000 provided there would be public parking for three years, and the owner would pay \$244,000 if the parking lot were converted to another use within five years after opening.

Mayor Samuels moved to amend the ordinance and the motion died for lack of a second.

City Attorney Whitehouse reviewed the draft language for the revised Ordinance.

“To ensure sufficient parking is provided for the Hotel, Lots 5 and 7-15, Block 15, Chautauqua Beach subdivision, north of 7th Street, shall be reserved by the Applicant for additional parking for three (3) years from the date the certificate of occupancy is issued for the Hotel, at which time, the Applicant may apply to ask for the lots to be released from this condition. The burden shall be upon the Applicant to show that the parking can be provided to meet the code requirement for parking without the additional lots. These additional lots shall be posted as and shall be available to the public for public parking between 10 am and 5 pm every day unless needed for a special event at the Hotel. If these lots are removed between year three (3) and year five (5) the Applicant shall pay the deferred amount of \$244,000 within thirty (30) days of that removal. After five (5) years such fee would be waived.”

Commissioner Pawlowski noted the City would in affect be paying \$49,000 per year for the parking for five years.

Motion: to continue Agenda Item #4 regarding the Proposed Courtyard by Marriott Hotel to the February meeting, **Moved by** Mayor Andrea Samuels, **Seconded by** Commissioner Brud Helhoski.

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

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

5. Social Media, Computer Use and Email: Review of Proposed Policies

Motion: to approve the City of St. Augustine Beach Social Media Policy, **Moved by** Mayor Andrea Samuels, **Seconded by** Commissioner S. Gary Snodgrass.

Commissioner Pawlowski said the definitions are not what she expected. She was concerned that the policy did not restrict freedom of speech and said the site should not encourage public comments. Commissioner Helhoski agreed. Commissioner Pawlowski asked if the motion would be amended to clarify that the policy did not extend to emails and to prohibit public posting on any City website.

Motion: amended the motion to include that the Social Media Policy does not include emails and to remove item #6 (2) Posting policy, **Moved by** Mayor Andrea Samuels, **Seconded by** Commissioner S. Gary Snodgrass.

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

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

6. Regulating Pedicabs:Continuation of Discussion

Commissioner Pawlowski said that on New Year's Eve she saw only three pedicabs in the City. They are currently operating legally and only plan to be in the City during special events. She suggested the City not implement more regulations at this time.

It was the consensus of the City Commission to take no action regarding regulation of pedicabs.

7. Allowing Golf Carts to be Driven by Permit in the City: Continuation of Review of Proposed Ordinance - Removed from agenda

8. Grants:

A. Review of Current Grant Search Arrangement and Discussion of Changes

B. Review of Proposed Grant Policy

Mayor Samuels said there should be a budget established for grants and staff should be actively researching for available grants. Grant suggestions should be submitted by June in order to be incorporated in the budget. Staff should be able to apply for small grants that have short application deadlines.

Commissioner Snodgrass was in favor of authorizing staff to apply for small grants and the Commission should be regularly updated on the status of all grants the City seeks. He suggested allocating \$50,000 from the administrative contingency fund to use for staff grants.

The Commission agreed to continue the discussion at their next meeting. Commissioner Snodgrass said grants should be added to list of discussion items with the County. He noted staff must be held accountable.

Ann Palmquist, 213 10th Street, said it might be possible to receive good tips from the public that might be overlooked. Encourage citizens to speak up.

NEW BUSINESS

9. A1A Beach Boulevard between Pope Road and Santander Drive: Review of Streetlight Proposal

Vice Mayor O'Brien said the area was dark and adding street lights would improve safety, but it is a bird sanctuary. Commissioner Helhoski mentioned turtle nesting in the area. Mayor Samuels said it could be added to discussion items with the County.

Ed Slavin, Box 3084, St. Augustine, said a few people complaining about the area being dark was not sufficient to make a change. The natural state of that area was one of its features and part of the City's charm. He found it inviting not to have lights there.

10. Variances: Consideration of Setting Threshold That Requires Review and Approval of a Variance by the City Commission

Vice Mayor O'Brien said there was feedback opposing a variance which was granted by the Comprehensive Planning & Zoning Board. He asked if there be a threshold for some variances which would have to be confirmed by the City Commission. City Attorney Whitehouse said some cities provide for administrative approvals for minor items. An ordinance could be adopted to require certain variances, or all variances, be approved by the City Commission.

The consensus of the City Commission was to make no change at this time.

11. Workshop with County Commission: Deciding on a Date.

The City Commission agreed to meet with the St. Johns County Commission at 9 a.m. on January 29, 2014. Topics for the agenda will be determined by the Mayor and City Manager, who will send the list to the Commission for review before transmitting to the County. Suggested topics included lighting, pier park, beach renourishment, beach parking & services, grants, sharing of strategic plans, and building the relationship. Additional suggestions will be accepted. Pat Gill suggested adding the fire department and its land. Ed Slavin suggested adding the bed tax and issues with the Tourist Development Council and the Visitor and Convention Bureau.

XIV. COMMISSIONER COMMENTS

Vice Mayor O'Brien and Commissioners Pawlowski and Helhoski wished everyone a happy new year.

Commissioner Helhoski – Beach Blast Off went well.

Commissioner Snodgrass – Recommended a comprehensive assessment of City functions including a peer city review and assessment by an independent professional. It was the consensus of the Commission to allow him to investigate the issue.

Mayor Samuels – Attended the Northeast Florida League of Cities dinner December 5th, attended the Florida Municipal Investment Trust quarterly meeting and they are doing very well, Met with Greg Chelius from the Florida Land Trust to discuss the Maratea property, which is on hold, Met with Council on Aging about a satellite office and they said the northwest was more in need than our area. The Anastasia Baptist Church has a program dealing with memory deficit disorders. Met with Les Thomas to discuss potential for the old city hall building. Historic designation is not an option due to the changes to the building over time. She requested a letter from the individual boards acknowledging this, but had not received them. Regarding extending building permits, she recommended placing restrictions on when owners may apply for extensions. Some are applying after the permit expires.

It was the consensus of the City Commission to authorize \$290 to join the Florida League of Mayors.

Beach Blast Off was great. She thanked all of City staff and volunteers who worked to make it a success.

City Manager Royle – Met with Mr. Johnston about converting the second floor of the old city hall into an art studio.

Chief Hardwick – It was the consensus of the Commission to approve the Chief's request to change the title of Lt. Parker to Commander Parker, with no change in job responsibilities or salary. A Beach Blast Off update will be provided at the next Commission meeting.

The Ron Parker memorial will be held on Friday at 11 a.m.

Signs have been posted on the doors stating that any meeting is covered in FS 790 which does not allow firearms in the room.

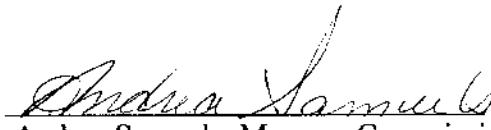
XV. ADJOURNMENT

There being no further business to come before the City Commission, the meeting adjourned at 9:35 p.m.

ATTEST:



City Manager



Andrea Samuels, 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.)



City of St. Augustine Beach

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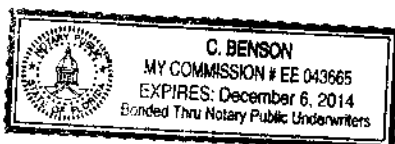
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FAX (904) 471-4470

STATE OF FLORIDA
COUNTY OF ST. JOHNS
CITY OF ST. AUGUSTINE BEACH

I, Andrea Samuels, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida against all enemies, domestic or foreign, and that I will bear true faith, loyalty and allegiance to the same, and that I am entitled to hold office under the Constitution; that I will faithfully perform the duties of Mayor of the City of St. Augustine Beach on which I am about to enter. So help me God.

Subscribed and sworn to before me this 6th day of January, 2014, by Andrea Samuels, who is personally known to me.



C. Benson - Notary Public
Commission No. EE043665



City of St. Augustine Beach

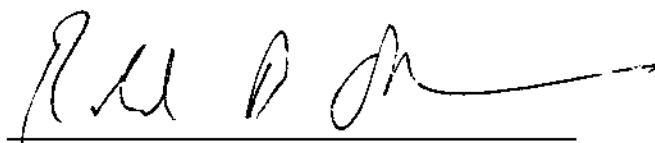
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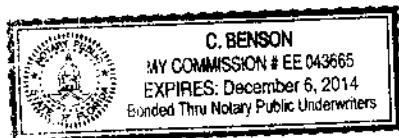
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STATE OF FLORIDA
COUNTY OF ST. JOHNS
CITY OF ST. AUGUSTINE BEACH

I, Rich O'Brien, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida against all enemies, domestic or foreign, and that I will bear true faith, loyalty and allegiance to the same, and that I am entitled to hold office under the Constitution; that I will faithfully perform the duties of Vice-Mayor of the City of St. Augustine Beach on which I am about to enter. So help me God.



Subscribed and sworn to before me this 6th day of January, 2014, by Rich O'Brien, who is personally known to me.




C. Benson - Notary Public
Commission No. EE043665