

MINUTES OF THE REGULAR COMMISSION MEETING of the City of St. Augustine Beach, Florida, held on Monday, February 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 Undine Pawlowski, Mayor S. Gary Snodgrass, Vice Mayor Rich O'Brien.

Absent/Excused: Commissioner Brud Helhoski.

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 JANUARY 7, 2013

Motion: approve the January 7, 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 # 6 to the agenda a request to erect a fence in the City's drainage easement at Marsh Creek unit 17, lot 11.

CHANGES TO ORDER OF TOPICS ON THE AGENDA

At the City Manager's request, the Commission agreed to move Agenda item G to follow item E.

PRESENTATIONS

A. Swearing in of Mr. James Parker as Police Lieutenant

Chief Hardwick administered the oath of office to Mr. Parker.

B. Award of Plaques:

- 1) **to Chief David Messenger, St. Johns County Sheriff's Office, for Acting as the City's Police Chief, May 15 – July 16, 2012.**

Mayor Snodgrass presented the plaque with the City's thanks.

- 2) **to Sgt. Ralph Correa, St. Augustine Beach Police Department, for Acting as Interim Police Chief, July 16 – December 31, 2012.**

Chief Hardwick and Mayor Snodgrass presented the plaque with the City's thanks.

C. Code Enforcement Board: Re-appointment of Mr. Thomas Masciarelli as Regular Member

Motion: reappoint Mr. Thomas Masciarelli as a Regular Member of the Code Enforcement Board, 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 Undine Pawlowski, Mayor S. Gary Snodgrass, Vice Mayor Rich O'Brien.

D. Holiday Lighting Awards: Certificates Presented to:

- 1) **Best Residential: 21 Magnolia Dunes Drive, Seth and Jane Shortlidge.**
- 2) **Best Commercial: La Fiesta Ocean Inn and Suites, Fiesta Falls, 810 and 818 A1A Beach Boulevard, Ms. Lauren Ringhaver and Mr. Rich O'Brien, Owners.**
- 3) **Best Subdivision Entrance: Sea Grove, State Road A1A: Sea Grove Homeowners' Association, Ms. Barbara Kleiser, President.**

Vice Chair Ann Palmquist and Mayor Snodgrass presented the awards to Vice Mayor O'Brien for La Fiesta and Jessica Born representing Seagrove HOA.

E. Beach Blast Off 2013:

- 1) **Plaque to Mr. Steve Cupolo and Ms. Jennifer Sauvage for Service to the City as Co-Chairpersons of the Event, 2012 and 2013.**
- 2) **Update Report by Mr. Cupolo and Ms. Sauvage of the BBO Event for 2013.**

Mayor Snodgrass presented the plaque. Mr. Cupolo reported the event was a success and estimated a net income of \$14-16,000 for this year. They had approximately 120 volunteers to accomplish the event.

F. Special Event Permits:

- 1) **Church Conference on Beach behind Holiday Isle Oceanfront Resort, 860 A1A Beach Boulevard for Dance on Friday, March 8, 2013 from 7 p.m. to 10 p.m., and on March 9th during Daylight Hours, Mr. Ron Caruso, Applicant.**

Motion: approve permit application from Mr. Caruso for March 8 & 9, 2013, Moved by Vice Mayor Rich O'Brien, Seconded by Commissioner Undine Pawlowski.

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

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

- 2) **the Civic Association's A Taste of the Beach, Sunday, May 19, 2013, from Noon to 5 p.m. at the Pier Park Pavilion, Mr. Robert Samuels, Applicant.**
- 3) **the Civic Association's Music by the Sea Concerts on Wednesdays from 6 p.m. to 9 p.m., May 8 to September 25, 2013 at the Pier Park Pavilion, Mr. Robert Samuels, Applicant.**

Motion: approve both applications by the Civic Association, Moved by Mayor S. Gary Snodgrass, Seconded by Vice Mayor Rich O'Brien.

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

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

G. Parking Study: Update Report by County's Consultant, Mr. Matt Lahti of Zev Cohen.

Billy Zeits, of St. Johns County Beach Services, explained the County has been working with Commissioner O'Brien and Zev Cohen & Associates to address the City's beach parking. Matt Lahti reported the study identified primary parking sites at Pope Road, 8th Street on the west side of A1A Beach Blvd, and others. A draft report should be completed by February 20 for the March City Commission meeting. Mr. Zeits said a similar parking study was being conducted throughout the County. They are also examining various methods of funding the projects.

Bill Rosenstock, 57 White Court, urged the Commission to retain or increase the number of parking spaces near the beach. Ed Slavin, St. Augustine, suggested requesting federal funding.

Mayor Snodgrass asked the City Manager and City Attorney to provide information regarding property ownership, land use options, and parking issues to be discussed at the March meeting.

PUBLIC COMMENTS

Sabrina Gebert, 106 10th Street, asked for lights on the bike path from 11th Street to 2nd Avenue. Ed Slavin agreed the bike paths need better safety.

Steve Mitherz, 17 Sea Oaks Drive, asked several questions: for an updated amount spent on the bathroom projects; the number of hours of staff time spent on the projects; how were negotiations going on garbage fees and contaminated land issues with the County; would the members of the Charter Review Committee be selected before they are scheduled to begin work in September; and what was the status of the lawsuit with former Assistant Police Chief (Joni) Mathis?

Patricia Gill, 218 B Street, said the former Maratea property is being planned for development and she is concerned the City may be unable to buy it. She also was surprised to hear that at the end of the January meeting the Commission approved the purchase of new cars and hiring additional personnel without these matters being on the agenda.

Ann Palmquist was concerned the developers of the Maratea property might try to build above the 30 foot height limit.

Bruce Wright said Pope Road ended with a ramp to the beach, which is no longer there. He questioned ownership and/or easement on the property. He also asked if a crosswalk was planned on 15th St.

Bob Kahler, Sunfish Drive, said Roberts Rules of Order provide for “point of order” which should be a right of the public and he wanted to use it. He asked that it be considered during the Charter review process.

William Rosenstock said the situation at Pope Road was environmental and the Florida Department of Environmental Protection had nothing to do with the legal aspects. He also stressed that the beach code says the City cannot reduce parking. He felt the fence was also blocking part of the parking lot and was illegal under the beach code.

Ms. Burns said \$184,928 has been spent out of the \$225,000 appropriated for the restrooms and she did not know the staff hours spent on the project at this time.

County Commissioner Rachael Bennett said a February 13 meeting was scheduled to discuss the disposal fee question and other topics. She also noted the library is looking into relocating the book drop and installing additional bike racks.

City Manager Royle reported the work on the 15th Street crosswalk was underway.

Mayor Snodgrass explained that Roberts Rules applied to the City Commission and not to the gallery. City Attorney Burnett agreed.

[RECESS: The City Commission took a brief recess at 8:15 p.m. and reconvened at 8:24 p.m.]

PUBLIC HEARINGS

1. Ordinance 13-01, Public Hearing and Final Reading: to Prohibit Discrimination in Housing Based on Sexual Orientation

Mr. Nick Frost read a resolution of the St. Augustine membership of the Industrial Workers of the World supporting the ordinance and recommending adding “gender identity” as a protected class. He also suggested extending the protection to the workplace. Robert Kahler asked why the City was considering this ordinance when federal and state law already applies. Ed Slavin said the federal law does not protect against sexual discrimination.

Ordinance 13-01 was read by title only by the City Attorney.

ORDINANCE 13-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA RELATED TO HOUSING DISCRIMINATION; AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF ST. AUGUSTINE BEACH TO PROHIBIT HOUSING DISCRIMINATION; ADDING ARTICLE IX TO CHAPTER 6; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROCEDURES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: adopt Ordinance 13-01, with the inclusion of "gender identity" as a protected class in Section 6-4 (1), (2), (3), (4), (5), Section 6.5, and Section 6.6, Moved by Commissioner Undine Pawlowski, Seconded by Commissioner Andrea Samuels.

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

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

CONSENT

None

OLD BUSINESS

2. Building Height Limit: Continuation of Discussion with Commissioner Samuels

Commissioner Samuels said the 35 foot height limit was not in question, but the issue was whether the limit should be included in the City Charter, which is unnecessary. She said the method of measuring the height should be addressed and the City Building Official Gary Larson said he has determined how it will be addressed. Commissioner Samuels thanked him for his suggestions, which the Commission will review at the March meeting. Vice Mayor O'Brien said he supported requiring a supermajority vote to amend the building height regulations. He said determining the measuring of the height should be examined separately and all oceanfront property owners should be notified of the City's consideration of any changes. The Commission agreed to continue the discussion at their next meeting.

NEW BUSINESS

6. Request to Build a Fence on City Easement at Drainage Canal.

Mr. Luis Cruz's property at Marsh Creek borders the City's drainage canal. He wanted to install a fence on his property in the City's easement. Joe Howell said the City would require a recorded agreement with a requirement that if the City has to have the fence removed to have access, it will not be liable for any damages or repairs to the fence or vegetation.

Motion: approve the request to allow a fence in the City's easement as long as a recorded agreement, drafted by the City Attorney, provides that the City would not be liable for damages

incurred if access over the easement is necessary, **Moved by** Commissioner Andrea Samuels, **Seconded by** Vice Mayor Rich O'Brien.

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

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

3. Events Coordinator: Request by Commissioner Samuels for Consideration to Hire One

Commissioner Samuels explained that her work on economic development found the City had no recreation or special events coordinator. She proposed a job description and asked the Commission to approve the new position. Mayor Snodgrass asked if other options were considered, such as contracting on an as-needed basis. Vice Mayor O'Brien agreed. Commissioner Samuels said the City could begin with a part time position, but she felt it needed to be a City staff position. Commissioner Pawlowski supported the position with a mission to create income for the City, with attendance creating income for local businesses.

Ann Palmquist, 215 10th St, said it is not clear how much the City is already receiving from events. A clarification of the goals should be established.

Motion: hire a part time events coordinator under the direction of the City Manager, with the proviso that the position would be reassessed after one year, **Moved by** Vice Mayor Rich O'Brien, **Seconded by** Mayor S. Gary Snodgrass.

Motion: Commissioner Pawlowski moved to amend the motion to amend the job description to add the employee should be more proactive in creating events to be produced by the City.

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

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

4. Ordinance 13-02, First Reading, to Amend to Comprehensive Plan's Capital Improvements Element to Adopt by Reference the School Board's Five-Year District Facilities Workplan

Mr. Royle explained it was mandated to adopt the school district's five year workplan as part of our Comprehensive Plan even though the City has no schools. It would have no effect on the City but it is required.

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: approve Ordinance 13-02 on first reading, **Moved by** Vice Mayor Rich O'Brien, **Seconded by** Commissioner Undine Pawlowski.

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

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

5. Resolution 13-02, to Declare Three Police Vehicles as Surplus Property and Authorize Their Disposal

Police Chief Hardwick recommended the vehicles be declared as surplus. The motorcycle is not a practical vehicle for the beach and should be sold. He recommended selling the vehicles on EBay auction, which is within the rules for proper disposal of the vehicles. He noted Commissioner Helhoski had mentioned donating the vehicles to northern agencies, but the condition of the vehicles was too bad for them to be passed along.

Motion: approve Resolution 13-02, **Moved by** Commissioner Undine Pawlowski, **Seconded by** Commissioner Andrea Samuels.

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

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

COMMISSIONER COMMENTS

Commissioner Samuels reported she attended the Visitors and Convention Bureau meeting and visitor attendance was at 2008 levels; attended the Northeast Florida League of Cities dinner in January; and was getting ready to visit Washington DC during legislative session to seek support for transportation.

Commissioner Pawlowski said she had worked with Gary Larsen on the overlay ordinance; an ordinance prohibiting discrimination in employment was being drafted by the City Attorney; and attended the Ron Parker memorial event.

Vice Mayor O'Brien reported the Tourist Development Council has secured a professional volleyball event coming August 17-18 and a women's run March 30. Pier Park will be improved in the future and the County will meet with the City to discuss improvements. He volunteered to be the City's representative to the discussions. He asked that someone talk with Mr. Merrill Roland regarding his housing complaints.

Mayor Snodgrass said Vice Mayor O'Brien should meet with the County regarding the Pier Park improvements and that all other assignments of Commissioners should continue for this year. Commissioners discussed options to change assignments and decided to continue in current roles another month in order to include Commissioner Helhoski in the discussion.

Mayor Snodgrass reported Ms. Marilyn Crotty, Director of Florida Institute of Government at the University of Central Florida, will attend the Commission meeting in March to talk about the Charter review process.

City Manager Royle said the County is working with the community gardeners on an agreement. The City has received quotes from well diggers.

Public Works Director Howell said the 15th Street crosswalk project will be completed two weeks from now. He planned to meet with vendors regarding shade structures at splash park. Bid opening would be held in March for the 2nd Avenue ditch project and award of bid would come before the Commission in April.

Police Chief Hardwick reported increased patrol coverage due to citizen complaints. Ron Parker memorial 40th anniversary will be held next year. Mayor Snodgrass praised Michelle Price for her work over the years planning the memorial event. Chief Hardwick said he would like to award the Medal of Valor at the next Commission meeting to former St. Augustine Beach Officer David Tiller for an injury he received in the line of duty. American Traffic Solutions is conducting a free study of traffic signals in the City and a report will be presented to the Commission. He reported that traffic control in Seagrove resulted in 17 citations for running the stop sign, 1 for speeding, and 8 for parking in the last month. He will meet with the Seagrove Homeowners' Association on this. Chief Hardwick worked the beach at night and found many violations, but none for speeding.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 9:43 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.)