

**ST. PETE BEACH COMMISSION MEETING
MINUTES**

**Tuesday, October 14, 2008
6:30 p.m.**

**Call to Order
Pledge of Allegiance
Invocation**

THOSE PRESENT:

**Commissioner Halpern
Commissioner Leonard
Vice Mayor Metz
Mayor Finnerty**

ALSO PRESENT:

**City Manager Bonfield
City Attorney Churuti
City Clerk McMaster**

It was noted that Commissioner Chaney had an excused absence. It was further noted that Susan Churuti was sitting as the City Attorney for this meeting.

Agenda Meeting

During the Agenda Meeting Item 1b was postponed to the next meeting. An item regarding Southwest Little League was added as Item 1b.

The Mayor and Commissioner Halpern agreed that the reimbursement to Commissioner Chaney for attorney's fees should be itemized. Commissioner Chaney had previously asked that it be postponed until she can be present.

The Ordinance regarding fertilizer restrictions was also postponed until Commissioner Chaney would be present.

1. Presentations

a. [Proclamation - Long Term Care Residents Rights Month](#)

[Proclamation - Long Term Care Residents Rights Month](#)

Mayor read the Proclamation.

Cindy Floyd was present and accepted the Proclamation.

Lance Ellis and Phil Christman were present to represent Southwest Little League.

Commissioner Leonard complimented Phil on the fields, etc.

Mr. Bonfield introduced new staff member replacing Bill Miller, Utility Project Coordinator. Her name is Nancy Biesinger.

b. [Impact Fee Special Assessment - BMO & Tindale Oliver](#)

[Impact fee memo](#)

This Item was continued.

2. [Audience Comments](#)

Lorraine Huhn, 9425 Blind Pass Road.

Mimi Gewanter, 265 Tessier Drive S. -

Dick Livingston, President of the Vina Del Mar Association.

Considerable discussion was held regarding the Lighted Boat Parade and the route that was scheduled.

Bill Pyle, 6600 Sunset Way

Paul Pfister, 8090 Gulf Boulevard

Jane Gottwald, 102 23rd Avenue

3. [Consent](#)

Commissioner Leonard requested that there be further discussion on Item 3e, the Suntan Art Center issue. It was moved to Item 5d.

a. Minutes of the November 27, 2007 City Commission Meeting.

Minutes of the City Commission Regular Meeting on July 22, 2008.

Minutes of the July 30, 2008 Special Commission Meeting.

- b. Resolution 2008-26, adopting a policy on public records requests.**

[Resolution 2008-26, Agenda Report](#)

[Resolution 2008-26](#)

- c. Resolution 2008-27, to request the Pinellas Board of County Commissioners consider the development and adoption of an ordinance establishing countywide residential fertilizer use guidelines**

[Resolution 2008-27 agenda report](#)

[Resolution 2008-27](#)

This Item was continued.

- d. Resolution 2008-28, reimbursement of attorney costs to Commissioner Chaney**

[Resolution 2008-08 agenda report](#)

[Resolution 2008-08](#)

[City Attorney memo](#)

[Chaney invoice](#)

This Item was continued.

- e. Authorization for the City Manager to enter into an amended Memorandum of Understanding with the Suntan Arts Center to better**

define the partnership and support Don Vista operations.

This item was removed from the Consent Agenda and placed as Item 5d.

- f. Authorization for the City Manager and Chief of Police to enter into an agreement with the Florida Department of Management Services accepting an emergency interoperable radio gateway system for the Police Department Communications Center.**

[Police Department FDMS Grant Agenda report 10 14 08](#)

[Police Department - Florida Dept.of Mgt. Services Agreement](#)

- g. Authorization for the Mayor and City Manager to enter into a First Amendment to the Interlocal Agreement for the Ambient Water Quality Monitoring Program between Pinellas County and St. Pete Beach.**

[NPDES First Amend to Interlocal Agenda Report](#)

[NPDES Interlocal Agreement - Nov 2002](#)

[NPDES Interlocal Agreement First Amendment - June 2008](#)

Commissioner Halpern moved to approve 3. Consent Agenda Vice Mayor Metz seconded the motion.

The motion was unanimously approved by individual roll call vote.

4. Ordinances

- d. [Ordinance 2008-40, first reading and public hearing, amending the Land Development Code, Division 26, Signs, to provide for placement of bus benches and associated advertisement on public property with City Commission approval.](#)**

[Ordinance 2008-40 Report](#)

[Ordinance 2008-40](#)

This item was taken out of order.

Karl Holley, Community Development Director, summarized the changes in the Land Development Code being proposed.

Tom Keller, 2115 Swan Lane, addressed the Commission. He was representing Girls and Boys Club and Big Brothers and Big Sisters. He was requesting to sell advertising to be placed on benches to benefit the above mentioned organizations.

There was considerable discussion.

Commissioner Halpern moved to approve the benches being added to the sign ordinance as a permitted sign. Vice Mayor Metz seconded the motion.

The motion was unanimously approved by individual roll call vote.

- a. [Ordinance 2008-34, final reading and public hearing, amending the Capital Improvements Element of the City's Comprehensive Plan to update the Five-Year Schedule of Capital Improvements.](#)

Mr. Bonfield summarized the issue.

Mr. Holley pointed out that this is updating the information about the Pinellas County School System Concurrency requirement for the Comprehensive Plan.

It was noted that there were sign in forms for citizens to provide their contact information to be informed of the status of this Plan Amendment as it goes through the Department of Community Affairs approval process.

Discussion was held regarding the timing of this ordinance and the advertisements with regard to the Election.

It was noted that, pursuant to the St. Pete Beach Charter, these mandated amendments are required to vote upon.

Mr. Holley reported that these types of issues will come up every year, if for nothing else, but to change the dates listed in the Capital Improvements Program in the Comprehensive Plan.

Discussion was held regarding a possible change to the Charter to eliminate the need for an election for state mandated changes to the Comprehensive Plan.

Bill Pyle, 6600 Sunset Way expressed his opposition to the proposed the Comp Plan Amendment.

Commissioner Halpern moved to adopt Ordinance 2008-40, on first reading and public hearing, amending the Land Development Code, Division 26, Signs, to provide for placement of bus benches and associated advertisement on public property with City Commission approval

Commissioner Leonard seconded the motion.

The motion was approved by individual roll call vote of (3-1) with Vice Mayor Metz voting no.

- b. [Ordinance 2008-38, first reading and public hearing, amending the Land Development Code, Division 31, Traditional Hotel District, to extend the area eligible for the THD zoning designation.](#)

[Ordinance 2008-38 Report](#)

[Ordinance 2008-38](#)

Mr. Bonfield summarized the issue.

Mr. Holley reiterated the changes in the Code.

Discussion was held regarding small hotel/motel transient accommodations.

Mr. Bonfield noted that they would have to have a current license.

Public Comment

Joe Caruso spoke in support of the Ordinance.

Bill Pyle, 6600 Sunset Way spoke in support of the Ordinance.

Vice Mayor Metz moved to adopt Ordinance 2008-38, first reading and public hearing, amending the Land Development Code, Division 31, Traditional Hotel District, to extend the area eligible for the THD zoning designation

Commissioner Leonard seconded the motion.

The motion was unanimously approved by individual roll call vote.

- c. [Ordinance 2008-39, first reading and public hearing, amending the Land Development Code, Division 6, creating Section 6.25 providing detailed standards for the maintenance of private property.](#)

[Ordinance 2008-39 Report](#)

[Ordinance 2008-39](#)

Mr. Bonfield summarized the issue.

Mr. Holley highlighted changes to the code.

Karl enumerated the standards.

Discussion was held regarding the system of enforcement of the proposed property maintenance standards.

Vice Mayor Metz expressed his dissatisfaction with the lack of Code Enforcement activities in the Community.

There was a consensus of the Commission that the height of grass/weeds should be no higher than 10".

Commissioner Halpern moved to adopt Ordinance 2008-39, first reading and public hearing, amending the Land Development Code, Division 6, creating Section 6.25 providing detailed standards for the maintenance of private property

Commissioner Leonard seconded the motion.

The motion was unanimously approved by individual roll call vote.

5. Action Items

- a. [Commission appointment to the General Pension Board.](#)

[General Pension appointment agenda report](#)

Three names were mentioned for the position. Jim Anderson, Chet Chmeilewski and Phil Christman. It was decided that this item would be postponed until the next meeting and that staff would attempt to obtain a resume from each of the interested parties.

- b. [Re-authorize the City Manager to amend the beach concession stand](#)

lease to allow the rental of paddle surf boards and to allow the sale of beer and wine at the beach concession stands with the understanding that beer and wine sales must stop at 10 pm at night and that sale of beer and wine will be reviewed by the City within 1 year.

Paradise sweets agenda memo 10-14-08

First Amendment to Lease - Paradise Sweets 10-14-08

Exhibit A - PAG Patio Area

Mr. Bonfield summarized the issue.

Discussion was held regarding the rental of paddle boards, and the fact that the most recent request for proposals for the concession did not include the opportunity to sell beer and wine.

Concerns were expressed regarding the City owned facilities competing with local businesses.

The consensus was to allow the sale of beer and wine. The paddle board rental discussion will be brought back at a later date.

It was the consensus of the Commission to revisit the issue in one year.

- c. Authorization for the City Manager to pay Camp Dresser & McKee, Inc. (CDM) \$82,103.77 for additional engineering services required and performed due to the delay in construction of Master Pump Station #1.

CDM Invoice Agenda Report

CDM Letter 9-10-08

Mr. Bonfield summarized the issue.

Mike Smith with CDM was present to answer questions from the Commission.

Mr. Smith addressed questions from the Commission.

Mr. Hallock, Public Services Director, addressed the Commission, provided the history of the project and answered questions.

Discussion was held concerning the possibility of litigation on this project.

Vice Mayor Metz moved to authorize the City Manager to pay Camp Dresser & McKee, Inc. (CDM) \$82,103.77 for additional engineering services required and performed due to the delay in construction of Master Pump Station #1.

Commissioner Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

- d. [Authorization for the City Manager to enter into an amended Memorandum of Understanding \(MOU\) with Suntan Arts Center to better define the partnership and support Don Vista operations.](#)

[Suntan MOU Amendment Agenda Report 10-14-08](#)

[SUNTAN MOU Revision Red Line](#)

[SUNTAN MOU Revision REVISED 10-1-08](#)

There was discussion regarding parking issues at the Don Vista Building.

Mr. Bonfield said that an amendment to the parking ordinance would be necessary to accomplish what the Commission requested for parking. The Commission agreed that parking enforcement will need to be dealt with.

Terry Denson, Board President of Suntan, spoke on behalf of the Suntan Arts Center.

Commissioner Leonard to approve changes as noted by the Commission for a mutual termination clause before 45 days. Vice Mayor Metz seconded the motion.

The motion was unanimously approved by individual roll call vote.

6. Items for Discussion

7. [City Manager, City Attorney and City Commission Reports](#)

City Manager Bonfield presented his report.

City Attorney Susan Churuti spoke to the issue of the title of the property at the end of 41st Avenue. She recommended that the City allow the requester to

landscape the property and maintain the fence as it would be more costly to litigate the issue than the property is worth.

Commissioner Leonard stated that the Commission had previously authorized a title search on the property and inquired as to that had been done.

Ms. Churuti noted that she was not suggesting a vacation of property. It would just allow the contiguous property owners to maintain their fences and the property.

Mayor Finnerty did not agree with getting more involved in this issue. He asked the rest of the Commission what action would be taken if the City determines that it owns the property.

Discussion was held and the City Attorney was authorized to conduct a title search on the property.

City Attorney Churuti discussed the issue of a meeting Decorum Ordinance.

She referred to Resolutions 2003-32, 2005-18 and 2006-12.

Discussion was held regarding other Commissions and Councils in the area and their rules and policies on meetings.

Ms. Churuti recommended that a policy be adopted by ordinance, with public notice and that after adoption that it should be posted in a prominent place.

The Mayor voiced support of having a designated area for the press and cameras at the meetings so that the rest of the audience is not disturbed.

Commissioner Halpern agreed that there should be a designated area for all cameras.

After discussion the issue was postponed.

Commissioner Halpern reported on activities in District 1.

Commissioner Leonard reported on activities in District 3.

During Commissioner Leonard's report he asked for support from the Commission to dedicate the 2nd triangle park in Belle Vista to Bill Curroto. It was noted that it would be a discussion item at the next meeting.

Vice Mayor Metz reported on the activities in District 4.

During his report there was discussion regarding a parking issue at the "Busch Estate."

Mr. Bonfield stated that police officers were dispatched and they found no violations.

Vice Mayor Metz expressed his displeasure regarding the actions by staff regarding several items in the recent past.

Some discussion was held regarding the CRG and SOLV getting together and working out their differences. The City Attorney stated that, in her opinion, the two parties are not close to a point of resolving the issues.

Mayor Finnerty reported on various activities throughout the City.

Audience Comments

Maria Urban, 3 Palms Point. expressed her dissatisfaction with the actions by the City and her neighbor, Steve McFarlin, regarding his dock.

Teri B. McMaster, City Clerk

Mike Finnerty, Mayor

Minutes approved on
