

City Commission Meeting

May 9, 2023

6:00 p.m.

ELECTED OFFICIALS PRESENT:

Adrian Petrila, Mayor

Mark Grill, Vice Mayor, Commissioner, District 2

Chris Graus, Commissioner, District 1

Ward Friszolowski, Commissioner, District 3

Chris Marone, Commissioner, District 4

STAFF PRESENT:

Matthew McConnell, Assistant City Attorney

Amber LaRowe, City Clerk

Vince Tenaglia, Assistant City Manager

Jennifer McMahon, Chief Operating Officer

Michelle Gonzalez, Community Development Director

Mayor Petrila called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance.

1. PRESENTATION

a. Employee of the Second Quarter

The Mayor and Commission recognized the Employee of the Second Quarter winner, Shawn Clark.

b. Good Citizen Awards

Jennifer McMahon, Chief Operating Officer, presented Jade Jung and Gavin Montgomery, St. Pete Beach After Care Program, with a Good Citizen Award.

2. APPROVAL OF THE AGENDA

Vince Tenaglia, Assistant City Manager, removed item 5.a. from the Agenda.

Mayor Petrila added a discussion of employee evaluations as item 8.d.

Motion: Vice Mayor Grill moved, Commissioner Friszolowski seconded, and the motion carried 5-0 to approve the May 9, 2023 City Commission Agenda.

3. AUDIENCE COMMENTS

John Kurzman, resident, discussed the beach ordinance and shared some pictures of the beachfront that is in front of the hotels. A copy is made a part of the record.

Lisa Robinson, resident, mentioned the recent public records request that she was provided that shows a lack of transparency with governmental employees abiding by the Ordinance that requires quarterly reports for lobbyist contacts.

Bill Schwinghammer, resident, spoke about emergency services and the consideration and needs of the City. He indicated the staffing situation at Fire Station 23 may be an issue.

Deborah Schechner, resident, enjoyed the recognition of staff and children this evening. She reminded everyone that turtle nesting season has begun, so please be aware. Ms. Schechner discussed the Land Use Element that

mentions the preservation of the City's character and maximizing the potential economic benefits. She reminded everyone of the lack of economic benefit that the City receives from tourism and hotels. She encouraged staff and the Commission to listen to the concerns of the residents.

Mrs. LaRowe played the audio submission of a public comment that was emailed by resident Pamela Harris. The audio is made a part of the record.

4. CONSENT

- a. April 25, 2023 City Commission and Planning Board Joint Workshop Minutes and City Commission 6:00 PM Meeting Minutes

Motion: Commissioner Friszolowski moved, Commissioner Marone seconded, and the motion carried 5-0 to approve the May 9, 2023 Consent Agenda as presented by the City Manager.

5. ACTION ITEMS

- a. Vacancy on Pinellas County Medical Services Advisory Council removed

Motion: ~~approve the appointment of on Pinellas County Emergency Medical Services Advisory Board.~~

- b. Fire Station 22 Letter of Support

The Commissioner was in support of the letter prepared by staff to submit to the Governor in the request for funding for Fire Station 22. Representative Cheney said she will work on hand delivery as well.

Motion: Vice Mayor Grill moved, Commissioner Graus seconded, and the motion carried 5-0 for all the Commissioners of the City of St. Pete Beach to sign the letter to the Governor of the State of Florida requesting the approval of the \$2M line item for Fire Station 22 in this year's State budget.

6. ORDINANCES

None.

7. RESOLUTIONS

- a. Resolution 2023-06: Confirming Appointment to Forward Pinellas

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, CONFIRMING THE APPOINTMENT OF A MEMBER TO THE PINELLAS PLANNING COUNCIL/FORWARD PINELLAS; AND PROVIDING AN EFFECTIVE DATE.

At the Barrier Island Governmental Council (BIG-C) meeting on April 26th, it was voted to appoint Mayor Will as the representative to the Forward Pinellas Board.

Motion: Commissioner Graus moved, Vice Mayor Grill seconded, and the motion carried 5-0 to adopt Resolution 2023-06 to confirm the appointment of Mayor David Will, Redington Beach, to the Forward Pinellas Board for a two-year term.

b. Resolution 2023-03: Conditional Use Permit 23009 – The Wharf Restaurant Commercial Dock

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, PURSUANT TO SECTION 15.4 OF THE LAND DEVELOPMENT CODE, FOR THE RECONSTRUCTION AND EXPANSION OF A COMMERCIAL “CLASS A” DOCK AT 2001 PASS-A-GRILLE WAY.

All those wishing to speak on Resolution 2023-03 were duly sworn.

Attorney McConnell requested any ex-parte communications be disclosed at this time.

- Commissioner Graus: None
- Vice Mayor Grill: None
- Commissioner Friszolowski: None
- Commissioner Marone: Was visiting Red, White, and Booze, the restaurant next door to The Wharf. While there, he looked at the docks as depicted in the packet to make a comparison and observation.
- Mayor Petrila: He was contacted by a resident to speak to the property owner of The Wharf; however, Mayor Petrila declined the invitation.

Brandon Berry, Planner, made a presentation to the City Commission on Variance Case No. 23010 and the Conditional Use Permit Resolution 2023-03. A copy of the presentation is made a part of the record.

Staff recommends approval of Resolution 2023-03 with the following seven conditions:

1. Approval of the Conditional Use Permit addressed in this Resolution is dependent on approval for the three variances as requested by the applicant to Land Development Code Section 6.23(e)(3)&(4) as presented.
2. As determined by the City Manager, or designee, the operator shall not place any buoys or other obstructions within or adjacent to the leased submerged land that could negatively impact the response time of any emergency vessel launched from the 20th Avenue street-end, and the applicant shall submit any expansion of the submerged land lease for City review prior to state application.
3. The applicant shall apply and be approved for a right-of-way utilization permit prior to the commencement of construction should any temporary vehicle or material staging be proposed in the right-of-way.
4. The use of the dock shall be considered a “Class A” commercial restaurant dock as defined in the Land Development Code. Any conversion of the dock to a different use including a long-term mooring dock, whether or not the conversion is accompanied by a structural alteration, shall require additional review and be considered a new request for zoning purposes.
5. The land within the proposed submerged land lease shall be considered subject to the City’s ordinances related to nuisances, and the property owner shall be responsible for the prevention and abatement of any nuisances that arise within the lease boundaries.
6. Any violation of the above-stated conditions will allow the City Commission to rescind or modify the Conditional Use Permit.
7. The City Commission may review the Conditional Use Permit periodically to determine whether the order is in compliance with the terms and conditions herein.

The following three conditions were added:

1. No overnight mooring.
2. Only 9 boats docked at a time.
3. Property owner shall not encroach into the City’s riparian rights extending from the end of the 20th Avenue.

Brian J. Aungst, Jr., Attorney representing the applicant, made comments on the Variance and the Conditional Use Permit. He assured the Commission that no music, amplified or otherwise, will be projected on or off the docks.

Albert Carrier, Contractor for the applicant, discussed the dock and answered questions posed by the Commission. In regard to lighting, puck lights will be installed in the docks.

Mayor Petrila opened the public comment.

Deborah Schechner, resident, commented on this possibly setting a precedent for more docks to be built there in the future.

Hearing no further public comment, Mayor Petrila closed the public comment.

Motion: Commissioner Marone moved, Commissioner Friszolowski seconded, and the motion carried 5-0 to approve Variance Case 23010.

Motion: Commissioner Marone moved, Vice Mayor Grill seconded, and the motion carried 5-0 to adopt Resolution 2023-03 with the three additional conditions as mentioned above.

8. ITEMS FOR DISCUSSION

a. Freebee Service Analysis

Michelle Gonzalez, Community Development Director, gave a presentation on the service of Freebee over the last few years; the presentation is made a part of the record as it is included in the Agenda packet.

Discussion on the statistics provided, the cost, benefits, residents versus non-resident riders, and other various demographics was had between the Commission and staff.

The Commission would prefer a way to make the Freebee app recognize a resident as a priority over a non-resident. Discussion continued on the various demographics collected.

The Commission recognizes the value of the service and agrees that it is well utilized and of significant benefit to the City. More information was requested on the hours worked for each Freebee driver, the charge time, downtime, etc., and the costs. Staff will bring information on how many trips occur, and how long the cars are on the road per charge, to understand how much actual time is spent in transit.

Resident John Kurzman spoke about the presentation and his experiences waiting on Freebee. He opined that actual wait times are not of value, instead, data should be provided to understand how long it took for the rider to get from point a to point b. A copy of his notes/presentation is also made a part of the record.

b. Business Spotlight Video

During the April 25th City Commission Meeting, the Mayor commented on preparing videos that spotlight a different St. Pete Beach business to share with the community. Commissioner Grill thought about this and asked for discussion because he was concerned on the logistics of it and if the City advertising is a good idea.

Sarah Laracuenta, PIO, spoke about a 2003 Ordinance that was adopted and speaks to media advertising. At that point in time, media was the cable news channel; however, in an abundance of caution, it was decided that it was best to not prepare these videos at this time.

Attorney McConnell stated that he can work on preparing an amendment to this Ordinance that ties in the new ways that media has evolved over the last 20 years if that is the Commission's desire.

The Commission agreed that, at this time, it is best not to advertise businesses on the City's website or other forms of media.

c. Egan Park Fishing Pier/Barge Discussion

Commissioner Grill stated that he reviewed the Agreement for the purchase of the two barges that expired in October 2022. In the Agreement, there is a clause for liquidated damages if the vendor fails to provide services. The City paid an \$80,000 deposit that was not part of the Agreement; rather, the City was to make payment seven days prior to delivery. The City still has no barge and has paid, all the while the Agreement is null, and the vendor is in breach of this.

Discussion: The Commission questioned the process in place for this issue, what is the vendor status with the barges, and what is the best way to proceed.

Vince Tenaglia, Assistant City Manager, explained that the culture in the City has not caught up to the Purchasing Policy that is in place. The Procurement Department has had some turnover since the inception of the Purchasing Policy adopted in 2020. Normally, the Procurement Manager would have seen the request for \$80,000 and, in turn, would have not approved the payment because they would have reviewed the contract. Unfortunately, that did not occur in this instance. He informed the Commission that one barge has been completed and the second barge is being held up due to permitting.

The Commission would like assurance that this will not happen again and that proper checks and balances are in place for all contracts and agreements.

The result of this discussion was for the City Attorney to work with Mr. Tenaglia to speak to the vendor about a timeline for the second barge and when both can be delivered. After the information is obtained, it will be shared with the Commission.

Resident John Kurzman provided some possible suggestions on the delivery of the barges in a way to help mitigate the issue.

d. Employee Evaluations -- added

Mayor Petrila discussed the upcoming evaluation that the Commission must have with the City Manager. Because this is Mayor Petrila's first review, he inquired if there is a system that allows for a "bottom-up" review.

The City Commission discussed the evaluation method for the Charter Officers. It was suggested that the Commission can contact any direct report and solicit feedback on management styles to assist with their evaluation if that is needed. The Commission also asked that Human Resources determine if a system of an anonymous "bottom-up" survey can be done.

9. CITY CLERK, CITY MANAGER, CITY ATTORNEY, AND CITY COMMISSION REPORTS

Amber LaRowe, City Clerk—reminded the City Commission of the recent email with the Doodle Poll requesting that staff, Commissioners, and Board appointees select one of the two options for their attendance at the Sunshine Law training. She encouraged the Commissioners to speak to their appointees to remind them of this and request their in-person attendance.

Discussion on a date for the joint workshop with the Planning Board; the consensus of the Commission was to schedule this for May 23rd 4:30 p.m. to 5:45 p.m. – the City Clerk will send a calendar invite.

Vice Mayor Grill—discussed the construction that occurred on 64th Avenue and Gulf Winds where the sinkhole had formed. He mentioned that some residents were given traffic citations due to having to navigate the detour, the City reached out to the Sheriff immediately and it ceased; however, some residents must settle the citations they were issued.

He reminded everyone that turtle nesting season information is on the website.

Mr. Grill recognized City Clerk Amber LaRowe on her upcoming graduation (Saturday) for her Bachelor's Degree.

Commissioner Friszolowski—announced the annual Belle Vista picnic on Saturday.

Commissioner Marone—discussed the following:

- Cleanup logistic issues of dog beach
- Garbage overflow
- Parking enforcement
- A brief interview with the Gulfport Gabber regarding funding from the Army Corp of Engineers and dune renourishment funding
- Don CeSar Association meeting is being held tomorrow night
- A pending Red, White, and Booze Conditional Use Permit for amplified music
 - He has met with the owners and staff at the site to discuss the application and project logistics
 - He also informed residents that they can reach out to the Commissioners to discuss their views on the project as well

Commissioner Grill inquired if it is appropriate to be talking to applicants/residents about a conditional use permit. City Attorney McConnell stated that he and the City Clerk will be working with the Planning Department on providing a lobbyist registration form and a “cheat sheet” so that anyone who is making an application can be provided with information about lobbyists, the City's Ordinance, and can register appropriately.

Commissioner Grill requested information be distributed to the elected officials when someone makes an application for a Conditional Use Permit so that they can be aware. That way, if a resident asks them about something, they can speak on the topic intelligently.

Mayor Petrila adjourned the meeting at 9:35 p.m.

MINUTES APPROVED: MAY 23, 2023

AMBER LAROWE
CITY CLERK

ADRIAN PETRILA
MAYOR