

**ST. PETE BEACH COMMISSION MEETING
MINUTES**

**Tuesday, May 12, 2009
06:30 p.m.**

THOSE PRESENT:

**Mayor Mike Finnerty
Commissioner Al Halpern
Commissioner Christopher Leonard
Commissioner Bev Garnett**

ALSO PRESENT:

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

THOSE ABSENT:

Commissioner Jim Parent

It was noted that Commissioner Parent was out of town due to an illness in the family.

Agenda Meeting

Mr. Bonfield noted that Item 1c was listed as the Audit Report for FY2009. It was actually for FY2008.

Resolution 2009-11 was added to the Agenda as Item 4a.

Item 6a was removed from the Agenda. The applicant amended the request and there was no action necessary by the Commission.

Commissioner Leonard requested that the Beautification Awards and the Policy regarding right of way improvements be postponed until the next meeting. Those were Items 6c and 6d. They were postponed.

1. [Presentations](#)

a. [National Public Works Week Proclamation](#)

[Public Works Week Agenda Report](#)

[Public Works Week Proclamation](#)

Mayor Finnerty read the Proclamation for Public Works Week.

Compliments were given to the Public Services Staff and it was noted that there were only 10 employees in the Department compared to the previous years when there were 19 employees. Mr. Bonfield also complimented the staff on all of their efforts.

b. [July 4th Fireworks - Robin Grabowski](#)

Robin Grabowski, Executive Director of the Tampa Bay Beaches Chamber of Commerce, reported that the Chamber has raised approximately \$9,000 for the Fourth of July fireworks. She asked that the Commission consider making a donation to the fund.

Discussion was held regarding the Gulf Beaches Day at the June 14, 2009 Tampa Bay Rays game.

c. [FY2009 Audit - Pete Schatzel](#)

Mr. Schatzel presented the audit report.

Discussion was held regarding the appropriate amount for the Reserve Fund. Mr. Schatzel noted that most cities have between 90 and 120 days of operating expenses in reserves.

It was noted that the new sewer rate structure will help keep the sewer fund from borrowing from the General Fund. That should make it possible to increase the funds in reserve.

d. [Quarterly Financial Report - Elaine Trehy](#)

Elaine Trehy, Finance Director gave a presentation on the City's latest Quarterly Financial Statement.

Discussion was held about the following:

Extra Legal expenses

Stormwater fees

Not filing some open positions

Possibly raising the rate for the parking passes for non-residents

2. [Audience Comments](#)

Bill Pyle, 6600 Sunset Way - made reference to the lawsuits and urged that they be ended; said now is the time to move the City forward in tasteful development.

Ward Friszolowski, 3556 Belle Vista - Spoke about a new Association, The St. Pete Beach Civic Association. There are plans to include all of the neighborhood, condo associations, business associations and the homeowners groups. He announced that they will be a 501(c)(3) non-profit group.

Rick Falkenstien, 6441 4th Palm Point -- Discussed the shortage of parking spaces on Mothers Day; the gridlock that occurred when visitors were leaving; predicted that some of the visitors will not be back because of the traffic problems; proposed that the City put a brochure at the meters with maps indicating other routes out of the City.

Deborah Schechner, 710 Boca Ciega Isle Drive -- expressed hope with the discussion of the Civic Association; asked for Commissioner Garnett's vision for the City; it is important that we all come together; if not the legal fees will continue to mount; important to not use terms like "Civilian Terrorists"; time to work together to move this City forward; time to put an end to the lawsuits.

Paul Pfister, 8090 Gulf Boulevard -- has spoken to Mr. Hallock, and Commissioner Leonard about have a special event with the businesses being vendors at the Community Center; need to get buy in on it for it to be successful; spoken to Robin at the Chamber of Commerce.

Commissioner Leonard stated that more and more people are talking about participation in these kinds of events; the museum, the Shuffleboard Club and other groups. He mentioned the Gulf Beaches Elementary Fish Broil that was a long standing tradition in St. Pete Beach that will not be taking place due to the closure of the school.

Mr. Bonfield related that events like the Beach Goes Pops are very labor intensive. The Chamber of Commerce stopped having events like Beach Fest because they didn't have the volunteer base necessary for such events. Staff will do what they can to assist, but it does take a lot of work to put on such an event.

Commissioner Leonard agreed to participate in discussion regarding this issue and report back to the Commission.

Rosemary Manning, 200 First Avenue -- spoke to the issue of lawsuits; mentioned that Mr. Pyle and Ms. Schechner who both spoke earlier about ending the lawsuits are both involved in suits against the city.

Terri Finnerty, 9495 Blind Pass Road -- Addressed the Commission with a status report on SPB Support Our Troops; 50 care boxes were sent out this month; need food items to send; we are now a 501(c)(3) and cash and in-kind donations can be used as deductions on taxes; read some letters from the troops; thanked the American Legion Post 305 who took donations at the Beach Goes Pops for the Program; noted that Commissioner Leonard donated his Commission salary check for one month to the Program; informed the Commission that Jake Holehouse and Barry Newman from Admiral Ferragut have changed their duties to going out into the community to generating donations for the program; Nicolette Crosby, another high school volunteer from St. Pete High School has completed her community service hours, she did say that she would be interested in

continuing to volunteer during the Summer and lastly, Ms. Finnerty thanked Jane Gottwald for filling out the hundreds of customs forms for the packages.

3. [Consent](#)

a. Minutes of the April 8, 2008 Regular Commission Meeting

[Minutes of the April 8, 2008 Regular Commission Meeting](#)

Mayor Finnerty asked when the minutes would be provided in a timely manner as the minutes being approved were a year old. There was discussion about the status of minutes and Theresa McMaster, City Clerk said that she will present a status report at the next meeting. The Mayor stated that he feels it is a bad reflection on the Commission.

**Commissioner Bev Garnett moved to approve the Consent agenda
Commissioner Al Halpern seconded the motion.**

The motion was unanimously approved by individual roll call vote.

4. [Resolutions](#)

a. [Resolution 2009-11, authorizing the City Manager to apply for the Waterfronts Florida Program and designating the St. Pete Beach Planning Board as the Waterfront Partnership Committee.](#)

[Resolution 2009-11 Report](#)

[Resolution 2009-11](#)

Mr. Bonfield summarized the issue.

Catherine Hartley, Senior Planner, related that she has been involved in this program over the past five years. The City will get points for being a waterfront grant.

Discussion was held regarding marina guidelines and projects at the East end of Corey Avenue.

Ms. Hartley noted that this is not a matching grant.

Commissioner Al Halpern moved to approve Resolution 2009-11, authorizing the City Manager to apply for the Waterfronts Florida Program and designating the St. Pete Beach Planning Board as the Waterfront Partnership Committee. Commissioner Bev Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

5. [Ordinances](#)

- a. [Ordinance 2009-04, First Reading and Public Hearing establishing Article III of Chapter 98 of the City of St. Pete Beach Municipal Code of Ordinances providing for new standards for the development and maintenance of private property.](#)

[Ordinance 2009-04 Report](#)

[Ordinance 2009-04](#)

Mr. Davis said they made the title more expansive and he would be glad to read it.

Commissioner Garnett noted a change from 100ft to 300ft for notices to the surrounding property owners. (on pg 28 number 10 on the top).

There was discussion that this is a large undertaking for staff, but is necessary for the Community.

Mr. Davis read the title of the ordinance

Commissioner Al Halpern moved to approve Ordinance 2009-04, First Reading and Public Hearing. Commissioner Christopher Leonard seconded the motion.

Audience Comments

Tom DeYampert, 510 78th Avenue -- all inclusive ordinance takes the City into the next realm; give individuals the tools to survive; thanked the Commission and Staff.

The motion was unanimously approved by individual roll call vote.

- b. [Ordinance 2009-08, 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.](#)

[Agenda Report Ordinance 2009 08 first](#)

[Parking Ord 2009-08](#)

Mr. Bonfield summarized the issue. Commissioner Leonard requested this change. Commissioner Leonard said that there will probably need to be changes to this ordinance.

He stated that he intended the change to be from 41st Avenue to Belle Vista Drive E.

Mr. Bonfield noted that the changes are consistent with what Commissioner Leonard requested.

It was noted that these changes have initiated some objections, including Mr. Ruttencutter.

There were no audience comments.

Commissioner Christopher Leonard moved to approve Ordinance 2009-08, First Reading and Public Hearing. Commissioner Bev Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

6. [Action Items](#)

a. Special Event for All Children's Hospital

[agenda memo](#)

This item was removed from the agenda.

b. [City Commission appointments to the General, Fire and Police Pension Boards](#)

[Pension Board appointments agenda report](#)

[Bill Schroeder's bio](#)

Commissioner Bev Garnett appoint Mr. DeYampert to the Fire Pension Board.

Mayor Mike Finnerty seconded the motion.

The motion was unanimously approved by individual roll call vote.

Commissioner Al Halpern moved to approve Bill Schroeder to the General Employees Pension Board. Commissioner Bev Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

Mayor Mike Finnerty appoint Bob Rogers to the Police Officers Pension Board. Commissioner Christopher Leonard seconded the motion.

The motion was unanimously approved by individual roll call vote.

7. [Items for Discussion](#)

- a. [Discussion of proposed City of St. Pete Beach responses to the Observations, Recommendations and Comments \(ORC\) Report from the Florida Department of Community Affairs \(DCA\) on the City's Evaluation and Appraisal Report \(EAR\) based Comprehensive Plan Amendments provided for in Ordinance 2008-47.](#)

[DCA Correspondance](#)

[Proposed Changes to Ordiannce 2008-47](#)

[Functional Classification Map](#)

[Sidewalks Map](#)

[Public transportation Map](#)

[Recreational Facilities Map](#)

The need to approve this before July 1st, 2009 was discussed. The Charter requires these types of Comprehensive Plan Amendments to be voted

upon by the electors. July 1, 2009 was the deadline for the Supervisor of Elections to receive ballot language for the September 1, 2009 Election.

Ms. Hartley discussed the Evaluation and Appraisal Report requiring the Comprehensive Plan amendments. She reviewed the Objections, Recommendations and Comments report from the Florida Department of Community Affairs.

Ms. Hartley addressed each concern expressed by the DCA.

Discussion was held regarding the penalties if the Comprehensive Plan is not approved or accepted by DCA.

Further discussion was held on the possibility of having a referendum to change the Charter. It was suggested that the Charter be changed to continue to vote on issues of density, intensity and height, but not have to vote on State mandated changes that do not effect the items mentioned.

This issue of a Charter Amendment Referendum will be discussed at the next meeting.

Ralph Lickton, 1706 Pass-a-Grille Way -- noted that the State has yet to give a final approval on the Plan Amendment; thought the Commission was being premature with this ordinance.

b. [Decorum ordinance - Vice Mayor Halpern](#)

[Decorum Ordinance agenda report](#)

[Resolution 2006-08a](#)

[Resolution 2006-12](#)

[Proposed ordinance](#)

Vice Mayor Halpern reported that he asked that this be brought up because of all of the resolutions on decorum that have been previously adopted. Resolutions 2006-08a, 2006-12 and 2008-22. He thought they should all be in one ordinance or resolution and be very inclusive.

Mayor Finnerty asked for the reason that this issue has been brought up.

Vice Mayor Halpern said it is simply to put everything into one document. It doesn't matter if it is a resolution or an ordinance.

The Commission instructed staff to bring this back in the form of a resolution for the next meeting.

c. 41st Avenue street end - Commissioner Leonard

This item was postponed.

d. Policy on making improvements in public R-O-W (alleys) - Commissioner Leonard

This item was postponed.

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

City Manager Report

Mr. Bonfield reported on the following:

Summer Camp Registration
New Program Guides for Recreation
Dune Driveover work completed
Continued work on the budget
Nothing to report yet of the County's funding for EMS

Bidding on Fire/EMS contract for Tierra Verde
Grant awarded to City for Police Dispatch equipment
Hurricane Forum June 16, 2009
Results of the Florida Division of Administrative Hearings on Pyle Case - in City's favor
Attorney/Client Share Meeting May 13, 2009 4:00pm
Discussed the agenda for the next Regular Meeting

City Attorney Report

Mr. Davis provided a letter from Icard Merrill, Attorney's for SOLV. Discussion was held about the Attorney/Client Session on Wednesday. He noted that budget projections will be discussed at that meeting.

Commissioner Garnett asked about getting attorney's fees awarded to the City regarding the DOAH Case, to which Mr. Davis replied that attorney's fees would not be granted on this type of hearing.

Commissioner Garnett reported on activities in District 4.

During Commissioner Garnett's report there was lengthy discussion about permitting for fences and property owners wanting to install their own fence.

It was noted that if the owner of the property resides on the property, they can install a fence without a licensed contractor. If they do not reside there, a permit must be pulled by a licensed contractor.

Commissioner Leonard reported on activities in District 3.

Further discussion was held regarding the traffic congestion that occurred last weekend and the Bayway Bridge Openings.

Commissioner Leonard reported that there will be a Beach Stewardship Committee meeting on June 8, 2009 at 6:30 pm in the Commission Chambers.

Commissioner Leonard discussed issues with the Don CeSar Property Owners and Blocks M & N. He was concerned with the invitees to the Don Vista Building and access to the Beach.

Considerable discussion was held regarding this issue. Mr. Bonfield noted that this subject has been at issue for many years. Further discussion was held regarding the settlement agreement with Mr. Chmeilewski.

Commissioner Leonard expressed concern about continued litigation on this issue. He suggested that the City reach out to the property owners and discuss the issue.

Vice Mayor Halpern reported on activities in District 1.

He mentioned that on Monday he attended a Tampa Bay Regional Planning Council meeting. They provided a hurricane preparedness plan for local government that was impressive. He suggested that the City adopt the plan.

Mr. Bonfield said that the TBRPC's plan is more regional than the City's plan.

Mayor Finnerty reported on activities in the City.

He noted that there is a free prescription discount program for Pinellas County Residents; Noted that he and the City Manager traveled to Washington DC last week and their trip seemed to be positive; asked that the Community to continue to support the SPB Support Our Troops Program.

Rebecca C. Haynes, City Clerk

Steve McFarlin, Mayor

Minutes approved on
