

CITY COMMISSION MEETING

MINUTES

FEBRUARY 13, 2018

6:00 P.M.

CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Al Johnson, Mayor
Ward Friszolowski, Vice Mayor
Terri Finnerty, Commissioner
Rick Falkenstein, Commissioner
Melinda Pletcher, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Vince Tenaglia, Administrative Services Director
Jennifer McMahon, Recreation Director

1. Presentations

There were no presentations submitted.

2. Changes to the Agenda

Commissioner Finnerty requested to remove Item 4(b) for discussion.

3. Audience Comments

Harry Metz, Belle Point Drive, discussed the Medal of Honor Memorial to be located in Horan Park.

4. Consent

- a. Approval of City Commission minutes from the following meetings:
01/09/2018 and 01/23/2018.

Hearing no Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Vice Mayor Friszolowski moved to approve Consent Item 4(a) as submitted. The motion was seconded by Commissioner Pletcher and unanimously approved by an individual roll call vote.

Item 4(b) was previously pulled and moved to action items for discussion.

- ~~b. Authorization to approve a special event application request for a beach fire on Upham Beach on Saturday, March 10, 2018~~

5. Action Items

- a. Request to waive the annual increase in lease amount for Merry Pier for 2018.

The leasee is requesting that the City waive the 2018 increase of 2.5% due to the negative impact the road construction has had on the business.

Mayor Johnson called for audience comments.

Megan Donahue, St. Pete Beach, commented on parking restrictions.

Nancy Castellano, Vina del Mar, commented in support of waiving the increase.

Hearing no additional comments, Mayor Johnson called for a motion and the vote.

Commissioner Pletcher moved to approve Item 5(a), to waive the annual increase for the Merry Pier lease for 2018. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

- b. Request by Michael P. Janecek and Rita K. Janecek, Paradise Sweets, LLC, to exercise option to renew lease for Pass-a-Grille and Upham Beach concession operations for an additional five years.

City Manager Saunders reported that Paradise Sweets LLC was originally awarded the lease agreement to manage Paradise Grille in 2008 and granted an additional five-year lease in 2013. The current managers, Rita and Michael Janecek, have requested an additional five-year renewal of the lease.

Mayor Johnson called for audience comments.

Rita Janecek, Paradise Sweets LLC, introduced her partner and managers and thanked the supporters of their businesses, Paradise Grille and Upham Beach concession stands. Ms. Janecek submitted two documents in support of both locations.

Michael Janecek, Paradise Sweets LLC, expressed an interest in continuing to manage the two concession stands and requested renewal of the lease for an additional five-year period.

The following individuals spoke in support of Paradise Sweets LLC:

Dwayne Hale, Gulf Winds Drive, employee of Paradise Sweets LLC
Carolynn Walker, 6th Avenue
Jay Lutz, Vina del Mar
Megan Donahue, St. Pete Beach
Unidentified speaker, Treasure Island
Matt Janecek, manager of Paradise Sweets
Mary Haas, Isla Del Sol

Vice Mayor Friszolowski commented on bidding and renewing previous contracts and the changes that have taken place with different vendors.

Mayor Johnson stated the City is looking for a more simplified contract to administrator.

Commissioner Pletcher thanked the current managers and noted she did not support the sale of beer and wine at the concession stands.

Commissioner Finnerty spoke in support of the Upham Beach concession stand.

Commissioner Falkenstein stated that the current managers brought life to the patio with the artist shows and events.

City Attorney requested the proposed motion be amended to include that the city manager be authorized to respond in writing to the request for renewal of the lease by the current management.

Hearing no further Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to deny the request for an extension of the lease between the City and Paradise Sweets, LLC, and to authorize the city manager to respond in writing to their request. The motion was seconded by Commissioner Pletcher and unanimously approved by an individual roll call vote.

- c. Request approval of the task order under the Continuing Engineering Services Contract with Cribb Philbeck Weaver Group, Inc., in the amount not to exceed \$68,850.00 for Construction Inspection Services of the Pass-A-Grille Way reconstruction from West Maritana Drive to 19th Avenue.

City Manager Saunders reported that the scope of services will include daily inspections, attendance at meetings, field changes, pay application review, change order review and coordination, weekly progress reports, and project scheduling.

Hearing no further Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Pletcher moved to approve Item 5(c), to approve the task order under the continuing engineering services contract with Cribb Philbeck Weaver Group, Inc., in the amount not to exceed \$68,850.00 for construction inspection services of the Pass-A-Grille Way reconstruction from West Maritana Drive to 19th Avenue. The motion was seconded by Vice Mayor Friszolowski and unanimously approved by an individual roll call vote.

4. Consent Item (item previously pulled for discussion)
 - b. Authorization to approve a special event application request for a beach fire on Upham Beach on Saturday, March 10, 2018.

Commissioner Finnerty noted that she requested to pull Item 4(b) due resident concerns.

Mayor Johnson called for audience comments.

Bill Pyle, Silver Sands Condominiums, spoke in opposition to the special event in regard to serving alcohol on the beach.

Hearing no further Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Vice Mayor Friszolowski moved to approve Item 4(b), to authorize the approval of the special event application request for a beach fire on Upham Beach on Saturday, March 10, 2018, with all items that are listed in the Special Event application. The motion was seconded by Commissioner Pletcher and approved by a 3-2 vote, with Commissioner Finnerty and Commissioner Falkenstein voting 'no' and Mayor Johnson, Vice Mayor Friszolowski, and Commissioner Pletcher voting 'yes.'

6. Ordinances

- a. Ordinance 2017-21 (Quasi-Judicial), Final Reading and Public Hearing for CPA 02-17 for the Future Land Use Map change for the property located at 702 Pass-A-Grille Way from ROR/PAG, Residential Office Retail to CRD-EA, Community Redevelopment District Eighth Avenue.

Mayor Johnson reported that Item 6(a) is a Quasi-judicial proceeding and asked that asked speakers to stand and be sworn in by the City Clerk.

City Clerk Haynes administered the oath to those in attendance who wished to speak on Item 6(a).

Mayor Johnson requested Commissioners disclose any ex parte communication they had in regard to Item 6(a).

Commissioner Pletcher disclosed that she spoke with residents and business owners.

Vice Mayor Friszolowski stated that he has no ex parte communication to disclose.

Commissioner Finnerty stated that she has no ex parte communication to disclose.

Commissioner Falkenstein stated that he has no ex parte communication to disclose.

Mayor Johnson disclosed that he viewed the property and received email communication in support of the project.

City Manager Saunders stated that the proposed Future Land Use Map change from ROR to CRD-EA is consistent with Florida Statutes, Pinellas County-Wide Plan Rules, and the St. Pete Beach Comprehensive Plan. No comments were received in response to notification to Florida Department of Environmental Protection (FDEP), Florida Department of Transportation (FDOT), and Florida Department of Economic Opportunity (FDEO); and Southwest Florida Water Management District commented in regard to future water supply.

Dave Feinberg, applicant, Pass-a-Grille Way, stated that the property he owns to the north is currently zoned as CRD-EA. Mr. Feinberg noted that he has received correspondence from neighbors in support of the change in land use from ROR to CRD-EA on properties to the south and the east.

Mayor Johnson called for audience comments in favor of the rezone. There were no comments.

Mayor Johnson called for audience comments in opposition of the rezone.

Dane Beam, 7th Avenue, spoke in opposition to additional rezoning beyond this property and requested assurance from the Commission that this will not occur.

Hearing no additional Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approve Item 6(a), Ordinance 2017-21, upon final reading, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, implementing Amendment #02-17 of the Comprehensive Plan of the City by amending the Future Land Use Plan map incorporated therein; providing for amendment to the Future Land Use Plan map designation of the property generally located at 702 Pass-a-Grille Way, Lot 17, Block 6, Morey Beach, and more specifically described in Exhibit "A"; attached hereto and incorporated herein; providing for a change in the designation of said parcel from Residential-Office-Retail to Community Redevelopment District – Eighth Avenue on the City's Future Land Use Plan Map; providing for conflicts, severability, construction, publication, and effective date. The motion was seconded by Commissioner Pletcher and approved by a 4-1 individual roll call vote, with Commissioner Falkenstein voting 'no' and Mayor Johnson, Vice Mayor Friszolowski, Commissioner Finnerty and Commissioner Pletcher voting 'yes.'

- b. Ordinance No 2017-22 (Quasi-Judicial), Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach providing for a zoning map change for the property located at 702 Pass-a-Grille Way from ROR/PAG to CRD-EA.

City Attorney Dickman stated that the disclosures and oaths taken during Item 6(a) remains applicable for Item 6(b), as the items are linked.

City Manager Saunders reviewed the proposed zoning map change. It has been determined that the change is consistent with Florida Statutes, Pinellas County-Wide Plan Rules, the intent of the Land Development Regulations, and the St. Pete Beach Comprehensive Plan [with the approval of Item 6(a)]; also, the Planning Board, sitting as the Local Planning Agency, has approved the zoning change.

Mayor called for comments from the applicant.

Dave Feinberg, Pass-a-Grille Way, stated he did not have any further comments but is available to answer any questions the Commission posed.

Hearing no additional Commission comments or audience comments in favor or opposed to the project, Mayor Johnson called for a motion and the vote.

Commissioner Pletcher moved to approve Item 6(b), Ordinance 2017-22, upon final reading, an ordinance of the City of St. Pete Beach, Pinellas

County, Florida, providing for an amendment to the official zoning map for the property generally located at 702 Pass-a-Grille Way, Lot 17, Block 6, Morey Beach, and more specifically described in Exhibit 'A' attached hereto and incorporated herein; from Residential – Office – Retail with Pass-a-Grille Overlay to Community Redevelopment District – Eighth Avenue; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for conflicts, severability, construction, publication, and an effective date. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

7. Resolutions

- a. Resolution 2018-03, a resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a Conditional Use permit for a Class I Mobile Food Truck use on the premises of an existing business located at 7701 Blind Pass Road.

Mayor Johnson announced that Item 7(a) was also a Quasi-Judicial hearing.

City Clerk Haynes administered to oath to swear-in interested parties wishing to speak on Item 7(a).

City Attorney Dickman requested Commissioners disclose any ex parte communication.

Mayor Johnson stated he had discussions directly with and received correspondence from the owner of Mastry's Brewery Company.

Commissioner Finnerty disclosed she exchanged email communication with and received communication from the owner of Mastry's Brewery Company.

Commissioner Pletcher disclosed that she has discussed the issue in general and received communication from the owner of Mastry's Brewery Company.

Vice Mayor Friszolowski disclosed that he received communication from the owner of Mastry's Brewery Company.

Commissioner Falkenstein disclosed that he received communication from the owner of Mastry's Brewery Company.

City Manager Saunders reviewed the conditions as developed subsequent to discussions with the applicant.

Mayor Johnson called for comments from the applicant.

Matthew Dahm, applicant and owner of Mastry's Brewery Company, Blind Pass Road, discussed the changes to the conditional use permit that he requested, including customer parking and the location of the food trucks.

Hearing no additional applicant comments, Mayor Johnson called for audience comments.

Amanda Evans, 74th Avenue, spoke in support of Mastry's Brewery Company.

Doug Izzo, Tampa Bay Beaches Chamber of Commerce, spoke in support of Mastry's Brewery Company

Karen Marriott, 71st Avenue, spoke in support of Mastry's Brewery Company.

The final amendments to the conditions in the resolution and conditional use permit are as follows:

- 1) If any of the stated conditions are violated, the applicant understands and ~~agrees that the City Commission may modify or revoke this Conditional Use Permit by resolution following a public hearing.~~
- 2) ~~Applicant understands and agrees that n~~No grandfather status is granted with this Conditional Use Permit, ~~and further understands and agrees that t~~The applicant must comply, within six (6) months of adoption, with any and all amendments to the Code of Ordinances and Land Development Code regarding this use including prohibition of use.
- 3) ~~Due to the variance granted to reduce parking spaces from 41 spaces to 13 spaces (VARIANCE Case #2015-0066), no food trucks may be placed in any parking spaces on the premises. This prohibition includes no placement of food trucks on the north side of the property as shown on the approved site plan.~~
- 34) Food trucks may be placed only in the front yard along Blind Pass Road as shown on the approved site plan.
- 45) To the extent applicable to private property owners, ~~t~~The applicant must meet all requirements included in Ordinance 2017-12 pertaining to Mobile Food Establishments and Mobile Food Trucks and conditions stated in this Conditional Use Permit, whichever is more restrictive.
- 56) The applicant may only have food trucks located on ~~their~~ its property that which comply with all Mobile Food Truck requirements as established by the City and other applicable regulatory agencies.
- 7) ~~A minimum of one week in advance, the applicant shall provide the City with a schedule of days that food trucks will be on the property in order to provide for required inspections by the Fire Marshall.~~
- 68) The applicant must ensure that NFPA food truck safety guidelines are followed.

- 79) In order to protect public safety, the applicant shall provide high visibility cones or other approved delineates along the curb line of Blind Pass Road at the location of the food trucks in order to prevent ingress and egress.
- 840) This conditional use is not transferable to another business or location.

Hearing no additional Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approve Item 7(a), Resolution 2017-03, a resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a conditional use permit for a Class 1 Mobile Food Truck use on the premises of an existing business located at 7701 Blind Pass Road; incorporating the conditions outlined herein and providing an effective date. The motion was seconded by Commissioner Falkenstein.

Commissioner Finnerty amended the motion to include 'with amendments as outlined by the city attorney.' The amendment was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

8. Items for Discussion

There were no items for discussion submitted.

9. Audience Comments 2

Corey Hubbard, Casablanca Avenue, spoke about waterborne taxis.

10. City Clerk, City Manager, City Attorney and City Commission Reports

City Clerk Haynes reported on the following items:

- Suncoast League of Cities business meeting sponsored by the City Clerk's Office scheduled for Friday, February 16th, at the Community Center.
- Mayors' Prayer Brunch sponsored by the Chamber of Commerce scheduled for Friday, February 23rd, at the Club at Treasure Island
- City Hall is closed on Monday, February 16th, in honor of Presidents' Day

City Manager Saunders reported on the following items:

- Dynamic message board signs installed along major roadways by Pinellas County. Presentation at the Big C meeting on February 28, 2018.
- Property adjacent to Lido Park and owned by Duke Energy is listed for sale
- Boating and buoy signage

City Attorney Dickman reported on the following items:

- Variance criteria used by staff and board members

Commissioner Pletcher reported on the following items:

- Pinellas Suncoast Transit Authority busses

Commissioner Finnerty reported on the following items:

- St. Pete Beach Support Our Troops officially closed its doors on January 24th and there will be a presentation showing its history at the next Commission meeting
- Attendance at the Florida League of Cities Conference and update on current legislation
- Update on Blind Pass Road improvements

Commissioner Falkenstein reported on the following items:

- Fence on 55th Avenue near the pump
- Gulf Way traffic congestion due to drivers stopping to wait for a parking space
- Film festival on nature at Eckerd College
- Update on library events
- Crosswalk safety

Vice Mayor Friszolowski reported on the following items:

- Lido Beach Homeowners Association meeting at 6:00 p.m. on February 15th at Lido Park
- Belle Vista Homeowners Association meeting at 6:00 p.m. on February 22nd at Bill Corrotto Park
- Update on beach benches

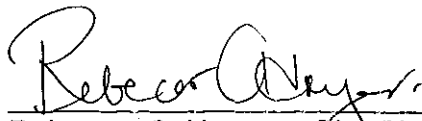
Mayor Johnson reported on the following items:

- Program to serve as a lunch pal for elementary school children
- Invitation to serve on a panel discussion at MacDill Air Force Base on February 28, 2018 in regard to Hurricane Irma
- Vehicle parking limitations during City events

11. **Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 9:50 p.m.

Attest:



Rebecca C. Haynes, City Clerk



Alan Johnson, Mayor

Minutes approved on: 3/27/2018