

CITY COMMISSION MEETING

MINUTES

APRIL 12, 2016

6:00 P.M.

CALL TO ORDER

Mayor Lowe called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Maria Lowe, Mayor
Rick Falkenstein, Commissioner
Terri Finnerty, Commissioner
Ward Friszolowski, 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
Phyllis Ruscella, Library Administrator

1. Presentations

- a. Presentation on the upcoming sea turtle nesting season - Joe Widlansky and Bruno Falkenstein of Sea Turtle Trackers, Inc.

Last year's turtle season brought 95 nests to the beach with 104 volunteers overseeing the nests. St. Pete Beach recorded 13.5 nests per mile, making it the densest nesting area along the beachfront property.

Mr. Falkenstein and Mr. Widlansky requested everybody to remain mindful of lighting restrictions.

- b. Presentation by Commissioner Cookie Kennedy, City of Indian Rocks Beach

Commissioner Kennedy reviewed the top priorities for the Metropolitan Planning Organization-Pinellas Planning Council. Ms. Kennedy invited community members to participate in a visioning session in regard to improving beach accesses scheduled for May 3rd at Madeira Beach City Hall.

- c. Presentation by Mr. Jim Parent, Robotics Program

Mr. Parent presented the 2016 Robotics Team's status and their trip to Detroit, Michigan to attend the RoboFest World Championship competition on May 13 to May 14, 2016. He requested assistance with advertising and funding for the international event.

2. Changes to the Agenda

Vice Mayor Finnerty requested to move Items 6(c) and (d) to immediately follow Item 4, Election of Vice Mayor.

3. Audience Comments

Phyllis Ruscella, Library Administrator, thanked the organizers of the Annual Fish Broil for the generous donation of \$500 to the Library renovation fund.

Deborah Schechner, Boca Ciega Isle Drive, spoke in support of the Library and attending the visioning session noted by Commissioner Kennedy.

Bill Drake, Blind Pass Road, thanked the City for removing the Australian pine trees at Boca Shores Condominiums.

4. Election of Vice Mayor

Vice Mayor Finnerty moved to elect Commissioner Falkenstein to serve as Vice Mayor of the City of St. Pete Beach. The motion was seconded by Commissioner Friszolowski.

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

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

Items 6(c) and 6(d) were previously moved to act upon after Item 4.

5. Action Items (previously moved)

- c. Conditional Use 2016-0008, authorization for a takeout only restaurant on the Plaza Beach Hotel property.

City Attorney Dickman noted that City Clerk Haynes previously distributed the steps to follow for a Quasi-Judicial proceeding and requested Commissioners state any ex-parte communication with the applicant.

Jennifer Bryla, Community Development Director, presented the City Administration Report and noted that the request was presented to the Technical Review Committee (TRC). Ms. Bryla reviewed the conditions requested by the TRC that were listed in the staff report.

Mr. Dickman requested that any audience member who considers him/herself a substantially affected party to step forward and state the reason.

Commissioner Finnerty and Vice Mayor Falkenstein replied that each had previous contact with the applicant.

Jack Brock, agent for Darla Winger, presented the Applicant Report by reviewing the information on the Conditional Use Permit for the Plaza Beach Hotel property.

Bill Jacobs, Gulf Boulevard, noted he considers himself a substantially affected party and spoke in opposition to the Conditional Use Application.

Mr. Brock answered several questions posed by Commissioners and Mr. Jacobs.

Mayor Lowe called for comments from substantially affected parties.

Jeff Vaught, Gulf Boulevard, spoke as a substantially affected party and concurred with Mr. Jacobs.

Sue Girling, Gulf Boulevard, spoke as a substantially affected party and commented on the public restroom provisions.

Mac Greco, Gulf Boulevard, spoke as a substantially affected party and in opposition to the Conditional Use Application.

Kathleen Cochrane, Gulf Boulevard, spoke as a substantially affected party and in support of the item.

Mr. Brock addressed issues raised by the substantially affected parties.

Mayor Lowe opened the Public Hearing.

Penny Fox, Lido Drive, spoke in opposition to the proposed Conditional Use Permit.

Christine Vaught, Gulf Boulevard, suggested removing the Tiki Hut Cart from the property when not in use.

Mayor Lowe closed the Public Hearing.

During the Cross Examination portion of the Quasi-Judicial hearing, Mr. Greco raised several questions on the review process and the steps taken by staff when reviewing the application.

Mr. Vaught asked about a non-conforming use.

Mr. Jacobs urged the Commission to review previous uses prior to approving the proposed Conditional Use Permit.

Mayor Lowe finalized the Quasi-Judicial hearing processed and called for Commission comments.

Ms. Bryla noted the following changes to the Conditional Use Application:

- Change "storm" to "tropical storm"
- Add directional signs for the public restrooms
- Establish hours of operation from 11:00 a.m. to 7:00 p.m.
- Allow for signage on the cart
- Conditional Use Permit be tied to property owner, not applicant
- Application can be revoked if conditions are not met

Commissioner Friszolowski moved to approve Conditional Use Permit #2016-0008, authorization for a take-out only restaurant on transient lodging property with conditions as listed and amended. The motion was seconded by Commissioner Finnerty.

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

The motion was passed by a vote of 3-2, with Mayor Lowe and Commissioner Pletcher voting "no."

- d. Conditional Use 2016-0013, authorization for a deck adjacent to a take-out only restaurant.

Mayor Lowe requested that any audience member who considers him/herself a substantially affected party to step forward and state the reason.

Arlene Padone, Gulf Boulevard, stated her participation in the hearing as a Substantially Affected Party.

Community Development Director Bryla noted that a variance request accompanies the Conditional Use Permit application to build a 900 square foot deck to the east of the existing restaurant, Smiley's Snack Shack. The variance is a request for a 20'

encroachment into the side setback in lieu of the required 25' setback. Ms. Bryla then listed the conditions of approval requested by the Technical Review Committee.

John Phillips, 8601 Gulf Boulevard, speaking as the agent for Smiley's Snack Shack, stated that his client agrees to the required conditions. Mr. Phillips noted that he is also an attorney.

City Attorney Dickman recommended the inclusion of a permit revocation if the restaurant is in violation of any conditions.

Arlene Padone, Gulf Boulevard, speaking as a Substantially Affected Party, asked questions in regard to directional lighting and signage for alcoholic beverages.

Mayor Lowe opened the public hearing. Upon hearing no comments, Mayor Lowe closed the public hearing.

Commissioner Pletcher moved to approve Item 6(d), Conditional Use Permit #2016-0013, with the conditions set forth by the Technical Review Committee and the additional conditions placed by Commission. The motion was seconded by Vice Mayor Falkenstein.

There were no cross-examinations.

There were no closing arguments.

Mayor Lowe called for the vote.

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

6. Consent

- a. Approval of the following City Commission minutes: February 2, 2016 Workshop; February 9, 2016 Regular Meeting; February 23, 2016 Introduction Meeting; February 23, 2016 Regular Meeting
- b. Authorization for the City Manager to purchase work station furniture from Holmes & Brakel International for use in the renovated work area in the St. Pete Beach Public Library
- c. Authorize the City Manager to sign a project order agreement with Kimley-Horn and Associates, Inc. for \$18,820.00 to perform design engineering and consulting services for Lift Station #16 rehabilitation
- d. Authorize the City Manager to enter into a Highway Landscape Reimbursement Memorandum of Agreement (HLRMOA) with Florida Department of Transportation (FDOT) in the amount of \$96,800.00 for the

City's landscape installation within the right of way of State Road 699
(Blind Pass Road) from 82nd Avenue to Captiva Circle

City Manager Saunders reviewed the agenda items and recommended approval as submitted.

Commissioner Pletcher moved to approve Items 5(a), (b), (c) and (d) as submitted. The motion was seconded by Commissioner Friszolowski.

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

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

7. Action Items

- a. Approval by the City Commission for the Interlocal Agreement with Pinellas County concerning the Community Redevelopment District Tax Increment Financing District and governance structure and authorization to send to Pinellas County for execution

The Inter-Local Agreement (ILA) outlines the Tax Increment Financing structure as noted in the Community Redevelopment District Plan. The agreement corresponds with the CRA Plan previously approved by the City Commission. The ILA also stipulates the members and identifies the county and City' responsibilities.

Ms. Bryla requested the following change: Page 46, Section 3, Governance Structure, Paragraph A, change "City Commission" to "CRA Members."

Commissioner Finnerty moved to approve Item 6(a), approving the Interlocal Agreement with Pinellas County and authorize transmitting to the County for execution, as amended. The motion was seconded by Commissioner Friszolowski.

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

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

- b. Authorization for the transmittal of CPA 01-16 to the Department of Economic Opportunity and required reviewing entities

Mr. Saunders noted that the transmittal hearing is part of the process to the Comprehensive Plan amendment and will return an ordinance format once the Department of Economic Opportunity representatives review the document.

Ms. Bryla further explained that Pinellas County is modifying their transportation element in its Comprehensive Plan to recognize and remove transportation concurrency

and replace it with mobility measures. Approval from all municipalities in Pinellas County is requested by the County in order to remain consistent with the County-wide plan.

Commissioner Finnerty moved to approve Item 6(b), authorizing the CPA 01-16 to the Department of Economic Opportunity for interagency review. The motion was seconded by Commission Friszolowski.

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

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

- e. Appointments to the Barrier Islands Government Council (Big C), Florida League of Cities (FLC), Pinellas Mayors' Council (PMC), Pinellas County Flood Insurance Coalition (PCFIC), Suncoast League of Cities (SLC) and the Tampa Bay Regional Planning Council (TBRPC)

It was the consensus of the Commission to make the following appointments:

Big C:	Mayor Lowe, Representative Commissioner Finnerty, Alternate
FLC:	Commissioner Finnerty, Representative Commissioner Friszolowski, Alternate
PMC:	Mayor Lowe, Representative Vice Mayor Falkenstein, Alternate
PCFIC:	Commissioner Pletcher, Representative No Alternate
SLC:	Commissioner Finnerty, Representative Commissioner Pletcher, Alternate
TBRPC:	Vice Mayor Falkenstein, Representative Commissioner Friszolowski, Alternate

Commissioner Pletcher moved to approve the organization appointments as listed above. The motion was seconded by Commissioner Finnerty.

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

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

- f. Appointments to Advisory Boards and Committees

The newly elected/re-elected commissioners confirmed their appointees.

Commissioner Finnerty noted that her appointees will remain as currently listed.

Commissioner Friszolowski listed his appointees to the advisory boards as follows:

Beach Stewardship Committee:	Lynda Fontana
Board of Adjustment:	Paul Skipper
Finance & Budget Committee:	Joanne Melodayo
Historic Preservation Board:	Yann Weymouth
Library Advisory Committee:	Wendy Holmes
Planning Board:	Martin Lott
Recreation Advisory Committee:	Steve Stewart

g. Approval of the Employment Agreement for the Position of City Clerk

Commissioner Finnerty moved to approve Item 6(g), to approve the employment contract with Rebecca Haynes for the position of City Clerk, with the compensation increase set at 3% for now, retroactive to October 1, 2015. The motion was seconded by Vice Mayor Falkenstein.

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

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

8. Ordinances

a. Ordinance 2016-04, Final Reading and Public Hearing amending the Code of Ordinances regarding traffic and vehicles

Community Development Director Bryla noted the change to Page 11, Section 3(v).

Commissioner Friszolowski moved to approve Item 7(a), upon final reading, Ordinance 2016-04, an ordinance of the City Commission of the City of St. Pete Beach, Florida, amending Chapter 82, Traffic and Vehicles, of the City of St. Pete Beach Code of Ordinances, by moving Section 82-236 from Division 4 of Article II, Specific Street Regulations, to Section 82-1, of Article I, in general, and clarifying the definition for "resident;" adding Section 82-2 of Article I establishing requirements of issuance of parking permits; amending Section 82-137, of Division 1 of Article III to designate new "C" permit restricted streets; amending Section 82-203 of Division 3 of Article III related to "A" and "B" and "E" parking permits for businesses and residents in Pass-A-Grille and on Beach Plaza; adding Section 82-244 and 82-245 to Division 4 of Article III establishing regulations for existing "D" residential parking permits and new "C" residential parking permit; amending the document entitled "Exhibit B" attached herein, increasing

the allowable number of parking permits for 1801 Gulf Way; providing missing letter designations for beach type of parking permit throughout the chapter; removing multiple references to the police department and replacing with the sheriff's department; correcting Scrivener's Errors; 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, with the amendment to include moving verbiage on Page 11, Section 3, Sub-Section (v), "37th Avenue between Gulf Boulevard and El Centro" to Sub-Section 3(a). The motion was seconded by Commissioner Finnerty.

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

The motion was approved 4-1 by an individual roll call vote, with Commissioner Pletcher voting "no."

9. Resolutions

- a. Resolution 2016-03, Re-adoption of a Defined Contribution Plan for the City Employees, adopting the ICMA 401 Governmental Money Purchase Plan and Trust, providing for execution of Trust Agreement and all other necessary documents incidental to administration of the defined contribution plan.

City Manager Saunders explained that the re-adoption of the defined contribution plan is standard procedure.

Commissioner Finnerty moved to approve Item 8(a), Resolution 2016-03, a resolution of the City Commission of the City of St. Pete Beach, Florida, relating to the re-adoption of a Defined Contribution Retirement Plan for the city employees; adopting the ICMA 401 Governmental Money Purchase Plan and Trust; providing for execution of trust agreement and all other necessary documents incidental to administration of the defined contribution plan; providing for acknowledgement regarding assets; providing administration of the plan; providing for full force and effectiveness; providing for repeal of conflicting resolutions; and providing for an effective date. The motion was seconded by Commissioner Pletcher.

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

Mayor Lowe requested to add to a future agenda a discussion in regard to a policy for porta-johns, movable trailers and beach activities.

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 item:

- On-going invitation to Commission Members to schedule one-on-one meetings

City Manager Saunders had no items to report.

City Attorney Dickman reported on the following items:

- Quasi-Judicial procedure update
- Board of County Commissioners in Walton County contemplated the employ of special counsel to review a customer-use doctrine on beaches
- Status of special counsel in regard to malpractice against Bryant, Miller and Olive

Commissioner Finnerty reported on the following items:

- Welcomed the National Commander for the American Legion
- Update on the former movie theatre on Corey Avenue
- Update on Corey Avenue lighting
- The City of South Pasadena has discontinued the use of red light cameras
- Groundbreaking ceremony for Mastery's Brewery
- Academy of Performing Arts will be opened by April 15, 2016

Vice Mayor Falkenstein reported on the following items:

- Community meeting will be held on April 25, 2016 at 7:00 p.m. at the Tradewinds Island Grand Resort in regard to a CUP request
- Status of water quality
- Status of crosswalks

Commissioner Friszolowski reported on the following items:

- Belle Vista Civic Association meeting will hold a neighborhood meeting on April 14th at Bill Corrotto Park
- Status of crosswalks

Commissioner Pletcher reported on the following items:

- Expressed appreciation for Commission and Staff support for the Beach Goes Pops celebration

Mayor Lowe reported on the following items:

- Expressed appreciation for Commission and Staff support for the Beach Goes Pops celebration

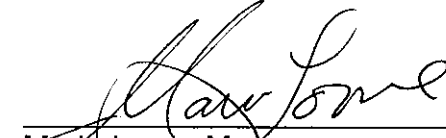
12. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 11:55 p.m.

Attest:



Rebecca C. Haynes, City Clerk



Maria Lowe, Mayor

Minutes approved on: 6-28-2016