

City Commission Meeting

May 25, 2021

6:00 p.m.

ELECTED OFFICIALS PRESENT:

Alan Johnson, Mayor

Ward Friszolowski, Vice Mayor, Commissioner, District 3

Chris Graus, Commissioner, District 1

Mark Grill, Commissioner, District 2

Melinda Pletcher, Commissioner, District 4

STAFF PRESENT:

Alex Rey, City Manager

Andrew Dickman, City Attorney

Amber LaRowe, City Clerk

Vince Tenaglia, Assistant City Manager

Mike Clarke, Public Works Director

Michelle Gonzalez, Transportation and Parking Director

Wesley Wright, Community Development Director

Mayor Johnson called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance.

1. PRESENTATIONS

Mayor Johnson presented the Poppy Day Proclamation to Rhonda Brailey-Maurer, Poppy Chairman for the American Legion Auxiliary of St. Pete Beach. Poppy Day is May 28, 2021.

2. CHANGES TO THE AGENDA

Commissioner Grill requested the removal of items b and c from the Consent Agenda for further discussion.

3. AUDIENCE COMMENTS

Bev Jackson, resident, discussed the traffic and speeding issues along Sunset Way. She requested the City take action to reduce the speed limit from 25 MPH to 10 MPH and to issue speed tables along Sunset Way from 27th Avenue to 30th Avenue. Ms. Jackson had a petition signed by several residents in favor of both changes; this petition was provided to the City Clerk for the record.

4. CONSENT

- a. Commission Minutes: April 27, 2021 City Commission Meeting and April 29, 2021 Budget Workshop
- b. Decorative Street Sign Unit Price Agreement—*removed for discussion*
- c. Fire Pension Board of Trustees Appointment---*removed for discussion*

Motion: **Commissioner Pletcher moved, Vice Mayor Friszolowski seconded, and the motion carried 5-0 to approve the May 25, 2021 Consent Agenda as presented by the City Manager with the removal of items b and c for discussion.**

5. ACTION ITEMS

- a. **Decorative Street Sign Unit Price Agreement Discussion**

Alex Rey, City Manager, reminded the Commission of the discussion at the April 29th Budget Workshop meeting on this item. The amount has been budgeted as of October 1 for signs on Pass-A-Grille and Corey Avenue.

Mayor Johnson questioned if the quote, attached, from November is still a valid amount. Mr. Rey confirmed that it is substantially the same; some slight increases to aluminum since November but nothing that is out of bounds.

Commissioner Grill questioned what exactly is being approved tonight; i.e. what signs, how many, and where. Mayor Johnson confirmed that approval tonight is for the not-to-exceed budgeted amount.

Commissioner Pletcher discussed the process that the Historical Preservation Board and the Commission went through for these signs. The Preservation Board preferred to delineate Pass-A-Grille Overlay District as different from the rest of the City and did not necessarily intend to incorporate Corey Avenue; however, she opined that it will be nice along Corey Avenue as well. The Commission agreed that including Corey Avenue is a good idea.

Motion: Commissioner Grill moved, Commissioner Pletcher seconded, and the motion carried 5-0 to authorize expenditures based on the unit price bid proposal from Eagle Sign & Design for Decorative Street Signs not to exceed the \$185,000.

b. Fire Pension Board of Trustees Appointment Discussion

City Attorney Dickman stated that his office reached out to the Pension Board Attorney regarding a possible conflict. The Board Attorney opined that there is not a conflict of interest to appoint this person; however, to keep in mind of the possibility of abstaining from voting if there is a direct correlation to a topic that comes before the Pension Board for approval. Mrs. LaRowe confirmed that Phil Milner was recently appointed by the Board as the 5th Trustee; he is a retiree of the St. Pete Beach Fire Department.

Discussion ensued regarding conflicts of interest and the appointment of a resident to the Board.

Motion: Commissioner Pletcher moved, Vice Mayor Friszolowski seconded, and the motion carried 5-0 to table this item to pursue other applicants.

6. ORDINANCES

a. Final Reading Ordinance 2021-01: Seawall Height

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 98 – BUILDINGS AND BUILDING REGULATION, ARTICLE IV – SEAWALLS, BULKHEADS, AND RETAINING WALLS, SECTION 98-100 – STANDARDS FOR SEAWALLS, BULKHEADS, AND RETAINING WALLS NOT ON THE GULF OF MEXICO; SECTION 98-101 – STANDARDS FOR SEAWALLS, BULKHEADS, AND RETAINING WALLS ON GULF OF MEXICO; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERROR, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

Mr. Rey discussed the research that was conducted on this topic between the first reading this year and today. This is not a mandate and is only applicable when a property owner needs to repair/replace their seawall; this is a minimum rebuild standard.

Vice Mayor Friszolowski mentioned back fill to a seawall when built to this new standard and how it will affect the neighbor’s property when their seawall remains at a lower height. Mr. Rey explained that there are ways that this can be addressed and cited examples such as a berm or knee wall.

Betty Rzewnicki, resident, discussed her opinions on the seawall height and asked the Commission to keep in mind the datum point that will be used as a reference when rebuilding.

City resident spoke about the changing tides and the moon phases this week. He is sure that there will be “king tides” during the afternoons this week.

Motion: Commissioner Graus moved, Vice Mayor Friszolowski seconded, and the motion carried 5-0 to adopt Ordinance 2021-01.

b. First Reading Ordinance 2021-08: Modifying the Basis for Height Measurement

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE DIVISION 2 – DEFINITIONS, SECTION 2.1 – WORDS, TERMS, AND PHRASES DEFINED BY MODIFYING THE BASIS FOR HEIGHT MEASUREMENTS FOR RESIDENTIAL STRUCTURES IN THE RU-1, RU-2, RLM-1, RLM-2, RM, AND PAG DISTRICTS AS WELL AS ACCESSORY STRUCTURES, AND ADDING A DEFINITION FOR DESIGN FLOOD ELEVATION AND FREEBOARD; AMENDING DIVISION 20 – PAG PASS-A-GRILLE OVERLAY DISTRICT, SECTION 20.02 – DEFINITIONS, SECTION 20.15 – PERMITTED BUILDING TYPES, AND SECTION 20.17 – BUILDING HEIGHT TO REFLECT NEW HEIGHT MEASUREMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

Wesley Wright, Community Development Director, gave a presentation on this Ordinance. He identified the changes being made to the Ordinance. Staff is proposing that the definition of “height” for residential structures in the five named core residential districts, as well as the Pass-A-Grille Overlay, be amended to provide the option to start measuring from the eight feet above natural grade when habitable space begins at or higher than eight feet above natural grade. Mr. Wright displayed three different examples to illustrate current measurement versus the new proposed measurement. A copy of the presentation is made a part of the minutes.

The Commission asked Mr. Wright to have the illustrated examples from tonight’s presentation be made available on the City’s Website.

Motion: Commissioner Pletcher approved, Commissioner Graus seconded, and the motion carried 5-0 to approve the first read of Ordinance 2021-08.

c. First Reading Ordinance 2021-12: Accessory Structure Amendments

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING LAND DEVELOPMENT CODE DIVISION 2 – DEFINITIONS, SECTION 2.1 – WORDS, TERMS, AND PHRASES DEFINED TO PROVIDE A DEFINITION FOR PATIO AND DECK, AMENDING DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.13 – RESIDENTIAL ACCESSORY STRUCTURES TO REDUCE REAR AND WATERFRONT SETBACKS TO POOLS AND SPAS, PROHIBIT REAR SETBACK VARIANCES FOR POOL SCREEN ENCLOSURES, AND PARTITION AND SPECIFY SETBACKS FOR DECKS AND PATIOS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERROR, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

Mr. Wright gave a presentation on this Ordinance. Staff is proposing reduced rear and waterfront setbacks for pools and spas that are elevated no more than two feet above grade; this is due to the frequency of variance requests for reduced pool setbacks and the limited visual impact of inground pools on adjacent properties. He discussed decks versus patios and accessory structures. A copy of the presentation is made a part of the minutes. Commission and staff heavily discussed pool enclosures and privacy screens.

Mayor Johnson addressed Section 6.13 of the Code that includes pool enclosures, if the intent is to address them differently than other accessory structures. He questioned including pool enclosures in the special accessory structures at all; he opined it should be removed altogether. Mayor Johnson stated that it appears that pool enclosures are intended to be treated differently than the other special accessory structures as outlined in Section 6.13. Discussion ensued with Mr. Wright and the City Manager agreeing to review what was mentioned.

Commissioner Pletcher questioned the regulation of pavers for a side yard that connect to a fence or rear yard from the house. Mr. Wright stated that if the pavers are intended to be used like a sidewalk than it is not regulated. Various issues were discussed that could arise from a property owner having pavers that are installed all the way to their neighbor's property line. City Manger Rey stated that typically a two-foot non-paved area along side yards is required due to drainage issues. There are limits to non-pervious materials; however, it is only a percentage of the total area. Staff will review this concern before final read.

Motion: Commissioner Pletcher moved, Vice Mayor Friszolowski seconded, and the motion carried 5-0 to approve the first read of Ordinance 2021-12.

d. First Reading Ordinance 2021-11: Building Fee Structure Amendment – Single Family Homes and Windows/Doors/Shutters

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING APPENDIX "A" OF THE CODE OF ORDINANCES, PERTAINING TO THE FEE SCHEDULE, TO SET FLAT FEES FOR CERTAIN PROJECT TYPES, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, AND PROVIDING AN EFFECTIVE DATE.

City Manager Rey discussed the review of the current Building Fees in Appendix "A". Through the review, staff has provided a cost that is more in line with the relationship to the effort to approve an inspect building projects, rather than the cost of the project. This modification will provide immediate relief to the residents.

Commission agreed that this is a positive change.

Motion: Commissioner Grill moved, Commissioner Graus seconded, and the motion carried 5-0 to approve the first read of Ordinance 2021-11.

6. RESOLUTIONS

a. Pinellas County Interlocal Agreement Local Option Fuel Tax

Vince Tenaglia, Assistant City Manager, addressed this item and reminded the Commission of the discussion on April 29th during the Budget Workshop. The County has asked all municipalities to express their desire to participate in the Interlocal Agreement, with 50.1 percent support required for the County to proceed with an ordinance to increase the fuel tax. The Interlocal maintains the existing 40 percent revenue allocation to the municipalities, distributed based on population. Mr. Rey noted that the County has received the 50.1 percent support.

Commissioner Grill questioned if the \$80,000 will be specifically earmarked for specific projects related to transportation. He is not in favor of the increase; however, recognized the County already has the percentage vote needed to pass the increase.

City Manager Rey stated that the Interlocal Agreement will be in effect until 2032.

Motion: Vice Mayor Friszolowski moved, Commissioner Graus seconded, and the motion carried 4-1 to authorize the execution of the Interlocal Agreement for an additional 5-cent local option fuel tax. Commissioner Grill voted no.

b. Resolution 2021-12: Supporting Safe Streets Pinellas

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, SUPPORTING SAFE STREETS PINELLAS, A VISION ZERO EFFORT TO ELIMINATE TRAFFIC FATALITIES AND SERIOUS INJURIES ON THE PINELLAS TRANSPORTATION NETWORK.

Michelle Gonzalez, Transportation and Parking Director, explained that the County requested the City's support in adopting this Resolution as an action plan toward safer and walkable streets. The goal is to address safety concerns throughout the County by collecting and providing data and information to partner agencies and working together with them to achieve zero deaths on Pinellas County roadways by 2045.

In regard to funding and grants, Ms. Gonzalez stated that the County is working hard with the State and Florida Department of Transportation on possible grant funds towards this initiative.

Motion: Commissioner Graus moved, Mayor Johnson seconded, and the motion carried 5-0 to adopt Resolution 2021-12.

7. ITEMS FOR DISCUSSION

No items for discussion.

8. CITY CLERK, CITY MANAGER, CITY ATTORNEY AND CITY COMMISSION REPORTS

Amber LaRowe, City Clerk—reminded the Commission that the qualification period for the August special election begins on June 1, 2021 at 12:00 p.m. (noon) and closes on June 11, 2021 at noon.

She mentioned the July 7th advisory and committee member appreciation dinner to be held at the Sirata Resort. Please RSVP with Ginny by June 25th.

Alex Rey, City Manager—discussed the map as provided in the Agenda. He stated that the County reached out to the City in regard to the number of "Children at Play" signs. Mike Clarke, Public Works Director, stated that the County is recommending the City remove these signs from the streets and that the City has the authority to agree or disagree with their recommendation. Mr. Clarke agrees that they can be removed either now or the signs can be removed as they reach end of life and just not replaced.

Commissioner Grill opined that the signs should stay because the signs could possibly be helping more than the City knows. He believes there are bigger issues that staff could be working on in regard to safe streets and should not go out of their way to actively remove these signs at this time.

It was agreed that the City will leave the signs for now.

Mr. Rey discussed Section 22.6 of the Land Development Code. He stated that after discussions with staff, it is recommended to not include condominiums as part of multifamily.

Attorney Dickman—mentioned the recent lawsuit that was served on the City this week. He stated that the lawsuit is in relation to the “secret sidewalk” which abuts the beach between 28th and 30th Avenues. A few years ago the City made modifications to the sidewalk after being asked by several homeowners in this area. The Commission covered the sidewalk with sand and vegetation and opened beach access at 28th, 29th and 30th street ends. The plaintiffs of this case are not beach front property owners and have filed a Complaint for Declaratory Relief in this case.

Commissioner Grill—reminded the Commission of the Board of Adjustment meeting tomorrow at 2:00 p.m.

He commented on the new development occurring in District 2.

Commissioner Graus—thanked all the staff for conducting the community meeting yesterday on the traffic issues along Boca Ciega Drive.

Mayor Johnson—stated that the BIG-C Meeting will be tomorrow at 9:00 a.m. at the Community Center.

He discussed the bylaw change for the Bicycle Advisory Committee he is on; they were changed to accommodate elected officials—this means he will continue to serve on the Committee.

Mayor Johnson adjourned the meeting at 8:54 p.m.

MINUTES APPROVED: June 8, 2021



AMBER LAROWE
CITY CLERK



ALAN JOHNSON
MAYOR