

**ST. PETE BEACH COMMISSION MEETING
MINUTES**

**Thursday, September 3, 2009
6:30 p.m.**

THOSE PRESENT:

**Commissioner Parent
Commissioner Garnett
Commissioner Leonard
Vice Mayor Halpern
Mayor Finnerty**

ALSO PRESENT:

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

1. [Changes to the Agenda](#)

An item to approve a mediation agreement for all parties to mediate regarding the lawsuits involving the SOLV Comprehensive Plan was added to the agenda as item 6b.

Resolution 2009-19 was added regarding Off-shore Oil Drilling as item 4b.

The Budget Ordinances were taken out of order to be the first item after the Consent Agenda.

2. [Audience Comments](#)

Harry Metz, 504 Pass-a-Grille Way.

Deborah Edney, 7210 Boca Ciega Drive.

3. [Consent](#)

a. Minutes of the October 28, 2008 City Commission Meeting

[Minutes of the October 28, 2008 City Commission Meeting](#)

**Commissioner Garnett moved to approve the Consent Agenda.
Commissioner Parent seconded the motion.**

The motion was unanimously approved by individual roll call vote.

5. Ordinances

- a. [Ordinance 2009-21, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida; establishing the Ad Valorem Tax Levy for the General Fund for the Fiscal Year Beginning October 1, 2009 and ending September 30, 2010; providing for an effective date.](#)

[Ordinance 2009-21 Memo](#)
[Ordinance 2009-21](#)

Commissioner Garnett moved to approve Ordinance 2009-21, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida; establishing the Ad Valorem Tax Levy for the General Fund for the Fiscal Year Beginning October 1, 2009 and ending September 30, 2010; providing for an effective date.

Vice Mayor Halpern seconded the motion.

**The motion was approved by individual roll call vote of (4-1) with
Commissioner Leonard voting no.**

- b. [Ordinance 2009-22, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida; Adopting a Budget for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010; providing appropriations; providing for an effective date.](#)

[Ordinance 2009-22 Memo](#)
[Ordinance 2009-22](#)

Vice Mayor Halpern moved to approve Ordinance 2009-22, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida; Adopting a Budget for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010; providing appropriations; providing for an effective date.

Commissioner Parent seconded the motion.

The motion was approved by individual roll call vote of (4-1) with

Commissioner Leonard voting no.

4. Resolutions

- a. [Resolution 2009-18 authorizing the City Manager to submit all needed documents for a Florida Recreation Development Assistance Program \(FRDAP\) Grant and administer said grant for the Egan Park Addition.](#)

[Resolution 2009-18 FRDAP Agenda Report](#)
[Resolution 2009-18 Egan Park FRDAP Grant](#)

Mr. Bonfield answered questions from the City Commission.

Deborah Edney, 7210 Boca Ciega Drive, expressed her opposition to purchasing property at a time when many people are losing their jobs.

Commissioner Parent moved to approve Resolution 2009-18 authorizing the City Manager to submit all needed documents for a Florida Recreation Development Assistance Program (FRDAP) Grant and administer said grant for the Egan Park Addition.

Vice Mayor Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

- b. [Resolution 2009-19, opposing off-shore drilling on the West Coast of Florida.](#)

Mayor Finnerty read the resolution.

Mayor Finnerty moved to approve Resolution 2009-19 opposing off-shore drilling on the West Coast of Florida Commissioner Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

- 5 c. [Ordinance 2009-14, First Reading and Public Hearing providing for amendment of the Future Land Use Map of the St. Pete Beach Comprehensive Plan for property located at 113 11th Avenue.](#)

[Ordinance 2009-14 Report](#)
[Ordinance 2009-14](#)
[Attachment "A", Location Map](#)

Mr. Davis advised the Commission that they should disclose any ex parte contact concerning this matter to remove the presumption of prejudice.

Commissioner Garnett disclosed the names of people that she had spoken to about this issue.

Commissioner Leonard noted that he has also spoken to several people regarding this issue and conducted a fact finding visit on Wednesday morning.

Commissioner Parent disclosed that he has spoken to several people in regards to the issue.

Mayor Finnerty made his disclosures.

Vice Mayor Halpern made his disclosures.

It was also noted that the Commission has received several emails on this issue.

Mr. Davis issued the oath to the audience members that intended to speak on the issue.

Karl Holley, Community Development Director, gave the staff report and summarized the application for rezoning.

It was noted that the Commission should consider the maximum allowed by code for this zoning when making a determination.

Discussion was held regarding parking, ancillary uses and combination of properties for use in the Traditional Hotel District.

Tom Reynolds, 535 Central Avenue, St. Petersburg, spoke as the applicant's representative.

It was noted that Mr. Caruso would be willing to limit himself to the current residential height limit in that area by means of a development agreement.

Mr. Reynolds said that Mr. Caruso would further stipulate that the property couldn't be changed into condos or multi-family in such an agreement.

City Attorney Davis advised the Commission that if they vote to approve the ordinance conditioned upon an agreement, it would be incumbent upon the attorneys to draft the specificity of the agreement and bring that back to the Commission for the final reading of the ordinance.

Ralph Lickton, 1706 Pass-a-Grille Way, #3 spoke in support of the rezoning. He presented drawings that Mr. Caruso has had created for the Coconut Inn.

Joe Caruso addressed the Commission and noted that he was before them in an effort to protect his assets.

Mr. Caruso stated that he would not build anything that would be detrimental to the residential properties surrounding the Coconut Inn and noted that the property has operated as a hotel for 80 years.

Those in support:

Anthony Rodrigo, 4580 Hannah Lane, St. Petersburg spoke in support of the application.

Dave Nelson, 107 12th Avenue spoke in support of the application.

Takvor Evrikov, 1307 Gulf Way spoke in support of the application.

Those in opposition:

Penny James, 109 12th Avenue, spoke in opposition of the application.

Jake Holehouse, 113 12th Avenue, spoke in opposition of the application.

Steve McFarlin, 6449 2nd Palm Point, spoke in opposition of the application.

Rosemary Manning, 200 1st Avenue, spoke in opposition of the application..

Gina Witt, 332 East Madeira Avenue, Madeira Beach, spoke in opposition of the application.

Melina Valdez, 114 11th Avenue, spoke in opposition of the application.

Bette Woods, 103 5th Avenue, spoke in opposition of the application.

Mary Fernandez, 110 12th Avenue, spoke in opposition of the application.

Bob Fernandez, 108 11th Avenue, spoke in opposition of the application.

Trish Kelly, 105 21st Avenue, spoke in opposition of the application.

Al Grecko, 112 11th Avenue, spoke in opposition of the application.

Bob Manning, 200 1st Avenue, spoke in opposition of the application.

Chet Chmielewski, 3214 El Centro, spoke in opposition of the application.

Lilly Menendez, 111 11th Avenue, spoke in opposition of the application.

Rusty Ercius, 111 12th Avenue, spoke in opposition of the application.

Ron Holehouse, 113 12th Avenue, spoke in opposition of the application.

Tom Reynolds, Attorney for the Applicant, 535 Central Avenue, urged the Commission to approve the re-zoning of this property.

He said that two planners have agreed that the application meets the criteria for the rezoning and no qualified person has presented evidence to the contrary.

Joe Caruso, the Applicant, asked the Commission to approve the application. He said that agree to a height restriction, no ancillary use, keeping the current setbacks and that he would feel justified in reinvesting in his property.

Mr. Davis, City Attorney, answered questions from the Commission.

City Manager Bonfield noted that the process from the time that the ordinance approved on first reading, involves a lot of other agencies. He explained that if the Commission is not ready to make a decision, it should not be approved and sent to all of the other agencies involved in the process.

Mr. Davis stated that if the Commission is going to approve a development agreement, they need to provide specific conditions to be included in the agreement.

There was considerable discussion by the Commission.

After considerable discussion, Mr. Davis pointed out that the Commission could decide not to terminate the public hearing tonight and to continue it to a subsequent meeting and give direction to staff about the development agreement.

Commissioner Garnett moved to deny Ordinance 2009-14, First Reading and Public Hearing providing for amendment of the Future Land Use Map of the St. Pete Beach Comprehensive Plan for property located at 113 11th Avenue. The motion died for the lack of a second.

Vice Mayor Halpern moved to adjourn the public hearing and schedule these two items (Ordinance 2009-14 and Ordinance 2009-15) to continue the quasi judicial process on October 13, 2009. Commissioner Parent seconded the motion.

The motion was approved by individual roll call vote of (4-1) with Vice Mayor Halpern voting no.

- 5 d. [Ordinance 2009-15, First Reading and Public Hearing providing for amendment of the Official Zoning Map of the St. Pete Beach Land Development Code for property located at 113 11th Avenue.](#)

[Ordinance 2009-15 Report](#)
[Ordinance 2009-15](#)
[Ordinance 2009-15 Staff Analysis](#)
[Attachment "A", Location Map](#)

This item was continued to the October 13, 2009 Meeting.

6. [Action Items](#)

- a. [Authorization to schedule an attorney client session on Wednesday.](#)

September 16th at 1:00 pm

Attorney Client Session agenda report

Commissioner Parent Authorize the Attorney to schedule an attorney client session on Wednesday, September 16th at 1:00 pm Vice Mayor Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

b. Mediation Agreement regarding SOLV petitions.

Mr. Davis presented a mediation agreement to be approved by the Commission. It had already been signed by all the other parties. He noted that the City would be represented by himself, Mr. Bonfield and the Mayor is entitled to be there because he is a named party to the lawsuit. He also noted that Karl Holley and Catherine Hartley should be available in the case that their assistance is needed during the mediation.

Vice Mayor Halpern moved to approve the mediation agreement regarding the SOLV petitions lawsuits. Commissioner Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

Rosemary Manning, 200 1st Avenue, voiced her opposition to the Commission having meetings behind closed doors. She felt that it was not in keeping with the Sunshine Laws in Florida. She also stated that citizens voted on this a year ago and that can't be changed.

7. Items for Discussion

8. City Manager, City Attorney and City Commission Reports

Mr. Bonfield's Report.

Mr. Davis' Report.

Commissioner Garnett's Report.

Commissioner Leonard's Report.

Commissioner Parent's Report.

Vice Mayor Halpern's Report.

Mayor Finnerty's Report.

Theresa B. McMaster, City Clerk

Mike Finnerty, Mayor

Minutes approved on
