ST. PETE BEACH CITY COMMISSION
MINUTES

Tuesday, August 26, 2008
06:30 p.m.

Call to Order
Pledge of Allegiance
Invocation
Roll Call

THOSE PRESENT:

Mike Finnerty
Harry Metz
Linda Chaney
Christopher Leonard
Al Halpern

ALSO PRESENT:

Mike Bonfield
Susan Churuti
Theresa McMaster

It was noted that Commissioner Chaney had a sick child at home and wanted permission to attend a portion of the meeting via telephone. The Commission agreed to the request.

Commissioner Chaney asked that Ordinance 2008-15 be moved up on the agenda.

Vice Mayor Metz moved to bring the Comprehensive Plan up on the agenda and after that item to have Commissioner Chaney attend the rest of the meeting via telephone. The motion was seconded by Commissioner Leonard.

The motion was unanimously approved.

1. Presentations

a. **Tampa Bay Beaches Chamber of Commerce President Robin Grabowski**

Robin Grabowski, President, Tampa Bay Beaches Chamber of Commerce addressed the Commission. She related that the Chamber is attempting to assist in promoting commerce across the beaches. She noted that they have been awarded a $75,000 marketing grant for a multi-beach fund. A task force is being appointed and they are partnering with Eckerd College to get members educated on legislative issues and marketing/business assistance. She said there is a need to decide what the members positions are on the subject of off-shore drilling. She noted that thier purpose is to support any plan to promote redevelopment.

The Commission commended the Chamber on their efforts and it was noted that they should contact the Environmental Stewardship Committee as well as the Beach Stewardship Committee regarding off-shore drilling.

b. **Beach Goes Pops Financial Statement - Jay Anderson**

Jay Anderson and Ann Michael addressed the Commission. They reported record attendance at the event and thanked the Commission for their support.

c. **New Brighthouse Networks Citywide Connection ***this item was removed from the agenda.**

2. **Audience comments**

Mimi Gewanter, 265 Tessier Drive S expressed opposition to the elimination of the fire inspector position; stated that Governor Christ has destroyed the economy; noted that she is painting frames and birdhouses for the Support Our Troops; and asked that the meeting be adjourned at 10:00pm.

Ken Weiss, 11085 9th Street East, Treasure Island. Noted that he submitted a proposal to the City Attorney today. There are three cases pending and a fourth case filed on that date. In his opinion, the SOLV settlement agreement is illegal and unenforceable. He asked the

Commission to abate all of the other suits other than the latest one filed. The City and his clients should enter into an agreement to abate three of the lawsuits and continue with the one that will probably determine the outcome of the other lawsuits. He said his clients are not interested in continuing this litigation. He didn t see any reason for the City to spend money on these issues.

Maria Urban, 4th Palm Point expressed her dissatisfaction with the City regarding her dispute with her neighbor, Steve McFarlin.

5 a. Ordinance 2008-15, Final Reading and Public Hearing, amending the Housing and Future Land Use Elements of the Comprehensive Plan.

Ordinance 2008-15 Report

Ordinance 2008-15

Proposed Plan Amendment

Proposed Response to DCA

Mr. Bonfield summarized the report.

Karl Holley, Community Development Director, addressed the Commission and noted that Department of Community Affairs made comments in reference to a number of issues after reviewing the proposed comprehensive plan amendment. He enumerated the comments from the DCA.

Mr. Holley reported that there was a sign in sheet which will be provided to the Florida Department of Community Affairs. Anyone who wishes to be informed of the status of the review by DCA should put their information on the sign in sheet.

He read portions of the proposed response to the DCA's comments/concerns.

Mr. Davis provided information on modifications to the ordinance.

Mayor Finnerty inquired as to whether there had been discussions with SOLV regarding this matter.

Mr. Holley advised that he has received no comments from the members of SOLV regarding this issue. He noted that his recommendation remains the same regardless of input from others, including SOLV on this matter.

Mr. Davis said that the City's obligations under the settlement agreement have been met.

Mr. Holley answered questions from the City Commission.

Commissioner Chaney had concerns that this response would be the only opportunity for the City Commission and the Community to provide input on the SOLV amendment.

There were concerns expressed regarding the City Commission voting on this issue before receiving any input from the citizens.

Mayor Finnerty related that he did not want to go against the vote of the people.

Mr. Davis reported that the big lawsuit that was expected for some time has been filed. He noted that Mr. Weiss suggested that Commission not vote on the ordinances before the Commission at this meeting. Mr. Weiss further recommended that the City agree to abate all of the other lawsuits. Mr. Davis said that his recommendation is not to abate the other cases. If the Commission wants to proceed with this suit only, then other lawsuits should be dismissed.

Commissioner Chaney moved that the Commission not adopt this ordinance until there is an opportunity to review it and discuss what was put before them at this meeting. She indicated that she was trying to spare the City more legal costs. The motion was seconded by Vice Mayor Metz.

Mayor Finnerty inquired as to Commissioner Chaney's attempt to go against the vote of the citizens. To which she responded that she hasn't read the document under consideration and that her intent is simply to save the City money on future litigation.

Commissioner Chaney suggested that she could put a date certain for action on this issue in her motion if that would be accepted by the majority of the Commission.

Commissioner Leonard said that he had concerns over supporting the motion based on a date certain for action by the Commission. He said that he didn t feel that, under the current circumstances, there will be less litigation. He inquired as to the time frame she would suggest.

Mr. Davis discussed his conversation with Mr. Weiss earlier on that date. He said that Mr. Weiss wanted the City to agree to abate all of the other lawsuits. Mr. Davis did not recommend that the Commission take such action to abate the cases. He sees no reason to delay action on this Ordinance tonight. He advised that if the litigants will agree to dismiss the other lawsuits, then he would recommend that be considered and the latest lawsuit being dealt with expeditiously.

Commissioner Leonard expressed his concern regarding not having an opportunity to review the document.

Mayor Finnerty asked Mr. Pyle to stop disrupting the meeting with the use of his video camera.

Mr. Davis advised that the Attorney General has ruled that a citizen has a right to take pictures in a public meeting.

Mr. Pyle objected to his perceived violation of his constitutional rights.

Mr. Pyle advised that Mr. Weiss said he should comply and not film, but he objected.

A police officer asked Mr. Pyle to leave the room.

Mr. Pyle, under protest, stated that he would sit in the back of the room so as not to disrupt the meeting.

Mr. Davis recommended that a date certain be added to the motion on the floor. He also recommended that it be in the very near future.

Discussion was held regarding what the Commission wanted from staff to proceed with this issue. It was noted that the process remains the same whether this ordinance is adopted at this meeting.

Discussion was held regarding the comments from the DCA. Mr. Bonfiled noted that DCA did not list any objections or recommend anything. They simply made comments.

Commissioner Chaney said she wanted to find out how the Growth Management Act fits into voting on comprehensive plan amendments.

Commissioner Halpern stated that he perceived this to be a stalling tactic.

Linda Chaney amended her motion to continue this item until September 30, 2008.
Harry Metz seconded the motion.

Mr. Davis said that public discussssion on a motion of this type is not required.

Commissioner Leonard said that he wanted more discussion before a vote was taken. He asked questions regarding the SOLV settlement agreement and whether there was flexibility within the adoption process with the DCA process. He mentioned the comments from DCA that Mr. Holley addressed in his August 20, 2008 letter.

Mr. Holley responded to Commission questions regarding the process that is outlined in FSS Chapter 163 as it pertains to Comprehensive Plan Amendments.

He noted that this plan is being reviewed by the DCA through an alternative review process.

Commissioner Leonard was concerned about a challenge being filed on this Plan Amendment.

Mr. Holley noted that affected parties can file a challenge before an administrative law judge within 30 days. He further noted that in his opinion staff has adequately addressed the comments from DCA.

Mr. Leonard asked if Ordinance 2008-24 and 2008-25 will be transmitted with Mr. Holley's response in the same package, or will they be transmitted separately. Mr. Holley said that they anticipated transmitting all three ordinances in the same amendment package to DCA.

It was noted that if Ordinance 2008-15 is not adopted, then the other two ordinances could not move forward as proposed. The SOLV amendment decreases residential density and the two other amendments increase residential density. If Ordinance 2008-15 is not adopted, then the other two ordinances would not be consistent with the analysis conducted for this Plan Amendment Package.

Commissioner Chaney asked Karl if he was using the SOLV Comp Plan as the current Plan for analysis in this amendment package.

Mr. Holley noted that it was reviewed as a single amendment package and there is a reduction in the potential residential density on a citywide basis with this amendment package.

Mr. Bonfield noted that Ordinance 2008-24 and Ordinance 2008-25 couldn t be adopted if Ordinance 2008-15 wasn t adopted. These ordinances are those that deal with issues in Pass-A-Grille.

Vice Mayor Metz expressed his concerns about this Comprehensive Plan being forced upon the City and wanted to slow the process down to become more informed. He urged the Commission to wait until all comments have been received from the DCA.

Commissioner Halpern noted that the City has received adequate comments back. He urged the Commission to move forward with this plan. He asserted that this was just stalling and putting off the Comprehensive Plan. He said the City needs to move forward because the voters told the Commission what they wanted.

The motion failed 3 -2 with Mayor Finnerty and Commissioners Leonard and Halpern voting no.

Mayor Finnerty opened the public hearing.

Attorney Ken Weiss, 11085 9th Street East, Treasure Island related that the DCA asked for data and analysis. He remarked that should this Ordinance be adopted, it is likely that there will be a challenge. He asked the Commission to abate many of the cases pending regarding the Comp Plan. He commented that when you abate a case no one is spending money. He noted that he felt the City contracted away their authority by entering into the SOLV Settlement Agreement.

Mr. Weiss reported that Deborah Martohue lost a case identical to this one in 2002.

Mr. Weiss said that at the end of this litigation, if a judge rules that this is unenforceable, there mwill have been a total waste of money. He said his clients offered to stop the spending by abating the outstanding lawsuits and only proceed with one case.

He suggested that the Commission adopt the ordinance and hold off on the effective date. He informed the Commission that, in his opinion, the agreement is contract zoning and is illegal.

Mr. Weiss said that he was anxious to get this in front of a judge. He requested that the Commission adopt it without making it effective until a later date and he would agree that it will move immediately to summary judgement.

He further stated that he would not object to SOLV becoming an intervenor in the case.

Deborah Martohue, 9150 Blind Pass Road. She heard Mr. Weiss say that she lost a an identical case to what is being considered tonight. She reported that she has never been involved in a case like this. She related that she resented him representing a non-factual statement such as that. She expressed that there are ramifications to delaying the adoption of this ordinance. There is an excrutiating process regarding the next fiscal year s budget. She said that delaying this will also delay a CRA being approved by the County, thereby prohibiting the receipt of CRA funding. The one scheduled election next year is in March. It will take time to get a CRA on the ballot for approval. She said to expect a challenge to DCA. Thousands of people voted on this plan. The analysis was based on the EAR comp plan amendment. It was the exact data that was in the EAR that the Commission voted to adopt.

Mr. Holley recounted that the only place in the DCA response where the term data and analysis is used is in their first comment relating to the housing element. He further stated that there is no residential bonus included in the Plan. You can t provide data and analysis on a policy that does not exist.

Lorraine Huhn, 9425 Blind Pass Road. Ms. Huhn expressed her support of the Ordinance. She also noted that 60% of the residents voted to approve SOLV Comprehensive Plan.

Bill Pyle, 6600 Sunset Way. Listed out his objections to adoption of this ordinance. Mr. Pyle objected to his being accused of disrupting the meeting. He felt that the Mayor owed him an apology. He further requested that the Mayor demand order from the other audience members that were disrupting his hearing of what is being said by the Commission.

Rosemary Manning, 200 1st Avenue voiced support for the ordinance.

Tom Brodersen, 6500 Sunset Way, He stated that he cares about good government. Issues that the residents are facing will effect all the residents. He said that there are good procedures in place, for the most part, to steer the community. The problem is that during the last few years was what he considered as bad government process. He questioned Mr. Weiss role at this meeting regarding this issue.

Paul Pfister,Voiced his support for the ordiannce and noted that the City will continue to get lawsuits. He felt that the litigants want to drain the City of money. He urged citizens to help build the City rather than tearing it down.

Mimi Gewanter, 265 Tessier Drive S. reported that she didn t vote on the SOLV Comp Plan because the language was not clear. She said she was against too much control of the government and that residents should interfere as little as possible. She made reference to the fact that we may be forced to cut a firefighter position from the budget due to the cost of litigation.

Deborah Schechner, 710 Boca Ciega Isle Drive She voicede her opposition of the Ordinance. She said there was no flexibility with this plan. She mentioned changes in density and height that were not in the ballot language. She said that there is an opportunity to bring the people together on this issue.

Michael Castleman, 811 Boca Ciega Isle Drive - He voiced his support of the Ordinance. He noted that the meetings at the Collaborative Lab were exactly what Ms. Schechner is suggestng now.

Carol Walker, 5396 Gulf Boulevard Spoke in support of the ordinance. She noted that Commissioner Chaney has said people should sit down with other people and discuss their dfferences. She asked if Commissioner Chaney has ever met with the hoteliers. She reitterated that 60% of the voting population have voted to see some movement in this City.

Deborah Nicklaus, 417 55th Avenue spoke in support of the ordinance. She said that she respected Commissioner Chaney s and Commissioner Metz s opinion. She objected to the Commission not following through with the wishes of the voters. No matter when the Commission votes, Commissioners Chaney and Metz are not going to support it. The Community is looking for the Commission s leadership to move this forward.

Mr. Bonfield stated that the transmittal must be sent within 10 days of the public hearing on the ordinance.

Commissioner Halpern expressed concern about getting this issue on the March ballot.

Vice Mayor Metz said he would still like to be able to take the time to read this referring to a document that he held in his hand.

Mr. Bonfield noted that the paperwork that Vice Mayor Metz was referring to was only recieved at 4:00pm on this date.

Mr. Davis said there is no relation between transmitting this Comprehensive Plan Amendment to the DCA and the lawsuit. He will be expediting the lawsuit even without Mr. Weiss pursuit of expediting this case.

Commissioner Chaney made a motion to approve the Ordinance tonight and not transmit to DCA until September 4, 2008. The motion was seconded by Vice Mayor Metz.

After discussion, Commissioner Chaney withdrew the motion on the floor and made a motion to continue this item to the September 3, 2008 Special Meeting, thereby giving the Commission time to review the issue. The motion was seconded by Vice Mayor Metz.

Commissioner Chaney noted that the proposed delay to September 3, 2008 is to allow discussion on the offer before them and have a meeting between tonight s meeting and September 3, 2008 to try to work through some issues to curb the litigation costs.

Mr. Davis recommended that the Commission approve the Ordinance and transmit it to DCA. He said that he will work to expeditiously resolve the litigation. They will take action to get a hearing scheduled as rapidly as possible. Taking action on this Ordinance tonight does not close the door on a rapid resolution to this matter.

The motion was defeated with Mayor Finnerty, Commissioner Halpern and Commissioner Leonard voting no.

Al Halpern moved to approve Ordinance 2008-15, Final Reading and Public Hearing, amending the Housing and Future Land Use Elements of the Comprehensive Plan. Christopher Leonard seconded the motion.

The motion was approved by individual roll call vote of (3-2) with Linda Chaney, and Harry Metz voting no.

The Mayor adjourned the meeting for a brief recess.

The meeting was called back to order. Commissioner Chaney was present via telephone.

3. **Consent**

a. **Authorize the City Manager to amend the City's contract with the Communication Workers of America to include the position of Code Enforcement Officer in the bargaining unit.**

CWA agenda report

CWA MOU

b. **Offshore Power Boat Races November 17-23, 2008, use of public right-of-way on East Corey Avenue**

off shore race agenda report

Mike Finnerty moved to approve Consent Agenda Harry Metz seconded the motion.

4 a. Resolution 2008-21, requesting amendment of the County-Wide Plan Future Land Use Plan Map as administered by the Pinellas Planning Council providing for the establishment of a Special Area Designation of Community Redevelopment District-Eighth Avenue.

Resolution 2008-21 Report

Resolution 2008-21

8th Avenue Small Area Plan

Mr. Bonfield gave a summary of the item.

Harry Metz moved to adopt Resolution 2008-21 by reading it's title in it's entirety.
Al Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

5 b. Ordinance 2008-24, Final Reading and Public Hearing, amending the Future Land Use Element of the Comprehensive Plan.

Ordinance 2008-24 Report

Ordinance 2008-24

Proposed Response to DCA

Proposed Response to DCA

Commissioner Chaney clarified that the ordinance pertains only to motels that are currently licensed and operating as motels.

It was noted that the sign in sheet for information from the Department of Community Affairs was available for the public.

The Public Hearing was opened.

The Public Hearing was closed.

Al Halpern moved to approve Ordinance 2008-24, Final Reading and Public Hearing, amending the Future Land Use Element of the Comprehensive Plan. Harry Metz seconded the motion.

Discussion was held regarding the issue of density. Mr. Holley answered questions from the Commission. He noted that net effect of the amendment package is to reduce the overall residential density allowed on the Island by 236 residential units.

Rick Falkenstein, 6441 4th Palm Point He reported that the Keystone Motel, which is owned by his family is not included in this ordinance. He requested that all of the current licensed motels in that area be included as well.

It was noted that the property Mr. Falkenstien is referring to fronts Gulf Way, so it is included in the ordinance.

The motion was unanimously approved by individual roll call vote.

5 c. Ordinance 2008-25, Final Reading and Public Hearing, amending the Future Land Use Map of the St. Pete Beach Comprehensive Plan for properties located at 1301 and 1307 Gulf Way.

Ordinance 2008-25 Report

Ordinance 2008-25

Location Map

Al Halpern moved to approve Ordinance 2008-25, Final Reading and Public Hearing, amending the Future Land Use Map of the St. Pete Beach Comprehensive Plan for properties located at 1301 and 1307 Gulf Way. Harry Metz seconded the motion.

The motion was unanimously approved by individual roll call vote.

5 d. Ordinance 2008-32, Final Reading and Public Hearing, amending Divisions 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 23, and 31 of the City s Land Development Code with respect to standards for off-street parking.

Ordinance 2008-32 Report

Ordinance 2008-32

moved to

The motion was unanimously approved by individual roll call vote.

5 e. Ordinance 2008-33, Final Reading and Public Hearing, amending Divisions 2, 8, 9, 10, 12, 13, 14, 15, and 21 of the City s Land Development Code addressing issues of consistency with the requirements of the Pinellas County, County-Wide Plan as administered by the Pinellas Planning Council.

Ordinance 2008-33 Report

Ordinance 2008-33

Mr. Bonfield said the proposed ordinance is an administrive issue to make the City s Code consistent with the Pinellas County Code.

Commissioner Leonard expressed concern about discussions with residents he has spoken with regarding transient use in their residential neighborhoods. He asked about methods of enforcing the Code.

Mr. Bonfield stated that the City can't do anything to force a property owner to have a lease on a property.

City Attorney Davis stated that this will be an enforcement issue.

Bob Manning, 200 1st Avenue Stated that he lives in a condo and they have rules that state that no rentals are allowed for less than 90 days. He said it is the condo board that should enforce the rules. He noted that the code is more strict for transient than his condo rules.

Harry Metz moved to approve Ordinance 2008-33 on final reading by reading its title in its entirety.
Al Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

4b. Resolution 2008-22, policy on audience comments

Resolution 2008-22 agenda report

Resolution 2008-22

Mr. Bonfield noted that this issue was raised at a previous meeting. One change was made since the last time the issue was discussed. The change dealt with audience members and presentations at Commission Meetings. The proposed Resolution provides for a rule that requires the presentation be submitted to the City Clerk one day prior to the meeting.

Discussion was held and it was determined that the audience comments at the end of the meeting would be eliminated. The length of the meetings was discussed. It was decided that audience comments at the beginning of the meeting would only last for a maximum of 20 minutes. If there is time at the end of the meeting, the Mayor has discretionary authority to allow for audience comments at the end of the meeting. It was decided that item number three on Resolution 2008-22 would be eliminated.

Harry Metz moved to approve Resolution 2008-22 with changes as discussed. Linda Chaney seconded the motion.

William Pyle, 6600 Sunset Way made reference to the the process followed by the Pinellas County Commission suggesting that it is a good model policy.

Mimi Gewanter, 265 Tessier Drive S. said that audience comments was preiously cut out the end of meetings and it didn t work; stated that 2 minutes per speaker is adequate; related that the problem is not with the public that makes the meetings so long; the Commission talks longer than she felt was adequate; expressed her objection to Commissioners repeating statements/opinions.

Bob Manning, 200 1st Avenue, He asked for clarification on the time limits.

The motion was unanimously approved by individual roll call vote.

4 d. Resolution 2008-24, surplus of K-9

Resolution 2008-24 agenda report

Resolution 2008-24

Commissioner Chaney proposed that the Resolution be amended to a sales price of $3,500 and allow the purchaser six months to pay in full.

Christopher Leonard moved to approve Resolution 2008-24, surplus of K-9 with the price changing to $3,500 and the purchaser having six months to pay in full. Harry Metz seconded the motion.

The motion was unanimously approved by individual roll call vote.

5 f. Ordinance 2008-31, First Reading and Public Hearing, establishing procedures for the creation, execution and enforcement of Development Agreements as defined in Florida Statutes 163.3220.

Ordinance 20008-31 Report

Ordinance 2008-31

Mr. Bonfield gave a summary of the issue.

Mr. Holley and Mr. Davis answered questions from the Commission.

Al Halpern moved to approve Ordinance 2008-31, First Reading and Public Hearing, establishing procedures for the creation, execution and enforcement of Development Agreements as defined in Florida Statutes 163.3220. Harry Metz seconded the motion.

The motion was unanimously approved by individual roll call vote.

4 c. Resolution 2008-23 declaring as surplus certain City owned vehicles and authorizing the City Manager to dispose of said vehicles that are no longer required as part as the City s fleet.

Resolution 2008-23 Report

Resolution 2008-23

Al Halpern moved to adopt Resolution 2008-33 by reading its title in its entirety.
Mike Finnerty seconded the motion.

The motion was unanimously approved by individual roll call vote.

6. Action Items

a. Amendment to the Concession Stand lease with Paradise Sweets to allow paddle boards and the sale of beer and wine.

paradise sweets agenda report

Lease amendment (redline)

Lease amendment

Exhibit A

After some discussion, Mr. and Mrs. Janecek (owners of Paradise Sweets) agreed to submit a finanical report monthly.

Discussion was held regarding increasing the rent with the ability to sell beer and wine.

The Janeceks said that they are investing money into the building with repairs, etc.

Discussion was held regarding making sure the business is a restaurant with beer and wine and not a bar.

Discussion was held regarding the amount of money Mr. and Mrs. Janacek are spending on repairs and improvements to the facility.

Considerable discussion was held regarding the hours of operation at the Concession Stand with the sale of beer and wine.

Deborah Edney, 7210 Boca Ciega Drive -Spoke in support of helping businesses on St. Pete Beach.

Rosemary Manning, 200 1st Avenue. Spoke in support of the issue; suggested that the Commission approve the change in the agreement on a trial basis and review the issue at a later time; noted that others may have bid on the contract if they had known that they would be able to sell beer and wine.

Rick Falkenstein, 6441 4th Palm Point expressed opposition and concern regarding the building being in a preservation zone and the fact that there will be some remodeling by the vendor.

Bruno Falkenstein, 2401 Pass A Grille Way Stated he was not in opposition, but that he did think giving the concessionares special priviledges because it is City owned property is not proper. He also expressed his concern about crowd control with the beer and wine sales.

Mr. Bonfield responded to Mr. Falkenstein s statements. He noted that any changes to the building would have to meet code requirements.

It was suggested that the Agreement be amended and the issue be reviewed in a year.

Harry Metz moved to authorize the City Manager to amend the agreement to allow for paddle board rental and selling of beer and wine not later than 10:00pm and to review the issue in one year.
Al Halpern seconded the motion.

The motion was approved by individual roll call vote of (4-1) with Mike Finnerty voting no.

7. Items for Discussion

Commissioner Chaney had requested that a discussion on Tindale Oliver and impact fees be on the agenda.

Mr. Davis stated that his firm can do some of the work that Tindale Oliver would do for the City. He suggested that the Tindale Oliver portion of the work should be brought forward at the same time that Bryant, Miller, Olive brings their portion forward.

Commissioner Chaney asked when the City Attorney's office would have their portion ready for action by the Commission.

Mr. Davis said that he will provide a timeline in the near future.

Commissioner Chaney said that she would like to continue this item until the next Commission Meeting

Mr. Davis agreed to have information at the next meeting.

8. **City Manager, City Attorney and City Commission Reports**

City Manager Bonfield reported that Senior Planner Lauren Matzke resigned; budget hearings were scheduled for September 3, 2008 and September 10, 2008; Those two meeting will be in lieu of the regular commission meetings in September; a special commission meeting is scheduled for September 30, 2008 at 6:30 to discuss commercial watersports; the Police Department was awarded 2nd place in a statewide competition; Deputy Chief Dean Horianopolis has a new baby girl.

Vice Mayor Metz reported on District 4.

Commissioner Halpern reported on District 1.

Commissioner Chaney requested a shade meeting, or whatever is appropriate, regarding the lawsuit that was received on that date to resolve the issues and reduce costs.

Mr. Davis statewd that in order to schedule a shade meeting, the attorney must request it from the Commission. He said it would be to get advice from the Commission on pending litigation.

Mr. Davis said that, at the next meeting, he will advise where the City stands and schedule a shade meeting if necessary.

Commissioner Chaney agreed to what Mr. Davis has proposed.

Mr. Davis said he would talk to the plaintiff about expediting these issues.

Commissioner Chaney expressed concern that the City Attorney and the Plaintiff's attorney are not saying the same thing when they say "quick resolution." She suggested that Mr. Davis get in touch with Mr. Weiss and keep an open mind as to resolving these matters.

Mr. Davis reported that he will be defending the City vigorously in these matters.

Commissioner Chaney requested that Commission give direction to Mr. Davis before any defensive action is taken.

Mr. Davis said that the Commission needs to give him direction on this issue.

Commissioner Halpern said that he feels uncomfortable with directing the City Attorney to not take any action to defend the City in this lawsuit.

Commissioner Chaney said that she was not asking him not to defend the City, but to allow the Commission to have an opportunity to read what was before them prior to any action being taken.

Mr. Davis stated that his firm will not spend money needlessly on this matter.

Mr. Davis said he would be contacting the opposing attorney and will provide the Commission his recommended actions.

Commissioner Chaney asked the Commission to consider directing the City Attorney to not file anything until there is another meeting regarding this issue.

There was no consensus from the Commission to accept Commissioner Chaney's recommendation.

Commissioner Chaney requested a meeting on September 1, 2008 to discuss this issue, to which the Mayor responded that there is no consensus on that issue. This issue would be discussed at the next Commission Meeting.

Commissioner Chaney requested that a Special Meeting be held on September 2, 2008 to publicly discuss this issue.

Commissioner Chaney agreed with Commissioner Halpern that a shade meeting should be scheduled and then be canceled if it is not necessary.

Mr. Davis said that he will have a report on the next agenda.

Commissioner Chaney inquired about what kind of responses he intended to file between this date and September 3, 2008. She noted that this was not acceptable to her.

Commissioner Leonard reported on District 3.

Commissioner Leonard inquired about not holding meetings on election days.

Mr. Bonfield responded that in the past, on city election days, the Commission has rescheduled their meeting to another date.

Commissioner Halpern suggested starting the meetings at 7:00pm instead of 6:30pm on election days.

Commissioner Leonard asked Mr. Davis when he will be providing a status report on the open litigation. Mr. Davis said he will report on the status at the next meeting.

Commissioner Leonard asked when the issue of the Sister City Committee will be discussed. Mr. Bonfield said that an ordinance dissolving the Committee should be on the next agenda.

Commissioner Leonard asked if the speed cart/smart cart could be placed at the entrance to the City with a safe driving message during Labor Day weekend.

Vice Mayor Metz reported on District 4.

Vice Mayor Metz discussed recent parking problems at the "Busch" estate.

Discussion was held on ways to prevent the same problem from occurring in the future.

The agreement on the property with Mr. Da Silva was discussed.

Mayor Finnerty thanked everyone for helping with "Support Our Troops"; noted that the BIG C meeting was the next morning; commended the City Manager for his actions that saved the City money during a recent storm event.

Audience Comments.

Deborah Edney, 7210 Boca Ciega Drive, discussed an accident in April which resulted in a fatality on Blind Pass Road; expressed her disappointment with the justice system in this matter.

Kevin Hing, Starlight Towers, gave a PowerPoint presentation regarding damage to the T-Groins at Upham Beach.

There was discussion about accelerated process to install permanent T-Groins.

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Rebecca C. Haynes, City Clerk Steve McFarlin, Mayor

Minutes approved on

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