

ST. PETE BEACH CITY COMMISSION MEETING

MINUTES

Monday, November 10, 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

Mayor Finnerty announced that today is the 60th wedding anniversary of John and Margaret Phillips.

AGENDA MEETING

City Manager Bonfield noted that the Commissioners have the Agenda Report for the Chmielewski Mediation Settlement Agreement. This becomes Item "3.b." on the Consent Agenda Meeting.

1. Presentations

a. Impact Fee Special Assessment – Bryant Miller Olive.

City Attorney Davis noted that Mr. Mark Lawson was on the speaker phone with Mayor Finnerty and Commissioners to discuss special assessments, impact fees and ordinances. There was discussion regarding how to collect those impact fees, and the cost to collect assessments and impose impact fees. The master ordinance would amount to \$9,000. Mr. Lawson answered questions by the Commission.

Commissioner Chaney would support paying \$4,500 for the Special Assessment Ordinance and suggested starting with that. If the master ordinance (which would include the Impact Fee Ordinance), would be \$9,000, she would recommend that the City put out a RFP for the master ordinance.

It was the consensus of the Commission to move forward with the Special Assessment. City Attorney Davis will proceed with the Special Assessment and bring a Special Assessment Ordinance and Resolution to the Commission

2. Audience Comments

Maria Urban, 6439 2ND Palm Point, spoke to the McFarland dock and illegal fence permit. Mayor Finnerty, City Manager Bonfield, City Attorney Davis, and the Urbans will meet in effort to resolve the problem.

Dale Hughes, 8301 Boca Ciega Drive, inquired as to what the lobbyist in Washington D.C. have done for City of St. Pete Beach.

Bill Pyle, 6600 Sunset Way, spoke to the issue of the citizens voting no to have Casino Gambling on St. Pete Beach.

Jane Gottwald, 102 23rd Avenue, spoke to the City elections and lawsuits.

Mimi Gewanter, 265 Tessier Drive, spoke to the issue of lawsuits.

Deborah Schechner, 710 Boca Ciega Isle Drive, spoke to the lawsuits.

Lorraine Huhn, 9425 Blind Pass Road, spoke to the lawsuits.

Mayor Finnerty closed the Audience Comments portion of this Meeting.

Commission Comments

City Manager Bonfield commented that there will be a stimulus package that will include funding for infrastructure projects.

Mayor Finnerty inquired as to submitting some kind of application for undergrounding utilities in Pass-a-Grille.

Mayor Finnerty read a letter from Brian Smith, Metropolitan Planning Organization, endorsing the City of St. Pete Beach's efforts to seek federal funds to accomplish the Gulf Boulevard improvements.

3. CONSENT AGENDA

The Commissioners agreed to move the following three items from the Consent Agenda to the Regular Meeting Action Items:

- a. Approval of Mediation Settlement Agreement – Chmielewski vs. City of St. Pete Beach.**
 - b. Pinellas Planning Council recommended appointment - Commissioner Halpern.**
 - c. Resolution 2008-30, reappointing John Elias, Esq. as the Parking Citation Hearing Officer, Administrative Appeals Hearing Officer and the Special Magistrate for the City's Code Enforcement Division.**
- 4. Ordinances**
- a. Ordinance 2008-42, First Reading and Public Hearing, creating a policy that governs actions and deliberation during City Commission Meetings in order to maintain decorum.**

Commission Comments:

Vice Mayor Metz would like to leave this Ordinance as it is without a new policy.

Commissioner Leonard pointed out a few areas of concern.

Mayor Finnerty would like to set some guidelines and rules that everyone can respect and follow. More specific guidelines are needed.

Mayor Finnerty spoke about having cameras in the Meetings, being disruptive at Meetings, being subject to removal from the Commission Chambers, etc.

The Commission was in agreement to put the auto switch on for the timer.

Commissioner Chaney commented that Mayor Finnerty does a very good job running the Commission Meetings.

There was discussion regarding some changes that should be made within the Ordinance.

Commissioner Halpern moved to approve Ordinance 2008-42, an Ordinance of the City of St. Pete Beach, Florida, First Reading and Public Hearing, by reading its Title in its entirety and including the changes discussed. Commissioner Leonard seconded the motion.

Audience Comments

Bill Pyle, 6600 Sunset Way, commented on some specific language and requested changes to that language.

Dale Hughes, 8301 Boca Ciega Drive, suggested that this Ordinance be denied and cleaned up.

Deborah Schechner, 710 Boca Ciega Drive, finds the Ordinance unconscionable.

Mimi Gewanter, 265 Tessier Drive, would like some of the language revised and brushed.

Will Jacoby, 8100 Gulf Boulevard, whatever the Commissioners adopt should also apply to the Boards.

City Manager Bonfield explained parts of the Ordinance that were somewhat confusing. Mayor Finnerty and City Attorney Davis will get together and come back to the Commission with a more reasonable colloquy.

Commissioner Halpern rescinded the motion. Commissioner Leonard was in agreement.

- b. Ordinance 2008-43, an Ordinance of the City of St. Pete Beach, Florida, First Reading and Public Hearing, amending Division 1 of Article III, Chapter 82, Section 82-137 of the Code of Ordinances, as it relates to stopping, standing or parking of vehicles.**

City Manager Bonfield noted that the only change over what is currently posted is the fifteen spaces at the north side of the Don Vista Center. He alluded to two other items that are posted but not in the Ordinance. Residents will need to be notified of the changes. There was a discrepancy concerning the word *event*.

The Commission agreed to table the discussion regarding the parking issues.

The Commission took a ten minute recess at this time.

- c. Ordinance 2008-44, an Ordinance of the City of St. Pete Beach, Florida, First Reading and Public Hearing, providing a supplemental appropriation for fiscal year 2008 to the General Fund in the amount of \$134,251 as well as a reallocation of expenditures between departments and a supplemental appropriation to the Wastewater Fund in the amount of \$340,000 and providing for funding.**

City Manager Bonfield explained that this is something that is done each year as part of closing out the previous fiscal year. The ordinance allows the Commission to move money between departments for fiscal year 2008 and creates an

additional appropriation for the Wastewater Fund. Finance Director Elaine Trehy presented an update in the City's individual departments as related to the Finance Department and answered questions by the Commissioners.

Audience Comments

There were none.

Commissioner Chaney moved to approve Ordinance 2008-44, an Ordinance of the City of St. Pete Beach, Florida, First Reading and Public Hearing, by reading its Title in its entirety. Vice Mayor Metz seconded the motion.

The motion was unanimously approved by voice roll call vote.

5. Action Items

- a. Case 20080009A – Conditional Use review for an existing outdoor restaurant, commercial recreation facility and parking variance at 687 75th Avenue, 7417 and 7407 Sunset Way and vacant property located at the northeast corner of Sunset Way and Corey Avenue (Philthy Phil's Restaurant).**

City Manager Bonfield explained that this is a continued item from our last Meeting. City Attorney Davis swore in those who will be providing testimony.

Anne Marr, Zoning and Permit Administrator, was present to describe this request which now requires a variance for a total of 41 parking spaces. A revised map explaining the area involved was provided by overhead projection.

Discussion followed concerning this being two variance requests. The Commission could approve modification of the Conditional Use and withhold action (or deny) the parking variance.

Commissioner Leonard spoke to his concern for having enough legal parking spaces.

Mr. Jack Bodziak spoke to the parking issue of needing a combination of off-site parking and a Shared Parking Agreement. He is asking for a Conditional Approval subject to getting the proper documentation in place. They are asking for a variance from 19 parking spaces to essentially 25 parking spaces.

Mayor Finnerty spoke favorably to support the parking.

Vice Mayor Metz cannot support the request until he sees more about the parking.

Mr. Holley explained the parking requirements.

City Manager Bonfield summarized the following two items discussed:

(1) A Conditional Use for seating is approved providing those 16 spots are secured, or they reduce the scope of their project to only require 25 spaces. (The Commission has already granted the variance for 25 spaces.)

(2) A Parking Variance for legal parking spaces.

The applicant would like to get a 25 space parking variance, which means that they must come up with 16 legal off-street parking spaces.

Audience Comments

The owner of Philthy Phil's spoke to the seating issue.

Deborah Schechner, 710 Boca Ciega Isle Drive, spoke to residents having sufficient parking.

Commissioner Chaney expressed her appreciation for the development in this area, but had concern for the overflow parking issues. She will not support the variance request.

There was discussion regarding changing the site plan and the parking variance. Other conditions would also apply.

Pursuant to discussions by the Commissioners at this Meeting, City Manager Bonfield noted that the following should be included in a motion to approve up to fifty outdoor seats with the condition of (1) one 6' wide planted landscape buffer or 6' high fence to be located on the entire east property line; (2) that they pave the parking area on 76th Avenue identified in the submittal area; (3) they provide a performance bond for \$10,000 to assure securing the shared parking agreements; (4) no music on the roof deck; (5) lights on the volley ball court to be turned off by 10:00 p.m.; (6) no loud speakers on the volleyball courts; (7) they must secure sixteen valid off-street parking spaces as defined by City Code; or further reduce the scope of the project to reduce required parking for the new area to fifteen spaces instead of twenty-five.

Commissioner Halpern moved to approve the request for modification of the existing lawful conditional use of an outdoor restaurant to increase outdoor restaurant seating area to fifty seats, to be located on the spectator per submitted plan, with the

conditions stated above by City Manager Bonfield here at this Meeting. Commissioner Leonard seconded the motion.

Audience Comments

There were none.

The motion was unanimously approved by individual roll call vote.

Commissioner Halpern moved to approve the request for a variance to Section 23.5, requirement of an additional fifteen parking spaces. Commissioner Leonard seconded the motion.

The motion was unanimously approved by individual roll call vote.

b. Approval of Mediation Settlement Agreement, Mr. Chmielewski vs. the City of St. Pete Beach.

City Attorney Davis noted that Attorney Tom Reynolds, representing the Chmielewskis was present. City Attorney Davis reviewed the issues in the suit.

City Manager Bonfield and City Attorney Davis recommended that the City Commission approve the Settlement Agreement.

Attorney Tom Reynolds, 535 Central Avenue, representing the Chmielewskis answered questions by the Commission. There was discussion regarding the use of the sidewalk going to the beach.

Mr. Chmielewski reviewed some history of the walkway adding that the Circuit Court Judge declared him to be the legal owner of the property involved.

Vice Mayor Metz moved that the City Manager be authorized to enter into the proposed Mediation Settlement Agreement with Chester J. and Katherine A. Chmielewski relating to Case No 06-2925-CI-13. Commissioner Chaney seconded the motion.

There was no further discussion.

The motion was unanimously approved by individual roll call vote.

6. Consent Agenda

a. Pinellas Planning Council recommended appointment.

Mayor Finnerty announced that Treasure Island's Mayor Maloof will not be seeking a seat on the Pinellas Planning Council Board in March. Treasure

Island's Vice Mayor would like to seek this position and Commissioner Halpern requested his name be submitted to the County for consideration as well.

Vice Mayor Metz moved that Commissioner Leonard be nominated to fill the vacancy on the Pinellas Planning Council. Commissioner Chaney seconded the motion.

The motion was approved three to one (3-1) by individual roll call vote with Commissioner Halpern and Mayor Finnerty voting no.

Commissioner Leonard's name will be submitted to the Pinellas Planning Council.

Commissioner Chaney's name will be submitted to serve on the School Board.

Vice Mayor Metz will take Commissioner Chaney's place on TBARTA (Tampa Bay Area Transportation Authority).

- b. Resolution 2008-30, reappointing John Elias, Esquire as the Parking Citation Hearing Officer, Administrative Appeals Hearing Officer and the Special Magistrate for the City's Code Enforcement Division.**

City Manager Bonfield explained that the City must reappoint someone to these positions annually.

Vice Mayor Metz moved to approve Resolution 2008-30 by reading its Title in its entirety. Commissioner Chaney seconded the motion.

The motion was unanimously approved by individual roll call vote.

7. City Manager, City Attorney and City Commission Reports

a. CITY MANAGER

City Manager Bonfield presented his report including meeting dates, departmental reports, upcoming ordinances, resolutions, etc.

b. CITY ATTORNEY

No report at this time.

c. VICE MAYOR METZ, DISTRICT 4

Vice Mayor Metz asked City Attorney Davis to inform the Commissioners regarding the current lawsuits. Discussion ensued.

Captain Dan would like to discuss the Merry Pier at the next Meeting.

A young girl, Emily Ercius, is taking donations to purchase TWINKIES to give to the homeless for Thanksgiving. Anyone who would like to donate may get her address from the office.

d. COMMISSIONER LEONARD, DISTRICT 3

Commissioner Leonard asked about the Boca Ciega Isle Drive Traffic Calming.

Commissioner Leonard would like to place an item on the December Agenda to discuss having a City-wide survey to find out what issues are important to the residents. He also suggested a discussion to have a retreat.

Commissioner Leonard reported on the Fish Broil.

e. COMMISSIONER CHANEY, DISTRICT 2

Commissioner Chaney wished everyone a Happy Veterans' Day.

Commissioner Chaney asked City Manager Bonfield to report on funding for the utility undergrounding.

Commissioner Chaney announced that District 2 will be hosting a *Welcome Back Snowbirds*.

There was discussion regarding a redevelopment plan, a new Laundromat next to the Don CeSar, tanks at the Merry Pier, etc.

Commissioner Chaney reported on *The Pinellas County Transportation Plan*. A meeting is scheduled for November 20.

f. COMMISSIONER HALPERN, DISTRICT 1

Commissioner Halpern commented on the problem of the many foreclosures.

Commissioner Halpern reported that the Fish Broil raised \$13,000.00. He also reported on the volunteers.

g. MAYOR FINNERTY

Mayor Finnerty reported that the Coastal Cities meeting is scheduled for November 17 – 20 at the Trade Winds.

Mr. and Mrs. Urban requested that the Commissioners look at that problem at Mr. McFarland's property. Mayor Finnerty felt that they should be invited to meet there with the Commissioner.

Mayor Finnerty gave the Library report for Mrs. Whipple.

St. John's Church will be celebrating its 60th anniversary on November 23.

Mayor Finnerty reported on the Support Our Troops.

ADJOURNMENT

Time being 12:30 a.m. and no further business, this Meeting was adjourned.

ATTEST:

Theresa B. McMaster,
City Clerk

Michael Finnerty,
Mayor