

City Commission Meeting

June 28, 2022

6:00 p.m.

ELECTED OFFICIALS PRESENT:

Alan Johnson, Mayor

Chris Graus, Vice Mayor, Commissioner, District 1

Mark Grill, Commissioner, District 2

Ward Friszolowski, Commissioner, District 3

Melinda Pletcher, Commissioner, District 4

STAFF PRESENT:

Alex Rey, City Manager

Matthew McConnell, Assistant City Attorney

Amber LaRowe, City Clerk

Jennifer McMahon, Chief Operating Officer

Mike Clarke, Public Works Director

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

1. PRESENTATIONS

- a. Robin Miller, Tampa Bay Beaches Chamber of Commerce CEO, updated the Commission on the Business Site Improvement Plan Committee's recommended award recipients and amounts. A copy of her presentation is made a part of the record.

Commissioner Grill requested information on the applicants' status of being a Chamber member or nonmember. Ms. Miller will provide that information to the Commission.

- b. Representative Linda Chaney briefed the Commission on recent Legislative Actions.

2. CHANGES TO THE AGENDA

Mayor Johnson moved Mike Twitty, Property Appraiser, presentation to after public comments.

Commissioner Grill asked for a discussion on "adopt-a-drain" to be added.

3. AUDIENCE COMMENTS

St. Pete Beach Astronomer, resident, discussed upcoming "king tides" in July.

Deb Schechner, resident, discussed the recent traffic studies and developments. She opined more tourism, more traffic, and less regard for resident well-being.

5.a. Mike Twitty, Pinellas County Property Appraiser

Mr. Twitty discussed the valuation process that the Property Appraiser goes through annually. Commercial versus residential valuation was touched upon, with Mr. Twitty noting that the process for each is not "apples to apples". He encouraged residents and those interested to reach out to his office anytime for a more thorough explanation and discussion on specific parcels. He reminded the Commission and the public that any property can appeal and go through a magistrate for an adjustment. He stated to keep that in mind when reviewing properties and their tax bill because they could have won on an appeal.

Adrian Petrila, resident, discussed various hotel properties and their reduction in taxes for the last year or two. He expressed concern about residential properties paying more than their share versus commercial properties.

4. ACTION ITEMS

a. Florida League of Cities Voting Delegate Designation

The Florida League of Cities (FLC) encourages each municipality to designate a member of their Commission as a voting delegate at the August Annual Conference. Commissioner Grill is the primary representative for the City of St. Pete Beach and Vice Mayor Graus is the alternate. Commissioner Friszolowski, Commissioner Grill and Mayor Johnson will be attending this year's Annual Conference.

Motion: **Mayor Johnson moved, Commissioner Pletcher seconded, and the motion carried 5-0 to designate Commissioner Mark Grill 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

Jennifer McMahon, Chief Operating Officer, gave a brief history of the formation of the Parklet Program and the application received.

Ken and Kim Hautmann, Chill Restaurant owners, discussed the plans for the parklet. He stated it will still be in the same area as the current Parklet is but will be a more safe and stable structure. They propose to put in a retractable awning that will be more enjoyable by the public and can be easily stowed away.

The following members of the public spoke in opposition to the Parklet Permit:

- Jane Wollowick
- Yvonne Marcus
- Vincent Hunter

Michael Johnson, President of the Corey Avenue Business Association (CABA), spoke to the Commission about the survey that was distributed to the businesses along Corey Avenue. He stated that 24 businesses are opposed and 8 were in favor; 25 businesses are opposed to the Parklet Program in general, with 7 businesses in support.

Jane Richard spoke in favor of the parklet and outdoor entertainment.

Discussion ensued regarding the current operation of the parklet, parking concerns, and employee parking along Corey Avenue instead of designated employee parking. Alex Rey, City Manager, stated that there will be funding in fiscal year 23 budget to incorporate the parking sensors along Corey Avenue, like those in Pass-A-Grille, to limit long term parking.

Vice Mayor Graus stated that most residents he has talked to are appreciative of parklets and want more outdoor dining and entertainment. He understands and respects what the businesses along Corey Avenue are saying, however, he also must think of the City as a whole.

Commissioner Grill also enjoys outdoor dining but expressed concerns about the contract. He would like to have more research done to find something that can benefit Chill as well as CABA. He expressed a concern over the utilization of public parking for a private business. Commissioner Grill is not in favor of the financial structure as outlined on page 8 of the Contract.

Mr. Hautmann appreciated the feedback and asked if the financial structure could be modified to \$1,500/month paid to the City from Chill or 10% of sales (whichever is greater) with the payments to the City to be made starting day one after the Certificate of Occupancy is received. He also agreed to bring the final parklet design to the Commission for their approval.

Commissioner Grill questioned the applicant on who developed the amount of \$2,000/month or 10% of sales (whichever is greater) to begin paying to the City 18 months after the effective date of the agreement [this is written in section 5 of the agreement]. The applicant stated that he did not come up with the terms, the City developed the agreement.

Commissioner Pletcher moved to make the parklet a more permanent structure along Corey Avenue with the approval to be contingent upon the Commission's approval of the design and the notification to the City of the cost to construct.

Discussion continued.

Commissioner Pletcher withdrew the motion on the floor.

Motion: Vice Mayor Graus moved, Commissioner Friszolowski seconded the motion to authorize the City Manager to enter into an agreement with Chill Restaurant for and to authorize the Attorney to modify paragraph 5 of the Agreement to change the monthly payment to the City from Chill to \$1,500 a month or 10 percent of sales whichever is greater to begin once the Certificate of Occupancy is issued by the City.

Discussion ensued about whether the Restaurant shall provide the design to the Commission for approval.

Vice Mayor Graus modified the motion to include that the Restaurant is required to bring the design back for Commission approval, Commissioner Friszolowski seconded the amendment. The motion carried 4-1, Commissioner Grill voted no.

c. Lido Condo Association Right-of-Way Entry Agreement

Commissioner Friszolowski announced that he has a perceived conflict on this item and will be abstaining from voting. He left the Chambers at 8:44 p.m.

Mike Clarke, Public Works Director, explained that during construction of the Gulf Boulevard sanitary sewer improvements project, it was discovered that a proposed gravity main conflicted with a large 16-inch Pinellas County potable water main. This conflict necessitated the relocation of the proposed gravity main alignment to continue with the installation of the Hotel District lift station number 4; this was in an existing easement on the southeast corner of the Lido Condominium Association's property. After staff discussed the issue, it was decided 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 Boulevard; this saved the City about \$100,000.00. Mr. Clarke stated that because of the alignment, it requires an easement with the Association for the City to maintain this pipe once it is installed. In negotiations with the Association, they requested that the City replace the landscaping that had to be removed to install the pipe. The proposed landscaping cost is estimated at \$49,500.00.

Commissioner Grill expressed his opinions on reimbursements and retroactive scenarios like this.

Attorney McConnell stated that the City will be reimbursing the landscape company, not the Association.

Motion: Commissioner Pletcher moved, Commissioner Grill seconded, and the motion carried 4-0 to approve the right-of-entry agreement with the Lido Condo Association and landscape restoration reimbursement in the amount of \$49,500.00. Commissioner Friszolowski was absent for the vote.

Commissioner Friszolowski returned at 9:02 p.m.

5. ITEMS FOR DISCUSSION

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

Mr. Rey informed the Commission that the County has two ordinances proposed regarding the tenant's bill of rights, both of those ordinances are attached to the Agenda. One ordinance is for the unincorporated areas and the other is for the entire County. The ordinance that is applicable to the entire County allows for individual municipalities to opt out of it. The County is asking for feedback from the cities on which ordinance they would prefer.

Discussion ensued with the consensus of the Commission to inform the County that they would like to have the County-wide ordinance adopted. This will allow the City to see if they like it and if they do not, they can decide to opt out later.

c. Adopt-a-Drain Discussion--added

Commissioner Grill discussed the County program that allows residents to adopt a storm drain. This means they will help take care of the drain by removing debris and ensuring waste does not go down and drain into the water system.

The City Manager agreed that this is a good program, and everyone agreed to work on implementation of this in the City.

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

Alex Rey, City Manager—informed the Commission that with the recent departure of the Procurement Manager, the City is looking at two different approaches to handling the procurement process. One company, Urban Leap, will assist the City in the RFP building process and advertise it accordingly. The company does not charge the City for this service, instead, it is a pass through onto the bidder(s) that are awarded. Attorney McConnell stated that he was on the call with the company along with staff and feels this is a very good process. Mr. Rey stated that there is no contractual obligation, if the City likes it, they use it, if the City does not, then we do not use it.

The second approach is using another company, Clarin, that will allow for someone to be remote and on-site to handle the day-to-day procurement functions.

Commissioner Grill—discussed the public beaches and private businesses that are making the public feel unwelcome. This will be addressed at the July 12th Commission workshop.

Vice Mayor Graus—discussed an email he received from New Channel 8 that asked about St. Pete Beach and smoking on beaches. This will be discussed at the July 12th Commission workshop.

Mayor Johnson—announced tomorrow's BIG-C with a presentation by Mike Twitty.

Mayor Johnson adjourned the meeting at 9:37 p.m.

MINUTES APPROVED: JULY 12, 2022

AMBER LAROWE
CITY CLERK

ALAN JOHNSON
MAYOR

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Friszowski, Ward J.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Commission	
MAILING ADDRESS 3566 Belle Vista Drive East		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY St. Pete Beach, Florida	COUNTY Pinellas	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED June 28, 2022		NAME OF POLITICAL SUBDIVISION: City of St. Pete Beach	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

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APPOINTED OFFICERS (continued)

JUN 30 '22 AM 9:47

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Ward J. Friszolowski, hereby disclose that on June 28, 20 22 :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____ , by
whom I am retained; or
- ☐ inured to the special gain or loss of _____ , which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

City Commission meeting agenda item 4c was regarding the Lido Condo Association Right-of-Entry Agreement for a sewer lift station. I am an elected Board Member on Lido Condominium Board. Therefore, I wanted to recuse myself and our City Attorney agreed with me that it was the correct thing to do.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

June 30, 2022

Date Filed

Signature

Ward J. Friszolowski

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.