

# **CITY COMMISSION MEETING**

## **MINUTES**

**APRIL 14, 2015**

**6:00 P.M.**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

Pastor Keith Haemmelmann, Pass-A-Grille Community Church, provided the invocation.

### **PRESENT:**

Maria Lowe, Mayor  
Terri Finnerty, Vice Mayor  
Rick Falkenstein, Commissioner  
Gregory Premer, Commissioner  
Melinda Pletcher, Commissioner

### **ALSO PRESENT:**

Wayne Saunders, City Manager  
Andrew Dickman, City Attorney  
Rebecca C. Haynes, City Clerk  
Jennifer Bryla, Community Development Director  
Elaine Edmunds, Administrative Services Director  
John Kretzer, Interim Public Services Director  
Jennifer McMahon, Recreation Director  
Ian Wade, Project Manager

### **1. Presentations**

- a. Recognition of Sergeant Bryan Bingham

Mayor Lowe introduced Sergeant Bryan Bingham who serves as a deputy with the Pinellas County Sheriff's Office and reviewed a recent event in which Sergeant Bingham provided excellent law enforcement services.

- b. American Legion

Commander John Bell with the American Legion presented Vice Mayor Finnerty with a \$1,000 check as a donation to Support Our Troops.

- c. Presentation of the City of St. Pete Beach audit for Fiscal Year ending September 30, 2014

Peter Schatzel, with the firm of Wells, Hauser and Schatzel, reported on the financial statement highlights of the Fiscal Year 2014.

- d. Arbor Day Proclamation

Mayor Lowe read the proclamation with Interim Public Services Director, John Kretzer, accepting the proclamation on behalf of the department.

## **2. Changes to the Agenda**

Mayor Lowe requested to add the roadway closure request during the filming of "The Infiltrator" by the Pinellas County Film Industry.

City Manager Wayne Saunders requested to table Items 6(a), (b) and (c) to date certain of April 28, 2015.

## **3. Audience Comments**

Neil Callahan, President of Lido Beach Citizens Association, requested the vehicle parking remain as it is currently zoned on 45<sup>th</sup> and 46<sup>th</sup> Avenues and along Lido Drive.

Diane Galuski, Gulf Boulevard, spoke in opposition to two businesses along Gulf Boulevard and 75<sup>th</sup> Avenue and the mobile advertising on local vehicles.

Paul Pfister, Gulf Boulevard, spoke about a coyote sighting, seawall repair on Coquina Way, flood insurance and the North Beach Association signage.

Keith Haemmelmann, Pass-A-Grille Community Church, discussed the off-site commercial parking restrictions.

Bill Paalberg, 70<sup>th</sup> Avenue, spoke in opposition to a local business and provided an update on the District 2 Neighborhood Watch Program.

## **4. Consent**

- a. Approval of minutes for the City Commission Meetings held on February 10, 2015; February 24, 2015; and March 9, 2015; and the Workshop held on March 11, 2015.

- b. Authorization for the City Manager to enter into an agreement with Burton & Associates to perform a Stormwater Assessment Update in the amount of \$14,950

City Manager Saunders reviewed the Consent items and recommended approval as presented.

**Commissioner Premier moved to approve Items 4(a) and (b) as presented. The motion was seconded by Commissioner Pletcher.**

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

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

## **5. Action Items**

- a. City Commission Annual Donations

City Manager Saunders reported that \$7,250 remains in the City Commission Donations section of the budget and reviewed the individual requests that have been received from non-profit agencies.

**Commissioner Pletcher moved to deny using public monies to fund charitable contributions to non-profit agencies during the current budget year. The motion was seconded by Commissioner Premier.**

Mayor Lowe called for audience comments.

Deborah Schechner, Boca Ciega Isle Drive, spoke in support of continuing to provide funding to Meals on Wheels operating under 'Neighborly Care Network.'

Sam Angelides, no address given, spoke in support of continuing to provide charitable contributions to non-profit agencies that provide for residents.

Hearing no further audience comments, Mayor Lowe called for the vote.

**The motion failed by a 2-3 vote with Commissioner Falkenstein, Vice Mayor Finnerty and Mayor Lowe voting "no."**

City Manager Saunders noted that, although commissioners could not individually approve any funding, \$1,450 was an average available to each commissioner for his or her preferred charity. The budgeted amount can be allocated in any dollar amount.

The agreed-upon charities include Tampa Bay Watch, Safe Harbor and Support Our Troops.

Commissioner Pletcher requested that her apportionment be returned to the budget.

**Commissioner Falkenstein moved to approve Item 5(a), to authorize the City Manager to send donations to Safe Harbor, Tampa Bay Watch and Support Our Troops in the amount of \$5,800 split three ways. The motion was seconded by Vice Mayor Finnerty.**

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

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

- b. Approval of Ajax Paving Industries of Florida, LLC, Gibbs & Register, Inc., and David Nelson Construction Company as firms prequalified to bid on the Pass-Grille Way and Blind Pass Road Reconstruction Projects

City Manager Saunders reported that with several large projects in the near future, a pre-qualification procedure was established that sets forth a rigid set of requirements that contractors must meet in order to bid on the projects. The mentioned companies either met or exceeded the standards to participate in the bidding process for the Pass-A-Grille Way and Blind Pass Road Reconstruction Projects.

**Vice Mayor Finnerty moved to approve Item 5(b), to approve Ajax Paving Industries of Florida, LLC; Gibbs & Register, Inc.; and David Nelson Construction Company as qualified to bid on upcoming roadway reconstruction jobs, including Pass-A-Grille Way and Blind Pass Road. The motion was seconded by Commissioner Falkenstein.**

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

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

- c. Request to approve road closures, utilize City property for equipment trucks and crew parking and waive parking fees

Guy Balson, Assistant Location Manager/Good Films, reported that the film, "The Infiltrator," is based on a true story about a Federal Customs Agent from Tampa who assisted in bringing down a world-wide drug money laundering operation. Mr. Balson requested to close portions of 68<sup>th</sup> Avenue and Sunset Way, utilize a portion of the

roadway for equipment trucks and crew parking and a waiver of parking fees for the noted streets.

**Commissioner Premier moved to approve Item 5(c), to approve road closures, allow for equipment truck and crew parking and waive the associated fees. The motion was seconded by Commissioner Falkenstein.**

Mayor Lowe called for audience comments.

Deborah Schechner, Boca Ciega Isle Drive, commented that the City should be mentioned in the credits of the film.

Doug Izzo, Tampa Bay Beaches Chamber of Commerce, spoke in support of the project.

Hearing no further audience comments, Mayor Lowe called for the vote.

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

## **6. Ordinances**

- a. Ordinance 2015-02, First Reading and Public Hearing, Outdoor Dining Areas; Definitions and Use Permissions for Eating and Drinking Establishments

Item 6(a), Ordinance 2015-02, was moved to date certain of April 28, 2015.

Mayor Lowe called for audience comments.

Rob Williams, owner of Swigwam Bar, spoke in support of allowing his patrons to consume alcohol on the sidewalk and commented that a previous accusation in regard to one of his customers was unfounded.

Tom Rodgers, President of Corey Avenue Business District (CABA), commented that the outdoor dining and drinking permit for The Swigwam Bar was rescinded prior to the establishment of a neighboring restaurant and the chairs currently located on the sidewalk were not included in the original permit application for approval.

**Commissioner Premier moved to table Item 6(a), Ordinance 2015-02, to date certain of April 28, 2015 at 6:00 p.m. The motion was seconded by Commissioner Falkenstein.**

Hearing no further audience comments, Mayor Lowe called for the vote.

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

- b. Ordinance 2015-03, First Reading and Public Hearing, Off-Site Parking

**Commissioner Pletcher moved to table Item 6(b), Ordinance 2015-03, to date certain of April 28, 2015 at 6:00 p.m. The motion was seconded by Vice Mayor Finnerty.**

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

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

- c. Ordinance 2015-06, First Reading and Public Hearing, Amending Chapter 6, Alcoholic Beverages of the City of St. Pete Beach Code of Ordinances relating to public consumption or possession of alcoholic beverages

**Commissioner Pletcher moved to table Item 6(c), Ordinance 2015-06, to date certain of April 28, 2015 at 6:00 p.m. The motion was seconded by Commissioner Premer.**

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

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

Item 6(e) was taken out of order.

- e. Ordinance 2015-04, Final Reading and Public Hearing, amending Chapter 46 of the City of St. Pete Beach Code of Ordinances to create Article V - Chronic Nuisance Property Code

City Attorney Andrew Dickman noted the following changes:

- (1) **Page Four, No. 25**, "Disorderly intoxication as defined under F.S. Section ~~868.011~~ 856.011."
- (2) **Page Five, Subsection [b]**, "~~(3) the Sheriff's Department has responded to five or more nuisance activities at a commercial retail business or alcoholic beverage establishment within thirty days or twenty or more nuisance activities at the said properties within six months; or~~" "(3) failure of the owner, proprietor or manager of a transient use or commercial establishment to sufficiently control nuisance activity and cooperate responsively with the Sheriff regarding the same."

**Renumber:** ~~(5)~~ to (4) and ~~(6)~~ to (5)

**Commissioner Pletcher moved to approve Item 6(e), Ordinance 2015-04, an ordinance of the City of St. Pete Beach, Florida, creating Article V in Chapter 46 of the Code of Ordinances, to be titled Chronic Nuisance Property Code, relating to the provision of chronic nuisance services by the City; authorizing the imposition and collection of chronic nuisance service assessments against real property establishing a procedure for imposing chronic nuisance service assessment; providing that the lien for a chronic nuisance service assessment collected pursuant to Sections 197.3632 and 197.3635, Florida Statutes, shall be perfected and shall attach to the property upon adoption of the assessment roll; providing that a perfected lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and assessments and superior in dignity to all other prior liens, mortgages, titles and claims; providing for a codification clause; providing a conflict and severability clause; and providing an effective date, as amended. The motion was seconded by Vice Mayor Finnerty.**

Mayor Lowe called for audience comments.

Kim Caliendo, 435 - 81<sup>st</sup> Avenue, spoke in opposition to the proposed ordinance.

Deborah Schechner, Boca Ciega Isle Drive, questioned the effect on West Corey Avenue properties and the latitude afforded to the Pinellas County Sheriff's Office.

Deborah Nicklaus, Sirata Beach Resort, questioned the citation process and the effect on the hospitality industry in regard to guests at hotels.

Hearing no further audience comments, Mayor Lowe called for the vote.

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

- d. Ordinance 2015-07, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach authorizing the issuance of a bond not to exceed \$5,500,000 in aggregate principal amount for the wastewater utility system

City Manager Saunders introduced Mr. Jeff Larson, Financial Advisor with Larson Consulting Services.

Mr. Larson explained the proposed ordinance that will fund various capital improvement projects including wastewater improvements on Blind Pass Road and Pass-A-Grille Way and improvements to Pump Station 3 and Force Main 3.

**Vice Mayor Finnerty moved to approve Item 6(d), Ordinance 2015-07, an ordinance authorizing the issuance of not to exceed \$5,500,000 in aggregate principal amount of a Wastewater Utility System Revenue Bond,**

**Series 2015, of the City of St. Pete Beach, Florida to finance the acquisition, construction and equipping of various wastewater utility capital improvements within the City; pledging the herein described pledged funds to secure the payment of the principal of redemption premium, if any, and interest on such bond; providing for the rights of the holder of such bond; and providing an effective date. The motion was seconded by Commissioner Premer.**

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

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

## **7. Resolutions**

- a. Resolution 2015-05 authorizing the issuance of wastewater utility revenue bonds from time to time for principal purposes of financing and refinancing costs of the acquisition, construction and equipping of various capital improvements to the City's wastewater utility system; providing for the payment thereof from the net revenues of the wastewater utility system and certain other monies; providing for the rights of the holders of such bonds; making certain other covenants and agreements in connections with bonds issued hereunder; accepting the proposal of Center State Bank of Florida, N.A. to provide the City with a loan to finance certain costs relating to the acquisition, construction and equipping of various capital improvements to the City's wastewater utility system; providing for the issuance of not exceeding \$5,000,000 principal amount of the City of St. Pete Beach, Florida wastewater utility system revenue bond, series 2015, to Center State Bank of Florida, N.A. in order to evidence such loan, providing certain terms and details of said bond, including authorizing a negotiated sale of the series 2015 bond to Center State Bank of Florida, N.A.; delegating certain authority to the City Manager to negotiate and approve the final terms and details of said Series 2015 Bond in accordance with the terms hereof; providing for making certain other covenants and agreements in connection with the Series 2015 Bond issued hereunder; and providing for an effective date.**

Mr. Larson further noted the proposed resolution, which provides an overall framework as a master resolution that can be used for all future borrowing related to the Wastewater Utility System, details the legal document which specifies the nature of the financing piece of the 20-year term option with a 4.02% rate.

The loan will fund various capital improvement projects including wastewater improvements on Blind Pass Road and Pass-A-Grille Way and improvements to Pump Station 3 and Force Main 3. It will be financed through the revenue generated by the Wastewater System and will not utilize ad valorem taxes or other General Fund non-ad valorem revenue for payment on the loan.

**Vice Mayor Finnerty moved to approve Item 7(a), Resolution 2015-05, a resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing the issuance of wastewater utility revenue bonds from time to time for principal purposes of financing and refinancing costs of the acquisition, construction and equipping of various capital improvements to the City's wastewater utility system; providing for the payment thereof from the net revenues of the wastewater utility system and certain other monies; providing for the rights of the holders of such bonds; making certain other covenants and agreements in connections with bonds issued hereunder; accepting the proposal of Center State Bank of Florida, N.A. to provide the City with a loan to finance certain costs relating to the acquisition, construction and equipping of various capital improvements to the City's wastewater utility system; providing for the issuance of not exceeding \$5,000,000 principal amount of the City of St. Pete Beach, Florida Wastewater Utility System Revenue Bond, Series 2015, to Center State Bank of Florida, N.A. in order to evidence such loan, providing certain terms and details of said bond, including authorizing a negotiated sale of the Series 2015 Bond to Center State Bank of Florida, N.A.; delegating certain authority to the City Manager to negotiate and approve the final terms and details of said Series 2015 Bond in accordance with the terms hereof; providing for making certain other covenants and agreements in connection with the Series 2015 Bond issued hereunder; and providing for an effective date. The motion was seconded by Commissioner Falkenstein.**

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

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

## **8. Advisory Board Appointments**

### **a. Appointments to Advisory Boards and Committees**

Commissioner Falkenstein stated that his Advisory Board Members appointments are as follows: Beach Stewardship Committee, no appointment; Board of Adjustment, Laurie Vallett; Finance & Budget Review Committee, John Samorajczyk; Historic Preservation Board, Ingrid Jacobus; Library Advisory Committee, Judy Cohan; Planning Board, Jack Ohlhaber; and the Recreation Advisory Committee, Scott Seubert.

Commissioner Pletcher stated that that her Advisory Board Members appointments are as follows: Beach Stewardship Committee, Dan Rothenberger; Board of Adjustment, David Littell; Finance & Budget Review Committee, Mary Hacker; Historic Preservation Board, Chris Marone; Library Advisory Committee, John Phillips, Sr.; Planning Board, Ron Holehouse; and the Recreation Advisory Committee, Danielle Micklitsch.

**Commissioner Pletcher moved to approve Item 8(a), Advisory Board Appointments as listed. The motion was seconded by Commissioner Falkenstein.**

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

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

**9. Items for Discussion**

Commissioner Falkenstein requested City Manager Saunders to review the history of establishing varying hours for vehicle parking hours throughout the City.

Commissioner Premer provided an update on broadband services in the City.

Commissioner Pletcher provided an update on working with the City Manager and Community Development Director on flood insurance issues.

**10. Audience Comments**

There were no audience comments.

**11. City Clerk, City Manager, City Attorney and City Commission Reports**

City Clerk Haynes reported on the following items:

- Three upcoming workshops sponsored by the Florida League of Cities
- The Suncoast League of Cities Ethics Training Workshop scheduled for the Fall

City Manager Saunders reported on the following items:

- City Commission Workshop on the beach ordinance scheduled for 9:00 a.m. on Tuesday, April 21, 2015

City Attorney Dickman reported on the following items:

- The Workshop will provide for an update by the University of Florida staff tasked with preparing the most recent legal and beach control provisions

Commissioner Finnerty reported on the following items:

- Dog signage and waste bags in the parks
- Expressed appreciation to Commissioners for their support on the Nuisance Ordinance
- Sunset Park Festival schedule for 6:00 p.m. on Saturday, April 18, 2015
- Expressed appreciation to John Bell from the American Legion and to Al Johnson from the St. Pete Beach Classic Run for their donations to St. Pete Beach Support Our Troops
- Participated in the 5K Oral Cancer Foundation Event
- Attended the Mayors' Council meeting and discussed bed tax monies collected

Commissioner Falkenstein reported on the following items:

- Florida Fish & Wildlife declaration of April 1<sup>st</sup> through April 15<sup>th</sup> as the effective dates for the seasonal Manatee Zones
- Nesting snow birds on the beach
- Preparation for hurricane season
- Additional beach access signage
- Dumpsters on the beach during the holidays

Commissioner Premier reported on the following items:

- Clearwater Beach reported 35 Sting Ray stings
- Dog waste and responsible owners
- A successful Beach Goes Pops event
- Restrooms at Lazarillo Park
- Congratulations to District Tennis Title Winners for District 2, Champions Anna Worington, Laura Wittem and Aubrey Premier; and Aubrey Premier and Laura Wittem for winning both singles and doubles in the Regional Games

Commissioner Pletcher reported on the following items:

- A successful and fun Beach Goes Pops

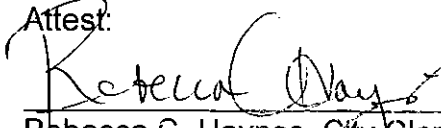
Mayor Lowe reported on the following items:

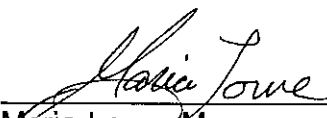
- The Bayway Bridge re-dedication in recognition of Medal of Honor recipient, Command Sergeant Major Gary Littrell
- The Veterans of South Pinellas event following the re-dedication ceremony
- Spring Break activities
- The successful Beach Goes Pops festival
- The State of the City special meeting scheduled to take place at 5:00 p.m. on Friday, May 1, 2015 and followed by a Beach Ball Bash in Horan Park
- Reminder to sign up to receive the City newsletter

**12. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 10:05 p.m.

Attest:

  
\_\_\_\_\_  
Rebecca C. Haynes, City Clerk

  
\_\_\_\_\_  
Maria Lowe, Mayor

Minutes approved on: 5/26/2015