

CITY COMMISSION MEETING

MINUTES

APRIL 22, 2014

6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Maria Lowe, Mayor
Melinda Pletcher, Vice Mayor
Terri Finnerty, Commissioner
Jim Parent, Commissioner
Gregory Premer, Commissioner

ALSO PRESENT:

Mike Bonfield, City Manager
Susan Churuti, City Attorney
Rebecca C. Haynes, City Clerk
Dan Graves, Fire Chief
Phyllis Ruscella, Library Administrator

1. Changes to the Agenda

Mayor Lowe requested to move Item 8(b) to Item 2(b).

Additional changes that occurred later in the meeting include City Manager Bonfield's request to pull Item 5(d); Mayor Lowe requested to leave the item on for discussion.

Commissioner Parent favored delaying any discussion and researching options that affect the area overall, such as sidewalk café guidelines.

2. Presentations

Items were taken out of order as the PSTA representative was not present.

b. Review Fire Department Reorganization

Fire Chief Dan Graves offered an overview of the Fire Department changes that have taken place since he began as Chief in 2001 including employee training, updating equipment, state and county requirements, standard operating procedures, insurance requirements, EMS funding, and renovating the fire stations. Chief Graves discussed the new staffing structure with district chiefs. He noted that St. Pete Beach is one of four areas that does not have a district chief; the other districts are Treasure Island, South Pasadena and Tierra Verde.

a. "Greenlight" Pinellas Presentation – Brad Miller, PSTA

Brad Miller, Pinellas Suncoast Transit Authority, introduced himself and Mayor Johnson from Indian Rocks Beach, and requested the Commission adopt a symbolic resolution in support of Greenlight Pinellas.

Mayor Johnson spoke in support of the project.

Mr. Miller reviewed the service and reported that the November ballot will contain language requesting voters to approve an additional one cent sales tax across the County to support the Greenlight Pinellas project. The additional sales will replace the current property tax funding. The City of St. Pete Beach currently utilizes a direct payment to PSTA from the general fund.

3. Audience Comments

Paul Pfister, Gulf Boulevard, President of North Beach Civic Association, presented Commissioner Parent donations from the members totaling \$4,600 in support of the Robotics Team.

Tom Callahan, Punta Vista Drive, commented on the Sirata Beach Resort utilizing a parcel on the corner of Gulf Boulevard and Punta Vista for an employee parking lot.

City Manager Bonfield replied that the temporary use permit was granted through an application process and has been allowed to continue as needed with prior Commission approval. Mr. Bonfield noted that he expects to bring the temporary/conditional use permit process before the Commission at their May 27th meeting.

Lenny Stamos, Vina del Mar, commented on 'flutter flags' and that Code Enforcement requested him to remove several flags at this business location. Mr. Stamos requested the City review the sign requirements in more depth and hold in abeyance the removal of any flags until the review is completed.

It was the consensus of the Commission to request the Planning Board review the sign ordinance, recommend and approve a proposed ordinance as the Local Planning Agency and return to the Commission for further action.

Deborah Edney, 73rd Avenue, reported on the death of resident Chet Chmielewski. Ms. Edney thanked the Pinellas County Sheriff's Office for their drug enforcement work, discussed the Sirata Beach Resort parking and reported on the improved condition of an alley near her house.

Mike Greiger, Hermosita Drive, thanked Commissioner Pletcher, City Manager Mike Bonfield and Fire Chief Graves for conducting the Fire Department presentation at Warren Webster. Mr. Greiger discussed fire service to the community.

4. Consent

There were no consent items presented.

5. Action Items

a. BIG C Board Appointment

Mayor Lowe reported that Commissioner Finnerty, Commissioner Parent and she expressed an interest in serving on the Big C Board.

Commissioner Parent made a motion to nominate himself as the City's representative on the Big C Board. The motion was seconded by Commissioner Premer.

Mayor Lowe called for audience comments.

Joanne Lentino, Boca Ciega Drive, commented that retaining an experienced person on a board when a new member is also on the board allows for a smooth transition through a sharing of knowledge.

Carol Walker, Gulf Boulevard, spoke in favor of retaining Commissioner Parent as the City's representative on the Big C while guiding a newly appointed member.

Deborah Edney, 73rd Avenue, questioned if a person could nominate himself or herself.

Mayor Lowe called for the vote.

The motion was denied by a 2-3 vote with Commissioner Finnerty, Vice Mayor Pletcher and Mayor Lowe opposing the motion.

Mayor Lowe made a motion to nominate herself as the City's representative with Commissioner Finnerty as the first voting member on the Big C Board. Commissioner Pletcher seconded the motion.

Mayor Lowe called for audience comments.

Joanne Lentino, Boca Ciega Drive, requested explanation on acronyms when speaking.

Deborah Edney, 73rd Avenue, spoke in support of Mayor Lowe serving as the City's representative on the Big C.

Deborah Schechner, Boca Ciega Isle Drive, commented on the experience as a member of a board and the experience of becoming a member of a board.

Mayor Lowe called for the vote.

The motion was approved by a 4-1 vote with Commissioner Premier opposing the motion.

b. Indemnification and Hold Harmless Agreement with the Swigwam Beach Bar, LLC for outside seating and consumption of alcoholic beverages in the public right-of-way. (Item modified to a discussion item only with no action taken.)

Commissioner Finnerty reported that during her campaign, a number of residents expressed concern over what they perceived as unfair treatment of the Swigwam Bar and the different types of services that were allowed at neighboring businesses.

Commissioner Premier noted that he received complaints regarding smoking, drinking and inappropriate comments to which pedestrians are subjected. Mr. Premier concurred with a sidewalk café or similar use ordinance for a long range, overall solution.

Mayor Lowe voiced an interest in retaining the smoking area in the rear of the building, creating a clear path on the sidewalk in the public right-of-way and shared parking spaces.

Commissioner Parent encouraged a more systematic approach that could be utilized on a city-basis and examining regulations in other municipalities as a guide.

It was the consensus of the Commission to request the Planning Board research options and report back to the Commission.

6. Ordinances

a. Ordinance 2014-03, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida providing for amendment of subsection (o) of Section 82-137 of division 1 of article III of Chapter 82 of the code of ordinances, pertaining to stopping, standing and parking of vehicles; providing for amendment of the city parking maps; providing for severability; providing for the repeal of all ordinances in conflict herewith, to the extent of such conflict and providing for an effective date.

The ordinance will prohibit parking on each side of 49th Avenue and on 2nd Street east between 60th Avenue and Gulf Winds Drive.

It was the consensus of the Commission that the parking spaces along 49th Avenue were important to people who visit St. Pete Beach and should be available for use by the public.

Commissioner Premier moved to approve Item 6(a), Ordinance 2014-03, an ordinance of the City of St. Pete Beach, Florida providing for amendment of Subsection (o) of Section 82-137 of Division 1 of Article III of Chapter 82 of the Code of Ordinances, pertaining to stopping, standing and parking of vehicles; providing for amendment of the City parking maps; providing for severability; providing for the repeal of all ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date, as amended with the exception of the 49th Avenue parking prohibition. The motion was seconded by Commissioner Parent.

Mayor Lowe called for audience comments.

Joanne Lentino, Boca Ciega Drive, noted that the 49th Avenue street sign was missing.

There being no additional audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

7. Resolutions

a. Resolution 2014-04, adopting Rules and Procedure for City Commission meetings.

Section Eight (8) (b), Rules of Debate for City Commission, was amended to read, "The Presiding Officer may move, vote, second and debate..."

Commissioner Finnerty moved to approve Item 7(a), Resolution 2014-04, a resolution of the City of St. Pete Beach, Pinellas County, Florida, providing for rules of procedure for City Commission meetings, as amended. The motion was seconded by Commissioner Parent.

Mayor Lowe called for audience comments.

Deborah Schechner, Boca Ciega Isle Drive, spoke against setting a specific end time to the meetings.

John Michael, Bay Street, spoke in favor of a specific end time for meetings.

Deborah Edney, 73rd Avenue, spoke in opposition to a specific end time for meetings.

Bruno Falkenstein, Pass-a-Grille Way, spoke about past meetings and addressing items in a timely manner.

Harry Metz, Pass-a-Grille Way, spoke in favor of holding two separate audience comments and against a specific end time.

George Moore, 41st Avenue, spoke about code enforcement relating to flags and in favor of two separate audience comment sections.

There being no additional audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

8. Items for Discussion

a. Donations and Event Sponsorships Discussion

It was the consensus of the Commission to allow each commissioner to research and submit his/her top two charities for consideration for the upcoming budget year.

b. Preliminary Removal of the City Manager – Termination of Contract

Mayor Lowe moved to make a preliminary motion for the removal of the City Manager. The motion was seconded by Commissioner Finnerty.

Mayor Lowe called for audience comments. There were no audience comments.

Mayor Lowe called for the vote.

The motion was approved by an individual roll call vote of 3-2, with Commissioners Parent and Premier opposing the motion.

Mayor Lowe commented that the City Manager has 15 (fifteen) days from notification to request a public hearing and from the date of request for a public hearing, the Commission has 30 (thirty) days to set the public hearing if the City Manager requests the hearing. Mayor Lowe noted that any termination agreement will be in accordance with Mr. Bonfield's contract.

Mayor Lowe then stated that the Commission must decide whether or not to suspend the City Manager during the 15 (fifteen) day interim.

Mayor Lowe moved to suspend the City Manager on paid leave for the 15 (fifteen) day period of time. Vice Mayor Pletcher seconded the motion.

Mayor Lowe called for audience comments. There were no audience comments.

Mayor Lowe called for the vote.

The motion was approved by an individual roll call vote of 3-2, with Commissioners Parent and Premier opposing the motion.

Mayor Lowe requested advice from City Attorney Churuti regarding the suspension.

Ms. Churuti stated that the Commissioners cannot discuss the matter outside of a public meeting.

Mayor Lowe moved to nominate Elaine Edmunds, Administrative Services Director, as the Interim City Manager so that City business can continue to be conducted. The motion was seconded by Commissioner Finnerty.

Mayor Lowe called for audience comments.

John Michael, Bay Street, recommended his business partner, John Brooks Murray, as a nomination for the Interim City Manager position.

City Manager Bonfield recommended speaking with Ms. Edmunds prior to finalizing the selection.

Mayor Lowe called for the vote.

The motion was approved by an individual roll call vote of 3-2, with Commissioners Parent and Premier opposing the motion.

Mayor Lowe moved to nominate Steve Hallock, Public Services Director, as the second selection to serve as Interim City Manager in the event Ms. Edmunds does not accept the role. Vice Mayor Pletcher seconded the motion.

Mayor Lowe called for audience comments. There were no audience comments.

Mayor Lowe called for the vote.

The motion was approved by an individual roll call vote of 4-1, with Commissioner Premier opposing the motion.

Mayor Lowe noted that during the 15-day suspension, City Manager Bonfield cannot use his City e-mail account and then requested guidance from the City Attorney regarding direction to the IT Department on blocking access but allowing the Interim City Manager access to continue City related business.

City Attorney Churuti noted that either she or the Mayor may direct the Interim City Manager.

Mayor Lowe requested Commission consensus to allow Ms. Churuti to convey to Ms. Edmunds what her role as Interim City Manager will involve. Ms. Churuti also stated that she will relay to Ms. Edmunds the technology requests.

Mayor Lowe moved to allow the City Manager to use the City vehicle assigned to him to go home this evening and then arrange for transportation back to deliver the vehicle to the Public Services Department tomorrow.

Mr. Bonfield stated that this action would violate his contract and automatically require the City to pay his severance package. City Manager Bonfield stated he would appreciate sufficient time to make a decision on the public hearing option versus resignation with the City honoring his contract.

Mayor Lowe requested to a special meeting be scheduled for 6:00 p.m. on Wednesday, April 23, 2014.

Mayor Lowe then advised City Attorney Churuti and the law firm of Bryant, Miller, Olive that future communication with Mr. Bonfield is not acceptable as the firm represents the City of St. Pete Beach. Ms. Churuti replied affirmatively.

9. Audience Comments

Tom Rodgers, Corey Avenue, informed the Commission that the CABA Board voted unanimously against allowing the use of the right-of-way by the Swigwam Bar.

Bruno Falkenstein, Pass-a-Grille Way, invited the Commissioners to partake in a ride-along on the beach to view turtle nests, and discussed the national fire code and special events.

John Michael, Bay Street, discussed the history of the Swigwam Bar and related issues.

Deborah Edney, 73rd Avenue, spoke in support of a Commission decision and requested the City bring back the 'City Dump.'

Deborah Schechner, Boca Ciega Isle Drive, discussed firefighter safety, spoke in support of the meeting resolution approved this evening, spoke against approval of a temporary use permit via email and wished Mr. Bonfield well.

Harry Metz, Pass-a-Grille Way, spoke in support of additional firefighter personnel and noted that the Veterans of South Pinellas County organization preferred to not accept financial support from the City.

10. City Manager, City Attorney and City Commission Reports

Mr. Bonfield gave his report notes to Mayor Lowe and exited the meeting.

Mayor Lowe reviewed the agenda items for May 13, 2014.

Commissioner Finnerty reported that the Attic Shop is celebrating their 50th anniversary, the Horan Park Friday night Concert in the Park will feature the Black Honkeys, the Sunday Fresh Market is going strong, stated the replay on Commission meetings is not occurring and showed a photo regarding the American Legion donation to the Support Our Troops organization.

Commissioner Parent reported on the Robotics Team's success in Ocala the past weekend where they scored two perfect rounds and donations have reached over \$13,000; requested replacement of the missing sign that was located in the former Police Department building and discussed the mis-information in the local newspaper regarding trash information. Commissioner Parent then resigned his position as Commissioner of District 2.

City Attorney Churuti stated that she will advise the Commission the following day regarding how to proceed filling the vacant seat.

Commissioner Premier commended Public Services Director Hallock on installing a sign at the end of 41st Avenue, noted the Black Honkeys are a terrific band and encouraged attendance at the concert, commented on beach access for the Lido neighborhood residents, suggested the establishment of a teen council and reported on a successful Easter Egg Hunt. Mr. Premier then expressed his shock at the dismissal of Mr. Bonfield and noted his concern over the direction the City is heading.

Vice Mayor Pletcher reported on the walking tour in Pass-a-Grille with workshops on May 7th and May 21st at the Warren Webster Community Center and the walkabout tour by the Historic Preservation Board.

Mayor Lowe offered praise to Recreation Director Jennifer McMahon regarding the successful Underwater Easter Egg Hunt. Ms. Lowe expressed concern to Commissioner Parent regarding his resignation.

Mayor Lowe requested City Attorney Churuti counsel the Commission on Sunshine Laws, interaction with the media and fellow commissioners, and related issues.

Ms. Churuti recommended designating a spokesperson.

Vice Mayor Pletcher recommended Mayor Lowe as the spokesperson for the Commission.

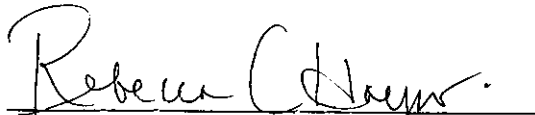
Ms. Churuti informed the Commission that she advised Ms. Edmunds on the events that occurred during this meeting. She also noted that it is unusual for a city attorney to be directed not to speak with a city manager, particularly regarding terms of employment.

It was the consensus of the Commission to allow communication solely related to terms of employment.

10. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 11:10 p.m.

Attest:


Rebecca C. Haynes, CMC/City Clerk


Maria Lowe, Mayor

Minutes approved on: 5/13/2014