



CITY COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, June 28, 2022
6:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Presentations -

a. Tampa Bay Beaches Chamber of Commerce Business Site Improvement Plan

Robin Miller will be presenting an update on the Business Site Improvement Plan with the Committee's recommended award recipients and amounts

b. Legislative Update

Rep. Linda Chaney will be present to brief the City Commission on recent Legislative actions.

2. Changes to the Agenda -

3. Audience Comments -

Public participation is encouraged. If you wish to address the City Commission, please fill out a speakers card and provide it to the City Clerk. Once you are called, please come to the podium and state your name and address for the record. Comments shall be limited to 3 minutes and shall be limited to non-public hearing items on the current agenda. Public comment on agenda items will be allowed when that item is called. If you plan to make a presentation as part of your public comment, the presentation must be provided to the City Clerk 24-hours in advance of the meeting.

4. Action Items

a. Florida League of Cities Voting Delegate Designation

Each municipality is encouraged to designate one elected official to be the voting delegate at the Annual Conference.

Action Request: Motion to designate _____ as the voting delegate for the City of St. Pete Beach at the Florida League of Cities Annual Conference in August.

b. Chill Restaurant Parklet Permit

Request approval of Chill Restaurant Parklet Permit

Action Request: Motion to approve a request from Chill Restaurant for a parklet permit and enter into an agreement with the Restaurant.

c. Lido Condo Association Right-of-Entry Agreement

Request approval of right-of-entry agreement with the Lido Condo Association.

Action Request: Motion to approve the right-of-entry agreement with the Lido Condo Association and landscape restoration reimbursement in the amount of \$49,500.00.

5. Items for Discussion -

a. Mike Twitty, Pinellas County Property Appraiser, will discuss the property valuation process.

b. Pinellas County Ordinance: Tenant's Bill of Rights

6. City Clerk, City Manager, City Attorney and City Commission Reports -

7. Adjournment

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

PUBLIC COMMENT INSTRUCTIONS FOR THOSE NOT PHYSICALLY PRESENT:

The City has made accommodations for those who cannot be physically present, or do not feel comfortable appearing in person, due to COVID-19. If a member of the public would like to provide comments for the meetings, they may do so in the following ways:

- Email the City Clerk by 5:00 p.m. on the day of the meeting at cityclerk@stpetebeach.org
- Leave a voicemail message by calling **727.363.9225** by 1:00 p.m. the day of the meeting
- Upload or submit a video or audio file online by 1:00 p.m. the day of the meeting at <https://www.stpetebeach.org/PublicComment>

In your three (3) minute or less comment, please be sure to include your name and address for the record.

The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.

**CITY COMMISSION MEETING
CITY OF ST. PETE BEACH**

Agenda Report

Issue Considered: Tampa Bay Beaches Chamber of Commerce Business Site Improvement Plan

Date: June 28, 2022

Prepared By: Jennifer McMahon, Chief Operating Officer

Through: Alex Rey, City Manager

Summary of Issue: Tampa Bay Beaches Chamber of Commerce was approved to oversee the City's Business Site Improvement Plan Grant Program. The Program had a budget of \$50,000 to be awarded to St. Pete Beach businesses that are making site improvements. This presentation will outline the process and the Committee's recommendations.

Funding: N/A

Requested Motion:

Attachments:

CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Florida League of Cities Voting Delegate Designation

Date: June 28, 2022

Prepared By: Amber LaRowe, City Clerk

Through: Amber LaRowe, City Clerk

Summary of Issue: The Florida League of Cities will host their Annual Conference in Hollywood, FL from August 11th to the 13th. Each municipality is encouraged to designate one official to be the voting delegate at the conference. In March, the Commission designated Commissioner Graus as the City's Florida League of Cities Representative with Commissioner Mark Grill as the alternate. Commissioners Grill and Friszolowski and Mayor Johnson will all be in attendance at the conference in August.

Funding: NA

Requested Motion: I move to designate _____ as the voting delegate for the City of St. Pete Beach at the Florida League of Cities Annual Conference in August.

Attachments: 1. 2022 Voting Delegate Memo



To: Key Official

From: Eryn Russell, Florida League of Cities

Date: May 11, 2022

Subject: 96th Annual Conference Voting Delegate Information

The Florida League of Cities' Annual Conference will be held at the Diplomat Beach Resort in Hollywood, Florida on August 11-13, 2022. This conference will provide valuable educational opportunities to help Florida's municipal officials serve their citizenry more effectively.

It is important that each member municipality sending delegates to the Annual Conference of the Florida League of Cities, designate one of their officials to cast their votes at the Annual Business Session. Election of League leadership and adoption of resolutions are undertaken during the business meeting. One official from each municipality will make decisions that determine the direction of the League.

In accordance with the League's by-laws, each municipality's vote is determined by population, and the League will use the Estimates of Population from the University of Florida.

Conference registration materials were sent to each municipality via the League's e-newsletter and are also available online at flcities.com.

If you have any questions on voting delegates, please email erussell@flcities.com. **Voting delegate forms must be received by the League no later than July 29, 2022.**

Attachments: Form Designating Voting Delegate



**96th Annual Conference
Florida League of Cities, Inc.
August 11-13, 2022
Hollywood, Florida**

It is important that each member municipality sending delegates to the Annual Conference of the Florida League of Cities, designate one of their officials to cast their votes at the Annual Business Session. League By-Laws requires that each municipality select one person to serve as the municipalities voting delegate. *Municipalities do not need to adopt a resolution to designate a voting delegate.*

Please fill out this form and return it to the League office so that your voting delegate may be properly identified. **Voting delegate forms must be received by the League no later than July 29, 2022.**

Designation of Voting Delegate

Name of Voting Delegate: _____

Title: _____

Delegate Email: _____

Municipality of: _____

AUTHORIZED BY:

Name

Title

Return this form to:

Eryn Russell
Florida League of Cities, Inc.
Post Office Box 1757
Tallahassee, FL 32302-1757
Fax: (850) 222-3806
Email: erussell@flcities.com

CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Chill Restaurant Parklet Permit

Date: June 28, 2022

Prepared By: Jennifer McMahon, Chief Operating Officer

Through: Alex Rey, City Manager

Summary of Issue: Chill restaurant owner Ken Hautmann is requesting Commission to approve a parklet permit request that would allow the Chill Restaurant to use 4 public parking spaces on the 300 Block of Corey Ave.

As part of the permit process, a public meeting was held on December 14, 2021 at City Hall Commission Chambers. The City received emails in support and against the parklet in that location. Those are included in this packet.

Additionally, as the city continues to make the city more accessible and walkable, it is planned to add 15 parking spaces on the City's ROW along Mangrove and the 200th block of 73rd. Last year, the city purchased a property on the corner of Boca Ciega and 73rd and made that property into an additional parking lot for customers at the library and Corey Ave. That lot has 8 parking spaces. In 2019, between the 300 and 400 blocks of Corey and the Library parking lot, there were 120 parking spaces. Today, there are 128 total parking spaces in those areas.

If the parklet permit is approved, the city will enter into an agreement with the Chill restaurant that will include a 3- year term and payment for use of the parking spaces will be 10% of the revenue received monthly for those outdoor seating tables with a minimum payment of \$2,000 a month. Payments would begin after 18 months of permit approval to allow them to recoup their investment in building the parklet to meet our design standards.

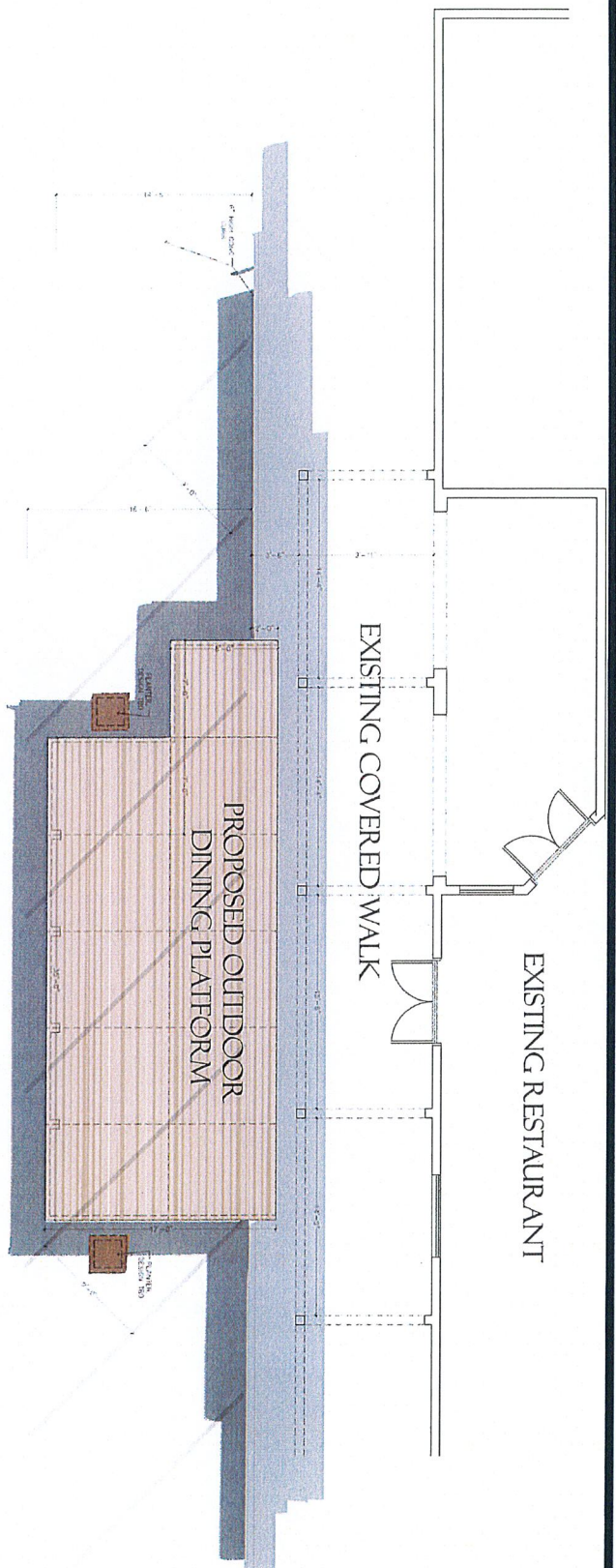
The applicant acknowledges that they have received a

copy of the Parklet Program Guidelines and agrees to abide by the terms and conditions set forth in the Guideline, along with any terms and conditions included during the permitting process and any other applicable federal, state, county, and local laws as amended during the term of the approved Permit. Failure to abide by such terms and conditions, or misuse of the Parklet Permit, may result in the suspension and/or revocation of the Parklet Permit.

Funding: N/A

Requested Motion: I move to approve a request from the Chill Restaurant for a parklet permit and enter into an agreement with the Restaurant.

Attachments: 1. Chill Parklet 6-28-22



PLAN VIEW

COREY AVENUE

PROPOSED PARKLET
CHILL RESTAURANT / BAR
357 COREY AVE, ST PETE BEACH, FL 33706



ELEVATION VIEW

Chill Restaurant Parklet Community Meeting

December 14, 2021

9:00 a.m.

City Hall Commission Chambers

STAFF PRESENT:

Jennifer McMahon, Chief Operating Officer

Amber LaRowe, City Clerk

Eileen Torres, Special Assistant to the City Manager

Jennifer McMahon opened the meeting at 9:00 a.m.

Mrs. McMahon thanked the public for coming and explained the Parklet Program that the City has implemented. Chill Restaurant has filled out their application for this Program and the Community Meeting today is part of that application. She discussed the Parklet Program meeting that occurred at the Sirata Hotel as well as the discussion in front of the Planning Board, the Historic Preservation Board, and the City Commission, both the Planning Board and the Historic Preservation Board recommended approval to the City Commission as part of this application process.

Ken Hautmann, applicant, discussed the plan for the Parklet. He stated that it will consume four parking spaces, not eight. He answered questions from the audience in regard to Chill restaurant seating total, outdoor seating, and the current Parklet seating. He appreciated the feedback and encouraged that all business owners along Corey Avenue work together to find innovative ways for parking and other means of travel to Corey Avenue (i.e. Freebee, free beach ride, and bicycles).

David Thomas, Designer for Applicant, displayed the design concept for the Parklet that will be outside of Chill. A copy of the design is made a part of the record. Mr. Thomas answered questions in regard to the design displayed.

A question-and-answer session followed between members of the public, the Applicant, and Mrs. McMahon. Most members present were business owners along Corey Avenue. Their concerns were:

- Building on the roadway
- Utilizing public space for a private business
- The opinion of unequal distribution
- Parklet should only be temporary
- ADA compliance and handicap parking spaces
- City's approval procedure
 - Mrs. McMahon stated this is first come first serve basis, not all business who apply will be granted approval. Factors of surrounding areas will be utilized when staff evaluates all applications.
- Loss of parking for guests
 - Most customers do not want to walk far to patron a business
 - The addition of parking spaces along Corey Avenue for business utilization
- Is this the right program long term for the City?
- Next steps
 - Information will be provided to the City Commission regarding today's meeting and the Chill application sometime in January

Mrs. McMahon answered several of the questions and concerns. These applications are reviewed by several staff to include the Building Department, the Transportation/Parking Department, and the Fire Department. She expressed gratitude for all the questions and concerns, the support for the applicants, and the opinions of the Program itself.

There being no further comments, the meeting ended at 9:51 a.m.

From: [Amber LaRowe](#)
To: [Jennifer McMahon](#)
Subject: Fw: question regarding petition
Date: Tuesday, January 18, 2022 5:33:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Please place in LF with the Chill Parklet information that has been scanned in.

From: Vincent Hunter <1vhunter6@gmail.com>
Sent: Tuesday, January 18, 2022 4:37 PM
To: Jennifer McMahon <rddirector@stpetebeach.org>
Cc: Art Expo <artexpogallery@tampabay.rr.com>; Christopher Graus <cgraus@stpetebeach.org>; Mark Grill <mgrill@stpetebeach.org>; Melinda Pletcher <mpleletcher@stpetebeach.org>; Ward Friszolowski <wfriszolowski@stpetebeach.org>; Alan Johnson <ajohnson@stpetebeach.org>; Alex Rey <arey@stpetebeach.org>; Sherri Talcott <sherritalcott4@gmail.com>; Bev Jackson <bev@bevmjackson.com>; Amber LaRowe <cityclerk@stpetebeach.org>
Subject: Re: question regarding petition

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Thank you for your reply, Jennifer.

The parking at Corey Ave. has been at or very near full capacity on the 200, 300 and 400 blocks over the past several days. Now that season is getting into full swing. Likewise, the library parking lot has also been at or very near full capacity. Except for the empty parking spaces reserved exclusively for library parking. Conversely, the parklets that Chill occupies are virtually empty nearly every day. A simple look today at 12:00, 12:35 and again at 1:15 had two tables occupied all three times. Two tables out of a total of 14 outside tables, 7 in the parklet and 7 on the sidewalk and covered alcove. With between one and three tables occupied inside. Why the city wants to take parking away from customers and businesses who need it, just to give more outside seating to venues who are rarely utilizing the inside and outside seating they currently have to capacity, makes no sense.

I know you did a parking study that demonstrated plenty of available parking. But, I would argue that a parking study, conducted in the middle of Covid really should not be used as demonstrative evidence of anything. Parking has always been an issue on Corey Ave. It is going to become even more of an issue, as a higher number of snowbirds and more full time residents move into the area.

Vincent

On Tue, Jan 18, 2022 at 4:05 PM Jennifer McMahon <rddirector@stpetebeach.org> wrote:

Vincent,

The petition, along with all the correspondence I receive regarding the parklet would be including in the commission agenda packet when it goes to the commission. That process was discussed at the parklet meeting we had last month.

I do not have a date when it is going to the commission. My goal is the February 22 meeting.



Jennifer McMahon

Chief Operating Officer

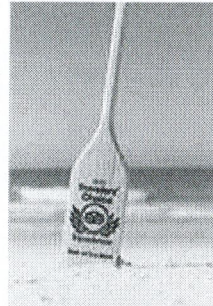
City Manager's Office | City of St. Pete Beach

📞 727-363-9274

✉️ <mailto:director@stpetebeach.org>

🌐 <https://nam11.safelink>

📍 155 Corey Avenue, St. Pete Beach FL 33706



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Vincent Hunter <vincent6@gmail.com>

Sent: Tuesday, January 18, 2022 3:30 PM

To: Art Expo <artexpo@tampabay.rr.com>

Cc: Jennifer McMahon <director@stpetebeach.org>; Christopher Graus <chris@stpetebeach.org>; Mark Grill <mark@stpetebeach.org>; Melinda Pletcher <melinda@stpetebeach.org>; Ward Friszolowski <ward@stpetebeach.org>; Alan Johnson <alan@stpetebeach.org>; Alex Rey <alex@stpetebeach.org>; Sherri Talcott <stalcott4@gmail.com>; Bev Jackson <bev@bevmjackson.com>; Amber LaRowe <am@stpetebeach.org>

Subject: Re: question regarding petition

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Hi Jennifer,

This is Vincent Hunter. I was the one who handed you the petition calling for the removal of the parklets on Corey Avenue during the Chill parklet design meeting.

The petition was signed by most of the business and property owners on Corey Avenue. At least, all those we could gather in one day. During last month's Commission Meeting, I have to admit I was very surprised, when Commissioner Pletcher asked how the Corey Ave meeting went in the morning. Commissioner Pletcher stated that, judging from the emails going back and forth, it sounded like people were very unhappy. You and Alex simply swept it all under the rug. Neither you, nor Alex or the City Clerk even mentioned the petition we handed you! Alex even attributed everything to a simple case of "misunderstanding". I'm sorry but we understand full well the parking situation on Corey Avenue. My question to you is, did you ever give the petition I handed you to the council to read? I would have thought you would have mentioned it during the commission meeting when Commissioner Pletcher asked.

Vincent Hunter

On Tue, Jan 18, 2022 at 12:56 PM Art Expo <mailpo@gallery@tampabay.rr.com> wrote:

Good morning, Jennifer,

Vincent Hunter gave you the original copy of the petition regarding parklets – which had several signatures that were gathered just prior to turning it in to you.

Could we possibly get a copy with all of the signatures? Others would like to participate.

Thank you!

Yvonne

Yvonne Marcus

Art Expo

355 Corey Avenue

St. Pete Beach, FL 33706

(727) 360 – 2953

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<https://nam11.safelinks protection.pgaibk.com/?yavenue>

The city of St. Pete Beach uses SeeClickFix for residents to submit issues to the city. To

report an issue, please <https://ra>

All government correspondence is subject to the public records laws.

Jennifer McMahon

From: Paul Maxson <bogie67@gmail.com>
Sent: Monday, December 13, 2021 5:00 PM
To: Christopher Graus
Cc: Mark Grill; Ward Friszolowski; Melinda Pletcher; Alan Johnson; Alex Rey; Jennifer McMahon
Subject: Parklets & Chill Restaurant

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Hello Commissioner Graus,

I just was made aware of a meeting December 14, 2021 to discuss allowing Chill Restaurant to use Eight parking spaces to create a wooden deck "parklet" for outdoor dining.

There was a notice from Jennifer McMahon on December 6, 2021 announcing this meeting, which apparently did not go to all the property owners on the 300 block of Corey Avenue.

Here is my input:

- I understood the parklets allowed last year were to allow street use by restaurants/bars was of a temporary nature due to COVID.
- This street has already lost up to eight parking spaces due to bump outs at each end.
- The four lots immediately east of the library could have parked 16 cars each if left as drive throughs (64 total); however, with curbs and landscaping they only hold about 40.
- Some shoppers do need close access to the shops to manage purchases, and when the Beach Theater reopens more nearby parking spots will be needed.
- Therefore, **I do not support any parklets on the 300 block of Corey Avenue.**

Harry Maxson
8580 Gulf Blvd
St Pete Beach, FL 33706

Jennifer McMahon

From: Art Expo <artexpogallery@tampabay.rr.com>
Sent: Friday, January 7, 2022 10:59 AM
To: Christopher Graus; Melinda Pletcher; Alan Johnson; Ward Friszolowski; Mark Grill
Cc: Alex Rey; Jennifer McMahon; 'Jane Wallowick'; 'Helen Maxson'; 'Vincent Hunter'; sherritalcott4@gmail.com; roostersfinegifts@tampabay.rr.com; bkurant@tampabay.rr.com; 'Vonette'; 'Junior. Gym barber'; scissorsfoz@gmail.com; 'Janine Ritchie'; jc@crowderhardware.com; gonetothedogsboutique@verizon.net; 'danharveyjr'; Amber LaRowe; jeffery.staver@dignitymemorial.com
Subject: For consideration regarding parklets

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Good afternoon Mayor and Commissioners,

As you are all aware, there is much discussion and disagreement amongst property and business owners regarding the proposed parklet or 'streater' taking four parking spaces in front of Chill on the 300 block of Corey Avenue.

There are many promises of revival and a 'vibrant downtown' – yet, I feel when researching these issues, those with such vision are comparing *'apples to oranges'*.

Were we a city like St. Petersburg, Sarasota, or any number of mid-size to larger cities, parking would not be an issue given the existence of parking garages, but also, the demographic in the immediate area of larger-city parklets is such that the numbers are there to patronize ALL of the downtown businesses. We have no cross-streets filled with businesses and are not comprised of several square blocks. Are you all aware that most 'streateries' do not offer an additional 'dining room' – but only two parallel spaces per business – far less than four diagonal spaces? Have you considered a shorter depth that would allow for bike racks or compact cars? Have you driven along Corey and see how many vehicles cross the center line because of limited width of the street?

Were 75th & 76th Avenues northward and , 73rd Avenue southward filled with multi-story apartments, hotels, and multi-use commercial space, we would have a fair comparison. Instead we have Walgreens, Shh...Don't Tell Mama, Mermaids, and Gas stations to our north. Their patrons are not our retail patrons. 73rd and south is single family houses – older homes owned by long term residents or rentals.

There are many ways to 'revitalize' what is already a very busy and beloved quaint downtown area without taking away parking from the very stores that make this area one to visit.

At a community meeting we suggested lush tropical landscaping and that the bumpouts be filled with beautiful understory plantings. What we got was crape myrtles that look dead throughout the height of season and provide very little shade when full. The over-large bumpouts are filled only with grass.

The theatre revitalization will be a big boon for the area – *but takes a great deal of parking*.

The study for the new parking area next to the library did not take into consideration historic use of the gravel lot prior to purchase by the city. We have pointed out repeatedly that we now have less parking than we originally had – but I daresay it LOOKS better than Corey Avenue.

As a property owner, I can state without reservation my experience that the retail and service providers stay busy without restaurants – but the restaurants might have no patrons were it not for surrounding businesses. Patrons want activity – either shopping or BEACH. It seems we are an island beach community attempting to emulate what works in inland cities.

We have asked on numerous occasions for a compromise – perhaps street dining after retail hours only – to no avail.

We have pointed out repeatedly that even on the most beautiful, slightly overcast days – the street seating remains mostly vacant during regular business hours – to no avail.

The majority of business and property owners signed a petition which was presented at a 9am meeting just 11 days before Christmas – but was reportedly ignored by the commission.

My suggestion would be to concentrate on revitalizing 75th Avenue first - and then consider moving City Hall near the community center so that retail and dining establishments can be developed throughout the entire length of Corey, encouraging folks that don't mind walking a block or two – or even three in this ungodly heat and humidity – to park nearest the establishments they wish to patronize and drive to another if it's too far to comfortably walk.

Once that sort of development occurs, and more people have access to Corey Avenue – I would most definitely consider adding residential or office space above my building – unless restaurant dumpster stench or lack of parking makes it unfeasible.

As has been said – “People will wait an hour for a seat at a restaurant – but not for a parking space!” I cannot tell you how many customers have returned after attempting to pick work up more than twice. I can also attest that the restaurants lose business due to lack of parking as well – and can provide video proof.

We DO NOT have adequate parking as it is.

I – along with the majority of property and business owners in our downtown that signed the petition to rethink permitting this parklet respectfully request this decision be carefully considered while researching and comparing **apples to apples**.

No agenda for the January meetings has been published on the website yet. (Nor have minutes for the December meetings). Meantime, Chill has purchased new outdoor seating (curiously).

Kindly ‘respond to all’ with comments, questions, or information regarding when we can expect the discussion and vote.

Respectfully submitted,

Yvonne Marcus
Property and business owner
355 Corey Avenue

City of ST. Pete Beach
City Hall

Regarding: Corey Avenue''

Copy sent to Commissioner Christopher Graus
Please Distribute to all those individuals listed:
On Cover Sheets

- ① Mayor Alan Johnson
- ② Commissioner Christopher Graus
- ③ Commissioner Mark Gull
- ④ Commissioner Melinda Fletcher
- ⑤ City Manager: Alex Rey
- ⑥ Commissioner Wlad Friszolowski;

TO: The Board of the City of St. Pete Beach

Mayor Alan Johnson

Commissioner Christopher Graus

Commissioner Mark Grill

Commissioner Ward Friszolowski

Commissioner Melinda Fletcher

City Manager: Alex REY

Copy: Tampa Bay Times

Attorney: Mr. Antone Damianakis, Esq.

TO: Commissioner Christopher Graus

City of St. Pete Beach

St. Petersburg, Florida

From: Jane B. Wollowick

104 Driftwood Lane

Largo, Florida 33770

Property Owner: 401 to 421 Corey Avenue

Dear Commissioner Graus:

You are favoring a "Boardwalk" for Chills Restaurant . A permanent structure will be created on Corey Avenue on public streets/ It will eliminate parking spaces that are so very badly needed. When Chills has this "Boardwalk" the other bars and restaurants will ask for their spaces and legally you will be required to provide them. You are in the Real Estate business and therefore, know that this will be prime Real estate property for bars! The question is how will retail businesses succeed when there is not adequate parking on the Corey streets?

In essence you are favoring one business model over others.

Recently, I noticed at 11:30 A.M. weekday there were only two spaces left on Corey. Chills is serving two for one drinks early in the day. How do you expect retail businesses to survive?

Consider the following:

1. The Governor of Florida gave restaurants during Covid the ability to use public streets. This was a defined and limited period of time.
2. There are container laws in Florida that do not allow people to drive with open bottles and /or glasses with liquor. Do you believe that bars and restaurants should be selling "booze" on Public streets? Do you want people to be walking on public streets while drinking and/or drunk And/or driving after having had drinks on public streets?
As we all know it is only a matter of time before the City gets sued as a result of this..and we all know the numbers of payouts are staggering.
I have lost two dear friends because of being hit by cars this year. One was hit by a drunk driver and he survived three days while his guts were hanging out..Not such a pretty Picture is it? Is this what you want for the legacy as a City Commissioner?
3. There has not been due process of law. You have not had properly advertised(by newspaper. mailings) meetings and no one has been told the significance of what the Meetings that have occurred .
In fact when Jennifer described to the Board The meeting before Christmas she suggested that it was Generally positive. Aside from the fact that no one knew its significance, the timing before Christmas, early morning, Her comment was completely erroneous. It was not a positive tone at all.
4. There is no public knowledge of the lease . Because this is public property it would seem completely necessary for the

5. Public to know the parameters of the deal. Considering all it appears that the lease is questionable at best! How long is the lease? How Much is the rate? How does it increase? How many terms Of time are given? As you know in real estate, there are multiple implications and as I know my leases are very complete and quite involved.
6. There has been no considerideration of the ADA laws. Unfortunately, that may be the most significant part Of this entire plan. As you know, ADA Lawyers sue you, and you pay the bills for them to sue you! It is a very expensive process, as I am sure you know..Is the City willing to use taxpayers money to pay for these kind of suits?

Most of the City administrators and Commissioners(except for One and the Mayor) have not been responsive to calls. I believe That is the most "telling " part of the equation. As one person Heard the owner of Chills told his girlfriend at a meeting they Should be in by St. Patrick's Day...The assumption would be That this is a done deal...I do not believe this is government At its best. Frankly, I am the old fashioned person that believes In government by the people and for the people. Is it happening In the City of St. Pete Beach? I certainly hope it will... We would like to meet you to discuss our concerns which are Not frivolous...And yes, we are serious that this entire Block should not be compromised.

Thank you,

Jane B. Wollowick and Herbert E. Wollowick, M.D.

CC: Other Commissioners and those Citizens who are Involved

Petition Regarding Restaurant Parklets

The Government Of the City of St. Pete Beach is proposing to give public property to local bars and restaurants so that they may create permanent structures for their businesses.

Once such parklet is proposed by Chill Restaurant and Bar, on the 300 Block of Corey Avenue, in the heart of the business district – despite numerous complaints of impaired accessibility by surrounding business and property owners.

We the undersigned feel this action will cause hardship to the surrounding businesses, and is not practical, equitably fair, nor realistic for the growth of business and property on Corey Avenue.

Please consider the following:

- a. There is not, and has never been, sufficient parking on Corey Avenue as it is. To create a permanent loss of spaces would devalue surrounding businesses and property values due to inaccessibility for client parking and deliveries, as well as limiting the types of new businesses that could rent neighboring properties.
- b. Property and shop owners recently lost valuable spaces with the addition of the bumpouts (4?).
- c. The 'new' parking lot at the library once had 68 parking spaces including the gravel lot (prior to 'improvements'). Despite the purchase of additional property, the 'improved parking lot now has only 37 spaces – including a total of nine reserved for library staff only, leaving a net total of 26 spaces. * See photo attached.
- d. The current parklet at Chill is largely vacant during weekday business hours.

Chill no longer serves breakfast, though salons and businesses open at 9 or 10am – and are in need of those spaces taken up before Chill is even open for business.

The sun shines directly onto the face of the businesses on the north side of the block (where Chill is located), making use of the parklet uncomfortable during the better part of the day – especially during warm weather – and is likely the reason so few tables are occupied during the week.

- d. The parklet proposed at Willy's on the west end of Corey does not take up parking from neighboring businesses or interfere in the sale or rental of neighboring properties in any way. (See photo attached)
- e. The revival of the theatre will most certainly put additional strain on the parking issue – especially during season.

As business and property owners in the immediately surrounding area, we are calling on the Council of the City of St. Pete Beach to withdraw the imminent approval for any parklet using public parking spaces on Corey Avenue, and ask for immediate removal of temporary use thereof.

Vincent Hunter
Business Owner
380 Corey Ave.

Gyovonne Marcus
Business & Property Own
355 Corey Avenue

Cheryl L. West
Business Owner (2 locations)
371 & 401 Corey Avenue

Janne Ritchie
Business Owners
425 Corey Ave

Sheeri Valatt
Business Owner

409 Corey Ave
& 429 Corey Ave

Michael Johnson
Business Owner
High Tide Apparel
405 Corey Avenue

Brook Belford
Business Owners
310 Corey since

John Mander
Business Owner
314 Corey Ave
Baker Shop

Helen Mason Land Owner

Barbara Kuant Property owner
Business owner

Jane Lynn Wollowick Property Owner.
Jane B. Wollowick Dec. 14, 2021

Dear Mr. Grill,

I am writing to you as a small business owner at Coastal Cottage 300 Corey Avenue and I am sharing my concerns with your parklet program for Corey Avenue that you are discussing on February 22nd. I do not support the plan to take away more parking for the businesses on Corey Avenue.

The plan to remove parking spaces on Corey Avenue is short sighted, unsafe, lacks community focus and is anti-business.

With the pandemic in the rearview mirror, the businesses on Corey Avenue will continue to grow and be successful. Each day sees more and more a return to the vibrant crowds who enjoy the "Main Street" business environment of Corey Avenue. The ability to park on Corey Avenue and walk along the shopping strip is an important part of the attraction and atmosphere that brings the community to Corey Avenue. If customers wanted to park blocks away from stores, they would go to a mall. I actually believe with the pandemic over all the parking spots need to be given back to the community and the restaurants need to return to their inside locations. This should have been a temporary measure.

Removing parking spots and adding additional seating or kiosks on the Corey Avenue street, is creating a potentially dangerous situation that could impact the reputation of Corey Avenue and St. Pete Beach. It would only take one catastrophic car accident, such as a drunk driver or distracted driver, to crash into a table of diners or customers at a kiosk to change the entire perception of the area. Putting more customers into the street increases the chances of this type of accident and the press coverage of such an event would damage the local business exponentially. In addition to potential auto accidents with the expansion into the street, the slip and fall potential greatly increases with customers roaming from the safer sidewalks into the street area. Who will be responsible for those claims, the businesses or the city?

With the median age of the St. Pete Beach population being 60 years old, a large number of your constituents have the need for close parking on Corey Avenue due to the need for walkers, wheelchairs and just plain old age. Taking away the close parking convenience would impact the local customers ability to enjoy the Corey Avenue experience which is a major draw for the businesses. Many a customer uses those close spots on Corey Avenue to bring an elderly relative to enjoy the unique businesses and friendly setting. Limited street parking on Corey Avenue would also keep the tourists at their resorts instead of exploring the downtown experience. Removing those spots would drive business away from the area.

In summary, I am asking you to vote against removing any more parking spots for dining and kiosks on Corey Avenue as this proposal only has negative impacts on the businesses that have made Corey Avenue one of the premier shopping areas in coastal Pinellas County.

Sincerely,

Dorothy Moraca

Dorothy Moraca

TM Dorothy's Designs

Jennifer McMahon

From: Vincent Hunter <1vhunter6@gmail.com>
Sent: Monday, March 7, 2022 11:47 AM
To: Alex Rey; Jennifer McMahon
Subject: CABA Corey Ave Parklet Survey Monkey Results

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Good morning, Alex,

As I'm certain you are aware, Jennifer asked CABA to send out a Survey questioning how many of the Corey Area businesses and property owners approved of the proposed parklets. I was asked by the CABA to perform the survey. Here are the results of that survey. A copy will also be sent to the Mayor and the City Commissioners.

We asked two questions. The first had to do with Chill specifically and the second was in regards to a parklet program in general. We had 32 responses. Question 1 received 8 YES votes and 24 NO votes.
Question 2 received 7 YES votes and 25 NO votes.
Please follow the link provided to view the actual SurveyMonkey Response Dashboard.

Questions read as follows;

- 1) Do you agree with the city of SPB decision to give parking spaces located on Corey Ave to be used as additional and permanent outdoor seating by Chill Restaurant?
- ☐ Yes
 - ☐ No

<https://www.surveymonkey.com/stories/SM-ZWBSMT2W/>

- 2) Do you agree with the city of SPB decision to allow any Restaurant, Bar or other business, to apply for private use of parking spaces as additional permanent outdoor seating or retail kiosks? These parklets, if approved, will occupy street level parking spaces directly on the 300 and 400 blocks of Corey Ave and be used specifically by the individual businesses similar to the parklet that Chill is now using.
- ☐ Yes, as long as it is on a case-by-case basis.
 - ☐ No. Corey Ave does not have enough parking as it is. Street parking spaces need to be saved for customer parking only.

<https://www.surveymonkey.com/stories/SM-ZWBSMT2W/>

Respectfully,
Vincent Hunter
Coastal Cottage
727-457-5545

Jennifer McMahon

From: Thomas A. Brodersen <Tom@propertylawgroup.com>
Sent: Wednesday, January 19, 2022 1:42 PM
To: Jennifer McMahon
Subject: Chill Streetscape Enhancement

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I am writing to express my support for Chill's application to enhance their permitted use of the parking spaces in front of their business for serving the public.

Tom Brodersen
ANDERSON & BRODERSEN, P.A.

 727-363-9274





12/13/21

Swigwam Beach Bar inc.
336 Corey Ave.
St. Pete Beach, FL 33706
727-363-7944

To whom it may concern,

As the owner of the Swigwam, I am in full support of Chill Restaurant and their hope of securing a more permanent street park let for outside dining.

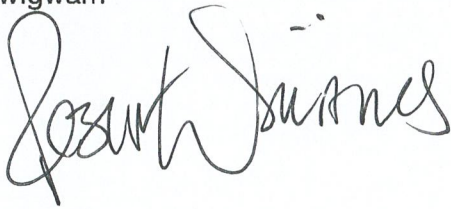
In the last 12 years of having a business on Corey, and having 5 different neighbors to my immediate west, it is wonderful to see Chill rejuvenated under the new ownership.

Owners Ken and Kim have invested much time, energy and money to bring back Chill to a vibrant, successful business it once was.

It is obvious, that with Swigwam, Chill, Twisted Tiki and Grapes wine cafe, Corey Avenue has become a true destination for locals and tourists alike. Having street dining at Chill makes a lot of sense, especially with our country, state and world still dealing with the Covid pandemic.

Thank you for this opportunity to express my support.

Robert Williams
Owner/operator
Swigwam

A handwritten signature in black ink, appearing to read "Robert Williams", written in a cursive style.

Jennifer McMahon

From: Kim fowler <kimfowler5478@gmail.com>
Sent: Monday, December 13, 2021 12:25 PM
To: Jennifer McMahon
Subject: Re: Chill parklet. :)
Attachments: image002.png

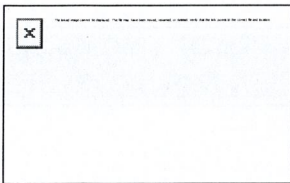
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I'm not sure. Just wanted to let you know im for it:) Hope u have a womdeful Holiday season 🎁🌲🍷🍷

On Mon, Dec 13, 2021, 12:24 PM Jennifer McMahon <rddirector@stpetebeach.org> wrote:

Thanks, Kim. Rumors are always a thing it seems.

Do you know if anyone from CABA that does support it is coming?

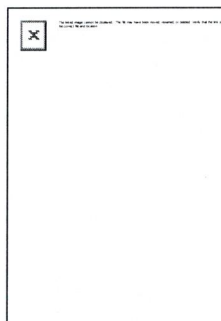


Jennifer McMahon

Chief Operating Officer

City Manager's Office | City of St. Pete Beach

- 727-363-9274
- rddirector@stpetebeach.org
- www.stpetebeach.org
- 155 Corey Avenue, St. Pete Beach FL 33706



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From: Kim fowler <kimfowler5478@gmail.com>
Sent: Monday, December 13, 2021 11:26 AM
To: Jennifer McMahon <rddirector@stpetebeach.org>
Subject: Chill parklet. :)

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Happy Holidays to you. I won't be able to make meeting tomorrow morn as my only morn off in forever. Haha. I do support Chill and their wanting to do a parklet.. looks nice and helps their business tremendously. There is plenty of parking on Corey and in back of us for everyone else on the block. I saw one of the "Vincent" 🙄 emails thinking it was 8 spots and that the other 3 bars were going to follow suit, which is not true at all. Hopefully they get to move on eith their plans and Corey continues to flourish with your help and everyone's great ideas:) Swing in for some drinkys on me soon!

The city of St. Pete Beach uses SeeClickFix for residents to submit issues to the city. To report an issue, please [click here](#).

All government correspondence is subject to the public records laws.

Jennifer McMahon

From: matt@cityfishgrill.com
Sent: Monday, December 13, 2021 1:18 PM
To: Jennifer McMahon
Subject: Corey Ave and Docks

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Jenifer,

Hope all is well, I understand that tmrw there will be a meeting in regards to Chill building a deck on Corey Ave. As a CABA member I will likely not be at the meeting in the AM. but want to share my input. While I understand parking is a big issue for all business owners on the beach I do support this idea. Corey Ave has been a ghost town since I have moved here and at this point the bigger concern is lack of people rather than parking. If we continue with what's not working there it will continue to be a failed business district.

I am also concerned about the docks pier venture, Perhaps it is best that I move forward without the city on this as there seems to be some hang up that I am not privy to. I would like to put in a variance on both the North and South side do you think this will be an issue?

Regards,

Matt

Jennifer McMahon

From: Alan Johnson
Sent: Wednesday, January 26, 2022 12:07 PM
To: Alex Rey; Vincent Tenaglia; Jennifer McMahon
Subject: Fw: Parklet Program

In case you had not seen this yet...

Al

Alan Johnson
Mayor - City of St. Pete Beach
President - BIG-C
155 Corey Ave.
St. Pete Beach, FL 33706
Email: ajohnson@stpetebeach.org
Cell: 727-543-2794

From: Sherri Talcott <sherritalcott4@gmail.com>
Sent: Wednesday, January 26, 2022 11:58 AM
To: Alan Johnson <ajohnson@stpetebeach.org>; Melinda Pletcher <mpletcher@stpetebeach.org>; Christopher Graus <cgraus@stpetebeach.org>; Mark Grill <mgrill@stpetebeach.org>; Ward Friszolowski <wfriszolowski@stpetebeach.org>
Subject: Parklet Program

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Dear Mayor Johnson and Council,

I am Sherri Talcott, Owner of two Retail Businesses on Corey Avenue. We are going into our third year of Business on Corey. We have been very successful amongst the Locals & Vacationers. I'd like to state that I am not in favor of the St Pete Beach-Corey Avenue Parklet Program as its being introduced to the public.

One example, we have a Plus Size Boutique. I've had numerous complaints. Customers have had issues with Parking at both Boutiques since the Parklet on Corey has been put in place. Some of our Customers have health issues, making it impossible to patronize our Shops, Restaurants, and Service Businesses on Corey Avenue.

I would hope the Council would consider a Co-Op Program for the Parklet. I can only speak on Corey's Parklet. It's empty the majority of the Day. Approving any Business to apply for a Individual Parklet will cause many Businesses to fail in my opinion. Our Locals patronize Corey Avenue based on its easy access to our Businesses. Taking away the much needed Parking, especially during our peak times will run us out of Business in my humble opinion.

Again, I hope you will consider a Co-Op Parklet Program on Corey. Allowing any Restaurant, and or Bar wishing to apply for a Parklet be allowed to join in as a Co-Op Partnership Parklet.

We need a solution that is fair for everyone on Corey and other areas around St Pete Beach for that matter.

Thank you for your time and thoughtful consideration on this issue.

Sincerely,

Sherri Talcott

JoJo's Boutique & Curvy Mermaid

409 & 429 Corey Avenue

St. Pete Beach, Florida 33706

Phone: 727-317-3169

To The Decision makers of St. Pete Beach,

My name is Dr. Tiffany Rimar Quintero, I have a Holistic Veterinary practice on Corey Ave and my family has owned this property for over 40 years. We also have properties on Pass-a grill, Belle vista, Brightwater Estates and Blind Pass. I was born on and raised on this beach and have immense pride for this area and have seen dramatic change. I am writing to you because I emphatically oppose any private business on this street to utilize valuable public parking spaces for their own singular business gain.

Corey Avenue has always been the unique and quaint downtown of St. Pete Beach and has ALWAYS struggled with deficient parking. Allowing any particular business to be allowed to consistently utilize desperately- needed public space for private gain is not only unfair but unconscionable. The current business asking for a "parklet" already has ample space for outdoor seating. More of that same space just appears greedy. How can we conscientiously allow a private business to increase their square footage of profitability at the tax-payers cost? Not only do WE pay to maintain these roads but now there is a liability due to the traffic hazard of driving around the tables on the street! This also created street congestion and driving confusion. Please remember the groups of consumers that mostly feed us, the elderly and tourists. **We need open access for driving and parking.** All of us need to protect our small businesses; it is the heart that drives our economy and our lives. Our small business are negatively impacted if people cannot park and walk to us.

Having intermittent outdoor activities and events where the street is partially or fully blocked and everyone gets to share in the activity, increased profitability and parking struggle is fair. Allowing one or just a few businesses to create a hardship for the rest and subsequently profit on that hardship yields a bias and is most definitely unfair.

Thank you for your time and please do NOT allow the parklet permit.

Kind Regards,

Dr. Tiffany Rimar Quintero

--
Tiffany Rimar, DVM, CVA, CVCH, CVTN, CVFT
Veterinary Healing Arts
www.MyZenVet.com

May your day be filled with Happiness, Kindness and Gratitude

Jennifer McMahon

From: Mark Grill
Sent: Friday, March 25, 2022 10:28 AM
To: Jennifer McMahon
Subject: Fwd: Corey Avenue Parklet opposition

FYI

Mark Grill
Commissioner, District 2
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706
Email: mgrill@stpetebeach.org

Under Florida, email addresses are public records. If you do not want your email address released in response to a public records request, do not send email to this entity. Instead contact this office by phone or in writing.

Begin forwarded message:

From: Tiffany Rimar <tcvmvet@gmail.com>
Date: March 25, 2022 at 10:20:04 EDT
To: Alan Johnson <ajohnson@stpetebeach.org>, Christopher Graus <cgraus@stpetebeach.org>, Mark Grill <mgrill@stpetebeach.org>, Melinda Pletcher <mpletcher@stpetebeach.org>, Ward Friszolowski <wfriszolowski@stpetebeach.org>
Subject: Corey Avenue Parklet opposition

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Kind Regards,

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From: Tiffany Rimar <tcmvet@gmail.com>
Date: March 25, 2022 at 10:20:04 EDT
To: Alan Johnson <ajohnson@stpetebeach.org>, Christopher Graus <cgraus@stpetebeach.org>, Mark Grill <mgrill@stpetebeach.org>, Melinda Pletcher <mpletcher@stpetebeach.org>, Ward Friszolowski <wfriszolowski@stpetebeach.org>
Subject: Corey Avenue Parklet opposition

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CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Lido Condo Association Right-of-Entry Agreement

Date: June 28, 2022

Prepared By: Mike Clarke, Public Works Director

Through: Alex Rey, City Manager

Summary of Issue: During construction of the Gulf Boulevard Sanitary Sewer Improvements project, it was discovered that a proposed gravity main was in conflict with a large 16-inch Pinellas County potable water main. This conflict necessitated the relocation of the proposed gravity main alignment in order to continue with the installation of Hotel District Lift Station #4 which is located in an existing easement on the southeast corner of the Lido Condominium Association's property. After discussing the potential pipe pathways, it was determined that the best and lowest cost alternative was to place the new main in a new easement right behind the sidewalk instead of placing the new main in the southbound travel lane of Gulf Blvd. This alternative was approximately \$100,000 cheaper than placing the main in Gulf Blvd due to the restoration costs required by FDOT for the roadway. The new alignment requires an easement from the Lido Condo Association for the City to maintain this pipe once it is installed. As part of the easement negotiation, the Lido Condo Association requested that the City replace the landscaping that would have to be removed to install the pipe to equal-or-better conditions once the work is complete. The landscaping restoration was proposed by a reputable landscape contractor selected by the Condo Association and reviewed by City staff. The cost of the landscape restoration totals \$49,500.00. The net savings to the project is approximately \$50,500.00.

Funding: Wastewater - Sewer Expansion (101-6107-535-5669)

Requested Motion: I move to approve the right-of-entry agreement with the Lido Condo Association and landscape restoration reimbursement in the amount of \$49,500.00.

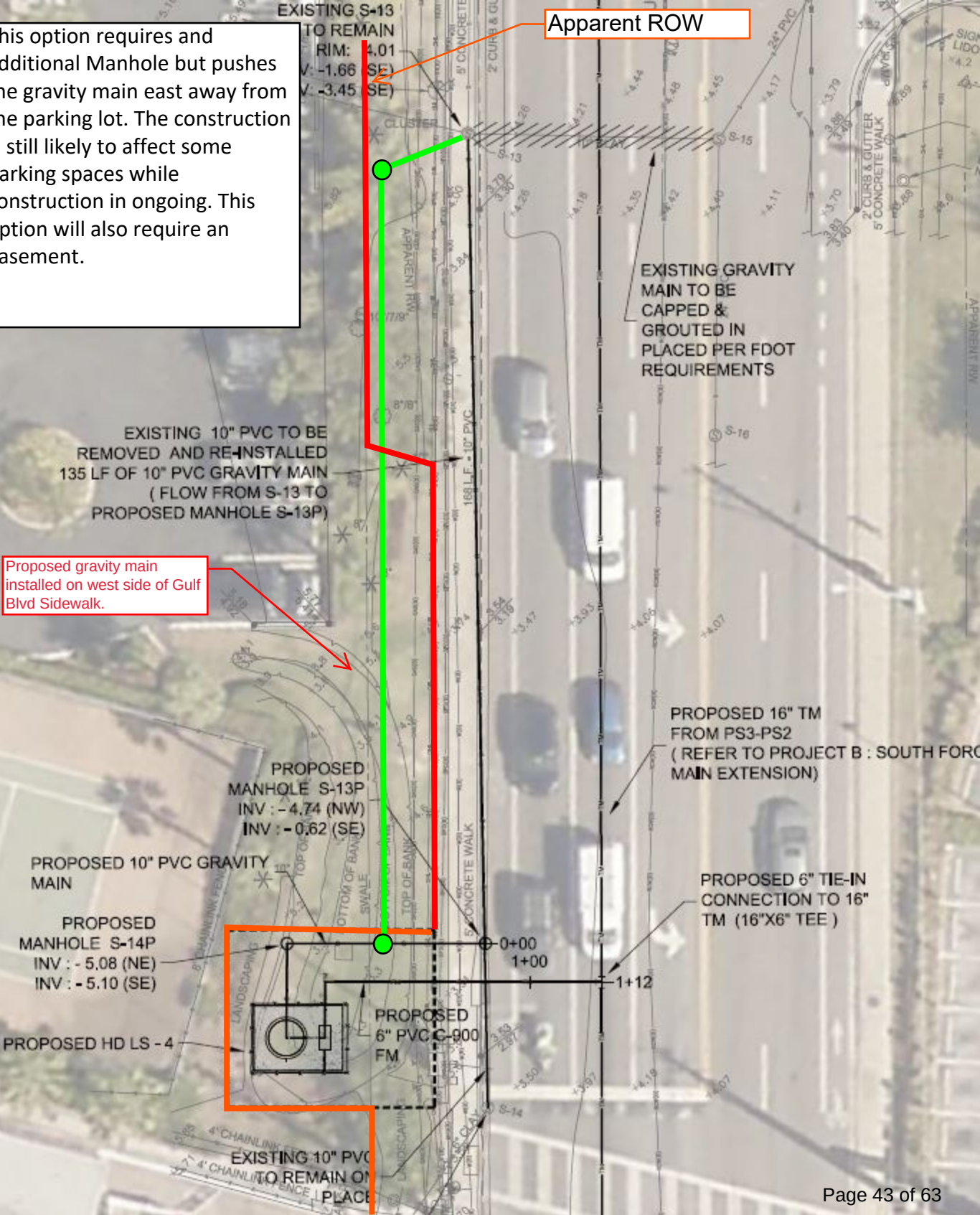
Attachments:

1. Proposed Gravity Alignment
2. Lido Right of Entry Agreement
3. Gravity Main Easement Sketch

This option requires and additional Manhole but pushes the gravity main east away from the parking lot. The construction is still likely to affect some parking spaces while construction in ongoing. This option will also require an easement.

Apparent ROW

Proposed gravity main installed on west side of Gulf Blvd Sidewalk.



CITY OF ST. PETE BEACH
TEMPORARY RIGHT OF ENTRY AND ACCESS AGREEMENT

This is an Agreement (the "Agreement") entered into this 18 day of February, 2022, by and between the CITY OF ST. PETE BEACH (hereinafter "City") and LIDO OF PINELLAS CONDOMINIUM ASSOCIATION, INC. (hereinafter "Owner", whether one or more). The City and Owner collectively shall be referred to as the "Parties."

RECITALS

WHEREAS, the Florida Department of Transportation ("FDOT") is the owner of certain real property commonly referred to as Gulf Boulevard ("FDOT Property") and LIDO OF PINELLAS CONDOMINIUM ASSOCIATION, INC. is the fee simple owner of that certain real property abutting the FDOT Property, as more particularly described as 4450 Gulf Boulevard, St. Pete Beach, FL 33706 ("Owner's Property").

WHEREAS, the City is authorized by FDOT to execute a sanitary sewer project within Gulf Boulevard from 37th Avenue to Gulf Winds Drive in the City of St. Pete Beach, Florida ("Sewer Project").

WHEREAS, the City has hired a private contractor(s) to execute said Sewer Project.

WHEREAS, the Sewer Project started on approximately February 3, 2020, and is expected to be completed on or about April 30, 2022.

WHEREAS, the Sewer Project is located within the FDOT Property but may temporarily interfere with the Owner's improvements within the FDOT Property.

WHEREAS, it is necessary for the City's contractor(s) to gain a right of entry to the Owner's Property to complete the Sewer Project.

NOW, THEREFORE, upon the mutual covenants contained herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. Recitals. The recitals set forth in this Agreement are hereby adopted by reference and incorporated herein as if fully set forth in this section.
2. Right of Entry. The Owner hereby grants to the City and its agents, employees, and contractors the temporary right to enter onto the Owner's Property for the purpose of installing sanitary sewer utility infrastructure as follows:

- a. The Owner agrees to allow the City and its agents, employees and contractors entry to Owner's Property for the purpose of installing a sanitary sewer gravity main to tie the City's existing sanitary sewer system into the newly constructed sanitary sewer lift station located at the southeastern corner of the Owner's Property until the completion of the above-mentioned Sewer Project. This right of entry is expected to occur only during the hours of 7 a.m. to 7 p.m. Monday through Saturday, until the above work is completed.
 - b. In the course of entry onto the Owner's Property, the City and its agents, employees and contractors shall do so using the standard of care within the industry.
 - c. The Owner agrees to allow the City and its agents, employees and contractors the required access to the Owner's Property and premises in order to perform the work without interference or delay to the City's project. Prior to the commencement of the Sewer Project, the Owner agrees to a pre-inspection report, attached and incorporated as Exhibit "A".
3. Term. The term of this Agreement shall automatically terminate upon the completion of the Sewer Project. The term may be extended by written consent of the Owner.
4. Not Real Property Interest. It is expressly understood that this right of entry does not in any way whatsoever grant or convey any permanent easement, lease, fee or other interest in the Owner's Property to the City. This document shall not be considered a permanent easement. The City will document and record an amended permanent easement not later than 90 days from the date of completion of the installation, which easement shall supersede and mirror the existing recorded easement between the Owner and the City dated January 28, 2020, but which easement shall expressly include additional lands which are the subject matter of this Agreement, and the following provisions and modifications, subject to modifications agreed upon by both Parties:
 - a. All of the City's installations shall be below grade and within the easement area, with the exception of only those parts of the sanitary sewer facilities which cannot physically be located below grade, or which are not permitted to be located below grade. Immediately following installation of the sanitary sewer utility infrastructure improvements, and at any time that access is subsequently required by the City, the City shall promptly (within a reasonable time and with high priority) take responsible steps (action that is both reasonable and conscientious) to replace the fencing or asphalt surfaces which were detrimentally affected, removed or damaged by reason of such access, to what existed prior to the installation, at no cost to the Owner. Additionally, in connection with this initial installation/access, the City shall pay the property Owner a lump sum of Forty Nine Thousand Five Hundred Dollars (\$49,500.00) for the Owner to replace landscaping and irrigation that the City removed due to the lift station Sewer Project. The City is responsible for any and all damage caused in the construction, reconstruction, operation or maintenance of the facilities over, under, upon, across, through, and within the easement area. The City agrees to indemnify and hold the Owner (inclusive of the Owners' agents,

employees, members, and residents) harmless from and against any and all claims or damages sustained by the Owner arising directly or indirectly from the construction, reconstruction, operation or maintenance of the facilities located over, under, upon, across, through, and within the easement area. Nothing herein shall be construed as a waiver of sovereign immunity afforded to the City pursuant to Section 768.28, Florida Statutes.

- b. Paragraph 2 of the referenced existing easement shall be modified to correctly state that the Owner is the statutory representative of the owners of fee simple title to the lands, and that the lands are free from all encumbrances other than those which presently exist of public record.
- c. Paragraph 3 of the referenced existing easement shall be modified to require consent from the Owner prior to allowing third parties to attach equipment to the facilities, which consent shall not be unreasonably withheld, with the exception of third parties responding to the facilities on an emergency basis in an effort to respond to a situation that may result in a hazard to public health and safety.
- d. Paragraph 4 of the referenced existing easement shall be modified to expressly provide where discretion is given to the City to determine whether to allow construction or maintenance of any building or other structure in or upon the easement area, that such discretion must be exercised reasonably (the word "sole" within the cited paragraph shall be removed and replaced with the word "reasonable"). Additionally, the last sentence purporting to allow summary removal of such installation is deleted in its entirety.
- e. Paragraph 9 of the reference existing easement shall be deleted in its entirety as the representations are already contained within Paragraph 2.

5. Notification and Contact Information.

As to Owner:

Lido of Pinellas Condominium Assoc., Inc.
4450 Gulf Boulevard
St. Pete Beach, FL 33706
813-908-0766

As to City:

Brett E. Warner
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706
727-363-9254

6. Damage Claims. The City is responsible for any and all damage caused in the construction, reconstruction, operation, or maintenance of the City's facilities to be installed under this agreement. The City agrees to indemnify and hold the Owner (inclusive of the Owner's agents, employees, members and residents) harmless from and against any and all claims or damages sustained by the Owner arising directly or indirectly from the construction, reconstruction, operation, or maintenance of City's facilities to be installed under this

Agreement. Nothing herein shall be construed as a waiver of sovereign immunity afforded to the City pursuant to Section 768.28, Florida Statutes.

The City is required to promptly notify the property Owner of any and all damage caused by the activities associated with this Agreement. Upon becoming aware of any damage or claims for damages caused by the activities associated with this Agreement, the property Owner shall promptly notify the City. Such claims shall be directed to the City Risk Manager, Keri Nelson, via email at knelson@stpetebeach.org, telephone at 727-363-9233, or in person at City Hall, 155 Corey Ave, St. Pete Beach, Florida 33706.

7. Authorization. The undersigned Parties have read the foregoing and fully understand its terms, conditions and provisions and have had a full opportunity to review this Agreement. By signing below as the Owner, the person signing this agreement specifically stipulates that he or she is the individual authorized to sign this Agreement and grant the City a right of entry onto the subject the Owner's Property described above, and that the City will act in reliance on said signature.
8. Counterparts. This Agreement may be executed by the Parties in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute a signed Agreement. Facsimile and scanned signatures are binding on the parties as if they were original signatures.
9. Effective Date. This Agreement will become effective once both Parties have fully executed it. If this Agreement is executed in counterparts the effective date will be the day the last party signs.
10. Governing Laws. This document and exhibits embody the entire Agreement of the Parties. There are no promises, terms, conditions, or representations binding on either party hereto, other than those contained herein; and this document shall supersede all previous communications, representations, and/or agreements between the parties hereto, whether written or oral. This Agreement may be modified only in writing executed by all Parties. This Agreement shall be construed according to the laws of Florida, and venue for any action arising here from shall be in Pinellas County, Florida.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year set forth below.

PROPERTY OWNER



Print Name

CITY OF ST. PETE BEACH, FLORIDA

Alex Rey

City Manager

P. La - President

Signature

2/17/22

Date

Signature

Date

[illegible]

Page 49 of 63

NOT A BOUNDARY SURVEY

LEGEND:

LB Licensed Business
LS Licensed Surveyor
(P) Plat
P.O.B. Point of Beginning
P.O.C. Point of Commencement
PSM Professional Surveyor and Mapper

NOTE: Legal description based upon plat bearings.

THE LIDO,
A CONDOMINIUM
CONDO PLAT BOOK 81, PAGE 63

BELLE VISTA BEACH
PLAT BOOK 7, PAGE 34

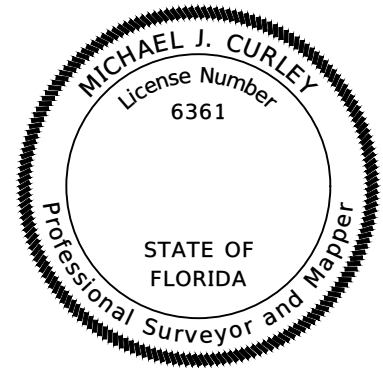
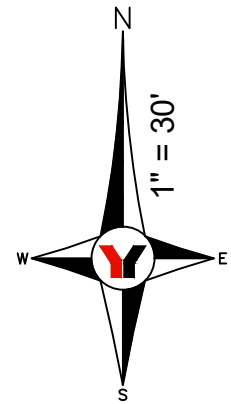
LEGAL DESCRIPTION FOR A PUBLIC EASEMENT

Section 7, Township 32S, Range 16E
Pinellas County Florida

That part of lands lying within the following described area:

COMMENCE at the southeast corner of THE LIDO, A CONDOMINIUM, as recorded in Condo Plat Book 81, Page 63, Public Records of Pinellas County, Florida; thence along the east line of said THE LIDO, A CONDOMINIUM, also being the west right-of-way line of State Road 699 (Gulf Boulevard), N 13°43'33" W, a distance of 46.13 feet to the POINT OF BEGINNING; thence departing said east line, S 76°16'27" W, a distance of 15.00 feet; thence N 13°43'33" W, a distance of 139.08 feet; thence N 76°16'27" E, a distance of 5.00 feet to a point on the east line of said THE LIDO, A CONDOMINIUM; thence along said east line, and aforesaid west right-of-way line of State Road 699 (Gulf Boulevard) the following 3 courses: S 13°43'33" E, a distance of 57.83 feet; thence S 88°11'23" E, a distance of 10.38 feet; thence S 13°43'33" E, a distance of 78.48 feet to the POINT OF BEGINNING.

Containing 1,494 Square feet more or less.



THIS ITEM HAS BEEN DIGITALLY
SIGNED AND SEALED BY

Michael J
Curley

Digitally signed by
Michael J Curley
Date: 2022.05.26
10:46:48 -04'00'

PRINTED COPIES OF THIS DOCUMENT ARE
NOT CONSIDERED SIGNED AND SEALED
AND THE SIGNATURE MUST BE VERIFIED
ON ANY ELECTRONIC COPIES.

44TH AVENUE

PREPARED FOR: City of St. Pete Beach		PROPOSED EASEMENT SKETCH AND LEGAL		BY DE	DATE 5/26/22	DESCRIPTION Reconfigured Easement
SECTION 7, TOWNSHIP 32 S., RANGE 16 E.				REVISED		
CREW CHIEF	INITIALS	DATE				
DRAWN	DGE	5/26/22				
CHECKED	MJC	5/26/22				
FIELD BOOK	N/A					
FIELD DATE	N/A					
Michael J. Curley PSM LS 6361			George F. Young, Inc.			
DATE			299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701 PHONE (727) 822-4317 FAX (727) 822-2919 BUSINESS ENTITY LB21 ARCHITECTURE•ENGINEERING•ENVIRONMENTAL•LANDSCAPE•PLANNING•SURVEYING•UTILITIES GAINESVILLE•LAKEWOOD RANCH•ORLANDO•PALM BEACH GARDENS•ST. PETERSBURG•TAMPA			
			JOB NO. 17Y04703SG			
			SHEET NO. 1 of 1			

CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Pinellas County Ordinance: Tenant's Bill of Rights

Date: June 28, 2022

Prepared By: Alex Rey, City Manager

Through: Alex Rey, City Manager

Summary of Issue: Please read the attached ordinances from the County.

- The first attached ordinance option applies Countywide (unincorporated and incorporated). If a city already has a Tenant's Bill of Rights in place by ordinance, like the City of St. Petersburg, the City ordinance will prevail. Cities may choose to opt out of the County's ordinance.
- The second attached ordinance option applies only within the unincorporated county jurisdiction. Under this approach, cities may adopt the County's ordinance, their own ordinance or take no action.

Funding: NA

Requested Motion:

- Attachments:**
1. Draft Tenant's Bill of Rights for BCC Agenda 6.21.2022, Countywide Application
 2. Draft Tenant's Bill of Rights for BCC Agenda 6.21.2022, Unincorporated Pinellas County

ORDINANCE NO. 22 – ____

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE OF ORDINANCES BE AMENDED BY ADDING ARTICLE XIII TO CHAPTER 42 FOR A TENANT’S BILL OF RIGHTS, THE PROHIBITION OF SOURCE OF INCOME DISCRIMINATION AND NOTICE OF LATE FEES; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR DEFINITIONS; PROVIDING FOR A REQUIREMENT TO PROVIDE TENANTS WITH A NOTICE OF RIGHTS; PROVIDING FOR A PROHIBITION ON SOURCE OF INCOME DISCRIMINATION; PROVIDING FOR A REQUIREMENT TO PROVIDE TENANTS WITH NOTICE OF LATE FEES; PROVIDING FOR ENFORCEMENT AND FINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County is experiencing a significant demand for affordable rental housing units; and

WHEREAS, the availability of safe and affordable housing is an essential component of individual and community well-being; and

WHEREAS, protecting residential tenants from discrimination and unfair and illegal rental practices is fundamental to the health, safety and welfare of the community; and

WHEREAS, the Pinellas County Board of County Commissioners (BCC) wishes to adopt a Tenant’s Bill of Rights in order to increase tenant awareness of their rights and to provide guidance to tenants regarding available community resources; and

WHEREAS, government programs exist which assist families, the elderly, veterans and persons with disabilities to afford decent and safe housing in the private residential market through financial subsidies, including Housing Choice (Section 8) Vouchers and Veterans Affairs Supportive Housing (VASH) vouchers; and

WHEREAS, the U.S. Department of Housing and Urban Development reports that some landlords avoid renting to voucher recipients because of the administrative burdens of participating in such programs and other landlords resist renting to voucher recipients because they perceive voucher recipients to be undesirable tenants and/or they fear that other tenants would object to voucher recipients as neighbors; and

WHEREAS, the BCC desires to eliminate discrimination in a person's ability to obtain housing based on a person's lawful source of income for rental payments, thereby increasing the number of households who are able to successfully locate safe, affordable, and accessible housing in Pinellas County; and

WHEREAS, the BCC recognizes that while reasonable late fees may be an important aspect of the landlord/tenant relationship, it is essential that tenants understand and know when they incur these fees; and

WHEREAS, the BCC finds that provisions of this Ordinance are in the best interests of the County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

SECTION 1. The recitals set forth above are incorporated herein.

SECTION 2. The Pinellas County Code of Ordinances is hereby amended by adding Article XIII of Chapter 42, Sections 42-432 to 42-437. Article XIII of Chapter 42 shall be titled "Tenant's Bill of Rights."

SECTION 3. Article XIII of Chapter 42, Sections 42-432 to 42-437, is hereby created to read as follows:

Sec. 42-432. Areas Embraced.

This article shall be effective in the incorporated as well as unincorporated areas of Pinellas County; however, to the extent that this article conflicts with a city ordinance, the city ordinance shall prevail. Any city may also elect to opt out of the provisions of this article.

Sec. 42-433. Definitions.

For the purpose of this article, the following terms shall have the meanings as indicated. No attempt is made to define any words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include words in the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall," "will" and "must" are mandatory and the word "may" is permissive.

Late fee shall mean a charge of any kind, levied against a tenant, associated with the time or date on which a tenant pays their rent, pursuant to a rental agreement.

Lawful source of income shall mean income from:

- (1) A lawful profession, occupation or job;
- (2) Any government or private assistance, grant, loan or housing assistance program or subsidy, including but not limited to Housing Choice (Section 8) Vouchers and Veterans

Affairs Supportive Housing (VASH) Vouchers, Social Security, and Supplemental Security Income;

- (3) A gift, an inheritance, a pension or other retirement benefits, an annuity, trust income, investment income, alimony, child support, or veteran's benefits; or
- (4) the sale of property or an interest in property.

Notice of Rights shall mean a printed, paper copy, available in both English and Spanish, in font 12-point or larger and on paper of eight and one-half by 11 inches or larger, of a Notice of Rights provided by the Pinellas County Office of Consumer Protection. For purposes of this article, if a tenant has consented to receiving and signing documents via electronic means, then the Notice of Rights may be provided to the tenant in electronic form rather than as a printed, paper copy.

Person shall mean any individual, firm, corporation or other organization or group of persons however organized, including but not limited to any landlord, owner, lessee, lessor, sublessee, sublessor, assignee, assignor, manager, real estate broker, salesperson, condominium association, homeowners' association, cooperative association, or any representative of any of the foregoing.

Pinellas County Office of Consumer Protection shall mean the Pinellas County Department of Justice and Consumer Services.

Rental agreement shall mean an agreement, either written or oral, by which a tenant is entitled to possess a rental unit in exchange for consideration, or is a "rental agreement", as defined in F.S. § 83.43, as it may be amended.

Rental unit shall mean a residential housing unit that is or may be occupied by a tenant who does not own the property in exchange for consideration and by virtue of an agreement with the owner of such residential property, or which is a "dwelling unit", as defined in F.S. § 83.43, as it may be amended. Rental units governed by Chapter 723 of Florida Statutes are excluded from this definition and the provisions of this article.

Tenant shall mean a natural person or persons who shall occupy, attempt to occupy, or inquire about occupying a rental unit in exchange for consideration and by virtue of a written or oral agreement with the owner of such rental unit, or are a "tenant" as defined in F.S. § 83.43, as it may be amended.

Sec. 42-434. Notice.

- (a) It shall be unlawful for a person to allow a tenant to apply to rent, or in instances where no application is required, to occupy, a rental unit under said person's control or authority without first providing the tenant with a copy of the Notice of Rights.
- (b) For existing tenants already occupying a rental unit as of the date of enactment of this article, the Notice of Rights shall be provided prior to the commencement of a new rental term. For tenants with rental terms of 30 days or less, the Notice of Rights shall be provided prior to initial commencement of the rental term and thereafter no less than once per year. Notices are not required for short-term rentals with non-recurring rental terms of 30 days or less.
- (c) Pinellas County Office of Consumer Protection shall prescribe the contents of the Notice of Rights, but it shall generally include information on tenants' rights under federal, state and local law and contact information for organizations available to provide assistance to tenants.

- (d) There shall be a rebuttable presumption that a person has complied with this section if the person can provide a written, dated and signed affirmation from the tenant stating that the tenant has received the Notice of Rights. The signed affirmation shall be retained for at least one (1) year after the tenant vacates the rental unit.
- (e) For a person's first violation of this section, the Pinellas County Code Enforcement Department and/or Pinellas County Office of Consumer Protection shall have the discretion to provide a reasonable time period, not to exceed 30 days, within which the person must correct the violation.
- (f) This section does not create any private causes of action and may only be enforced as provided herein.

Sec. 42-435. Discrimination relating to public assistance.

- (a) It shall be unlawful and is hereby prohibited for any person:
 - (1) To refuse to rent, show or lease, to refuse to negotiate for the rental of, or otherwise to make unavailable or deny, a rental unit to any tenant because of that tenant's lawful source of income, or because of the tenant's status with regard to a public assistance program, or because of any requirements of a public assistance program.
 - (2) To discriminate against any tenant in the terms, conditions, or privileges of the rental or lease of a rental unit, or in the provision of services or facilities in connection therewith, because of that tenant's lawful source of income.
 - (3) To use a financial or income standard in assessing eligibility for the rental of a rental unit that is not based on the portion of the rent to be paid by the tenant in instances where there is a government rent subsidy which will be used to pay for a portion of the rent.
 - (4) To represent to any tenant because of the tenant's lawful source of income that any rental unit is not available for inspection or rental when such rental unit is in fact so available.
 - (5) To make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the rental of a rental unit that indicates any preference, limitation, or discrimination based on a lawful source of income, or an intention to make any such preference, limitation, or discrimination.
 - (6) To induce or attempt to induce another person, for profit, to rent any rental unit by representations regarding the entry or prospective entry into the neighborhood of a tenant with particular lawful sources of income.
- (b) Violations of this section shall be punishable as set forth in Section 42-437. In addition, the County Administrator, through his or her designee, is authorized to report violations to any local, state or federal authority. Investigation and enforcement by the County may occur concurrently with any investigation and enforcement actions by local, state or federal authorities.
- (c) This section does not create any private causes of action and may only be enforced as set forth herein.

Sec. 42-436. Late fees.

- (a) It shall be unlawful for any person to assess a late fee against a tenant without first providing written notice to the tenant, against whom the late fee is assessed, for each late fee assessed.
- (b) This written notice shall be separate from any notice requirements provided for in a rental agreement and shall be required each time a new late fee is assessed. Only one (1) notice shall be required if the same late fee continues to accrue after delivery of the notice.
- (c) A written notice, for purposes of this section, shall include a statement informing the tenant that:
 - (1) A late fee has been incurred;
 - (2) The justification for the late fee;
 - (3) The amount of the late fee which is due at the time of the notice, and if late fees will continue to accrue, a statement explaining the rate at which such fees will continue to accrue; and
 - (4) A reference to the language in the applicable rental agreement which establishes the amount of late fees to be assessed.
- (d) A written notice, for purposes of this section, may be delivered:
 - (1) In an email to an email address provided by a tenant on a rental agreement or subsequent written agreement for receiving notices;
 - (2) On paper, and delivered via certified mail to an address provided by a tenant on a rental agreement;
 - (3) On paper, and posted securely on the front door of the rental unit subject to the late fee; or
 - (4) On paper, and hand delivered to the tenant.
- (e) There shall be a rebuttable presumption that a person has complied with this section if the person can produce one of the following, which was sent or posted on the day the late fee was assessed:
 - (1) A copy of an email, with the required information set forth above, sent to an email address for the tenant that is provided for as a contact method in that tenant's written rental agreement or subsequent written agreement; or
 - (2) A copy of a written and dated letter, with the required information set forth above, and either:
 - a. A dated certification from the USPS of delivery of the letter to an address for the tenant that is provided for as a contact method in that tenant's written rental agreement; or
 - b. A time-stamped photograph of the letter clearly posted on the front door of the rental unit subject to the late fee; or
 - c. A signed and dated affidavit by the delivery person certifying hand delivery of the notice to the tenant on the date delivered.

- (f) This section does not create any private causes of action and may only be enforced as set forth herein.

Sec. 42-437. Enforcement.

- (a) Duly authorized code inspectors employed within Pinellas County's Code Enforcement Division and/or Office of Consumer Protection, and as may be reorganized or renamed from time-to-time, may enforce this article pursuant to the procedures set forth in F.S. § 125.69, as it may be amended.
- (b) A violation of this article is punishable by a fine of \$500.00 for a first offense and any subsequent offenses.

SECTION 4. If any section or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 5. It is the intention of the BCC that the provisions of this Ordinance be made a part of the Pinellas County Code of Ordinances and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to section, article, or other such appropriate word or phrase to accomplish such intentions.

SECTION 6. Pursuant to Section 125.66(b) of the Florida Statutes, within ten (10) days of adoption of this Ordinance, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Pinellas County Board of County Commissioners. This Ordinance shall take effect on October 3, 2022.

APPROVED AS TO FORM
By: Anne M. Morris
Office of the County Attorney

ORDINANCE NO. 22 – ____

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE OF ORDINANCES BE AMENDED BY ADDING ARTICLE XIII TO CHAPTER 42 FOR A TENANT’S BILL OF RIGHTS, THE PROHIBITION OF SOURCE OF INCOME DISCRIMINATION AND NOTICE OF LATE FEES; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR DEFINITIONS; PROVIDING FOR A REQUIREMENT TO PROVIDE TENANTS WITH A NOTICE OF RIGHTS; PROVIDING FOR A PROHIBITION ON SOURCE OF INCOME DISCRIMINATION; PROVIDING FOR A REQUIREMENT TO PROVIDE TENANTS WITH NOTICE OF LATE FEES; PROVIDING FOR ENFORCEMENT AND FINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County is experiencing a significant demand for affordable rental housing units; and

WHEREAS, the availability of safe and affordable housing is an essential component of individual and community well-being; and

WHEREAS, protecting residential tenants from discrimination and unfair and illegal rental practices is fundamental to the health, safety and welfare of the community; and

WHEREAS, the Pinellas County Board of County Commissioners (BCC) wishes to adopt a Tenant’s Bill of Rights in order to increase tenant awareness of their rights and to provide guidance to tenants regarding available community resources; and

WHEREAS, government programs exist which assist families, the elderly, veterans and persons with disabilities to afford decent and safe housing in the private residential market through financial subsidies, including Housing Choice (Section 8) Vouchers and Veterans Affairs Supportive Housing (VASH) vouchers; and

WHEREAS, the U.S. Department of Housing and Urban Development reports that some landlords avoid renting to voucher recipients because of the administrative burdens of participating in such programs and other landlords resist renting to voucher recipients because they perceive voucher recipients to be undesirable tenants and/or they fear that other tenants would object to voucher recipients as neighbors; and

WHEREAS, the BCC desires to eliminate discrimination in a person's ability to obtain housing based on a person's lawful source of income for rental payments, thereby increasing the number of households who are able to successfully locate safe, affordable, and accessible housing in Pinellas County; and

WHEREAS, the BCC recognizes that while reasonable late fees may be an important aspect of the landlord/tenant relationship, it is essential that tenants understand and know when they incur these fees; and

WHEREAS, the BCC finds that provisions of this Ordinance are in the best interests of the County.

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SECTION 3. Article XIII of Chapter 42, Sections 42-432 to 42-437, is hereby created to read as follows:

Sec. 42-432. Areas Embraced.

This article shall be effective in the unincorporated areas of Pinellas County.

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Late fee shall mean a charge of any kind, levied against a tenant, associated with the time or date on which a tenant pays their rent, pursuant to a rental agreement.

Lawful source of income shall mean income from:

- (1) A lawful profession, occupation or job;
- (2) Any government or private assistance, grant, loan or housing assistance program or subsidy, including but not limited to Housing Choice (Section 8) Vouchers and Veterans Affairs Supportive Housing (VASH) Vouchers, Social Security, and Supplemental Security Income;

- (3) A gift, an inheritance, a pension or other retirement benefits, an annuity, trust income, investment income, alimony, child support, or veteran's benefits; or
- (4) the sale of property or an interest in property.

Notice of Rights shall mean a printed, paper copy, available in both English and Spanish, in font 12-point or larger and on paper of eight and one-half by 11 inches or larger, of a Notice of Rights provided by the Pinellas County Office of Consumer Protection. For purposes of this article, if a tenant has consented to receiving and signing documents via electronic means, then the Notice of Rights may be provided to the tenant in electronic form rather than as a printed, paper copy.

Person shall mean any individual, firm, corporation or other organization or group of persons however organized, including but not limited to any landlord, owner, lessee, lessor, sublessee, sublessor, assignee, assignor, manager, real estate broker, salesperson, condominium association, homeowners' association, cooperative association, or any representative of any of the foregoing.

Pinellas County Office of Consumer Protection shall mean the Pinellas County Department of Justice and Consumer Services.

Rental agreement shall mean an agreement, either written or oral, by which a tenant is entitled to possess a rental unit in exchange for consideration, or is a "rental agreement", as defined in F.S. § 83.43, as it may be amended.

Rental unit shall mean a residential housing unit that is or may be occupied by a tenant who does not own the property in exchange for consideration and by virtue of an agreement with the owner of such residential property, or which is a "dwelling unit", as defined in F.S. § 83.43, as it may be amended. Rental units governed by Chapter 723 of Florida Statutes are excluded from this definition and the provisions of this article.

Tenant shall mean a natural person or persons who shall occupy, attempt to occupy, or inquire about occupying a rental unit in exchange for consideration and by virtue of a written or oral agreement with the owner of such rental unit, or are a "tenant" as defined in F.S. § 83.43, as it may be amended.

Sec. 42-434. Notice.

- (a) It shall be unlawful for a person to allow a tenant to apply to rent, or in instances where no application is required, to occupy, a rental unit under said person's control or authority without first providing the tenant with a copy of the Notice of Rights.
- (b) For existing tenants already occupying a rental unit as of the date of enactment of this article, the Notice of Rights shall be provided prior to the commencement of a new rental term. For tenants with rental terms of 30 days or less, the Notice of Rights shall be provided prior to initial commencement of the rental term and thereafter no less than once per year. Notices are not required for short-term rentals with non-recurring rental terms of 30 days or less.
- (c) Pinellas County Office of Consumer Protection shall prescribe the contents of the Notice of Rights, but it shall generally include information on tenants' rights under federal, state and local law and contact information for organizations available to provide assistance to tenants.
- (d) There shall be a rebuttable presumption that a person has complied with this section if the person can provide a written, dated and signed affirmation from the tenant stating that the

tenant has received the Notice of Rights. The signed affirmation shall be retained for at least one (1) year after the tenant vacates the rental unit.

- (e) For a person's first violation of this section, the Pinellas County Code Enforcement Department and/or Pinellas County Office of Consumer Protection shall have the discretion to provide a reasonable time period, not to exceed 30 days, within which the person must correct the violation.
- (f) This section does not create any private causes of action and may only be enforced as provided herein.

Sec. 42-435. Discrimination relating to public assistance.

- (a) It shall be unlawful and is hereby prohibited for any person:
 - (1) To refuse to rent, show or lease, to refuse to negotiate for the rental of, or otherwise to make unavailable or deny, a rental unit to any tenant because of that tenant's lawful source of income, or because of the tenant's status with regard to a public assistance program, or because of any requirements of a public assistance program.
 - (2) To discriminate against any tenant in the terms, conditions, or privileges of the rental or lease of a rental unit, or in the provision of services or facilities in connection therewith, because of that tenant's lawful source of income.
 - (3) To use a financial or income standard in assessing eligibility for the rental of a rental unit that is not based on the portion of the rent to be paid by the tenant in instances where there is a government rent subsidy which will be used to pay for a portion of the rent.
 - (4) To represent to any tenant because of the tenant's lawful source of income that any rental unit is not available for inspection or rental when such rental unit is in fact so available.
 - (5) To make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the rental of a rental unit that indicates any preference, limitation, or discrimination based on a lawful source of income, or an intention to make any such preference, limitation, or discrimination.
 - (6) To induce or attempt to induce another person, for profit, to rent any rental unit by representations regarding the entry or prospective entry into the neighborhood of a tenant with particular lawful sources of income.
- (b) Violations of this section shall be punishable as set forth in Section 42-437. In addition, the County Administrator, through his or her designee, is authorized to report violations to any local, state or federal authority. Investigation and enforcement by the County may occur concurrently with any investigation and enforcement actions by local, state or federal authorities.
- (c) This section does not create any private causes of action and may only be enforced as set forth herein.

Sec. 42-436. Late fees.

- (a) It shall be unlawful for any person to assess a late fee against a tenant without first providing written notice to the tenant, against whom the late fee is assessed, for each late fee assessed.

- (b) This written notice shall be separate from any notice requirements provided for in a rental agreement and shall be required each time a new late fee is assessed. Only one (1) notice shall be required if the same late fee continues to accrue after delivery of the notice.
- (c) A written notice, for purposes of this section, shall include a statement informing the tenant that:
 - (1) A late fee has been incurred;
 - (2) The justification for the late fee;
 - (3) The amount of the late fee which is due at the time of the notice, and if late fees will continue to accrue, a statement explaining the rate at which such fees will continue to accrue; and
 - (4) A reference to the language in the applicable rental agreement which establishes the amount of late fees to be assessed.
- (d) A written notice, for purposes of this section, may be delivered:
 - (1) In an email to an email address provided by a tenant on a rental agreement or subsequent written agreement for receiving notices;
 - (2) On paper, and delivered via certified mail to an address provided by a tenant on a rental agreement;
 - (3) On paper, and posted securely on the front door of the rental unit subject to the late fee; or
 - (4) On paper, and hand delivered to the tenant.
- (e) There shall be a rebuttable presumption that a person has complied with this section if the person can produce one of the following, which was sent or posted on the day the late fee was assessed:
 - (1) A copy of an email, with the required information set forth above, sent to an email address for the tenant that is provided for as a contact method in that tenant's written rental agreement or subsequent written agreement; or
 - (2) A copy of a written and dated letter, with the required information set forth above, and either:
 - a. A dated certification from the USPS of delivery of the letter to an address for the tenant that is provided for as a contact method in that tenant's written rental agreement; or
 - b. A time-stamped photograph of the letter clearly posted on the front door of the rental unit subject to the late fee; or
 - c. A signed and dated affidavit by the delivery person certifying hand delivery of the notice to the tenant on the date delivered.
- (f) This section does not create any private causes of action and may only be enforced as set forth herein.

Sec. 42-437. Enforcement.

- (a) Duly authorized code inspectors employed within Pinellas County's Code Enforcement Division and/or Office of Consumer Protection, and as may be reorganized or renamed from time-to-time, may enforce this article pursuant to the procedures set forth in F.S. § 125.69, as it may be amended.
- (b) A violation of this article is punishable by a fine of \$500.00 for a first offense and any subsequent offenses.

SECTION 4. If any section or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 5. It is the intention of the BCC that the provisions of this Ordinance be made a part of the Pinellas County Code of Ordinances and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to section, article, or other such appropriate word or phrase to accomplish such intentions.

SECTION 6. Pursuant to Section 125.66(b) of the Florida Statutes, within ten (10) days of adoption of this Ordinance, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Pinellas County Board of County Commissioners. This Ordinance shall take effect on October 3, 2022.