City Commission Meeting
December 12, 2023
6:00 p.m.

ELECTED OFFICIALS PRESENT:
Adrian Petrila, Mayor
Mark Grill, Vice Mayor, Commissioner, District 2
Ward Friszolowski, Commissioner, District 3
Chris Marone, Commissioner, District 4

ELECTED OFFICIALS ABSENT:
Chris Graus, Commissioner, District 1

STAFF PRESENT:
Andrew Dickman, City Attorney
Wayne Saunders, Interim City Manager
Ginny Bodkin, Deputy City Clerk
Jennifer McMahon, Chief Operating Officer
Alaina Grundy, Transportation Planner
Brandon Berry, Senior Planner
Mike Clarke, Public Works Director

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

1. PRESENTATIONS

a. Recognition of City Staff

Deputy City Clerk Ginny Bodkin explained that Clerk Amber LaRowe had included this presentation to recognize those staff members who assisted with the organization and accommodation for the public meeting on December 5th. She read the names of the recognized staff members and explained the group efforts of multiple departments, including IT and the work involved in setting up equipment in multiple locations.

2. APPROVAL OF THE AGENDA

Vice Mayor Grill asked to add a discussion item on Form 6 (as item 8c.). He also indicated that he had received public input on item 6a. (Ordinance 2023-14) and inquired whether it was ready for first read or required further public input. Commission consensus was to keep it on the agenda to be heard.

Motion: **Commissioner Friszolowski moved, Vice Mayor Grill seconded, and the motion carried 4-0 to approve the December 12, 2023, City Commission Agenda as amended.**

3. AUDIENCE COMMENTS

Resident Jolynn Lawson, 5407 Leilani Dr., thanked staff for their efforts for the 12/5 meeting and inquired if some overflow arrangements would be provided for the January 10th meeting

Resident John Kurzman of Bahia Honda Way spoke about lag time on 12/5 recordings, Floodplain Ordinance discussion prior to moving forward, a perceived scrivener's error in Sec. 4.11 of City Code, time for public input and for boards to review information in meeting packets, and training for Planning Board members; they are only volunteers.

4. CONSENT

a. November 14, 2023 City Commission Meeting Minutes
b. Purchase of a Public Works Vehicle
c. Corey Ave Street Closures
d. Purchase of a Parks Landscape Truck
e. Wright National Flood Insurance Company Renewal
f. Purchase of a Tractor Trailer
g. Gilliam Construction LLC – Concrete, Brick and Mortar Repair & Replacement Extension

Motion: Commission Friszolowski moved, Vice Mayor Grill seconded, and the motion carried 4-0 to approve the December 12, 2023 Consent Agenda as presented.

5. ACTION ITEMS

a. Freebee Contract Amendment & Extension

Transportation Planner Alaina Grundy explained that the Commission had requested an update to performance metrics prior to beginning her presentation. Her presentation is part of the meeting record. She reviewed rider demographics (self-input on app), total passengers for the year (114,000 March – July), wait times (improved – 87% wait under 20 minutes), requested rides v. completed rides, cancellation times, and average cost per passenger ($4.71).

Jason Speigel, Managing Partner at Freebee appeared to answer any questions from the Commission. He addressed the Commission's concerns regarding a resident priority system. They do have the capability to do that once a mechanism to determine residency has been established. He suggested a portal similar to the parking portal.

Commissioner Marone inquired about the level of control and monitoring drivers; one driver told him other drivers will not pick up non-tippers. Discussion on the Freebee tipping policy followed. Mr. Spiegel stated that no complaints have been received but he will speak with the Service Manager immediately to address. Although the contract stated no tipping, it is difficult to police. Freebee is willing to work with the City on any data or other needs.

Vice Mayor Grill would like to know what resident priority numbers might look like. Commissioner Friszolowski praised the service with over 100,000 riders. Commissioner Marone opined that statistics scream for more service – no metric has shown otherwise.

Resident John Kurzman of Bahia Honda Way commented on the Free Beach Ride; drivers pay to rent the vehicles and work for tips. He spoke about the contract expiration date, vehicle safety over 35 mph, and vehicle kilowatts old vs. new vehicles.

Commissioner Friszolowski asked for clarification on new vehicles; Mr. Spiegel explained that they are due in February. Vice Mayor Grill expressed that he needed more data to make a decision. Ms. Grundy offered to bring back more data.

Motion: Commissioner Marone moved, Commissioner Friszolowski seconded, and the motion carried to 3-1 approve the amended contract with BeeFree, LLC, (aka Freebee) for the expansion microtransit services and the extension of services through fiscal year 2026, with Vice Mayor Grill voting no.

b. Selection of Search Firm for City Manager

Interim City Manager Wayne Saunders explained that an RFQ for executive search firms was put out and twelve responses were received (one was deemed non-responsive). A committee comprised of himself, COO Jennifer McMahon and Clerk Amber LaRowe reviewed the responses. Two stood out and those firms were interviewed. The qualifications of the two were close, however the recommendation was for S. Renee Narloch and Associates; the proposed contract was included in the meeting packet and they have a fixed fee. The firm contacted each of the Commissioners individually and sent brochures. Narloch and Associates indicated that they could have finalists by March.

Mayor Petrila reminded the Commissioners that they had tasked Mr. Saunders with this project and felt they should proceed with his/the committee's recommendation.

Motion: **Vice Mayor Grill moved, Commissioner Marone seconded, and the motion carried 4-0 to approve the contract for the Executive Search Firm with S. Renee Narloch and Associates for City Manager recruitment.**

c. Lot Split #23079: 102 15th Avenue

Senior Planner Brandon Berry began a presentation with the details of this request by Applicant, Dave Feinberg of Sea Biscuit Properties LLC. The presentation is part of the meeting record. The Applicant requests City Commission approval to split the existing parcel at 102 15th Ave into two 50x100' lots as originally platted, pursuant to Land Development Code Sec. 20.14.(c). This is part of the Warren Webster Plat and was a 4-unit residential building before being demolished. Both lots are currently vacant. Mr. Berry showed a slide of surrounding properties. Per the Land Development Code, the parcels would be eligible for a house medium and a house large. Staff recommendation was for approval and felt it was consistent with the surrounding properties.

Because this was a quasi-judicial hearing; ex-parte communication was declared. Commissioner Marone had spoken with the Applicant and reviewed a letter that Contract Planner Lynn Rosetti had sent to him regarding the previous building and options on rebuilding. Commissioner Friszolowski and Vice Mayor Grill had reviewed the meeting packet, and Mayor Petrila had spoken to the Applicant before he was elected.

Applicant Dave Fienberg of 1407 Pass-A-Grille Way was sworn in by the Deputy Clerk to testify. His original intent was to build a quadplex back, hoping to elevate with garage underneath, but the City would not permit and therefore he opted for two single family homes.

Motion: **Commissioner Marone moved, Vice Mayor Grill seconded, and the motion carried 4-0 to approve the Lot Split request #23079.**

d. Building Services with Joe Payne, Inc. dba JPI for Fiscal Year 2024

Building Division Manager Julie Anderson explained to the Commission the continuing uphill hiring challenges with competition from private firms for inspectors, plan examiners and building officials. City and County governments cannot be as competitive with total compensation. The City has hired a new HR Director and work will be done in that regard going forward but a short-term solution is still necessary.

Mr. Saunders explained that the compensation study results have been received in draft form and a final version should be wrapped up soon. He clarified that this is not a contract but an addition of funds for FY 24. The Commissioners discussed over-spending of contracts in recent years. Mr. Saunders explained that that was brought to his attention as soon as he came on board in October; work is ongoing to rectify those issues and they should not be coming up in the future. The loss of the Community Development Director contributed to the situation.

Motion: **Commissioner Friszolowski moved, Commissioner Marone seconded, and the motion carried 4-0 to authorize the City Manager to increase the spending threshold to $250,000 for Building Department Services provided by Joe Payne, Inc. dba JPI for FY 24.**

e. Renewal of iWorq Software Agreement

Julie Anderson explained that this is a new three-year agreement with the provider that the City has used for the past four years for cloud-based software solutions for building, permitting, planning, business licensing and code enforcement management. The search for a replacement for this system is still in process. It is easier from an implementation standpoint to eventually roll the iWorq data into the new software. Ms. Anderson explained some of the challenges with the system and why it will eventually be changed.

Vice Mayor Grill inquired about closed permits and historical data. The new system would import historical data.

Motion: **Commissioner Marone moved, Vice Mayor Grill seconded, and the motion carried 4-0 to authorize the City Manager to sign the new 3-year agreement for the continuation of services with iWorq Community Development Software in the amount of $13,725.00 per year.**

6. RESOLUTIONS

a. First Reading of Ordinance 2023-14: Floodplain Management Regulations

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 98 – BUILDINGS AND BUILDING REGULATIONS; ARTICLE II – TECHNICAL CODES, SECTION 98-30 – MODIFICATIONS TO THE ADMINISTRATIVE AND ENFORCEMENT PROVISIONS OF THE BUILDING CODE; SECTION 98-33 FLORIDA BUILDING CODE, RESIDENTIAL; AMENDMENTS; SECTION 98-35 FLORIDA BUILDING CODE, BUILDING; TECHNICAL AMENDMENT; SECTION 98-36 FLORIDA BUILDING CODE, EXISTING BUILDING; TECHNICAL AMENDMENT; ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS, DIVISION 2 – APPLICABILITY, SECTION 98-121.3 – BASIS FOR ESTABLISHING FLOOD HAZARD AREAS; DIVISION 3 – ADMINISTRATION, SECTION 98-122.1 – DESIGNATION; SECTION 98-122.4 – SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS; DIVISION 9 – DEFINITIONS, SECTION 98-128.4 - DEFINITIONS; DIVISION 12 – SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS, SECTION 98-131.1.1 – USE OF STRUCTURAL AND NONSTRUCTURAL FILL IN FLOOD HAZARD AREAS (ZONES AE); PROVIDING FOR FISCAL IMPACT STATEMENT; CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Julie Anderson explained that the current ordinance, 2021-15, became July 1, 2021. The changes at that time were required and the minimum necessary to remain in the National Flood Insurance Program (NFIP). Since then City staff and the State Floodplain Office have discovered additional clarifications that should be made as well as important changes were presented for discussion of any concerns. This ordinance, 2023-14 amends the Code to align with recommendations from the State NFIP Office and takes into account the feedback at the workshop. Ms. Anderson had included a summary of the post-workshop changes made by the State Floodplain Office and reviewed them, including the clarification of elevation requirements.

Ms. Anderson showed a graphic of other municipalities working with the Florida Division of Emergency Management (FDEM) and their freeboard heights. Many jurisdictions in Pinellas are revising their floodplain ordinances.

Ms. Anderson finished the review of the proposed changes to wording and definitions including repetitive loss and severe repetitive loss. If those are defined in the Code, they must be enforced, so the recommendation is to remove them. Substantial Improvement (SI) and Substantial Damage definitions changed the most and the City conferred with the consultant. The five-year cumulative is stringent on the residents – backing it to one year makes it easier to comply. Amending the SI threshold from 50% for 49% is proposed to get credit for the higher standard.

Vice Mayor Grill inquired why everything done in 2021 is being undone. Ms. Anderson explained that this direction will be more acceptable for best rates. The biggest concern is flooding. Commissioner Friszolowski opined that there are no easy answers; this has gone back and forth for 20 years and at some point, there needs to be a coming to terms with real potential storm threats. There needs to be support for the Property Appraiser, educate the public and get this on the ballot.

Ms. Anderson finished her review of the proposed changes. Discussion continued on the balancing act. Removing the exceptions decreases the amount of renovation that one can do but increases our score and potentially lowers the insurance rates for everyone. Ms. Anderson explained that there can be three attempts to submit.

Assistant City Attorney McConnell added that a business impact statement will be provided prior to the final reading of the ordinance. Last minute changes may be necessary; he will be working with staff. The ordinance has not been advertised yet.

Vice Mayor Grill asked whether there should be a public forum prior to proceeding; Commissioner Marone suggested an educational seminar with different scenarios and how numbers are calculated. Ms. Anderson suggested Property Appraiser Mike Twitty being present; she agreed to arranging an educational Town Hall prior to the second reading/adoption of the ordinance.

Resident John Kurzman gave public comment on pre-FIRM, post-FIRM, the 50 Percent Rule and grandfathering, insurance rates, and his belief that the State has a flawed floodplain map of St. Pete Beach maps.

Motion: Commissioner Marone moved, Commissioner Friszolowski seconded, and the motion carried 4-0 to adopt the first reading of Ordinance 2023-14 with an educational session/ Town Hall to obtain resident feedback prior to adoption.

7. RESOLUTIONS

a. Resolution 2023-24 (Conditional Use Permit #23069) & Variance #23068: 5090 Gulf Boulevard

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, PURSUANT TO SECTION 35.3.(b)(3) OF THE LAND DEVELOPMENT CODE, TO ALLOW THE PERMANENT ESTABLISHMENT OF A SEMI-PERVIOUS COMMERCIAL PARKING LOT AT PARCEL #06-32-16-08118-000-0470, WITH ADDRESS OF 5090 GULF BOULEVARD; INCORPORATING THE CONDITIONS OUTLINED HEREIN; AND PROVIDING FOR CORRECTION OF SCRIVENER'S ERROR AND AN EFFECTIVE DATE.

Timothy P. Driscoll, Esq., 146 2nd St. N., St. Petersburg, for HATTAK LLC Driscoll appeared to request a continuance to have five Commissioners present. City Attorney Dickman advised to specify a date certain.

Motion: **Commissioner Friszolowski moved, Commissioner Marone seconded, and the motion carried 4-0 to continue hearing CUP #23069 to date certain January 23, 2023.**

b. Resolution 2023-25: Surplus Public Property for Affordable Housing

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING AN INVENTORY LIST OF MUNCIPAL OR DEPENDENT SPECIAL DISTRICT PROPERTY UNDER FEE SIMPLE TITLE OWNERSHIP WHICH IS APPROPRIATE FOR USE AS AFFORDABLE HOUSING PER SECTION 166.0451 OF FLORIDA STATUTES; INCORPORATING THE CONDITIONS OUTLINED HEREIN; AND PROVIDING FOR CORRECTION OF SCRIVENER'S ERROR AND AN EFFECTIVE DATE.

Mr. Berry explained that this was part of the Live Local Senate Bill 102 signed into law in March of 2023. The requirement is that cities publish an online inventory of city-owned surplus property that would be suitable for affordable housing. Currently the City owns 48 parcels. Staff created four criteria for Affordable Housing Suitability which were included in the meeting packet. Staff found that none of the properties are suitable. The requirement is to reevaluate every three years.

Motion: **Vice Mayor Grill moved, Commissioner Marone seconded, and the motion carried 4-0 to approve Resolution 2023-25.**

8. Items for Discussion

a. Pass-A-Grille Trash Pickup

Public Works Director Mike Clarke explained that he was tasked with investigating what could be done toward bringing trash collection on Pass-A-Grille back to the way it was. He had facilitated a ride around; a map of the impediments to truck movement by type were included in the meeting packet. He reviewed a report the he had provided to the Commission on three options/solutions 1) eliminate all encroachment issues in the alleys, which he enumerated 2) remain as is with the change in place and 3) Waste Connections has said the encroachment issues in alternative #1 in each north and south alley would have to be resolved in order for them to return to the same service process prior to the change and encroachment in east west alley would be addressed by the City. In conclusion all were deemed feasible operationally, however alternative #3 would require time to manage and remove and could be up to 18 months. Mr. Clarke's report is part of the meeting record.

Commissioner Friszolowski inquired about right of way obstacles, possible surveying, and associated costs to the City. Commissioner Marone mentioned future alley maintenance, what is alley and what is private property, what the City can do to assist homeowners to get back to what we had, and continuing maintenance. Mr. Clarke stated that moving utility poles is a daunting task with dollar signs attached (with or without easements).

Mr. Clarke clarified for the City Attorney that what has changed is that owners on the interior of the alleyways are required to bring containers to the curb (along with the vegetation and recycling that already goes there).

Vice Mayor Grill inquired about a time estimate for option #1 and expenses for option #3. Is there something that can be done gradually.

Mr. Clarke stated that he would like to take all of this under advisement and get with the City Manager to review. Mayor Petrila also inquired about the cost of smaller trucks.

Resident Cheryl Callahan of 103 17th Ave. distributed pages from municipal code and commented on them.

Amy Loughery, 102 19th Avenue commented on the difficulties for commercial businesses that do not have access from back to front on 8th Avenue.

Brenda Ercius of 111 12th Avenue commented on the City maintaining the alleys, removing obstacles, Duke Energy power pole replacements, better alley signage, and resident notifications.

Bill Loughery of 2405 Pass-A-Grille Way commented on the problems with the alleys and suggested looking in person. He commented on encroaching vinyl fencing and the removal of vegetation improving the situation.

Ian Boyle of Waste Connections offered to bring 15 passenger vans for the Commission or other people to point out all of the issues. He spoke about how pickup has improved under the new plan; it has been a positive change.

Mayor Petrila inquired about the biggest challenges; Mr. Boyle cited vegetation, utility poles, cars, fences, increased discarded packaging from home deliveries and the need for larger trucks, turning problems, damage to trucks, and the safety of their drivers. They are willing to work with the City; he could provide pricing for smaller trucks, but they would require a dedicated crew for this contract.

The Commission allowed Bill Loughery to comment again as the Historic Preservation Board Chair; he said that people come to Pass-A-Grille for its quaintness, and it can't be treated the same as the rest of the City.

Mayor Petrila indicated that there is no immediate answer and appreciated staff's efforts at solutions.

b. Corey Area Business Association Sunday Market

Chief Operating Officer Jennifer McMahon explained that on 8/8/2023, the City Commission approved the street closures for CABA to have the Sunday Market with their new vendor Penguin Productions. They were asked to return in December to provide financial statements on that operation. Penguin Productions have been good partners to date; her only recommendations are that the merchants would like a better vetting process to avoid competition with items being sold on the street vs. their stores and the consideration of charging Penguin a weekly fee.

Sherry Talcott and Junior Afanador, President and Vice President of CABA appeared and reviewed a packet of their financial information, which is part of the meeting record.

Vice Mayor Grill inquired about how revenue from the market is being used to improve the downtown corridor. Mayor Petrila expressed his understanding that funds were to be used toward marketing as the market is extremely popular and draws a large number of visitors.

Kevin Tucker, Marketing Director of Penguin Productions explained that they have rotated out some of the vendors in response to merchant concerns and they take all comments seriously. The market has had a 20% growth each month. They make great efforts to clean up and vacate the area as quickly as possible. They are willing to work with the City, however necessary.

Commissioner Marone commented on the market being self-perpetuating and suggested a $200 per month fee for the City to start. Ms. McMahon stated that the Pass-A-Grille market has a lease agreement for the space.

Motion: **Commissioner Friszolowski moved, and Commissioner Marone seconded to renew the CABA permit through the end of 2024 with a $200 monthly payment and permission for Counsel to prepare a lease agreement between the City and CABA. The motion carried 4-0.**

Mayor Petrila called for a recess at 9:26 PM; he reconvened the meeting at 9:31 PM.

c. (Added) Form 6

Vice Mayor Grill announced his resignation as Commissioner for District 2 and Vice Mayor effective 12/31/23. His primary reason for the resignation was Florida Bill 774, Ethics Requirements for Public Officials, which was passed in April of 2023. The Bill goes into effect in January of 2024 and requires certain local elected officials to submit a Form 6 which requires documenting and disclosing personal financial information at a level of detail not previously required (replacing the less intrusive Form 1 previously required). The forms are public record. He expressed that it feels over the line of reasonableness, an overreach by the State, and diminished Home Rule. Similar resignations have taken place across the State. He continued to express his dissatisfaction with this new requirement. He expressed the honor of having served and sentiments toward those he worked with. Lastly, he asked that people find a way to work together and end the recent divisiveness in the City.

The Mayor and Commissioners thanked Vice Mayor Grill for his service; it is a big loss for the City.

Commissioner Marone stated that he also is not willing to complete the Form 6 or receive an Ethics violation for not doing so. The form requirements are onerous and personally intrusive. If the City Attorney can find a work around prior 12/31/23 he would do it or he would find it necessary to resign as well.

Motion: Commissioner Friszolowski moved, and Commissioner Marone seconded to continue the meeting to 10:15; the motion carried 4-0.

City Attorney Dickman Andrew explained a City Charter provision that if two Commission vacancies occur simultaneously, the remaining three shall, within 15 days, call a special election to fill the vacant positions. However the City no longer holds its own elections – they are in conjunction with the County elections in August and November. He will need to confer with the Supervisor of Elections and research how this will be handled as he only learned about this today. He may also speak to the Commission on Ethics.

Potential dates for a special meeting for follow-up were discussed. The Commission and staff decided on a special meeting on Monday, December 18th at 2:00 PM.

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

Commissioner Marone - mentioned the Bonfire on Thursday night in Pass-A-Grille and that the work on the jetty will begin in early January.

Vice Mayor Grill - reported that he did some follow-up on virtual meetings with the Florida League of Cities and was told to contact the City Attorney.

Mayor Petrila adjourned the meeting at 10:07 p.m.

MINUTES APPROVED:

ALarowe

AMBER LAROWE
CITY CLERK

ADRIAN PETRILA
MAYOR