

MINUTES OF THE REGULAR COMMISSION MEETING of the City of St. Augustine Beach, Florida, held on **Monday, January 7, 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 Vice Mayor O'Brien at 7:00 p.m.

PLEDGE OF ALLEGIANCE

SWEARING IN OF MR. RICH O'BRIEN AND MS. ANDREA SAMUELS TO THEIR SECOND 4-YEAR TERMS AS CITY COMMISSIONERS

Both Commissioners were sworn in by the City Attorney.

ROLL CALL

Present: Commissioner Andrea Samuels, Commissioner Brud Helhoski, Commissioner Undine Pawlowski, Commissioner 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, Deputy City Clerks Sharon Widdifield and Cathy Benson.

ELECTION OF MAYOR AND VICE MAYOR FOR 2013

Vice Mayor O'Brien nominated Commissioner Snodgrass as Mayor.

Commissioner Helhoski nominated Commissioner Pawlowski as Mayor.

O'Brien:	Snodgrass
Snodgrass:	Snodgrass
Helhoski:	Pawlowski
Samuels:	Snodgrass
Pawlowski:	Pawlowski

Commissioner Snodgrass was elected Mayor.

Mayor Snodgrass nominated Commissioner O'Brien as Vice Mayor.

Commissioner Pawlowski nominated Commissioner Helhoski as Vice Mayor. He declined the nomination.

There being no further nominations, Commissioner O'Brien was elected Vice Mayor by unanimous voice vote.

Mayor Snodgrass thanked the Commission and hoped the City could move forward in the next year by working together.

**APPROVAL OF MINUTES OF THE REGULAR MEETING OF DECEMBER 3, 2012
AND SPECIAL MEETINGS OF NOVEMBER 27, 2012 AND NOVEMBER 28, 2012**

Motion: approve all three sets of minutes, **Moved by** Commissioner Andrea Samuels, Seconded by Vice Mayor Rich O'Brien.

Vote: Motion carried by unanimous voice 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

Commissioner Pawlowski noted that Commissioner Comments were at the end of the agenda and believed that change had been for one meeting only.

Commissioner Samuels said the change was to be a trial and Vice Mayor O'Brien agreed.

Commissioner Helhoski said some comments affected businesses and some residents had left by the time they were received.

Mayor Snodgrass wanted a longer trial period for the change and recommended the City Commission revisit the matter after the end of first quarter.

CHANGES TO ORDER OF TOPICS ON THE AGENDA

None

PRESENTATIONS

A. Resolution from the Florida Association of City Clerks Regarding the Retirement of Deputy City Clerk

Donna Hardin and Audrey Sikes, representing the Florida Association of City Clerks, presented a resolution to Deputy City Clerk Sharon Widdifield congratulating her on her retirement after nearly 24 years with the City of St. Augustine Beach. Mayor Snodgrass then presented a gift to Ms. Widdifield.

B. Special Event of Significant Impact: Request to Approve Permit for the Lewis/Wacera Wedding at the County Pier Pavilion on April 20, 2013

Ms. Lewis and Mr. Wacera requested the permit, which was approved by general consent.

C. Grant Writing Services: Interview of Ms. Tanya Lukowiak of Municipal Management Services

Commissioner Samuels said a review of the candidates concluded that Ms. Lukowiak would be the best selection for the work. Ms. Lukowiak reviewed her background and explained how her

company works to save costs for the City. She discussed her fees, which would be negotiated individually for each project. Mr. Royle explained he would not contact them for work unless so directed by the City Commission.

Motion: approve selection of Municipal Management Services for grants writing services as needed, **Moved by** Commissioner Undine Pawlowski, **Seconded by** Commissioner Brud Helhoski.

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

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

PUBLIC COMMENTS

Ann Palmquist, 213 10th St., said the Council on Aging's Director of Transportation told her the current service provided is underutilized. She felt bus stops should be installed. Perhaps a cost benefit analysis should be done to determine the appropriate action.

Mayor Snodgrass welcomed Cliff Logsdon, publisher of the St. Augustine Beaches News Journal.

Ed Slavin, Box 3084, St. Augustine, asked for more promotion of the proposed National Park & Seashore in strategic planning. He also thanked the City Commission for not firing any police officers at this meeting.

Steve Mitherz, 17 Sea Oaks Dr., asked for updates regarding the dispute with the County regarding garbage fees of the past, the contaminated land owned by the City on Mizell Road, and the cost of the restroom projects.

Patricia Gill, 218 B St., asked to request a grant for a purchase of oceanfront property.

Brian Gale 316 Hide Tide Dr, Seagrove, said he hoped the police will increase enforcement on stop sign violations.

Bill Rosenstock, 57 White Ct., addressed the Anastasia Park parking lot. He asked the County's plan for the restoration of the area. He also felt it was unreasonable to shut down a large swimming area without informing visitors why swimming is restricted and the dangers involved. County Commissioner Bennett said the County was aware the signs are missing and was working on replacing them promptly. She said the negotiations on the contaminated site will be held soon.

Bruce Wright, 118 15th St, asked about buying a lot east of 8th St for parking.

Bob Kahler, 29 Sunfish Dr., said the City Commission should set parameters for the new Police Chief.

Ms. Burns said the restroom project's current cost is at \$181,145.55.

Commissioner Samuels said the cost of a bus system is \$75-100,000. It would enhance the existing services. Ridership is encouraged by promotion and publicity. She will be looking at some buses that may be available, but no action will be taken without City Commission approval.

Mr. Royle said he would provide to Mr. Rosenstock a copy of a letter he received regarding the parking lot at the east end of Pope Road.

Mayor Snodgrass asked the Police Chief to look into the speeding issues in Seagrove. Chief Hardwick responded that he would, and he further advised that he planned to hold town hall meetings beginning in February.

Mayor Snodgrass said the 4.5 acres of land has been discussed as a potential purchase, but there was no news on it at this time.

Mayor Snodgrass acknowledged planners of the Beach Blast Off, Steve Cupolo and Jennifer Sauvage, and applauded their work.

PUBLIC HEARINGS

1. Ordinance 12-10, Public Hearing and Final Reading: to Annex into City and Change Land Use/Zoning of the Watson Realty Property, 3175 A1A South

Ordinance 12-10 was read by title only by the City Attorney. He noted the Ordinance annexes the property and assigns to it the appropriate zoning for the City's Comprehensive Plan.

No public comment.

Motion: to adopt Ordinance 12-10 on second and final reading, , **Moved by** Commissioner Andrea Samuels, **Seconded by** Vice Mayor Rich O'Brien.

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

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

CONSENT

None

OLD BUSINESS

2. Resignation of Police Officers: Approval of Separation Agreement and General Release for Two Officers, Ms. Laurie-Ann Lucas and Mr. Bruce Wylly

Mr. Royle said the only change to the agreement was to correct the acceptance date on page 1 to today's date.

Ed Slavin, Box 3084, St. Augustine, requested a copy of the transcript of the shade meeting hearing. He claimed part of the separation agreement included a gag order which he felt was inappropriate for a public agency. Mr. Burnett explained the meeting was covered by collective bargaining and, therefore, exempt from the public record. Mr. Mark Levett, of the City's labor consulting firm, Allen, Norton & Blue, agreed the negotiations were exempt. He noted a letter from Chief Hardwick to Whom It May Concern, dated December 19, 2012, regarding Bruce Wyly, be corrected where a typo refers to "her" when it should read "him". Chief Hardwick said a third officer had asked if the City would extend the offer to January 31, 2013. Mayor Snodgrass was uncomfortable with extending the offer. Mr. Burnett said there was nothing wrong with approving this tonight and whatever comes in the future is a different matter.

Motion: approve the separation agreement and general release for officers Lucas and Wyly, with the corrected date and the corrected typographic error noted, **Moved by** Vice Mayor Rich O'Brien, **Seconded by** Commissioner Andrea Samuels.

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

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

3. Anti-Discrimination in Housing Based on Sexual Orientation: Review of Proposed Ordinance

Commissioner Pawlowski noted the ordinance related only to housing.

Ordinance 13-01 was read by title only by the City Attorney. Mr. Burnett asked what section of the City Code the ordinance should be codified under and it was determined that Section 6 was appropriate.

Ed Slavin, Box 3084, St. Augustine, supported the ordinance.

Motion: approve Ordinance 13-01 on first reading, with the amendment to cite the appropriate codification in Section 6 of the City Code of Ordinances, **Moved by** Commissioner Undine Pawlowski, **Seconded by** Commissioner Brud Helhoski.

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

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

4. Aquatic Weed Control: Request to Approve Contract with The LakeDoctors

Commissioner Pawlowski thanked Mr. Howell for his expertise in the matter. She recommended renewal of the contract to maintain the lakes for 5 years. Pat Gill said the County's Environmentalist recommends not mowing down to the top of the lake as that would threaten endangered species.

Ed Slavin said paragraphs 8, 9, 10, and 11 should be removed from the contract.

Bruce Wright, 118 15th St, said the City should go a few years without a contract and let the lakes return to a natural state.

Ann Palmquist 213 10th St, said she visited Lake Anhinga and the sculpture garden and threw some cornmeal in, but no fish or turtles were there. In another lake she found healthy wildlife. She felt the difference was having a fountain to aerate the water and she heard there are other means of maintaining the proper aquatic condition. She asked the Commission to consider further study of the condition of the lake.

Mr. Burnett said contract could be adjusted on paragraph #8 to have a fuel surcharge “proposed” instead in imposed, and on paragraph #9, to delete the second sentence.

Motion: approve the contract with the Lake Doctors as amended, **Moved by** Vice Mayor Rich O'Brien, **Seconded by** Commissioner Brud Helhoski.

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

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

5. Strategic Plan Goal: Request by Mayor Snodgrass for Approval to Hire Intern to do Employee Pay Study

Mayor said there is money in the budget for temporary labor and he suggested using up to \$5,000 to move forward with the study, increasing the account by \$2,000.

Motion: approve up to \$5,000 to hire an intern to conduct an Employee Pay Study, **Moved by** Mayor S. Gary Snodgrass, **Seconded by** Vice Mayor Rich O'Brien.

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

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

6. Non-Ad Valorem Assessment for Solid Waste: Keeping Fee at Current Level of \$74.00

The City Manager explained that the cost of solid waste disposal was now covered by special assessment and he recommended it remain the same at \$74.00.

Steve Mitherz said the plan was to initially return some money to the public, and he asked the rate be reduced. Mr. Royle recommended the rate remain for this least year and the City could study the option of reducing it next year.

Motion: to continue to current solid waste fee, **Moved by** Commissioner Andrea Samuels, **Seconded by** Commissioner Brud Helhoski.

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

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

[The City Commission meeting took a brief break at 8:40 pm and resumed at 8:49 pm.]

NEW BUSINESS

7. Building Height Limit: Request by Commissioner Samuels to Discuss

Commissioner Samuels said the building height limit can be changed by a majority vote of the City Commission. She would like this to be changed to require a super majority vote. She found that if the height limit were added to the City's density requirements, a waiver would have to be reviewed by the state prior to approval, thus providing another level of protection for the height limit. Commissioner Pawlowski was in favor a strengthening the height limit.

Commissioner Helhoski was supportive of a height limit, but he felt 35 feet might not be a good number. Mr. Larson explained the 35 feet height is to the roof ridge. Vice Mayor O'Brien supported the height limit, but felt it would be appropriate to not include rooftop air conditioners, etc. Mayor Snodgrass supported a height limit and the supermajority requirement. Commissioner Samuels asked to send the matter to the Planning & Zoning Board for their review and comments on the height and the supermajority vote before bringing it to the City Commission for action.

Commissioner Pawlowski asked if the City Commission could vote to implement a supermajority and bind a future City Commission. Mr. Burnett explained it would be changed by amending the ordinance.

Ed Slavin said an attempt to limit heights in St. Augustine was defeated because the ordinance was loaded with many other objectionable conditions. He supported the recommendations. Mayor Snodgrass concluded that the issue should be sent to Planning & Zoning for their comments.

8. Resolution 13-01, to Authorize Placement of City Funds in the Florida Municipal Investment Trust

Ms. Burns said the Trust had been paying better interest rates at this time on long term investments.

Motion: adopt Resolution 13-01 to authorize placement of City funds in the Florida Municipal Investment Trust, **Moved by** Commissioner Andrea Samuels, **Seconded by** Vice Mayor Rich O'Brien.

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

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

COMMISSIONER COMMENTS

Commissioner Pawlowski said the Beach Blast Off event was great. She talked with Mr. Royle about an internship and decided to it delay to later in the year. She was glad to see the

nondiscrimination ordinance for housing and would like to see a nondiscrimination ordinance regarding employment. The Commissioners had no objections to proceeding with an ordinance.

Vice Mayor O'Brien suggested honoring Mr. Correa and Mr. Messenger for their services as Acting Chief. He commented that speeding on beach at night was a problem and should be addressed. He asked that Baenziger & Associates send letters of appreciation to the final candidates for the Chief's job.

Commissioner Helhoski said he would be traveling a lot this year. He might have to miss the February meeting and asked it be moved to Tuesday or Wednesday. After discussion, the Commission determined the meeting will be held on its regular date.

Commissioner Samuels asked if all the Commissioners would keep their same commitments for the new year. Mayor Snodgrass said the Commission would affirm their assignments at the next meeting. Commissioner Samuels said she attended the FMIT (Florida Municipal Insurance Trust) meeting on health care laws in Florida. Commissioner Samuels will be at South Beach Grill waitressing for Tips for Kids. She also would like to schedule meetings with staff and others to discuss potential bus purchases.

Mayor Snodgrass said the community garden has been discussed, and the possible relocation to Ron Parker Park was being addressed by the County and the gardeners. The budget allocates up to \$10,000 for the relocation, including a new well, transporting boxes, etc. Subject to the Recreation Advisory Board approval, he would like the City to use those funds for the relocation of the garden.

Commissioner Pawlowski asked if the City had mailed notices to the surrounding residents. Mayor Snodgrass said that was the County's job. Commissioner Pawlowski said the City should send the notices and Commissioner Helhoski agreed. Mr. Burnett said the City Manager could tell the County we recommended they send a notice to the surrounding property owners. Commissioner Samuels suggested that if the County sent the notice, the City would reimburse the cost.

Motion: to work with the County to relocate the community garden, to recommend they notify residents within 300 feet of the relocation site, and that the City would reimburse the cost of the notice if they so desire, **Moved by** Commissioner Andrea Samuels, **Seconded by** Vice Mayor Rich O'Brien.

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

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

No: Commissioner Undine Pawlowski.

Mr. Royle said the parking consultant's report will be ready for the February 4 meeting.

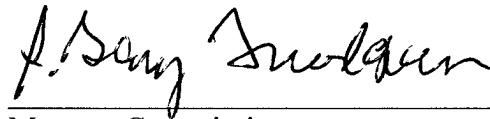
Mr. Larson reported the bathroom project was underway and hoped to open next Friday. Mr. Howell said the splash park project was moving along well.

Chief Hardwick thanked the City Commission for the special meeting allowing the public to attend his official swearing in ceremony. He asked to hire an executive officer to assist, possibly a Lieutenant. The City Commission unanimously supported the hire. Chief Hardwick said he planned an award to Sgt. Correa for serving as Acting Chief. Chief Hardwick asked for up to \$100,000 total to purchase three new vehicles by a piggyback with the County's purchase, saving \$4-5000 each. The City Commission supported the purchase. Chief Hardwick said the 800 Mhz system was being tested and should be installed soon.

Deputy City Clerk Widdifield thanked everyone for their good wishes on her retirement. Mayor Snodgrass thanked her for all she has done for the City and the citizens, and welcomed new Deputy City Clerk Benson.

ADJOURNMENT

The meeting was adjourned at 9:50 pm.



Mayor – Commissioner

ATTEST



City Manager