ST. PETE BEACH CITY COMMISSION MEETING

MINUTES

Monday, November 25, 2008

6:30 p.m.

Call to Order

Pledge of Allegiance

Invocation

Roll Call

THOSE IN ATTENDANCE:

Commissioner Halpern
Commissioner Chaney
Commissioner Leonard
Vice Mayor Metz
Mayor Finnerty

ALSO PRESENT:

Community Development Director Karl Holley
Deputy City Clerk Pamala Prell
City Attorney Michael Davis
(City Manager Michael Bonfield - absent)

AGENDA MEETING

The following changes were made to the Regular Meeting Agenda:

Item 4-e will become 4-a;
4-a becomes 4-b;
4-b becomes 4-c;
4-c becomes 4-d.

Mr. Holley noted that he received a Special Event permit application from the "Friends of the Gulf Beaches Historical Museum" for Tree Lighting on December 6. Because this requires a street closing, it requires Commission approval. This item becomes 4.c. of the Consent Agenda.

Commissioner Chaney requested pulling Consent Agenda item 3.a. for discussion. Mayor Finnerty, therefore, moved this up to 4.a. for discussion.

REGULAR MEETING

1. Presentations

a. Finance Director Elaine Trehy presented the Preliminary Financial Statement for Fiscal Year ending September 30, 2008. She explained the individual department costs and budget noting that Public Safety (Police and Fire) is the largest piece of the budget, legal fees are climbing, etc.

> **The Commission agreed to discuss legal fees at the December 9 Agenda.**

Ms. Trehy answered questions by the Commission.

There was discussion regarding the subject of a hiring freeze, bonuses, COLAs, etc.

> **The Commission agreed to discussing personnel costs e.g. COLA and Merit increases, finance reports from Ms. Trehy, at a January Budget Workshop Meeting.**

Commissioner Chaney queried the cost for the legal case involving Mr. Holehouse and Mr. Sowa. City Attorney Davis brought the Commission up-to-date regarding the two cases (1) the appellate case and (2) a case against the City whereby the City is taking a secondary roll. City Attorney Davis will get more information and report back to the Commission.

Commissioner Chaney suggested setting up a special emergency fund. The percentage and amount to designate to this fund would be determined. The Commissioners agreed to discuss this at the January Budget Workshop Meeting.

Ms. Trehy answered Commissioner Halpern's inquiry as to how the City Manager's budget was so far under budget in 2007.

City Attorney Davis noted that Attorney Fees were $72,000 over budget due to major lawsuits by Mr. Pyle.

Ms. Trehy noted that Police and Fire Budgets were over budget due to increase in revenue.

Ms. Trehy responded to questions by Commissioner Leonard e.g. noting that Building Department and Sales Tax revenues are down and will have to be watched as we move forward.

Ms. Trehy responded to Vice Mayor Metz's concern about funds coming in from the state and county, especially the County EMS.

Vice Mayor Metz noted that Police and Fire budgets will probably be down next year.

Mayor Finnerty spoke to the idea of the City buying gas for the year. Mr. Holley will look into this.

Mayor Finnerty noted that park rentals and pool rentals have been successful and he would like to get more information about this availability out to the residents.

> **The Commission agreed to schedule the park rentals and pool rentals as a discussion item for the December 9 Commission Meeting. Mr. Steve Hallock will be asked to attend that Meeting.**

2. Audience Comments

The following people spoke to matters regarding police accreditation, Toys for Tots Drive, budget, the lawsuits, the Commissioners being proactive, everyone working together and moving forward, dropping the lawsuits, discussion of another Comprehensive Plan.

<u>Deborah Edney, 72 Boca Ciega Drive</u> –
<u>Nicole Martinez</u> -
<u>Resident at 495 41st Avenue</u>
<u>Deborah Schechner, 710 Boca Ciega Isle Drive</u>
<u>June Gotwell, 102 23rd Avenue</u> -
<u>Bill Pyle, 6600 Sunset Way</u> –
<u>Loraine Huhn, 9425 Blind Pass Road</u> -
<u>Mimi Gewanter, 265 Tessier Drive</u> –
<u>Tony Cahill, 9343 Blind Pass Road</u> –
<u>Paul Phister, 8090 Gulf Boulevard</u> –
<u>Carol Walker, 5396 Gulf Boulevard</u> -
<u>Mark Schumerth, 6363 Gulf Winds Drive, #235</u> –
<u>Eric Baird, 6695 Gulf Boulevard</u> -

The School Board will be having a workshop on December 2 and will be voting on December 9 as to whether or not to keep the school open. Everyone was encouraged to write to the School Board to keep the school open.

> **The Commission agreed to hold a Workshop Meeting on December 2 at 6:30 p.m. to discuss this issue.**

Mrs. Teri Finnerty reported on the *Supports Our Troops* program and thanked those who have volunteered many hours of their time helping sort and pack everything to send to our Troops as well as those who have donated many boxes of food, have held events to raise money, postage, etc. She read thank you letters from some of these Troops and letters to the Troops from Montesori School children.

Mayor Finnerty closed the public comments portion of this Meeting.

3. Consent Agenda

a. Pass-a-Grille Civic Association Request for City Co-Sponsorship of Special Event.

Mr. Holley explained that the Pass-a-Grille Civic Association is having its annual holiday event. This event involves a bon fire on December 11 at dusk. Because of the open bon fire on the public beach, approval is required by the City Commission.

Vice Mayor Metz moved to approve the Pass-a-Grille Association request for a City co-sponsored event. Commissioner Chaney seconded the motion.

The motion was unanimously approved by voice roll call vote.

b. Request by the *FRIENDS OF THE GULF BEACHES HISTORICAL MUSEUM* for an event on December 6.

Mr. Holley noted that the *Friends* will light the lights on the Museum Tree. There will be a pot-luck supper, music and socializing. This group is requesting that an area on 10th Ave be blocked off on December 6 between 4 pm and 7 pm.

Vice Mayor Metz moved that the *Gulf Beaches Historic Museum* request for street closure be put on the Consent Agenda for this Meeting. Mayor Finnerty seconded the motion.

The motion was unanimously approved by voice roll call vote.

Commissioner Leonard moved to approve the *Gulf Beaches Historic Museum* request for pot-luck supper, music, socializing, and street closure on December 6. Commissioner Chaney seconded the motion.

The motion was unanimously approved by voice roll call vote.

4. Purchase of 2009 Ford Explorer 4x4.

a. Authorization for the City Manager to waive bid requirements and purchase one new 2009 Ford Explorer 4x4 police patrol vehicle from Bill Currie Ford in the amount of $23,415.00.

Chief Romaine answered questions by the Commissioners. He spoke to the "Vehicle Replacement Plan". He explained why four vehicles are being taken out of the fleet and why one replacement is needed for the beach. Chief Romaine

explained why the Department did not go out for bid and answered questions by the Commissioners.
Mayor Finnerty expressed concern regarding not being able to service Ford products in a few years.

There was considerable discussion.

Mayor Finnerty supports this request, but would like to get a lower price.

b. Accreditation

Chief Romaine noted that Ms. Edney expressed her desire to have the Police Department accredited. Chief Romaine spoke to the two agencies that do accreditation and explained that his Department is about 50% into the Florida Commission of Accreditation process and noted compliance that must be met.

Discussion ensued with respect to Ms. Edney having a license to raise money to go towards expenses for the Police Department to pursue Florida Accreditation. Ms. Edney will get together with Chief Romaine to discuss this further.

> **Commissioner Chaney moved to authorize the City Manager to waive the bid to purchase a police vehicle for $23,415.00. Commissioner Leonard seconded the motion.**
>
> **The motion was unanimously approved by individual roll call vote.**

5. Ordinances

a. **Ordinance 2008-48, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Florida regarding Capital Improvement and Essential Services Assessment.**

Attorney Mark Lawson (Bryant Miller Olive) presented a follow-up to a discussion a few weeks ago where his firm was directed and authorized to proceed in a response to a requested proposal by City Manager Bonfield. He was directed to prepare a procedural document for the imposition of special assessments that would allow the City to fund essential services and capital infrastructure. Mr. Lawson reviewed the contents of the memorandums and documents that were provided to the Commissioners.

Mr. Lawson read Resolution 2008-48 noting that this is procedural and does not impose an assessment. It puts a process into the City Code.

Mr. Lawson spoke to the matter of e.g. doing City-wide assessments or small assessments and the process for doing assessments

Mr. Lawson answered questions by the Commissioners e.g. regarding infrastructure issues, the need for the subject of special assessments going to referendum, implementing this matter by Resolution and not by Ordinance, ways for the City to create a special district, raise revenue, etc.

There was discussion as to this being a process (how this will be done), and not giving the Commission power.

> **The Commission agreed to include a Workshop requirement in this Resolution. The initial Resolution will not be adopted until the Commission has had a Workshop prior to the initial Resolution Hearing.**

Audience Comments

There were none.

> **Commissioner Chaney moved to approve Ordinance 2008-48, First Reading and Public Hearing, by reading its Title in its entirety, an Ordinance relating to Capital Improvements and Essential Services Assessment. The change of adding a Workshop prior to the initial Resolution Hearing will be included within this Ordinance. Commissioner Halpern seconded this motion.**
>
> **The motion was unanimously approved by individual roll call vote.**

The Commissioners agreed to take a ten minute recess at this time.

b. Ordinance 2008-44, an Ordinance of the City of St. Pete Beach, Florida, Final 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.

Ms. Trehy, Finance Director, noted that this is the Final Reading and Public Hearing for Ordinance 2008-44.

Commission Comments

There were no comments by the Commission.

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

The motion was unanimously approved by individual roll call vote.

c. Ordinance 2008-43, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Florida, 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.

Mr. Holley and Commissioner Leonard and Police Chief Romaine explained this Ordinance and spoke to the subject of designated parking.

Audience Comments

Dan Harrington, Managing Broker at Re-Max – Spoke to the need for parking and asked for the three parking spaces at Skidder's to remain.

Commissioner Halpern moved to adopt Ordinance 2008-43, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Florida, with the exception of allowing parking from Gulf Boulevard to 130 on the south side of 58th Avenue, and by reading its Title in its entirety. Commissioner Chaney seconded the motion.

The motion was unanimously approved by individual roll call vote.

City Attorney Davis swore in all those who planned to speak to the subject of Water Sports.

6. Action Items

a. Case 2008-04, Water Sports

Request for modification of an existing conditional use to increase the commercial watersport activity by adding four (4) jet skis at 5500/5600 Gulf Boulevard (Tradewinds Island Resort).

Mr. Holley reviewed the request for approval to have water sports on the beach. This request has not been modified since its previously approved conditional use. The applicant is now requesting to add four (4) personal watercrafts to that approved conditional use.

Mr. Jim Dickson, Attorney for Tradewinds Resort, was present to speak to this request.

Ms. Susan Finch, 401 East Jackson Street, Tampa – is a Professional Land Planner. Ms. Finch outlined the materials that pertain to the requirements relating to the land use. She noted that the addition of the four (4) jet skis clearly meets the standard of the conditional use as defined in the City's Land Development Code. It is a compatible use and is consistent with the City's goals and policies.

THOSE OPPOSED TO THIS REQUEST

Rick Childs, 111 50th Avenue West – Concerned for the fast motorized boats and accidents that could happen.

Mayor Finnerty closed the public hearing for this subject.

Commission Discussion

Mayor Finnerty spoke to the Tradewinds not being allowed to have jet skis. Mayor Finnerty would support the requests on a one year trial basis. After this one year the Commissioners would review the success or unsuccess of the additional jet skis.

Commissioner Halpern felt that this request for a conditional use with the right to renew, should be approved.

Commissioner Chaney felt that the request should not be approved.

Commissioner Metz felt that the jet skis should be approved. This would also bring in more tax money for the City.

City Attorney Davis described the difference between a conditional use and a variance. There must be a reason for the condition related to evidence.

Commissioner Leonard suggested approving the request and allowing a one-year trial basis with a requirement.

> **Commissioner Halpern moved to approve Case 2008-04, Water Sports modification of the existing Conditional use to increase the commercial water sport activity by adding four jet (4) skis at the Breckenridge property for a period of one-year with review for renewal after that one-year. They must also use four stroke equipment. Commissioner Leonard seconded the motion.**
>
> **The motion was approved by individual roll call vote of three to two (3-2) with Commissioner Chaney and Vice Mayor Metz voting no.**

b. Ordinance 2008-09, Final Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Florida approving an amendment to the Countywide Future Land Use Plan Map as provided for in the Settlement Agreement with SOLV, Inc.

Mr. Holley explained that the Second Reading of this Ordinance was delayed so that the Department of Community Affairs could conclude its review of this Ordinance.

Mr. Holley and City Attorney Davis answered questions by the Commission.

Audience Comments

Bill Pyle, 6600 Sunset Way – stated why he objects to Ordinance 2008-09.

Tony Cahill, 9343 Blind Pass Road – queried why the matter of the City vs. SOLV is not yet complete.

Commissioner Halpern moved to approve Ordinance 2008-09, Final Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Florida, by reading its Title in its entirety. Commissioner Leonard seconded the motion.

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

7. Items for Discussion

a. Merry Pier Lease Agreement

Vice Mayor Metz reported that he spoke with Captain Dan regarding his request to decrease his rent.

Dan Perez (Captain Dan), 4737 Gulf Boulevard – was present to explain his request to decrease his rent for four months rent (1/2 or $3,000 per month between December and March) while construction work is being done. Vice Mayor Metz did not agree with his request.

There was discussion regarding the current rental amount and the possibility of a rent reduction during construction.

The Commission agreed to prepare a report, by the next Commission Meeting, on the proposed remedy for the removal of the tanks.

b. Ordinance 2008-39, Final Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Florida amending the Land Development Code, Division 6, creating Section 6.25 providing detailed standards for the maintenance of private property.

Mr. Holley answered questions by the Commissioners.

Commissioner Chaney supports an agreement to adopt this Ordinance at this Meeting and direct Mr. Holley to come up with some appearance standards. Commissioner Halpern agreed. Commissioner Leonard explained portions of the Ordinance pertaining to why he can not support the Ordinance as it is written. Vice Mayor Metz spoke to the length of time it takes to enforce a violation. Discussion ensued. Mayor Finnerty felt that the Ordinance is too severe.

The Commission agreed to table this Ordinance and schedule a Workshop Meeting on January 6, 2009 at 6:30 p.m. to discuss this further.

Commissioner Chaney moved to table Ordinance 2008-39 to the January 6, 2009 Workshop on Code Enforcement. Mayor Finnerty seconded the motion.

The motion was unanimously approved by voice roll call vote.

Commissioner Leonard will also present information regarding Beautification Awards at this Workshop Meeting.

8. CITY MANAGER, CITY ATTORNEY AND CITY COMMISSION REPORTS.

City Attorney Report

City Attorney Davis will provide information on the Holehouse case to the Commissioners prior to the next Commission Meeting.

City Attorney Davis will send information regarding the 41st Street park end to the Commissioners.

Mr. Holley announced the following:

* Boat Parade will be Friday, December 12
* Land Parade will be Saturday, December 13
* Finance and Budget Committee - December 3 at 1:00 p.m.
* Candidate Campaign Books are available at the City Clerk's office for a $10 fee.

Commissioner Halpern – no report.

Commissioner Chaney – Mr. Holley will prepare a brief review summary of the County hotel density ordinance that was adopted last year.

Commissioner Leonard – reported on future Meetings he has scheduled.

Vice Mayor Metz – Mr. Holley spoke to updates regarding violations that will be subject to fines being imposed. He also gave an update regarding the Holibeck building on 8th Avenue. It will most likely be May or June before the permitting can begin.

Mayor Finnerty reported that author Wayne Ayres will present his books up at the Library on December 4 at 2:30 p.m.

Mayor Finnerty also reported that he welcomed the International Coastal Cities conference last week at the Tradewinds Resort.

Mayor Finnerty spoke with the lobbyist who are hopeful to receiving grant funding soon.

Bill Young’s office donated $2,000 for a flagpole in honor of a local soldier who was unfortunately killed in Iraq. A ceremony will take place soon.

The Commissioners briefly reviewed their Meetings, etc. scheduled for future activity.

Commissioner Chaney reminded everyone that at the next Meeting, December 9, the Commissioners will discuss whether or not they want to have a workshop.

9. ADJOURNMENT

Time being 1:27 a.m. November 26, 2008 and no further business, this Meeting was adjourned.

ATTEST:

Theresa B. McMaster, City Clerk	Michael Finnerty Mayor