

**ST. PETE BEACH COMMISSION MEETING
MINUTES**

**Tuesday, July 27, 2010
6:30 p.m.**

THOSE PRESENT:

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

ALSO PRESENT:

**City Manager Mike Bonfield
City Attorney Mike Davis
City Clerk Theresa McMaster
Community Development Director Karl Holley**

1. [Changes to the Agenda](#)

Commissioner Shavlan requested that Action Item 7.d. be removed from the Agenda. All present were in agreement.

Commissioner Shavlan gave an update on Amendment 4. The Florida AFLCIO has voted to oppose Amendment 4; a Board member emphasized the economic consequences of Amendment 4. Defeating Amendment 4 means protecting jobs.

Commissioner Shavlan played a video about Yankeetown, Florida and the effects of Amendment 4 type legislation.

2. [Presentations](#)

a. [Presentation of Certificate to Commissioner Shavlan](#)

Mayor Fiinnerty presented a certificate to Commissioner Shavlan for attending the IEMO training.

b. [Update on litigation cases relating to Pyle, Kadoura, etc. - City Attorney](#)

Mr. Davis gave a brief status report on the lawsuits involving the city referendum items in 2008. There is a two day trial scheduled for August 19th & 20th in the Pyle case. There is also a trial scheduled on September 24th in the Kadoura case.

Vice Mayor Parent asked if either of these parties have indicated that if judgment were to go against them, they would appeal the decision. Mr. Davis stated that it was indicated there would be an appeal. He went on to say that if appeals were filed, in all probability they would be filed in the next fiscal year.

Mayor Finnerty asked Mr. Davis what, in his professional opinion, were the City's chances in these cases, to which Mr. Davis stated that he thinks they have good arguments on all of the issues.

Mayor Finnerty asked Mr. Davis, in the event the court ruled in the City's favor, what were the chances of recovering attorney's fees against the litigants and Mr. Davis replied probably none. In our system, both parties pay their legal fees.

Vice Mayor Parent asked Mr. Davis about the case involving the minutes of the "Shade Meetings". The Judge gave the City the option of turning the transcripts over to him for his review in order for him to determine whether everything was in order or show cause why the City shouldn't have to provide them as Public Record. Mr. Davis turned the transcripts over to Judge Demers and then Susan Churuti appeared and argued on the City's behalf. At this point, the Judge has the City's transcripts, he has the City's argument and he has the City's memoranda and he will make a determination.

3. [Audience Comments](#)

Ilona Sakovich, 4991 Bacopa Lane So. #203

Paul Pfister, 8090 Gulf Boulevard

Mimi Gewanter, 265 S. Tessier Drive

Wayne MacDowall 9357 Blind Pass Road

Deborah Schechner, 710 Boca Ciega Isle Drive

Carol Walker, 5396 Gulf Boulevard

Inaudible resident at 3208 West DeBazan

Lorraine Huhn, 9425 Blind Pass Road

Kim Caliendo, 709 Gulf Way

Rick Falkenstein 4th Palm Point

Mayor Finnerty closed audience comments and called upon City Manager Mike Bonfield for comments.

Mr. Bonfield addressed the Pass A Grille paver issue. Work is occurring in the public right of way, it's not on private property. The issue is placement of pavers versus a more stable surface. On Eighth Avenue, that was part of a project that the City did years ago where they installed hex pavers for sidewalks and some decorative brick pavers and over the years people have put in pavers without permits; he doesn't doubt that at all. Mr. Bonfield went on to say that he will defend the staff, he will defend Heidi; this has nothing to do with women who own businesses and has nothing to do with being selective.

Commissioner Shavlan spoke about several residents talking about bringing business to the beach and he agrees. He thinks that the City should devote some money to help bring people to the Beach.

Commissioner Halpern suggested that if they want to do something with the fireworks display, the City needs to start planning now, whether it's Labor Day or Veteran's Day.

Commissioner Garnett suggested letting the business owners get together and come to us and tell the City what we can do to drive business down here.

Commissioner Halpern stated that if the Commission appoints a board to assist in this area; they will be under the same restraints as the Planning Board, etc.

Vice Mayor Parent stated that he hoped the Civic Associations that are in attendance would think about this and get a group together. Because of the Sunshine Laws, it is very difficult for the Commission to handle something like this.

Audience Comments

Wayne MacDowell, who co-chaired the 50th Anniversary for St. Pete Beach, offered to bring his group together and put on a show.

Paul Pfister suggested getting the hoteliers to buy in on it.

Terence Brabant, 211 5th Avenue

Mimi Gewanter, 265 Tessier So.

Tom Broderson, 6500 Sunset Way

Deborah Schechner, 710 Boca Ciega Isle Drive

Mayor Finnerty brought up contacting the Tourist Development Council for possible funding of a special event. Mike Bonfield will check it out.

Commissioner Shavlan brought up the grease trap situation for discussion.

4. Consent

- a. Approval of the minutes of the April 13, 2010 Regular City Commission Meeting.**
- b. Authorization for the City Manager to enter into an agreement with the Pinellas County Sheriff's Office for FY 2011 crime scene services and property and evidence storage services in the amount of \$35,519.02.**

Commissioner Garnett moved to approve Items 4.a. and 4.b. of the Consent Agenda. Vice Mayor Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

5. Resolutions

- a. Resolution 2010-23, establishing the FY 2010/2011 tentative millage rate.**

Mike Bonfield outlined the Resolution; currently the operating millage rate is 2.4834; the City has been notified by the Property Appraiser of a 6.6% reduction in values. That is the second lowest in Pinellas County of any community however that equates to \$414,000 less in property tax next year.

The Finance & Budget Committee has recommended no increase in the current millage but they did recognize that we have "unknowns" with our pension plans and the potential cost there.

Mr. Bonfield went on to say that the proposed budget is balanced however there is no money for reserves. The two things to be considered are 1) the City has union contracts next year for pay raises and they don't know what the pension costs are going to be. It is estimated that these two items are going to be an additional \$350,000; not this coming budget year but the 2011-2012 year. And 2) there is some talk in Tallahassee, with the Governor's race, about freezing local government property tax millage rates

after the election for 2011-2012. As a reminder, September 15, 2010, 6:00 pm is the first reading on the final millage rate.

Mr. Bonfield summarized the options.

Mayor Finnerty opened the Meeting for audience comments.

Rick Falkenstein

Vice Mayor Parent stated that using the rolled back rate, for every \$100,000 your property is valued for tax purposes, your bill would go up \$18.84 per 100,000.

Commissioner Halpern recommended that the Commission reserve themselves “a foot in the door” and adopt alternate two, which is the rolled back rate.

Vice Mayor Parent went through a list of things on the tentative budget; there is nothing budgeted for fireworks in the budget, nothing for holiday decorations, nothing to trim the Washingtonians. Earlier in this Meeting they heard, besides the Christmas decorations, about additional code enforcement and about increasing the City’s grant activity. As of now, the library is not budgeted to be open on Monday, which is another \$10,400, They have heard requests for some business aid and they do not have event participation budgeted. The City is \$76,000 over budget on litigation expenses, with three months to go in this fiscal year and two of the City’s pension funds are budgeted to have investment profits of over 8%. If they lower those estimates then the City has to put in more money. Some of the candidates have said that if they get elected, they will put that freeze in place even before the TABOR Bill could get through the legislation. So Vice Mayor Parent would propose the rolled back rate for tonight’s tentative millage rate.

Commissioner Shavlan agreed and feels it should be at least the rollback rate.

Elaine Edmunds, Finance Director, advised the Commissioners that what they decide at this Meeting will be on the Trim Notice.

Commissioner Shavlan suggested adding a couple of tenths more and listen to what the residents have to say.

Commissioner Garnett added that fourteen municipalities in Pinellas County are higher in their millage rate; three are equal or at par with St. Pete Beach, and then there are five that charge less. Out of those that are less or equal to this City, they do not have their own police department, they are not equal service cities. Ms. Garnett agrees to at least the rolled back rate.

Mayor Finnerty is against going up any higher in the City's millage but can't see any way around it, especially due to the fact that they are keeping the level of service that has provided to the residents in the past. Mayor Finnerty wanted to consider not going that high; he suggested a median point and not all the way up to the roll back rate. He would prefer going to a 2.58 rather than a 2.67.

Mr. Bonfield stated that he would rather add a couple of tenths of the rolled back rate and listen to what the residents have to say.

Vice Mayor Parent urged the residents to tell them what they want.

Commissioner Shavlan made a motion to approve Resolution 2010-23, establishing the FY 2010/2011 tentative millage rate 2.8718. Vice Mayor Parent seconded the motion.

The motion was approved by individual roll call vote of (3-2) with Commissioner Halpern, and Mayor Finnerty voting no.

6. [Ordinances](#)

a. [Ordinance 2010-19, Final Reading and Public Hearing, amending sections \(n\),\(o\), and \(r\) of Division 1, Article III, Chapter 82, Section 82-137 of the Code of Ordinances; as it relates to stopping, standing or parking of vehicles.](#)

Mr. Bonfield explained that this Ordinance pertains to changes to parking in 10th Avenue, 64th Avenue, and 55th Avenue. Nothing has changed since the first reading.

Mayor Finnerty called for audience comments.

Audience Comments

Mimi Gewanter

Deborah Schechner

Rick Falkenstein

Kim Calienda

Commissioner Shavlan moved to adopt Ordinance 2010-19, an Ordinance of the City of St. Pete Beach, Florida, providing for amendment of sub-sections (n) (o) and (r) of Division 1, Article III, Chapter 82, Section 82-137 of the Code of Ordinances; pertaining to stopping, standing and parking of vehicles. The motion was seconded by Commissioner Garnett.

The motion was unanimously approved by individual roll call vote.

- b. [Ordinance 2010-20, Final Reading and Public Hearing, amending Section 6-2, City Code; revising closing hours for establishments dealing in alcoholic beverages](#)**

Mr. Bonfield stated that this is an ordinance in response to the recent changes in the City of St. Petersburg where they extended the hours for serving alcohol from 2:00 am to 3:00 am. The county is also considering this matter countywide. After first reading, the Commission felt they should follow what St. Petersburg has done and go to 3:00 am. The Ordinance was approved at first reading with no changes.

Audience Comments

Tara Pesolano, 601 77th Avenue

Ilano Sacavich

Phalor 7141 Bay Street

Commissioner Garnett moved to approve Ordinance 2010-20, an Ordinance of the City of St. Pete Beach, Florida, amending Section 6-2, City Code; revising closing hours for establishments dealing in alcoholic beverages. Vice Mayor Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

- c. [Ordinance 2010-23, First Reading and Public Hearing assigning 19 units of tourist lodging density to the property located at 600 71st Avenue from the Upham Beach Village District Temporary Lodging Unit Density Pool.](#)**

Mr. Bonfield introduced the Ordinance and explained the purpose of this action. Karl Holley, Director of Community Development, confirmed the accuracy of Mr. Bonfield's presentation and answered questions from the Commission.

Commissioner Halpern moved to approve Ordinance 2010-23, an Ordinance of

the City of St. Pete Beach, Florida, assigning 19 units of tourist lodging density to the property located at 600 71st Avenue from the Upham Beach Village District Temporary Lodging Unit Density Pool. Vice Mayor Parent seconded the motion.

Audience Comments

Ruth Gallagher, 602 76th Avenue

The motion was unanimously approved by individual roll call vote.

7. Action Items

- a. Case #20100022, Conditional Use request of Evander Preston for property located at 106 8th Avenue. The applicant requests Conditional Use approval under Section 13.4(f) for a Bar. Public Hearing required. This is a quasi-judicial decision.**

City Manager Bonfield read Action Item 7.a.

City Attorney Davis stated that since this is a quasi-judicial matter, all Commissioners should disclose any ex parte contact and state those for the record at this time.

Mayor Finnerty spoke to Evander Preston by telephone and he described his plans.

Commission Garnett spoke to Evander Preston on 8th Avenue and he shared what his plans were.

Commissioner Halpern had a conversation with Mr. Preston at his place of business about wanting to file this request.

Mr. Davis explained the new rules for quasi-judicial hearings and asked the audience if there was anyone present who would be substantially affected by the request and may want to have party status as a substantially affected party. Hearing none, Mr. Davis called for presentation by City Administration.

Karl Holley presented the application for Conditional Use under Section 13-4(f) for a Bar.

Vice Mayor Parent stated that he is not clear as to where Mr. Preston wants to do this. Mr. Holley responded saying this is inside his current. If he decided, in the future, to stay open late, could he do that? Mr. Holley stated that unless the Commission imposed any restrictions on use, he would be able to operate as any other bar in the City of St. Pete Beach.

Mayor Finnerty had no objection and said he would support it.

Bob Madico, VP of the beer company spoke in support of the application.

Susan Preston, Evanders wife spoke in support of the application.

Mayor Finnerty asked if there was anyone present to wanted to speak for or against the application.

Commissioner Shavlan moved to approve Case #20100022, Conditional Use of request of Evander Preston for property located at 106 8th Avenue. The applicant requests Conditional Use approval under Section 13.4(f) for a Bar. Commissioner Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

- b. [Case #20100025, Conditional Use request of the Waves Condominium Association for property located at 600 71st Avenue. The Applicants seek approval of a Conditional Use request for allocation of 19 temporary lodging units under the provisions of the Upham Beach Village District Temporary Lodging Unit Density Pool, as established in the City of St. Pete Beach Comprehensive Plan. This is a quasi-judicial decision.](#)

Mr. Davis again asked if there had been any ex parte contact by the Commissioners.

Commissioner Shavlan stated that he had talked to Catherine Hartley, Senior Planner, about this application.

Vice Mayor Parent stated that he had received a call from Mr. Mike Scholl asking for advice. He also talked to Catherine Hartley, Senior Planner.

Mr. Davis asked if there was anyone present who wishes to have party status, anyone who wants to be recognized as a substantially affected party, please come forward.

Ruth Gallagher 602 72nd Avenue stated that she wanted to be identified as a substantially affected party.

Greg Pahte, President of the Elite Management Company, stated that he wanted to be identified as a substantially affected party.

Linda Nevell, owner of Waterfront Vacation Rentals, stated that she wanted to be identified as a substantially affected party.

Mr. Davis then called on Karl Holley to present the application.

Mr. Holley gave a brief synopsis of the application. He further asked the Commission if approved, as a condition of such approval, they require all units to obtain proper licensing from the City and the State and to register properly for payment of bed tax within some specific period of thirty days or something of that nature.

Commissioner Garnett asked Mr. Holley if there was another way to resolve this issue so these property owners could rent their units without them being converted to transient units. Mr. Holley replied by saying that the grant of the conditional use does not deny them the right to rent or occupy their units permanently.

Mayor Finnerty asked Mr. Holley what licenses he would require if the application was approved. He responded by saying that if they are going to operate as a transient lodging facility, first there is the City license under "Apartment, Hotel, Motel Guesthouse" classification; they need to be registered with the Florida Department of Business and Professional Regulation as a transient facility, and obviously they want to get registered appropriately with the Florida Department of Revenue so they can pay their tax.

Commissioner Garnett wanted to go back to the 30 day limit on temporary lodging that's written in the LDR. How does that affect this? If this request is approved, they would have the right to have *either* permanent residential occupancy or transient lodging in that location.

Mr. Davis then called upon the applicant.

Mark Scholl, Vice President/Secretary of The WAVES Condominium Association then addressed the Commission. Those owners purchased these condos with specific three day rental and transient rental use shown on the condo docs; most people bought because they wanted to have vacation property in Florida. All 19 units are renting transient at one point or another; there are two units that may have long term leases at this time. The owners relied on the developer and all of the information they received indicated that this was allowed. Several months ago they received fines from the Code Enforcement department that they were doing this in error. They hired Elite Management to do the day to day business for them, i.e., permits, fees, etc.

Mayor Finnerty asked Mr. Scholl if he had any problem with the licensing that Mr. Holley recommended. He replied that all the owners would be thrilled to comply to make this work.

Commissioner Halpern asked Mr. Davis if all 19 owners had to apply for this licensing or could someone elect not to do it because they rent long term. Mr. Scholl asked if the Association, as a whole, applies for the license or does each unit owner apply for each individual license.

City Attorney Davis then called upon the parties who would be substantially affected.

Ruth Gallagher, 602 72nd Avenue is concerned that if any changes are made to turn the condos into "transient" and one or two would foreclose, is there the potential to turn into another transient hotel/motel like the others in the area.

Greg Pahte, of Elite Management stated that the difference between The WAVES and those motels and hotels is that they are owned by one person and all those rooms are rented out on short term by the one person. In The WAVES, all 19 units are owned by every individual.

Linda Nevell, Waterfront Vacation Rentals have binders in each unit that promote all the businesses in St. Pete Beach and a map showing how to get there. The only problems they have are the long term renters in the neighboring properties.

Audience Comments

Deborah Martohue, 9501 Blind Pass Road spoke in opposition.

Sherry Hamilton 3619 South ?? Avenue, Tampa spoke in support.

Rick Falkenstien, 4th Palm Point

Mr. Davis advised that the Applicant may give rebuttal or closing remarks.

Mark Shoal asked Mayor Finnerty to ask Karl Holley if the process that we have been advised to undertake is legal under all laws, regulations and provisions of the City of St. Pete Beach.

Karl Holley responded by saying that the process and his application are legal. It is incumbent upon the City Commission to ascertain the extent to which the application is consistent with the standards that are specified; he (Mr. Shoal) has every legal right to bring forth such an application.

Mr. Davis believes Mr. Holley's comments to be correct. It is the Commission's duty to determine it's not qualified under the Comp Plan.

Mr. Davis then called upon any substantially affected party to give rebuttal or closing remarks.

Greg Pahtor stated that this is not about an economic matter; this is about the documents stated; there were letters received by the purchasers at the time that it was transient rental. The City Zoning Department sent them letters that it was transient rental and in their documents it specifically states that it's transient rental. Either way, it shouldn't be penalized by the people who bought because they bought with documents that state "each unit shall be used as a transient residence only except as otherwise herein expressly provided".

City Manager Bonfield stated that at no point did the City staff administratively approve this as tourist lodging.

Mr. Davis then asked the Applicant if he would like to give final rebuttal or closing.

Mark Schoal stated that he is asking the Commission to vote for them. Under the provisions of this City, the Commission can do this. They are a good thing for St Pete Beach and good for that street. In good faith, they had letters on City letterhead from the officials of the City telling them they should do it.

Commissiner Garnett asked what the zoning was for that property.

Mr. Bonfield stated that any residential can rent three times a year.

Commissioner Halpern made the comment that, as usual, they are trying to fix something that went wrong. In May 2004 the City wrote two letters to these people, in spite of what anyone says, saying they could do what they are doing and they did it for six years and we never said anything to them and let them do it. This situation needs to be fixed.

Vice Mayor Parent stated that he does not feel that this is about economics at all. He proceeded to read a couple lines, i.e. Exhibit 5 on pg 63 as part of their condo documents. On pg 64 16.1 occupancy "each unit shall be used as transient residence only except as otherwise herein expressly provided". On pg 63 - 17.2 - "no lease shall be valid or accrued for a term of less than three days nor more than 210 days". Pg 62 is an October 28th letter from City of St Pete Beach. The first sentence states "the above referenced property is currently zoned RLM2 residential with an RFO resort facilities overlay which is a multi-family district that allows transient accommodations or conventional residential units at ten units per acre." On Pg 61 at bottom, this is a MLS listing and in the public remarks at the bottom, there is a sentence on both pages that

says: "perfect for seasonal investors. You can rent short term while not using." On Pg 59, there is another letter from the City of St. Pete Beach. "The current zoning of 600 71st Avenue is RLM2 RFO which is a residential district with a resort facilities medium overlay. Multi-family residential and limited transient accommodations are an acceptable permitted and conditional use within the district overlay." On Pg 49 there are some policies out of our current Comp Plan. He feels that the Comp Plan, in general, is pretty good and feels very strongly that the Comp Plan must accommodate property owners in St. Pete Beach.

Commissioner Shavlan doesn't think the City should be so "user friendly" or ask the City Attorney to write a disclaimer. Mr. Davis stated that he doesn't think those letters entitle the property owners to this use. Mr. Shavlan feels that the realtor is the one that mislead the property owners, not the City's fault. He agreed that the City has to follow the Comp Plan or change it.

Vice Mayor Parent moved to approve the conditional use request for allocation of 19 units from the Upham Beach Village Temporary Lodging Unit Density Pool located at 600 71st Avenue with the provision that all properties obtain licenses for short term rentals within sixty days. Commissioner Halpern seconded the motion.

The motion was approved by individual roll call vote of (3-2) with Commissioner Shavlan, and Commissioner Garnett voting no.

Mayor Finnerty called a ten minute recess.

Mayor Finnerty called the Meeting back to order at 10:45 pm.

c. [Naming the street end park at 83rd Avenue and Boca Ciega Drive for Homer Still.](#)

City Manager Mike Bonfield stated that the Commission approved Resolution 2010-16 establishing an outline for naming public facilities for an individual or group. In 2007 the City dedicated a bench at Upham Beach Honor Walk for Mr. Still.

Will Jacoby, 8100 Gulf Boulevard

Vice Mayor Parent suggested moving the bench to the Park and designating the Park.

Paul Pfister, 8090 Gulf Boulevard

Commissioner Shavlan moved to approve naming the street end park at 83rd Avenue and Boca Ciega Drive the Homer Still Park. Commissioner Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

d. Approval of the Benefactor Plaque program

This item was continued.

8. Items for Discussion

a. Review and discussion of Sign Code enforcement issues identified by staff.

Mr. Bonfield stated that Commissioner Halpern requested discussion regarding the sign code. This revolves around enforcement of the City's sign code. Heidi Hartsock, the Code Enforcement Officer, has been more diligent in all aspects of code enforcement than perhaps has occurred in the past.

Commissioner Halpern stated that banners are something the Commission should talk about; "temporary" is another word that needs to be defined.

Mayor Finnerty asked if the Planning Board was working on amending the sign code. Mr. Bonfield replied that he didn't think so and recommended that they talk to merchants associations, Chamber of Commerce, etc. Commissioner Halpern said that if the City is careful when drafting the rules, we can come up with some things that would be acceptable.

Mayor Finnerty commented that the Code Enforcement officer is doing a fantastic job.

Audience Comments

Tina Brabant & Tara Pezolano

Ilana St. Petersburg Nights

Kim Calienda

Rick Falkenstien - 6441 4th Palm Point

Tina Brabent

Mr. Bonfield stated that sign ordinances are the most controversial ordinances that cities deal with. Both sides are very passionate about it. He suggested that they reach out to the business and the Chamber for suggestions.

Mayor Finnerty suggested putting it on the next agenda.

Mr. Bonfield thinks 30 days is more realistic.

Commissioner Halpern stated they should get as much feedback as possible and give it to their Planning Board representative. He believes the reason this came out is that we're enforcing the code where they weren't as much in the past; before Ms. Hartsock came to the City, it wasn't an issue. That's what has opened our eyes to the fact that our code may not be great.

Commissioner Parent suggested that the Commission make a commitment to move forward and get it on the Planning Board's agenda and talk to the Chamber and any other business associations and see what we can figure out.

Mr. Bonfield stated that he will reach out to the businesses and the Chamber and the Planning Board and see if he can get it scheduled as soon as possible which may take up to September.

Tara Pezolano

b. [Review and discussion of recommendations from the joint workshops of the Planning Board and Historic Preservation Board concerning the Traditional Hotel District zoning.](#)

Mike Bonfield presented the item.

Karl Holley presented the staff report. The joint Boards were not in favor of considering any other areas in Pass A Grille for the Traditional Hotel District. With respect to design, the consensus of the Boards was that a re-constructed hotel should be limited to the square footage of the existing facility with the possible exception of increases in floor area that may be necessary in order to comply with modern building code standards. No re-constructed facility should be taller than the existing facility with the exception of an increase in height to make them compliant with the National Flood Insurance Program or FEMA standards.

The Boards suggested that there should be a minimum number of units to be eligible to re-construct; the number that was generally agreed upon was five (5) but that was not a firm commitment but they simply said they don't want to be allowing re-construction of garage apartments, etc.; they are talking about motels and hotels.

The Boards also suggested that the prudent thing to do would be to clarify exactly what standards were being utilized to determine what was eligible, what actually met the requirements of a properly licensed and operating facility. Once those standards were identified, the City should identify all facilities that meet those standards and those standards be enumerated in the ordinance itself that says that "these facilities are identified and certified as eligible for application for this district".

Commissioner Halpern attended both Meetings and said he heard "same footprint" mentioned. Mr. Holley stated what he understood was that the Boards were not saying they had to be re-constructed in the same footprint; they were saying they were limited to the height plus what was necessary for FEMA.

Vice Mayor Parent asked for a specific definition of ancillary uses.

Mayor Finnerty then asked for audience comments.

Audience Comments

Joe Caruso, 1301 Gulf Way

Rick Falkenstein

Bob Fernandez, 110 12th Avenue.

Mr. Bonfield stated that they will draft the Ordinance, still subject to review by the Planning Board, then back to the Commission for two readings. The Planning Board has a public hearing and the Commission will have two public hearings.

Commissioner Garnett thanked the staff and the Boards for working together on this issue. They did a fabulous job.

Commissioner Garnett is concerned that if a property owner comes to the Commission with request for variance from the Ordinance, the Commission should allow the property owner to have a chance to go to the Variance Board. Mr. Holley stated that additional height would be allowed to meet modern building code

9. City Manager, City Attorney and City Commission Reports

City Attorney Davis Report

Commissioner Garnett's Report

Commissioner Shavlan's Report

Vice Mayor Parent's Report

Commissioner Halpern's Report

Mayor Finnerty's Report

There being no further business to come before the Commission, the Meeting was adjourned.

Theresa B. McMaster, City Clerk

Mike Finnerty, Mayor

Minutes approved on
