

ST. PETE BEACH CITY COMMISSION MEETING

MINUTES

Wednesday, September 3, 2008

6:30 p.m.

Call to Order

Pledge of Allegiance

Invocation

THOSE PRESENT:

Commissioner Halpern
Commissioner Chaney
Commissioner Leonard
Vice Mayor Metz
Mayor Finnerty

ALSO PRESENT:

City Manager Mike Bonfield
City Clerk Theresa McMaster
City Attorney Michael Davis

Agenda Meeting

City Manager Bonfield requested that items 5 (b) and (c) be placed immediately after Audience Comments. These are the two budget items (millage and budget).

Commissioner Chaney would like open discussion regarding the possibility of holding a Shade Meeting for settling the lawsuits.

The Commission agreed to discuss this item as 6(a) during this Meeting. The Commission determined that there will not be a Shade Meeting.

Therefore, items for discussion 6(a), (b), (c), (d) will now become Items for discussion 6(b), (c), (d), and (e) respectively.

Commissioner Chaney asked to postpone item for discussion 6(d) [was 6(c)], modification to Division 3.10 of the Land Development Code. She would like time to read and research this Ordinance.

The Commission agreed to postpone Discussion Item 6(d) [new item number] to the next Commission Meeting.

1. Presentations – There were none.

2. Audience Comments

Rosemary Manning, 200 1st Avenue, Pass-a-Grille, questioned why people in the audience are taking photographs. City Attorney Davis noted that the Attorney General has ruled that citizens have the right to take photographs in public meetings.

Maria Urban, 6439 2nd Palms Point, referred to a building permit issued to Mr. McFarland, illegally, for a second boat lift and a walkaround dock.

Kevin Hing, 7000 Beach Plaza, referred to the storm surge that is hitting against the wall of Starlight Tower. City Manager Bonfield reported that the County is trying to include some permanent solution in the 2009 beach nourishment project. He will contact Dr. Elko and ask her to come to a Meeting to discuss this.

Attorney Anthony Bataggia, 980 Tyrone Boulevard, attorney representing Dr. Pyle, referred to legal rights dealing with audio areas in a public meeting.

Len Stamos, 2491 Vina del Mar Boulevard, referred to issues e.g. renting watercraft, selling beer and wine, not bringing informed issues before the City Commission.

Ken Weiss, 11085 9th Street East, Treasure Island, spoke to moving the City through the growth management process.

Bev Garnett, 2504 Sunset Way, spoke to the subject of pedestrian safety at the cross walk at the Don CeSar.

Robert Lincoln (Icot Merrell firm in Sarasota), noted that some people from SOLV have been contacted by Mr. Pyle to have some settlement talks.

Bill Pyle, 6600 Sunset Way, spoke favorably to the T-Groin project.

Dave Feddon, 352 Belle Point Drive, spoke to an ad stating that developers are planning to construct condominiums and hotels on the property now known as the Travel Lodge.

Carol Walker, 5396 Gulf Boulevard, spoke of the Trade Winds Resort being a hotel.

Bev Garnett, 2504 Sunset Way, spoke to the Meetings that were held by the Planning Board and City Commission to discuss the Comprehensive Plan.

Mayor Finnerty closed the Audience Comments portion of this Meeting.

*** 5.b. Ordinance 2008-35, First Reading and Public Hearing, Setting the Millage Rate for Fiscal Year 2009.**

City Manager Bonfield explained this Ordinance and why the proposed Millage rate was raised.

Commissioners Chaney, Commissioner Leonard, and Vice Mayor Metz spoke in favor of keeping the Millage rate at the current rate.

Vice Mayor Metz moved to adopt Ordinance 2008-35, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, First Reading and Public Hearing, by reading its Title in its entirety and by reading Ordinance 2008-35 in its entirety.

Commissioner Chaney seconded the motion.

Audience Comments

Bill Pyle, 6600 Sunset Way, thanked the Commission, Finance Department and others for their work on the budget and millage.

The motion was approved by individual roll call vote of three to two (3 – 2) with Commissioner Halpern and Mayor Finnerty voting no.

***5.c. Ordinance 2008-36, First Reading and Public Hearing, Adopting a Budget for the Fiscal Year Beginning October 1, 2008 and Ending September 30, 2009.**

City Manager Bonfield reported that this Ordinance establishes the budget. He explained some areas regarding revenues and expenditures in the General Fund, as well as the Sewer Fund and the Stormwater Fund, etc.

Audience Comments

City Manager Bonfield explained that five employees have been laid off.

*Taken out of order.

City Manager Bonfield answered questions by the Commissioners.

The following residents commented to the FY 2009 budget and millage

Bill Pyle, 6600 Sunset Way,
Bob Manning, 200 1st Avenue
Carol Walker, 5396 Gulf Boulevard

Mayor Finnerty closed the Audience Comments portion of this Meeting.

Commissioner Chaney moved to adopt Ordinance 2008-36, an ordinance of the City of St. Pete Beach, Pinellas County, Florida by reading its Title in its entirety. Vice Mayor Metz seconded the motion.

The motion was approved by individual roll call vote of four to one (4-1), with Commissioner Halpern voting no.

- 3. Authorization to hang a banner over 75th Avenue at Boca Ciega Drive for each Friday in October 2008 for the St. Pete Beach Concert Series.**

Commissioner Chaney moved authorization to hang a banner over 75th Avenue at Boca Ciega Drive for each Friday in October 2008 for the St. Pete Beach Concert Series. Vice Mayor Metz seconded the motion.

The motion was unanimously approved by voice roll call vote.

- 4.a. Resolution 2008-25, authorizing the City Manager to apply for and administer a Florida Recreation Development Assistance Program (FRDAP) Grant for a Skate Park addition at the Community Center Complex on behalf of the City of St. Pete Beach.**

City Manager Bonfield noted that this project was discussed at budget hearings. The City would be required to match a contribution of 25%.

City Manager Bonfield answered questions by Commissioner Chaney.

There were no audience comments as well as no Commission comments.

Commissioner Chaney moved to approve Resolution 2008-25, a Resolution of the City of St. Pete Beach, Pinellas County, Florida by reading its Title in its entirety. Commissioner Leonard seconded the motion.

* Taken out of order.

The motion was approved by individual roll call vote of four to one (4-1) with Vice Mayor Metz voting no.

- 5.a. Ordinance 2008-34, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, First Reading and Public Hearing, amending the Capital Improvements Element of the City's Comprehensive Plan to update the Five-Year Schedule of Capital Improvements.**

City Manager Bonfield explained that beginning this year, the City is required to have a Capital Improvements Element in our Comprehensive Plan, and update it annually. Mr. Holley presented a detailed overview of this amendment and explained that the state requires us to be sure that the City includes its long term capital expenditure program in our Comprehensive Plan. Discussion followed.

The City Commission agreed that the Capital Improvements Advisory Committee is the Finance and Budget Review Committee.

City Manager Bonfield answered questions by the Commission.

Audience Comments

Bill Pyle, 6600 Sunset Way, explained his opposition to Ordinance 2008-34.

Bev Garnett, 2504 Sunset Way, felt that it is improper to argue a case(s) at this Meeting that is being heard before the court. City Attorney Davis responded that citizens have their right to express their views and he does not think that is improper.

Deborah Schechner, 710 Boca Ciega Isle Drive, stated her objections to Ordinance 2008-34. Discussion ensued.

Mayor Finnerty closed the Audience Comments portion of this Meeting.

Commissioner Halpern moved to approve Ordinance 2008-34, an Ordinance of the City of St. Pete Beach, Florida, First Reading and Public Hearing, by reading its Title in its entirety. Commissioner Leonard seconded the motion.

The motion was unanimously approved by individual roll call vote.

- 5.d. Ordinance 2008-37, First Reading and Public Hearing, Deleting Article X, Chapter 22, Sister City Committee of the City of St. Pete Beach, Florida Code of Ordinances.**

City Manager Bonfield explained the history of the Sister City Committee. It was recommended to not have them be a formal City Committee and the City will support them as it does for the Friends of the Library.

Commissioner Halpern moved to approve Ordinance 2008-37, an Ordinance of the City of St. Pete Beach, Florida, First Reading and Public Hearing, by reading its Title in its entirety. Commissioner Chaney seconded the motion.

The motion was unanimously approved by individual roll call vote.

6. Items for Discussion

6.a. Settlement Discussion

City Attorney Davis introduced Ms. Suzanne Van Wyk, an attorney in the Tallahassee office (Bryant, Miller, Olive) and an excellent Land Use Planning and litigation attorney. She is the lead counsel in the new case that has been filed. Ms. Van Wyk reviewed her background and answered questions by the Commissioners regarding the issuing of building permits, etc.

Ms. Van Wyk presented an overview and report regarding the pending litigation.

There was extensive discussion with respect to the Settlement Agreement negotiation and litigation issues.

The Commission was in agreement to schedule Shade Meetings for September 10 and September 30 for the purpose of discussing the Settlement Agreement. These Meetings may be canceled if not needed. The City Attorneys have been instructed to negotiate or talk with Attorney Weiss to see if there is any possible common agreement.

Audience Comments

Attorney Lincoln, noted that the Meeting that will be taking place will be for principals only – no lawyers. He also noted the validity of the adopted Land Development Regulations and Comprehensive Plan Amendment.

Deborah Schechner, 710 Boca Ciega Isle Drive, stated that audience members as well as City Commissioners were not allowed to participate in Comprehensive Plan Amendment.

Ms. Van Wyk responded.

The Commission took a ten minute break at this time.

6.b. 41st Avenue Street End

City Manager Bonfield presented a brief summary regarding the street end located 41st Avenue and Belle Vista Drive. This is a public right-of-way that has a fence on it. The City has no information in the public records showing this street end was ever vacated. The adjacent property owner now wants to keep it maintained and do some improvements.

Upon doing some research under the legal description, Commissioner Leonard reported on his findings which include indication of a vacation, etc. Discussion ensued with regard to doing a Title search, etc. to find out whether or not the City owns the property and what should be done.

The Commission was in agreement to pursue further research having a Title Company do a Title search to find out who owns the property and report back to the City Commission with that information.

6.c. Busch Estate Agreement

Mayor Finnerty stated that the property owner spoke with him saying that if this matter is discussed at this Meeting, there will be a major lawsuit for prohibiting him from having the ability to sell the estate which is on the market.

Mayor Finnerty would like City Attorney Davis to review this matter and come back to the Commission with a report. At that time the Commission would discuss this item. The Commission was in agreement to this request.

6.d. Proposed Modification to Division 3.10 of the Land Development Code.

The Commission agreed to postpone this agenda item.

6.e. Discussion Items from Budget Workshop

The Commissioners were in agreement to have City Manager Bonfield contact the Finance and Budget Committee Chairman letting him know that the Commissioners would like the Committee members to meet within the next two weeks to review the list of budget items and discuss the possibility of more frequent meetings to plan the budget. The Committee members would then give their suggestions to the City Commission.

7. City Manager, City Attorney and City Commission Reports

CITY MANAGER REPORT

City Manager Bonfield reported the following:

The next Commission Meeting is scheduled for Wednesday, September 10.

The City's Meetings are on the internet.

The September 23 Commission Meeting has been canceled.

A Special Meeting is scheduled for September 30 to adopt the Comprehensive Plan Amendments for the Capital Improvements Element; possibly a Shade Meeting; and, a Workshop on the Water Sports.

The Planning Board will be Meeting on September 22, September 24 and September 29.

City Manager Bonfield will be out of the office September 22, 23 and 24.

The Commission and City Manager Bonfield need to meet to discuss the IFF Union negotiations.

City Manager Bonfield reviewed the Agenda items for the next Commission Meeting on Wednesday, September 10.

CITY ATTORNEY REPORT

City Attorney Davis suggested that his firm could come back on the first Meeting in October when the Tyndall Oliver study would come back to the City Commission. His firm would then put together a proposal to interface with Tyndall Oliver.

City Attorney Davis will have a litigation status memorandum ready for the Commissioners.

City Attorney Davis recommended and the Commissioners were in agreement to schedule a Shade Meeting for the Sowa cases.

VICE MAYOR METZ

Vice Mayor Metz would like to revisit the Concessions Stands Agreement with regard to the rental of the paddle surfboards. There was also discussion regarding the sale of beer and wine.

It was the consensus of the Commission to ask Mr. and Mrs. Janacek to hold off on the paddleboard rental until the Beach Stewardship

Committee reviews the concept of renting paddleboards and presents their recommendation to the Commission. During this time, they may proceed with selling beer and wine.

Vice Mayor Metz expressed concern with the new light fixture on the dock at 242 Hermosita.

The Commission agreed to turn this over to Code Enforcement.

COMMISSIONER LEONARD

Commissioner Leonard reported that the Boca Ciega Traffic Calming Meeting has been canceled.

COMMISSIONER CHANEY

Commissioner Chaney referred to her request that amendments to the Adult Use Ordinance be made and was told that those amendments could not be made.

Commissioner Chaney asked the following:

**The City Attorney review amendments to the Adult Use Ordinance.
The subject of Casino Gambling be put on the City's website.**

The City Attorney check into the noise ordinance and the level of noise.

Is there any way to limit outdoor speakers.

Commissioner Chaney would like information regarding the status of establishing a basis of the water and sewer volume in the ten largest hotels in the City.

Commissioner Chaney would like to set a policy that Agenda items are to be received at least forty-eight hours in advance. If not received by that time, they will be pulled.

There was discussion regarding City Attorney Davis receiving enough notice so as to attend Commission Meetings and some Board of Adjustment Meetings.

Residents are still complaining about the beach lights glaring into their homes.

Could the City require bio degradable recyclable cups for beachfront/restaurants. City Manager Bonfield will check into this.

COMMISSIONER HALPERN

Corey Avenue Merchants Association is having their *End of Summer Bash* on September 26.

MAYOR FINNERTY

The Library Book Discussion will be Tuesday, September 9 at 10:30 a.m.

Radio Shack will host a presentation with regard to the 2009 TV enhancements on Wednesday, September 17 at 2:00 p.m.

A book discussion on *Bridget Jones Diary* will be held September 27, 10:30 a.m.

Mr. Augie D'Alessio has obtained a *Support Our Troops* banner from the Marine Corp. He thanked the American Legion for helping with the packages. He also thanked Mrs. Finnerty for helping with the letters for the Troops.

The City has received two miniature benches from the Boys' and Girls' Club of Pinellas County. They have a program whereby these benches could be used to welcome people to the City as well as for advertisement. Unfortunately, the City does not allow the advertising at this time. Mayor Finnerty asked the City Attorney to review the contract and have the gentleman who is donating these benches come back and speak to the Commission.

Mayor Finnerty had lunch with the St. Petersburg Mayor Rick Baker. The City of St. Petersburg would like to partner with us in many areas e.g. cultural additions to our beach, a theatre.

8. AUDIENCE COMMENTS

Kevin Hing, 7000 Beach Plaza, Starlight Tower, Spoke to issue of impact fees and special taxing districts. He appreciates the possibility of Dr. Elko coming to the next Commission Meeting to talk about the T-Groins.

Resident on 1st Avenue, commented on the paddleboards and the number of people on the beach.

Mayor Finnerty closed the Audience Comments portion of this Agenda.

9. ADJOURNMENT

Time being 11:06 p.m., this Meeting was adjourned.

ATTEST:

Theresa B. McMaster, City Clerk
Minutes approved on: _____

Mike Finnerty, Mayor