

City Commission Meeting

June 27, 2023

6:00 p.m.

ELECTED OFFICIALS PRESENT:

Adrian Petrilă, Mayor

Mark Grill, Vice Mayor, Commissioner, District 2

Chris Graus, Commissioner, District 1

Ward Friszolowski, Commissioner, District 3

ELECTED OFFICIALS ABSENT:

Chris Marone, Commissioner, District 4

STAFF PRESENT:

Andrew Dickman, City Attorney

Matthew McConnell, Assistant City Attorney

Alex Rey, City Manager

Amber LaRowe, City Clerk

Brandon Berry, Planner

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

1. APPROVAL OF THE AGENDA

City Manager Rey requested the deferral of item 4.a. He also reminded the Commission and members of the public that the Conditional Use Permit for Red, White, and Booze (5.b.) is being continued to July 11th.

Vice Mayor Grill requested to move item 3.c. as a discussion item, 4.e. He also requested the addition of a discussion item on the Corey Landings Project (6.a.).

Commissioner Friszolowski requested the addition of a discussion item on the Florida League of Cities Annual Conference (6.b.)

Mayor Petrilă requested the addition of discussion items on:

- Technical Review Committee and the Sirata Beach Resort (6.c.)
- Comments on employees starting with the City (6.d.)
- Nuisance enforcement (6.e.)

Vice Mayor Grill requested the addition of a discussion item on expenditures (6.f.)

Motion: Vice Mayor Grill moved, Commissioner Friszolowski seconded, and the motion carried 4-0 to approve the June 27, 2023, City Commission Agenda with the changes as mentioned above.

2. AUDIENCE COMMENTS

Omar Chicoine, resident, discussed the issues with the private use of the Don CeSar boat ramp and the noise levels and nightly activity.

City Manager Rey addressed Mr. Chicoine's concerns and stated that an ordinance change would be required to close the boat ramp to 10 p.m. He stated he can put together an action plan regarding enforcement for parking issues and will bring it forward to the next meeting.

Brian Rutherford, resident, commented on the negative impact that the SunRunner has caused for him and other residents who live along the beach.

Jo Moholland, resident, discussed permit waivers and the approval process.

Deborah Schechner, resident, commented on the cancellation of last week's TRC meeting and the Sirata Resort agenda item. She also mentioned the continued use of the vacant Lido Park lot and the illegal parking of cars.

Mr. Rey provided clarification on the TRC process and the Sirata Resort development. Essentially there are three different projects on one property with the discussion on the TRC to be of "Phase 2".

Regarding what triggers the Conditional Use Permit, Attorney Dickman, Mr. Rey, and Planner Brandon Berry have been discussing this, and once summarized, it will be shared with the Commission.

William Schwinghammer, resident, commented on the Gulf Winds streetlights and their brightness along with the use of shields.

3. CONSENT

- a. Debris Collection and Monitoring Interlocal Agreement with Pinellas County
- b. 2023 TBERF Award Announcement: St. Pete Beach Living Shoreline Design & Permitting
- c. July 4th Fireworks Display – **Moved as action item 4.e.**

Motion: Commissioner Friszolowski moved, Commissioner Graus seconded, and the motion carried 4-0 to approve the June 27, 2023 Consent Agenda as presented by the City Manager with removal of item c.

4. ACTION ITEMS

a. Gulf Winds Streetlights -- removed

b. Federal FEMA Grant for Hurricane Ian

Mr. Rey stated that Hurricane Ian caused damage to various City facilities and assets including utilities (\$7,500), marina docks (\$10,000), and buildings (\$7,000). Along with the costs to fix the damage, the City expended approximately \$200,000 to remove vegetative debris and performed emergency protective measures of approximately \$300,000. The attached FEMA grant will provide reimbursement for the costs as outlined above.

Motion: Commissioner Friszolowski moved, Vice Mayor Grill seconded, and the motion carried 4-0 to authorize the City Manager to enter into the Federal FEMA Grant Agreement to reimburse the City for damages and costs related to Hurricane Ian.

c. County Beach Access Park Interlocal Agreement

City Manager Rey stated that this Agreement will transition the maintenance responsibilities from the County to the City; in return, the City will retain the revenue from the chairs and umbrella rentals at the Park which equates to approximately \$20,000/year. This change would not alter the remaining terms of the existing 2010 Interlocal Agreement.

The cabana service concessionaire for the County is the same that the City uses; however, their contract is

expiring. To maintain the service and revenue, the City's current agreement with Sand Dunes Beach Services, LLC. needs to be amended to include the cabana rental concessions at Pinellas County Beach Access Park.

Commissioner Friszolowski expressed concerns with the number of chairs and umbrellas and wanted to ensure that it won't increase more than what is currently being rented out. Mr. Rey reminded the Commission that the Sand Dune agreement expires this year; therefore, upon renewal or if a new RFP is issued, the City will establish the specificity of the rentals.

Motion: Commissioner Graus moved, Vice Mayor Grill seconded, and the motion carried 4-0 to approve the 2023 City of St. Pete Beach Interlocal Agreement with Pinellas County and to approve the contract amendment with Sand Dunes Beach Services, LLC to include beach concession services at County Beach Access Park.

d. Request for Letters of Interest & Qualifications: "Comprehensive Planning Services"

The City Manager stated that this item was presented to the Planning Board during their meeting yesterday. They approved the scope of work and recommended that the submittal timeframe be 30 days from the publication of the RFLI and RFQ. The Planning Board would also like to meet with the consultants and hoped to be provided with models of density in the City for various heights.

Attorney Dickman stated that this is a two-step process where the consultants will assess the Comprehensive Plan and provide recommendations on what needs to be changed/modified. He would like to add that the RFLI/RFQ needs to include a requirement for the consultant to have experience with community meetings and/or workshops. He also mentioned that the attached proposed Request states that the Comprehensive Plan was adopted in 2015; however, it was amended in 2015.

Mayor Petrila requested the following items be added to the RFLI as mentioned during the Joint Workshop with the Planning Board:

- What are the concerns/problems & opportunities?
- Pedestrian safety
- Environmental protection
- Beach access and management
- Historic preservation
- Community character
- Quality of life
- Critical infrastructure
- Coastal conservation
- Resiliency
- Traffic
- Congestion
- Overcrowding
- Climate change
- Urban sprawl
- Level of service
- Emergency response
- Deficiencies exposed by recent hurricanes in other parts of the State

The Mayor also wanted assurance that there will be more than just one or two firms selected.

Attorney Dickman stated that the scope will be for an audit of the current Plan, does the current Plan address the

concerns, and then what does the firm recommend.

Commissioner Friszolowski stated that the first step would be for the City to review and shortlist the applicants based on qualifications, then the City Commission can interview the remaining firms and require that the firms review the Comprehensive Plan in preparation for that interview.

Regarding the cost, City Manager Rey estimated \$300,000 - \$500,000.

It is the desire of the City Commission to interview the top 5.

Vice Mayor Grill would like to see that the evaluation criteria are predetermined prior to interviews.

Resident Deborah Schechner commented on the City not selecting firms that have a possible conflict of interest. She also opined that the vendors should be reviewing the Comprehensive Plan prior to submitting their interest.

Attorney Dickman indicated that a conflict of interest will be outlined in the criteria and opined it should disqualify them altogether.

Motion: Commissioner Friszolowski moved, Vice Mayor Grill seconded, and the motion carried 4-0 to approve the Request for Letters of Interest & Qualifications for Comprehensive Planning Services.

e. July 4th Fireworks Display – moved from tonight's Consent Agenda

Vice Mayor Grill asked for clarification on how to proceed tonight after the motion that was made on May 23rd.

Attorney Dickman stated that the Commission should take a vote to void or rescind the action that was taken on May 23rd.

Motion: Vice Mayor Grill moved, Commissioner Graus seconded, and the motion carried 4-0 to rescind the motion made at the May 23, 2023 City Commission meeting [on the July 4th Fireworks display].

Mr. Rey explained that there was confusion on the names of the piggyback agreement from the May 23rd meeting; the agreement attached to tonight's agenda is the same price and the same scope as what was presented on May 23rd.

Vice Mayor Grill would like to see the City soliciting their own agreement for fireworks in the future instead of piggyback.

Motion: Commissioner Friszolowski moved, Commissioner Graus seconded, and the motion carried 4-0 to approve the contract with Pyrotechnico Fireworks Inc.

5. RESOLUTIONS

a. Resolution 2023-09: Off-shore Drilling

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, OPPOSING OFFSHORE OIL DRILLING ACTIVITIES AND EXPANSION OF OFFSHORE DRILLING IN THE GULF OF MEXICO; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Grill reminded the Commission and the public of the discussion at the last meeting and how this

came to be drafted. The elected officials may also submit their individual support; however, the adoption of this Resolution is a collective initiative.

Resident Deborah Schechner voiced support for this Resolution.

Motion: Vice Mayor Grill moved, Commissioner Graus seconded, and the motion carried 4-0 to adopt Resolution 2023-09.

b. Resolution 2023-08 (Conditional Use Permit 23034): Red White & Booze Restaurant Outdoor Music Area

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 ESTABLISHMENT OF AN AREA FOR THE PLAYING OF AMPLIFIED MUSIC AT 2007 PASS-A-GRILLE WAY; INCORPORATING THE CONDITIONS OUTLINED HEREIN; AND PROVIDING FOR CORRECTION OF SCRIVENER'S ERROR AND AN EFFECTIVE DATE.

Mayor Petrila opened public comment for anyone wishing to comment tonight that cannot make the July 11th City Commission meeting; after hearing no public comment, the public comment portion was closed.

Motion: Commissioner Friszolowski moved, Vice Mayor Grill seconded, and the motion carried 4-0 to continue Resolution 2023-08 to the July 11, 2023, City Commission meeting at 6:00 p.m. or as soon thereafter in these Chambers.

c. Resolution 2023-07 (Conditional Use Permit 23035): Fisherman's Park Pier

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, PURSUANT TO SECTION 16.4 OF THE LAND DEVELOPMENT CODE, FOR THE CONSTRUCTION OF A MUNICIPAL "CLASS C" PIER AT FISHERMAN'S PARK; INCORPORATING THE CONDITIONS OUTLINED HEREIN; AND PROVIDING FOR CORRECTION OF SCRIVENER'S ERROR AND AN EFFECTIVE DATE.

The Commission was asked to report any ex-parte communication:

- Vice Mayor Grill: Discussed with the residents and with the City Manager
- Commissioner Graus: Discussed this item with the City Manager
- Commissioner Friszolowski: Discussed this item with the City Manager
- Mayor Petrila: No discussion

Planner Brandon Berry gave a presentation to the City Commission; a copy is made a part of the meeting record.

Commissioner Graus expressed concerns with the design of the pier noting that it appears to jut out into the pass too much; he opined a reduction to 30' might be more appropriate.

Mayor Petrila opined that because McKinney Park, where there is a fishing pier located, is about 1.5 miles away, perhaps this area could be used for beautification instead.

Vice Mayor Grill expressed the same opinions as the Mayor and suggested that Fisherman's Park and Sunset Park be redesigned collectively.

Linda Borgia, resident, expressed concerns about this pier especially because of the speeding boats. The Commission gave direction to the City Manager to scale this pier back and work on collectively redesigning

Fisherman's Park and Sunset Park.

City Manager Rey withdrew the application.

No action was taken.

6. ITEMS FOR DISCUSSION – ALL ADDED AT THE FIRST OF THE MEETING

a. Corey Landings Update

City Manager Rey and Attorney Dickman discussed the withdrawal of the purchase by RAM Realty.

Fortress, the property owner, and RAM, the developer, were working together. Since RAM withdrew, Fortress has begun searching for a new developer; they have paid the permit fees for this project. If a new developer comes into the picture, it will be determined what that will look like against what was approved in the Conditional Use Permit process.

It was suggested that the City Manager ascertain the price of the property if the City were to purchase.

b. Florida League of Cities Annual Conference August 2023

Commissioner Friszolowski stated that the Annual Conference for the Florida League of Cities is August 9th through the 13th. He plans to attend and inquired if others were going to go as well; the Mayor and Vice Mayor all asked the Clerk to send more information about the dates and location.

c. Technical Review Committee and the Sirata Meeting

This was discussed earlier during the public comment portion of the meeting.

d. June 20, 2023 9:00 A.M. Meeting and Hiring of a New Employee

Mayor Petrila clarified statements that were made during the June 20th Special City Commission meeting and the hiring of a Public Works Employee. The specific employee did start working that day and City operations are continuing as normal. It was noted that the individual had received an offer letter 30 days prior

e. Nuisance Enforcements

The Mayor discussed the nuisance issues surrounding the Don CeSar boat ramp. There have been numerous complaints made regarding loud music from individuals as well as businesses. This type of nuisance is depleting the residents' quality of life.

Vice Mayor Grill inquired if the Code Enforcement Department could rotate various shifts. City Manager Rey stated that the City is seeking to hire a part-time parking enforcement officer and working with the Pinellas County Sheriff's Office (PCSO) on other enforcement issues such as music and dogs on the beach.

Deputy Stanton, PCSO, discussed how the beach is patrolled and the issuance of ordinance violations.

Discussion: night commercial operations at the Don CeSar Boat Ramp. City Manager Rey indicated that the Code could be modified so that there are no commercial operations without a permit; the permit will then articulate the rules for commercial use of the Boat Ramp. Mr. Rey will provide a report at the next Commission meeting on the nuisance conversations with PCSO and Code Enforcement.

f. City Manager Expense Summary

Vice Mayor Grill discussed the expense reports that were emailed to the City Commission earlier today; a copy

of the email is made a part of the record. Discussion was had on the reports, the intent, and if this is what the Commission was asking for. The Commission will review the reports provided and then discuss at the next meeting if this is the appropriate report; it was requested that this information be provided as well in advance of July 11th as possible.

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

Amber LaRowe, City Clerk—mentioned the Doodle Poll summary as handed out before the meeting showing availability for a joint workshop with the Beach Stewardship Committee; it was decided that the next workshop will be July 11, 2023 at 4:00 p.m.

Mrs. LaRowe discussed the second budget meeting in September; she was tasked with reaching out to Commissioner Marone to determine Saturday availability.

She discussed the email distributed earlier today regarding lobbyist quarterly reports with a due date of July 10th. A report will be prepared and provided to the Commission after the 10th.

Attorney Dickman—reminded the Commission of the demand letter that was sent to Repair Guy One, LLC. allowing him two weeks to respond; no response as of today. He is requesting authorization to demand the repayment of \$90K plus liquidated damages of approximately \$129K and to communicate with the insurance company on file.

Motion: **Commissioner Graus moved, Commissioner Friszolowski seconded, and the motion carried 4-0 to authorize the City Attorney to initiate a lawsuit [with Repair Guy One, LLC].**

All the Commissioners wished everyone a happy and safe 4th of July! Mayor Petrila followed the comments up with a list of activities around the City beginning this weekend.

Mayor Petrila adjourned the meeting at 9:22 p.m.

MINUTES APPROVED: JULY 25, 2023



AMBER LAROWE
CITY CLERK



ADRIAN PETRILA
MAYOR