

**ST. PETE BEACH COMMISSION MEETING
MINUTES**

**Tuesday, February 23, 2010
6:30 p.m.**

THOSE PRESENT:

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

ALSO PRESENT:

**City Clerk Theresa McMaster
City Manager Mike Bonfield
City Attorney Susan Churuti**

1. Changes to the Agenda

City Manager Bonfield requested that Agenda item 2b, Project close out for Sunset Park repairs, be moved to a future agenda.

Vice Mayor Halpern requested that item 7a be moved up after the Consent Agenda.

City Manager Bonfield noted that the applicant for item 7b, Case #20100005, has requested to be continued to May 11, 2010.

Commissioner Parent moved to continue item 7b, Case #20100005, reading its application in its entirety, to the May 11, 2010 Commission Meeting. Vice Mayor Halpern seconded the motion.

The motion was unanimously approved by voice roll call vote.

City Manager Bonfield announced that this is the only notice there will be for this item. There will be no further notices or mailings.

City Manager Bonfield noted that the applicant for item 7c, Case #20100007, has requested this case be continued to March 9. The applicant has been asked to provide more information.

Commissioner Parent moved that item 7c, Case #20100007, reading its application in its entirety, be continued to the March 9, 2010 Commission Meeting. Commissioner Garnett seconded the motion.

The motion was unanimously approved by voice roll call vote.

City Manager Bonfield announced that this is the only notice there will be for this item. There will be no further notices or mailings.

2. Presentations

a. Updated Determination of Consistency for the City of St. Pete Beach - Pinellas Planning Council Executive Director David Healey and Program Planner Christopher Mettler

City Manager Bonfield introduced Messrs Healey and Mettler who presented a report with regard to the City's need to review its Plan for consistency with the Land Development Regulations of the County's Plan. The Pinellas Planning Council and the Board of County Commissioners have changed some of their plans and rules to bring the City and County into consistency. After some amendments are made, the City will be required to make some changes to its plan. There was brief discussion.

b. Project close out for Sunset Park repairs.

Sunset Park Project Close Out

This item was continued to a future agenda.

c. Update on litigation cases relating to Pyle, Kudora, etc. - City Attorney

Attorney Churuti presented a report regarding the litigation for costs and status for the Pyle, Kadoura cases relating to the Comprehensive Plan. Attorney Churuti reported on three updates: (1) the Kadouras vs. St. Pete Beach; a whole series of summary judgments that have been filed and will be heard all day on Friday, February 26, 2010 in front of Judge Demers; (2) On March 23 the Comprehensive Plan appeal will be heard by the First District Court of Appeals; (3) The Pyle vs. the City of St. Pete Beach case, also before Judge Demers, will be holding a status conference on April 26.

Attorney Churuti reported that the costs for all litigation from the beginning to date is in the range of \$200,000.

Attorney Churuti answered questions by the Commission regarding when the City might go to trial, when the City might hear from the Judge, litigation costs, mediation, regular retainer, etc.

3. Audience Comments

Paul Pfister, 8090 Gulf Boulevard (President of North Beach Civic Association) – Corey Avenue business owners, as well as residents, are not aware of the reentry pass to get back on the island after a catastrophic event. Also, thanks to Sergeant Lynda Fletcher for her dedication and persistence and saving the life of Pinellas Tires business owner Frank. Mr. Pfister also spoke to the issue of Commissioners being reimbursed for attorney fees.

Tom DeYampert, 510 Ave – Spoke to a dangerous cross walk in front of Sweetbay where one of his tenants was seriously injured. The City needs to do something to stop this. There was considerable discussion.

Bill Pyle, 6600 Sunset Way – Commented to Commissioner Parent's suggestion last month regarding public parking may be allowed on 64th Avenue between Gulf Boulevard and Silver Sands. Before approval, he suggested having written comments from the Fire Department.

Mimi Gewanter, 265 Tessier Drive – If money was not spent on lawsuits, more could be spent for more police officers, etc.

Ron Holehouse, 113 12th Avenue – Reminded the Commission that this area is a commercial strip and would appreciate Commission support of this parking.

Rosemary Manning, 200 First Avenue – Asked for clarification as to swearing in of those wishing to speak regarding a public hearing item.

Mayor Finnerty closed the Audience Comments portion of this Meeting.

4. Consent

Mayor Finnerty noted a typographical error to be corrected: page 16, should be Kevin Hing; not Ken Haines.

- a. **Minutes of the August 11, 2009 Workshop Meeting, the November 16, 2009 Attorney/Client Session, the November 23, 2009 Attorney/Client Session, a revision to the July 28, 2009 Minutes, the August 25, 2009 City Commission Meeting and the May 13, 2008 City Commission Meeting.**

Minutes of the August 11, 2009 Workshop Meeting

Minutes of the November 16, 2009 Attorney/Client Session

Minutes of the November 23, 2009 Attorney/Client Session

Minutes of the July 28, 2009 City Commission with correction.

Minutes of the August 25, 2009 City Commission Meeting

Minutes of the May 13, 2008 City Commission Meeting

- b. **Authorization for the City Manager and Police Chief to expend Police**

Confiscation Funds from account 105-5702-521-5310 in the amount of \$1188.00 and enter into a 12 month agreement with Public Engines Inc. to utilize and offer their web based "Crimereports.com" crime mapping service to the public.

Crimereports.com Agenda Rpt.
Crimereports.com Terms

- c. Authorize the City Manager to approve the Application for Banner Installation over 75th Avenue and the Pinellas Bayway for the Beach Goes Pops Concert.**

Beach Goes Pop Banner Agenda Report
Beach Goes Pop Banner Application

- d. Authorization for the City Manager to waive bid requirements and purchase one new 2010 GEM Es electric parking enforcement vehicle from Beck Auto Sales in the amount of \$12,625.00.**

Beck Auto Agenda Rpt.
Beck Auto Quote
Electric veh pic

- e. Authorization for the City Manager to waive bid requirements and purchase one new 2010 Ford Explorer police patrol vehicle from Bill Currie Ford in the amount of \$22,727.95.**

Bill Currie Agenda Rpt.
Bill Currie Quote

Mayor Finnerty moved to approve the following Minutes by reading the dates for those Minutes. Mayor Finnerty also moved to approve authorization for the City Manager and the Police Chief to expend Police Confiscation Funds; Authorization for the City Manager to approve the banner for Beach Goes Pop; Authorization for the City Manager to waive bid requirements and purchase a new 2010 Ford Explorer; Authorization for the City Manager to waive bid requirements and purchase a new electric parking enforcement vehicle..

The motion was unanimously approved by individual roll call vote.

7. Action Items

- Case #20100001 Conditional Use request for a "Nightclub" and an additional Conditional Use request for outdoor seating and a request for Variance from required parking for property located at 6400 Gulf Boulevard.**

Case 20100001 Report
Case 20100001 Staff Analysis
Case 20100001 Application Documents
64th Avenue Parking North
64th Avenue Parking South

Staff did not have anything to add since the last Meeting.

There is nothing the owners can do to meet the parking requirements.

Mrs. Madison asked the Commission look to the standards for variances.

Audience Comments

Attorney Churuti swore in all those in the audience who were for or against this issue.

Bruce Kadoura, Silver Sands Association, Unit 218 C, 6650 Sunset Way – The parking at Silver Sands is not for sale or rent. He explained the nature of the business.

Gloria Bertucci, 6600 Sunset Way – They cannot sleep at night even with the windows closed due to the noise.

Penny Davis, 6650 Sunset Way – Not enough parking space and spoke of the few lanes available for cyclist.

Trudy Gaigan, Silver Sands, 6650 Sunset Way – Main concern is access in the event of an emergency.

Ron Grassman, 6650 Sunset Way – Noted that Commission should take into consideration that many of the commercial properties do not back up to residential. Mr. Grassman presented photographs of the existing parking area and read information explaining why he is opposed to approving the parking request for 64th Ave.

Richard Zacker – Attorney for the Master Association - all unit owners. Mr. Zacker pointed out that Silver Sands will not lease any of their spaces. No space will be granted that will allow anyone to walk on their property. If approved, the unit owners would expect that a barrier be required. It is also part of the landscaping rules.

Bill Pyle, 6600 Sunset Way – Spoke his opposition to this variance and requested that the variance on the parking be denied.

Bernie Davis, -6650 Sunset Way – He tried parking on an angle as well as parking on both sides of the street; neither worked.

Lybat Starr, 6600 Sunset Way – Asked if the Commission could do site inspection. Attorney Churuti explained the quasi-judicial process and why this is generally not be done.

Kevin Hing, Starlight Tower – He referred to conversation regarding the character of the business owners. Mr. Hing supports these owners.

Ron Holehouse, 113 12th Avenue - Supported the variance request and asked the Commission to consider the parking regulations as they are now. Several areas have no parking requirements as all.

Mayor Finnerty closed the Audience Comments for this item.

City Manager Bonfield noted that there is nothing tonight to decide upon with regard to parking on the street. City Manager Bonfield reiterated that staff would not recommend anything other than parallel parking on one side of the street or the other. There is no unique circumstance.

Commission Comments

Commissioner Parent stated that 64th Avenue is not the issue. Parking is an issue in St. Pete Beach; however, the parking issue is not being discussed at this Meeting. There is already a 300 ft buffer between the back of the building and Silver Sands.

Commissioner Parent spoke to the application, the hardship involved and the fence across the back. He is in favor of granting the variance.

Commissioner Leonard agreed with the statement by Mr. Holehouse to address the parking ordinance before granting a variance. He added the fact that the variance goes with the property and he would prefer a conditional use rather than a variance.

Commissioner Garnett noted that the current parking ordinance is outdated. She spoke of the many ways for residents to get around to businesses, e.g. trolleys, cabs. Commissioner Garnett would like to see some type of barrier in the back. Commissioner Garnett would be inclined to approve this variance.

Vice Mayor Halpern spoke to the parking problem in many cities, and noted that it is a problem with all businesses in St. Pete Beach. He is in favor of granting the variance.

Mayor Finnerty would like to have the parking issue resolved before supporting the variance. He cannot support the variance at this time, until some issues are changed.

Vice Mayor Halpern moved to approve the request for a variance to Section 23.5 of the Land Development Code for reduction of thirty-five (35) required parking

spaces. Commissioner Garnett seconded the motion.

The motion was approved by individual roll call vote of three to two (3-2) with Commissioner Leonard and Mayor Finnerty voting no.

The Commissioners agreed to recess the Meeting until 8:30 p.m.

5a Resolution 2010-08, Public hearing confirming and imposing stormwater related assessments.

This public hearing is required by the City's Assessment Ordinance and the Uniform Assessment Collection Act. After the public hearing, City Commissioners can take action on the resolution.

Public Services Director Steve Hallock and Mark Lawson (Pinellas County) presented a brief summary of the stormwater fee and how we got where we are. Some changes have been made to the original ordinance. Mr. Hallock reviewed the process that has been made.

Mr. Hallock noted that this is a Public Hearing for the Stormwater Special Assessment. He read the mission statement for the purpose of the Stormwater Special Assessment to provide funding. The City is collecting the data, doing the study, doing the research to put a fair and equitable system in place, etc. Mr. Hallock gave a detailed report and answered questions by the Commission. The amount for this monthly assessment for the stormwater fee will appear on the November 2010 in the amount of \$36.00.

Mr. Hallock spoke to the NPDES concern regarding unfunded federal mandates.

Audience Comments

The following citizens were for or against this stormwater assessment:

Candy Brown, 7100 Sunset Way – Concerned for the assessment to her property tax and the ability for that property to have a lien on it.

Pricilla Tassin, 300 64th Avenue – Concern for how the assessments will be structured.

Mayor Finnerty closed this Public Hearing.

Commission Comments

Mr. Mark Lawson, City Attorney on this issue, addressed concerns by the audience and explained the costs program. Mr. Lawson explained the law on exemptions and noted a few items just for the record, e.g. a report that was in the January 25th Meeting,

individual mailed notices, several workshop Meetings, etc. Mr. Lawson answered questions by the Commission.

Commissioner Leonard noted the importance of having a dedicated funding source just for this issue.

Mayor Finnerty agreed with Commissioner Leonard. Commissioner Parent, Vice Mayor Halpern, and Commissioner Garnett also noted the importance of have a dedicated funding source.

Commissioner Parent moved to approve Resolution 2010-08, a Resolution of the City of St. Pete Beach, Florida, by reading its Title in its entirety. Commissioner Garnett seconded the motion.

The motion was unanimously approved by voice roll call vote.

5b. Resolution No. 2010-09, Authorizing the issuance of Stormwater System Revenue Note, Series 2010, in the principal amount of not to exceed \$20,000 to fund the acquisition of certain capital equipment associated with the City's stormwater program.

Mr. Lawson explained why this note, or bond resolution, is necessary.

Audience Comments

There were none.

Commission Comments

There were none.

Commissioner Garnett moved to approve Resolution 2010-09, a Resolution of the City of St. Pete Beach, Florida by reading its Title in its entirety. Vice Mayor Halpern seconded the motion.

The motion was unanimously approved by voice roll call vote.

5c. Resolution No. 2010-10, supporting the designation of a portion of the Pinellas Bayway designation as Command Sergeant Major Gary Lee Littrell Causeway and Bridge.

City Manager Bonfield explained the necessity for this Resolution noting that this project is being undertaken by a group out of Tallahassee. Commissioner Leonard requested that the Commission consider supporting this Resolution so that Senator Jones can put

this on the floor. And, furthermore, direct City Manager Bonfield to forward this the Pinellas County and the City of St. Petersburg.

Commissioner Leonard moved to adopt Resolution 2010-10, by reading its Title in its entirety. Vice Mayor Halpern seconded the motion.

The motion was unanimously approved by voice roll call vote.

6. Ordinances

a. Ordinance 2010-02, Final Reading and Public Hearing amending Division 26 of the City's Land Development Code.

The hoteliers have not responded negatively to any of the changes proposed.

Mr. Holley was present to speak to the issue of signage. Mr. Holley noted that the Commission was concerned someone would redevelop the property and leave an old sign. Therefore, staff has eliminated the language that the Commission was concerned with regarding the grandfathering. That was the only change to the content to this Ordinance.

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

Vice Mayor Halpern moved to approve Ordinance 2010-02, on Final Reading by reading its title in its Commissioner Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

7. Action Items

- a. Case #20100001 Conditional Use request for a "Nightclub" and an additional Conditional Use request for outdoor seating and a request for Variance from required parking for property located at 6400 Gulf Boulevard.**

Case 20100001 Report
Case 20100001 Staff Analysis
Case 20100001 Application Documents
64th Avenue Parking North
64th Avenue Parking South

This Item was taken out of order earlier in the meeting.

- b. Case #20100005, application of Marilyn Danzig, agent for Envoy Point Condominium Association, for property located at 7100 Sunset Way. Applicants request variance from Sections 6.15 and 25.5 of the Land Development Code to allow for the construction of a 5' fence atop the**

existing seawall.

Case #20100005 Report
Case # 20100005 Application
Case #20100005 Staff Analysis

This item was continued until May 11, 2010.

- c. **Case #20100007, Application of JP Morgan/Chase, agent for Dolphin Village Partners LLC, for property located at 4625 Gulf Boulevard. Applicants request amendment of the Planned Development site plan to allow for modification of the approved building configuration for construction of a new bank. Staff is awaiting the submission of additional information by the applicant and requests continuance of the item until the 3-9-2010 Commission Meeting.**

Case #20100007 Report
Case #20100007 Application
Case #20100007 Public Notice
Case #20100007 Amended Plan
Case #20100007 Aerial
Case #20100007 Renderd Plan
Case #20100007 NE Elevation
Case #20100007 SW Elevation
Case #20100007 Sign Rendering

This item was continued to the March 9, 2010 meeting.

- d. **Authorization for the City Manager to enter into an agreement with Woods Consulting in the amount of \$9,160 for a consulting services to complete a marina permitting feasibility study for the waters adjacent to the Community Center.**

City Manager Bonfield commented that this is a permitting feasibility study for the waters adjacent to the Community Center.

Discussion ensued with respect to finding ways for the City to increase some revenue. Funding would come from the CIP funds.

Commissioner Parent moved to authorize the City Manager to enter into an agreement with Woods Consulting in the amount of \$9,160 for a consulting services to complete a marina permitting feasibility study for the waters adjacent to the Community Center. Vice Mayor Halpern seconded the motion.

The motion failed on a two to three (2-3) individual roll call vote with Commissioner Garnett, Commissioner Leonard and Mayor Finnerty voting no.

e. Appointment to the Firefighters Pension Board of Trustees.

The following were candidates for the position of Board of Trustees: Mrs. Marlene Connolly, Mr. Richard German and Mr. Michael Terry. The final vote was (3) for Mr. Terry and (1) for Mr. German.

8. Items for Discussion

a. 41st Avenue Street end.

The Commission agreed to postpone this item to the Commission Meeting of March 9.

b. Request to name a City Park.

Vice Mayor Halpern suggested that the City establish a policy for naming parks.

c. Bat's Taxi

Commissioner Leonard noted that there are safety concerns and the issue of licensing and insurance regarding the small taxis. Discussion ensued.

City Manager Bonfield will look into this and report to the Commissioners at its March 9 Meeting.

Audience Comments

Carol Vallee, Bat's Taxi, 5201 Gulf Boulevard – Spoke to the subject of Bat's insurance.

Bob Manning, 200 1st Avenue, Pass-a-Grille – Spoke to the subject of licensing.

9. City Manager, City Attorney and City Commission Reports

City Manager Report

City Manager Bonfield reported on the other agenda items e.g. the Dolphin Village, Resolution updating quasi-judicial procedures, City election,

City Attorney Churuti Report

City Attorney Churuti will be attending the Planning Board Meeting tomorrow.

Commissioner Garnett

Commissioner Garnett reported on a newspaper article about Pass-a-Grille. She also encouraged everyone to support our local merchants; noted that she will have a March 3 Meeting at 6:00 p.m. at the Don Vista; etc.

Commissioner Leonard Report

Commissioner Leonard, for Gary Littrell, thanked everyone for supporting the Bayway Causeway project. He would also like to revisit the subject of closing the Gulf Beaches Elementary School.

Commissioner Parent

Commissioner Parent reported on conferences and meetings he will be attending; rates that the City charges for the Community Center; library programs, etc.

Vice Mayor Halpern

Vice Mayor Halpern inquired as to the status for plantings on Corey Avenue. City Manager Bonfield will check into this. There was discussion with regard to rewriting a Resolution for Amendment 4 and Senate Bill 216. He also reported that the North Beach Civic Association is having a dinner meeting on February 24 at Oyster chucker's

Mayor Finnerty

Mayor Finnerty reported the meetings he will be attending, encouraged everyone to continue to support our troops and welcomed Sandy Lyman to the Planning Board. Ms. Renee Roos requested that a letter be written to the Governor to designate St. Pete Beach as the Sunset capital of Florida.

10. Adjournment

Time being 10:50 p.m. and no further business, this Meeting was adjourned.

Pamala A. Prell for T.M.
Theresa B. McMaster, City Clerk

Mike Finnerty
Mike Finnerty, Mayor

Minutes approved on
May 25, 2010