City Commission Meeting
November 15, 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

ELECTED OFFICIALS ABSENT:
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. APPROVAL OF THE AGENDA
City Manager Alex Rey added the retroactive approval of 3350 E. Maritana Drive sanitary sewer repair as item 4. b.

Commissioner Grill requested the removal of item 3.c. for discussion. Mayor Johnson opined that Consent Agenda items should not be removed. Discussion ensued with Attorney McConnell stating that an item on the Consent Agenda does not necessarily have to be removed during the Approval of the Agenda, it can be removed and discussed prior to the approval of the Consent Agenda, or it can be removed and discussed after Consent Agenda approval, or it can be removed now; however, he clarified that all members of the Commission have the opportunity to discuss any item on the agenda, regardless of their placement.

Motion: **Commissioner Friszolowski moved, Vice Mayor Graus seconded, and the motion carried 4-0 to approve the November 15, 2022, City Commission Agenda.**

2. AUDIENCE COMMENTS
Vincent Hunter, Corey Avenue Business Owner, mentioned a recent meeting he had with the City Manager and Jennifer McMahon, Chief Operating Officer. He thanked them for their time and appreciated how they explained things so that he now has a better understanding. He stated that Corey Avenue Business Association (CABA) very much wants to work together to keep the Sunday Market in place.

Resident Amy Auerbach asked a clarifying question on item 3.b., Force Main 10 Construction.

3. CONSENT
a. **Reappointment to the Police Officers' Board of Trustees**
b. **Force Main 10 Construction Approval**
c. **Approval of the Task Order for the Complete Streets Visioning Study**

Commissioner Grill addressed some concerns he had with item 3.c., stating that he was able to speak with the Community Development Director to learn that Bay Street was missing from the packet, but that it is part of the scope of the work and will be included. Also, the timeline for the tasks states approximately 8 to 9 months; however, Forward Pinellas' condition is that work must be completed by 6/30/2023. City Manager Rey stated that staff will be working with Kimley-Horn to see if they can speed some of those projects up, or, speak with Forward Pinellas to explain the timeline as identified. He stated that the funds provided by Forward Pinellas must be spent by June 30, 2023.

Mr. Grill went on to state that the objective of the study is to identify connectivity as well as analysis of existing infrastructure. He expressed concerns about the City approving plans for something that may be affected or influenced by the results of this study.

Motion: **Commissioner Friszolowski moved, Vice Mayor Graus seconded, and the motion carried 4-0 to approve the November 8, 2022, Consent Agenda as presented by the City Manager.**

<u>4. ACTION ITEMS</u>

a. **<u>Chill Parklet Design</u>**

City Manager Rey reminded the Commission of the approval on October 11th when the Commission requested that the architect design the parklet to use four spaces as opposed to five. A copy of the revised parklet was displayed during the meeting and was included in the Agenda Packet. Essentially there are two options: 1. The Commission can approve a "temporary" parklet where the design will be more of a removable street deck, or 2. The Commission can approve this permanent design. In option 1 the applicant pays the entire cost of approximately $50,000; in option 2 the applicant pays $50,000 with the City funding the remaining, up to $50,000.

Discussion ensued.

Resident Deborah Schechner expressed concerns about the precedent that the approval of this will set. She opined the City should have better policies and guidelines established before approval and was concerned about the use of taxpayer dollars for private gain.

Resident Amy Auerbach echoed the same sentiments as Ms. Schechner and agreed with Commissioner Grill's comments on holding off on the approval of this until after Kimley-Horn conducts their study.

Resident Lisa Robinson echoed the same comments as previously made and expressed concerns over the safety of the proposed location for ridesharing.

Commissioner Grill prefers the option of a removable parklet.

Motion: **Vice Mayor Graus moved, Commissioner Friszolowski seconded, and the motion carried 3-1 for the permanent parklet structure. Commissioner Grill voted no.**

b. <u>Retroactive Approval of 3350 E. Maritana Drive Sanitary Sewer Repair</u> <u>*added:*</u>

City Manager Rey discussed the handout that was provided to the Commission; a copy is made a part of the record. There was a sewer backup in August that the City determined was caused by Duke Energy's installation of a new power pole. The property owner hired a plumber who determined that Duke installed the pole directly through the City's gravity sewer main. The City then asked the current on-call civil repair contractor, Rowland, to mobilize for an emergency repair which was completed on September 2nd. This request is so that the City can make payment to Rowland and submit reimbursement to Duke for the City.

Motion: **Commissioner Grill moved, Vice Mayor Graus seconded, and the motion carried 4-0 to retroactively approve the invoice from Rowland, Inc. in the amount of $73,365.58 for the emergency sewer repair at 3350 E. Maritana Dr.**

5. RESOLUTIONS

a. **Resolution 2022-23: Brownfield Designation**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, MAKING FINDINGS; DESIGNATING PROPERTY LOCATED IN THE VICINITY OF 10 COREY AVENUE, ST. PETE BEACH, FLORIDA, 33706 AND IDENTIFIED BY PARCEL ID NOS. 36-31-15-00000-140-0100, 36-31-15-00000-140-0300, 36-31-15-00000-140-0400, 25-31-15-78084-000-0143, 25-31-15-78084-000-0142, AND 25-31-15-78084-000-0141, AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80 (2)(C), FLORIDA STATUTES, FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION, JOB CREATION, AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY OF ST. PETE BEACH TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING FOR SCRIVENOR'S ERROR; AND PROVIDING AN EFFECTIVE DATE.

Attorney McConnell stated that this hearing is two-part; tonight is the first public hearing, and December 6th will be the second public hearing with the proposed adoption. He identified the procedures tonight to be Quasi-Judicial and asked for the Commissioners to identify any ex-parte communications.

Mayor Johnson, Vice Mayor Graus, and Commissioner Grill all stated that they attended the community meeting last week.

Commissioner Friszolowski has had no ex-parte communication; he exited the meeting at 6:41 p.m.

Commissioner Grill also has had discussions with residents since the community meeting public notice went out and he has posted links to the Florida Statute and the Florida Department of Environmental Protection (DEP) Brownfields Website, to educate others.

Attorney McConnell went on to explain the general focus of tonight's meeting and of this Resolution as outlined in Florida State Statute 376.80(2)(C).

All those wishing to address the City Commission on this item were duly sworn by the City Clerk.

Attorney Michael Goldstein, of The Goldstein Environmental Law Firm, representing the applicant, gave a presentation to the Commission on the history of this site and the Brownfields program. Attorney Goldstein identified the five criteria that the Statute outlines for a local government to designate a brownfield area:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site;
2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 10 new permanent jobs, whether full-time or part-time, which are not associated with the implementation of the rehabilitation agreement or an agreement, between the person responsible for site rehabilitation and the local government with jurisdiction, which contains terms for the redevelopment of the brownfield site or brownfield area;
3. The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations;
4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation has

afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subsection must be made in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area; and

5. The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan.

Mr. Goldstein stated that the applicant is seeking approval so that they can apply for funding from this State program, via tax credits/incentives. He stated that information has been submitted to City staff who recommend approval as well.

Mayor Johnson opened public comment.

Resident Dan Bofinger expressed concerns regarding this project and its over-development. He encouraged the City to conduct their own study to understand the issues and how the site has been contaminating the water quality over the years.

Resident Deborah Schechner expressed concerns about this application because of the statement of ownership; she opined that because the applicant does not own the land the City cannot grant them the right to apply for something that they do not own. She encouraged the City to utilize Forward Pinellas' expertise to conduct a study, at their expense, regarding traffic, development, etc. on this site.

Hearing no further public comment, Mayor Johnson closed the public comment portion.

Attorney McConnell reminded the Commission that this discussion and request is not about the development of the site that was approved via a Conditional Use Permit; rather, it is specifically focused on the Brownfields application and cleanup of the site.

Attorney Goldstein stated that the oversight of the cleanup on the site is very methodical and thorough as the applicant will be working very closely with DEP. A soil management plan is one of many items that must be submitted to the DEP.

No action is required; Resolution 2022-23 will be heard on December 6, 2022, at 6:00 p.m. or as soon thereafter in these Chambers.

6. Items For Discussion

a. **Donation Policy and Guidelines**

City Manager Rey discussed the guidelines that were emailed to the City Commission. A copy of the email is made a part of the record. Essentially there are three ways the City donates: 1. Cash donations, 2. In-kind services, and 3. Use of City assets for personal gain. He stated that, currently, it equates to approximately $100k annually.

Commissioner Grill was grateful for the Guidelines that were provided; he would like more time to review and discuss with staff. He encouraged the Commission and staff to think about this as in "what are we trying to do?"

Discussion ensued on cash donations; currently, the City budgets for two non-profit organizations to receive cash donations. Mr. Rey stated that one donation is made to a non-profit that provides "meals on wheels" to residents and is not, what he considers, to be a donation; rather, it is reimbursement for services rendered and will be recategorized in the next years' budget as such.

The consensus was for the Commissioners to schedule one-on-one meetings with the City Manager and/or Mrs. McMahon and then bring this forward, as a Resolution, for adoption. A workshop may or may not be necessary depending on the one-on-one discussions.

7. City Clerk, City Manager, City Attorney, and City Commission Reports

Amber LaRowe, City Clerk—informed the Commission that the qualification period for the District 2, District 4, and Mayor seat closes at noon on November 18, 2022.

Commissioner Grill—stated that he identified an appointee to fill the vacancy on the Beach Stewardship Committee and he will be attending tomorrow's meeting.

District 2 is still working on cleaning up some of the debris from the storms.

Mayor Johnson—will be installed on the Forward Pinellas Board in January; looking forward to learning more by serving on that Board.

The Commission wished everyone a Happy Thanksgiving.

Mayor Johnson adjourned the meeting at 7:26 p.m.

Minutes approved: December 6, 2022

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Amber LaRowe
City Clerk

Alan Johnson
Mayor