COMMISSION MEETING
CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, November 09, 2010

6:30 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

REGULAR MEETING

1. **Changes to the Agenda** - Any agenda items to be added, moved, or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member.

2. **Presentations**
   a. **Kiwanis Club of the Gulf Beaches - Dave Romine**
   b. **Project close out of the FY 2010 Corey Avenue Tree Replacement capital improvement project.**
   c. **Project close out of the FY 2010 Street Sign Inventory capital improvement project.**

3. **Audience Comments** - Comments shall be limited to 3 minutes per person on issues that are not on the agenda.

4. **Consent**
   a. **Authorization for the Mayor to enter into an Agreement with the Pinellas County Supervisor of Elections for the March 8, 2011 General Election.**
   b. **Authorize the City Manager to enter into a purchasing agreement with All South Lightning Protection in the amount of $15,406 for Lightning Protection and Cascading Equipment Transient Voltage Surge**

Suppression (TVSS) for the Reclaimed Water Booster Station.

5. **Resolutions**
   a. **Resolution 2010-28, supporting Madeira Beach Mayor Patricia J. Shontz to represent the cities of St. Pete Beach, Treasure Island and Madeira Beach on the Pinellas Planning Council.**
   b. **Resolution 2010-29, reappointing John Elias, Esq. as the Parking Citation Hearing Officer, Administrative Appeals Hearing Officer and Special Magistrate for the City's Code Enforcement Division.**
   c. **Resolution 2010-30, in support of the recommendations of the Joint Land Use and Transportation Committee, including amendment to the Pinellas Planning Council's Special Act**

6. **Ordinances**
   a. **Ordinance 2010-32, First Reading and Public Hearing, amending Division 26 of the City of St. Pete Beach Land Development Code.**

7. **Action Items**
   a. **Case #20100032, Conditional Use and Variance request of the Pass-a-Grille Women's Club for property located at 2201 Pass-a-Grille Way. The Applicants seek approval for construction of an elevated deck for use for social gatherings. *This is a Quasi-Judicial determination.***
   b. **Appointment to the General Employees' Pension Board of Trustees**

8. **Items for Discussion**
   a. **City web site**
   b. **Staff recommendations on Quasi-judicial cases**

9. **City Manager, City Attorney and City Commission Reports**

10. **Adjournment**

APPEALS

If a person decides to appeal any decision made at this hearing, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) The City does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

Agenda Material is available for review at City Hall on the Friday preceding the meeting. In accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services at (727) 363-9243 no later than four (4) days prior to the proceeding for assistance.

CITY COMMISSION MEETING

November 9, 2010

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Michael Finnerty
Vice Mayor Jim Parent
Commissioner Al Halpern
Commissioner Marvin Shavlan
Commissioner Beverly Garnett

ALSO PRESENT

City Manager Mike Bonfield
City Attorney Mike Davis
City Clerk Theresa McMaster
Community Development Director Karl Holley

1. Changes to the Agenda

Commissioner Garnett asked that Item 7. (a) be moved up on the Agenda. It was agreed that Item 7(a). will be heard after the Consent Agenda.

2. Presentations

City Manager Bonfield called upon Police Chief David Romine for the first presentation.

a. Chief Romine addressed the Commission as President of the Kiwanis Club of the Gulf Beaches. He presented Mayor Finnerty with a plaque in appreciation of their partnering with the Kiwanis Club in the "Every Child a Swimmer" Program.

b. Renee Cooper, CIP Construction Manager, gave a report on the FY 2010 Corey Avenue Tree Replacement Capital Improvement Project.

c. Renee Cooper, CIP Construction Manager, gave a report on the FY 2010 Street Sign Inventory Capital Improvement Project.

3. Audience Comments

Bill Pyle, 6600 Sunset Way spoke regarding the repeal of the 2005 Comprehensive Plan

4. Consent

a. Authorization for the Mayor to enter into an Agreement with the Pinellas County Supervisor of Elections for the March 8, 2011 General Election.

b. Authorization for the City Manager to enter into a purchasing agreement with All South Lightning Protection in the amount of $15,406 for Lightning Protection and Cascading Equipment Transient Voltage Surge Suppression (TVSS) for the Reclaimed Water Booster.

A motion was made by Vice Mayor Parent to approved items a. and b. of the Consent Agenda. The motion was seconded by Commissioner Shavlan and approved by unanimous vote.

7. (a). **Case No. 2010032, Conditional Use and Variance request for the Pass-a-Grille Women's Club for property located at 2201 Pass-a-Grille way. The applicants seek approval for construction of an elevated deck for use for social gatherings.**

City Attorney Davis advised the Commission that this is a *quasi-judicial proceeding.*

Vice Mayor Parent admitted that he had taken a look at the property.

Commissioner Garnett advised that she is a member of the Pass-a-Grille Women's Club at which point Mr. Davis advised her that she should abstain from voting on this item.
Karl Holley gave a brief explanation of the application and answered questions regarding the variance.

Mr. Davis reversed his earlier opinion and advised Commissioner Garnett that she **did not** have to abstain from voting on the issue.

The applicant, Kris Self, addressed the Commission and gave a brief presentation outlining the plans for the deck.

Commissioner Garnett thanked Ms. Self for a thorough presentation and offered her support for the project.

Vice Mayor Parent also thanked Ms. Self for her presentation and expressed his concerns about the safety of the members.

Commissioner Halpern spoke in favor of the project.

Mayor Finnerty thanked Ms. Self for all the work she does.

A motion was made by Commissioner Garnett to approve the variance request to reduce the required rear yard setback to zero for construction of an elevated deck for outdoor seating for property located at 2201 Pass-a-Grille Way. The motion was seconded by Commissioner Halpern and approved by unanimous roll call vote.

A motion was made by Vice Mayor Parent to approve the Conditional Use request for construction of an elevated deck for outdoor seating for property located at 2201 Pass-a-Grille Way. The motion was seconded by Commissioner Halpern and approved by unanimous roll call vote.

5. <u>Resolutions</u>

a. **Resolution 2010-28, supporting Madeira Beach Mayor Patricia J. Shontz to represent the Cities of St. Pete Beach, Treasure Island and Madeira Beach on the Pinellas Planning Council.**

Mayor Shontz is up for re-election and in the event she decides not to run or is defeated, the matter will be brought back to the Commission for consideration.

Vice Mayor Parent made a motion to approve Resolution 2010-28, supporting Madeira Beach Mayor Patricia J. Shontz to represent the Cities of St. Pete Beach, Treasure Island and Madeira Beach on the Pinellas Planning Council. The motion was seconded by Commission Garnett and approved by unanimous roll call vote.

b. **Resolution 2010-29, reappointing John Elias, Esquire, as the Parking Citation Hearing Officer, Administrative Appeals Hearing Officer and Special Magistrate for the City's Code Enforcement Division.**

Mr. Bonfield reminded the Commission that Mr. Elias has an annual contract with the City, in compliance with Florida Statutes, and it expires in November. Staff is recommending that the City consider other alternatives; Mr. Bonfield recommended that the Commission approve this Resolution and at the same time authorize him to solicit qualifications for other potential Magistrates in the event staff recommends replacing Mr. Elias and if not; Mr. Elias will stay on in the same capacity.

Vice Mayor Parent suggested that in six months staff should come to the Commission and advise them of how Mr. Elias is doing. **After discussion, it was decided that the staff should come to the Commission with their report in three months.**

A motion was made by Commissioner Shavlan to approve Resolution 2010-29 reappointing John Elias, Esquire, as the Parking Citation Hearing Officer, Administrative Appeals Hearing Officer and Special Magistrate for the City's Code Enforcement Division. The motion was seconded by Commissioner Halpern and approved by unanimous roll call vote.

c. **Resolution 2010-30, in support of the recommendations of the Joint Land Use and Transportation Committee, including amendment to the Pinellas Planning Council's Special Act.**

Mr. Bonfield explained that by passing this Resolution, they are only approving the concept; more detailed language will be forthcoming in the next step.

A motion was made by Vice Mayor Parent to approve Resolution 2010-30, in support of the recommendations of the Joint Land Use and Transportation Committee, including amendment to the Pinellas Planning Council's Special Act. The motion was seconded by Commissioner Halpern and approved by unanimous roll call vote.

6. <u>Ordinances</u>

a. **Ordinance 2010-32, First Reading and Public Hearing of Ordinance 2010-32, amending Division 26 of the City of St. Pete Beach Land Development Code.**

Karl Holley went through the Ordinance, which pertains to signs, and explained the changes that were being recommended.

After discussion and questions by the Commissioners, Mr. Holley went over the changes that were suggested and advised them that the suggested changes would be incorporated in the Ordinance and brought back to the Commission for the second reading.

A motion was made by Commissioner Halpern to approved Ordinance 2010-32, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendment of Division 26 of the Land Development Code; providing for amendment of the City of St. Pete Beach sign ordinance; providing for amendment of standards relating to sandwich board signs, designer signs, window signs, and banners; providing for amendment to section related to fees; providing for severability; providing for the repeal of ordinance or parts of ordinance in conflict herewith, to the extent of such conflict; and providing for an effective date. The motion was seconded by Commissioner Garnett and approved by unanimous roll call vote.

7. <u>Action Items</u>

b. **Appointment to the General Employees' Pension Board of Trustees**

Mr. Bonfield advised the Commission that Don Pellegrino was nominated by the other members of the Board but, as required by Code, needs approval of the Commission.

Commissioner Garnett spoke in favor of Mr. Pellegrino; Vice Mayor Parent felt that persons who wanted to be seated on a Board should make an appearance before the Commission.

Mayor Finnerty asked Mr. Bonfield, in the future, to recommend that prospective Board members appear before the Commission.

Commissioner Garnett made a motion to appoint Don Pellegrino to the General Employees' Pension Board of Trustees. Vice Mayor Parent seconded the motion and it was approved by unanimous roll call vote.

Mayor Finnerty called for a ten minute recess.

The Meeting resumed at 9:25 p.m. and Mayor Finnerty called upon Mr. Bonfield to continue with the agenda.

8. <u>Items for Discussion</u>

a. City Web Site

Commissioner Shavlan discussed the site and suggested that a picture of the Don CeSar be on the header along with a picture of the Community Center. He also feels that the type should be more traditional, easier to read, instead of cursive. Another thing he would like change is the size of type on the horizontal navigation link.

There was discussion regarding hiring a technician to update the web site versus designing a new web site. Mr. Bonfield stated that he thought the cost of a technician to maintain the site would be approximately $400-$500 per month. At the request of the Commission, Mr. Bonfield will have someone at the next Commission Meeting to discuss changes to the web site.

b. Staff Recommendations on Quasi-judicial cases

Commissioner Shavlan stated that he would like recommendations from staff made to the Commission for consideration. He would like to have the information and/or criteria used in making the recommendation.

Vice Mayor Parent stated that he does not want recommendations but would like more analysis. Mayor Finnerty felt that making recommendations is putting too much pressure on staff.

The Commission agreed that they do not want recommendations.

Mr. Bonfield advised that staff will go through the criteria and give more information from the application, but they will not give a recommendation. He went on to say that the Commissioners should not talk to staff before the Meeting to get their *opinions* in any quasi-judicial matter.

9. <u>City Manager, City Attorney & City Commission Reports</u>

<u>City Manager Mike Bonfield presented his report.</u>

<u>City Attorney Mike Davis had nothing to report.</u>

Commissioner Garnett presented her report.

Commissioner Shavlan presented his report.

Commissioner Halpern presented his report.

Vice Mayor Parent presented his report.

Mayor Finnerty presented his report.

10. Adjournment

There being no further business to come before the Commission, the Meeting was adjourned.

Pamala Prell
Pamala Prell, Acting City Clerk

Mike Finnerty
Mike Finnerty, Mayor

Minutes approved on: 11-23-10