



COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, January 11, 2011

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 – none for this agenda**
- 3. Audience Comments** - Comments shall be limited to 3 minutes per person on issues not on the agenda.
- 4. Consent**
 - a. Approval of Minutes: November 23, 2010; November 30, 2010; December 13, 2010 and December 14, 2010; November 30, 2010 Shade.**

5. Ordinances

- a. Ordinance 2010-32, Final Reading and Public Hearing amending Division 26 of the City of St. Pete Beach Land Development Code.**
- b. Ordinance 2010-38, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida providing a supplemental appropriation to the General and Capital Project Funds for fiscal year ending September 30, 2011; providing for funding; providing for an effective date.**
- c. Ordinance 2010-39, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida providing for amendment of Section 50 of the Code of Ordinances of the City, pertaining to the Library; providing for severability; providing for repeal of ordinances or parts of ordinances, in conflict herewith, to the extent of such conflict; and providing for an effective date.**
- d. Ordinance 2011-01, First Reading and Public Hearing amending Chapter 22 of the City of St. Pete Beach Code of Ordinances.**
- e. Ordinance 2011-02, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Florida providing for amendment of Subsection (n) of Section 82-137 of Division 1 of Article III of Chapter 82 of the Code of Ordinances, pertaining to stopping, standing and parking of vehicles; providing for amendment of the city parking maps; providing for severability; providing for the repeal of all ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date.**

6. Resolutions

- a. Resolution 2011-03 – Adopting the “Let’s Move!” campaign.**

7. Action Items

- a. Authorize the City Manager to enter into a purchasing agreement with KMS & Associates, Inc., for pavement assessment, software installation, and software training for \$13,762.**
- b. Authorize the City Manager to accept a proposal from George F. Young in the amount of \$19,930 to perform**

a downtown traffic analysis for a one-way couplet concept.

8. Items for Discussion

- a. City of St. Pete Beach's Website proposal by Digital Eel.**
- b. Discussion of process for staff review and reporting to Commission for applications for Quasi-Judicial determinations, including variances and conditional uses.**

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.

ST. PETE BEACH COMMISSION MEETING

**Tuesday, November 23, 2010
6:00 p.m.**

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 Attorney Mike Davis
City Clerk Theresa McMaster
City Manager Mike Bonfield
Finance Director Elaine Edmunds
Community Development Director Karl Holley**

1. CHANGES TO AGENDA

Vice Mayor Parent requested that Item 4.b. (Case #20100040) be pulled from the Consent Agenda and be placed under 7. Action Items.

2. PRESENTATIONS

a. Pass-a-Grille Civic Association

Ann Michael, Treasurer of the Pass-a-Grille Civic Association, presented checks to the City to cover the costs of two concerts and the cost of refurbishments to planters on 8th Avenue.

b. Southwest Little League

Mr. Lance Ellis presented the City Commission with a framed photograph of all the Little League teams in appreciation for all the hard work, dedication and support that the City gives the League.

c. Walk Wise

Jennifer Bradford, USF, addressed the Commission and presented a PowerPoint program outlining the Walk Wise Crosswalk Program and answered questions asked by the Commission.

d. Web Design

City Manager Bonfield introduced Steve Schwalb who spoke about his company *Digital Eel* with regard to a Web Design for the City and answered questions by the Commission and City Manager Bonfield.

e. Update on Litigation Cases

City Attorney Michael Davis reported that Judge Demers' office has contacted both sides of the litigation case and said that he expects to have a decision in the Pyle case (the ballot summary case) by Thanksgiving. At that time, a Meeting can be scheduled.

3. Audience Comments

Patricia Peldys, 7338 Coquina Way – Asked the Commission if they could consider having a *Nuisance Abatement Board* to address the ongoing crime activity on and around west Corey Avenue.

Deborah Schechner, 710 Boca Ciega Isle Drive – Asked everyone to work together and stop drug sales, crime, etc. in and around the Corey Avenue area. She asked the Commission to consider forming a *Nuisance Abatement Board*.

Mayor Finnerty closed the Audience Comments portion of this Meeting.

4. Consent

- a. Approval of the Minutes of the October 20, 2010 Workshop Meeting, and the November 8, 2010 Attorney/Client Session Meeting. (The October 26, 2010 Regular Meeting Minutes were removed from this Agenda.)**

Commissioner Halpern moved to approve the October 20, 2010 Commission Workshop Meeting Minutes and November 8, 2010 Attorney/Client Session Minutes. Vice Mayor Parent seconded the motion.

The motion was unanimously approved by voice roll call vote.

- c. Authorization for the City Manager to enter into a Landscape Reimbursement and Maintenance Memorandum of Understanding Agreement with the Florida Department of Transportation to reimburse the City for up to \$60,000.00 annually for five years in Citywide landscape rehabilitation projects along state highways within the City.

Commissioner Halpern moved to authorize the City Manager to enter into a Landscape Reimbursement and Maintenance Memorandum of Understanding Agreement with the Florida Department of Transportation to reimburse the City for up to \$60,000 annually for five years in Citywide landscape rehabilitation projects along State highways with in the City. The motion was seconded by Vice Mayor Parent.

The motion was unanimously approved by voice roll call vote.

[Agreement](#)

Commissioner Halpern moved to approve the Consent Agenda. Vice Mayor Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

5. Resolutions

- a. [Resolution 2010-31, encouraging the Police and Fire Pension Boards to adopt a lower rate of assumed earnings.](#)

[Resolution 2010-31 Agenda Report](#)

[Resolution 2010-31](#)

Mr. Bonfield presented a brief overview of the Resolution. He advised that the Pension Plans are governed by Florida Statutes and they are not governed by the Commission however, this Resolution is simply asking that they reduce the assumption rate from 8.5% to 8%.

Vice Mayor Parent felt that it's a small incremental change and because it will not impact their benefits that they should reduce it to be more realistic.

Commissioner Shavlan agreed with Vice Mayor Parent's remarks and asked if they should consider suggesting 8.25% this year and then 8% next year.

Mayor Finnerty liked the suggestion with the understanding that they would agree to continue in that direction.

Commissioner Halpern felt that the assumption rate should be reduced until the investments start paying more and then if the 8.5% is appropriate to reconsider it at that time.

Mayor Finnerty stated that he agreed that 8% would be the best way to go.

Commissioner Garnett asked Elaine Edmunds, the Finance Director, if she had any remarks regarding this matter.

Elaine Edmunds stated that she felt that the sooner they face up to it and make a decision, the sooner they can get in a better financial position. She pointed out that the State is presently at 7.75% and it would make sense if all the Plans went to 8%. She disclosed that the General Pension reduced their assumption rate to 8%. She stated that the Pension Boards are aware of the fact that the contributions will impact the City and they know the City is facing some pretty rough times.

Commissioner Garnett suggested a uniform figure of 8% for all of the Plans.

Mayor Finnerty opened the Meeting to audience comments.

Phil Milner, Chairman of the Fire Pension Board, agreed with the Commission 100%. He had a question about the way the Resolution was written. Mr. Milner made the suggestion that they wait until next September or October to make the change.

Bruno Falkenstein, 2401 Pass-a-Grille Way agreed with the suggestion that they wait until September to make the change.

Commissioner Garnett asked Elaine Edmunds if she agreed with the 14% loss, the “smoothing” process. She thought these changes would be in the 2011-2012 fiscal year.

Vice Mayor Parent suggested going ahead with the change as soon as possible.

Mrs. Edmunds suggested they wait until the end of the year then see what they have left and appropriate money to the pension funds.

Vice Mayor Parent made a motion that Resolution 2010-31, a Resolution of the City of St. Pete Beach, encouraging the Police and Fire Pension Boards to adopt a lower rate of assumed earnings. For clarification, it's the new version of the Resolution that has extra “Whereases” added to it that indicate that there is no cost change to the City overall nor is there any impact to the recipient and the recommendation is from 8.5% to 8% and that it be implemented 9/30/2010. Commissioner Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

6. [Ordinances](#)
[Ordinance 2010-32, Final Reading and Public Hearing amending Division 26 of the City of St. Pete Beach Land Development Code.](#)
- a.

[Ordinance 2010-0032 Report](#)

[Ordinance 2010-32](#)

Mr. Bonfield reminded the Commission that these are the recommended changes to the sign ordinance and that Karl Holley is present to discuss the document.

Mr. Holley stated that this is the second reading of the Ordinance and the changes that were recommended at the first reading have been incorporated in the document presented to the Commission tonight.

Vice Mayor Parent suggested that on page 49, 5th line from bottom, it read “set back 3 ft from the sidewalk or if no sidewalk, 3ft off the pavement .”

Vice Mayor Parent felt that it should be 10 feet overall in all cases and should read “set back at least 10 feet from edge of pavement.”

Vice Mayor Parent moved to approve 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 amendments to Sections related to fees; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date, with the change agreed to on page 49. Commissioner Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

- b. [Ordinance 2010-36, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Florida, providing for a supplemental appropriation to the General Fund for Fiscal Year ending September 30, 2010.](#)

[Memo Ord. 2010-36](#)

[Ordinance 2010-36](#)

Mr. Bonfield briefly outlined the Ordinance for the Commission.

Mrs. Edmunds stated that the total for the City Attorney expenses were \$549,176 which was short \$235,000.

Vice Mayor Parent stated that they should pay special attention to what they budget for legal fees next year; they seem to be under budgeting.

Bruno Falkenstein, 2401 Pass-a-Grille is not happy with the legal representation the City is receiving. He feels the City is getting “fleeced”.

Commissioner Halpern moved to approve Ordinance 2010-36, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Florida, providing for a supplemental appropriation to the General Fund for Fiscal Year ending September 30, 2010; providing for funding; providing for an effective date. Commissioner Shavlan seconded the motion.

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The motion was unanimously approved by individual roll call vote.

7. [Action Items](#)

- b. [Case #20100040; Request for Special Permit Approval under Section 6.5\(f\)\(1\) of the Municipal Code for Consumption of Alcoholic Beverages on the Public Sidewalk.](#)

[Case # 20100040 Report](#)

[Indemnification and Hold Harmless Agreement](#)

City Manager Bonfield briefly explained the request.

Vice Mayor Parent said that serving alcohol on a public sidewalk must be approved by ABT.

Mr. Davis said the City approves it first then it goes to the State.

Bruno Falkenstein, 2401 Pass-a-Grille, stated that he did not think that is was that simple.

Commissioner Shavlan moved to approve Case #20100040; Request for Special Permit Approval under Section 6.5(f)(1) of the Municipal Code for Consumption of Alcoholic Beverages on the Public Sidewalk at 363 Corey Avenue . Vice Mayor Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

8. [Items for Discussion](#)

None at this time.

9. [City Manager, City Attorney and City Commission Reports](#)

City Manager Bonfield presented his Report. **He suggested canceling the Dec 28, 2010 Meeting. All were in agreement.** He also suggested a Workshop for next

City Commission Meeting

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Tuesday (November 30, 2010, at 5:30 pm) to discuss the March ballot and potential ballot questions. All were in agreement.

Mr. Bonfield thanked City Clerk Teri McMaster for her service to the City, as this would be her last Commission Meeting (Ms. Master resigned from the City).

Commissioner Garnett presented her report and thanked City Clerk McMaster for her service.

Commissioner Shavlan presented his report and asked Bruno Falkenstein if they could meet and discuss his dissatisfaction with the City Attorney.

Vice Mayor Parent presented his report

Commissioner Halpern presented his report

Mayor Finnerty presented his report and wished City Clerk McMaster the best of luck.

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

Pamala Prell, Acting City Clerk

Mike Finnerty, Mayor

Minutes approved on _____

**ST. PETE BEACH
CITY COMMISSION WORKSHOP
November 30, 2010
6:30 pm**

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

**Mike Davis, City Attorney
Mike Bonfield, City Manager
Pamala Prell, Acting City Clerk**

Mr. Davis presented an overview of the Order regarding the Pyle cases.

Mr. Davis advised that in the ballot summary case, the Order essentially declares each of those ballot summaries invalid because, according to the Judge, they did not comply with the requirements of State law. Basically, the requirements of State law are that the ballot summary contain the chief purpose of the major issue being voted on and not mislead the voters. There are some aspects of that Final Judgment that we find rather confusing and we think that the Order needs to be clarified and amended. The recommendation in terms of the legal steps that we would undertake with regard to this order is to file a Motion for Clarification, a Motion for Re-Hearing, and then also to file an appropriate Motion to try to defer the entry of this Order so that it corresponds with the Kadoura Order so they both come down at the same time.

Commissioner Halpern was agreeable to City Attorney Davis' recommendation and commented that after reading the Judge's Closing Statement, he felt that there were a lot of confusing issues in there as far as the Judge referring to ordinances rather than ballot language.

City Attorney Davis stated that the order deals with the ballot summaries which are not the substance of the Order. He referenced second to last page, the Court says "the Court declares the foregoing ordinances invalid."

He stated that he doubted that was really what the Judge intended to do in his Order since he was not dealing with the validity of the ordinance, he was dealing with the validity of the ballot summary. He mentioned that's one of the things they want to ask the Judge to clarify.

Vice Mayor Parent made a motion to accept the recommendations of the City Attorney. The motion was seconded by Commissioner Garnett and unanimously approved by roll call vote.

Mayor Finnerty asked City Attorney Davis if there was anything else.

City Attorney Davis stated that the second thing he wanted to talk about is how the City can get out of this "revolving door" that they have been in for quite a number of years which results in constant lawsuits. He stated that he thinks the ultimate solution would be for the City to consider repealing the "Home Town Democracy" provisions that are contained in the City's Charter, Sections 3.15, 3.16 and 3.18; and also consider an amendment to the section of the City's Charter which allows voters by initiative to propose ordinances to the Commission or the repealing of ordinances. He reported that if the City wants to have a vote to repeal or make any of these changes, the ballot language is due to the Supervisor of Elections no later than January 7th. He advised that his office proposes to bring to the Commission, in the month of December, a Resolution that would contain the ballot language that would go to the Supervisor and they would also bring the ordinances that would start the process for the ballot questions. Attorney Davis provided copies draft Resolutions and Ordinances for the City Commission's review regarding the ballot questions.

Mayor Finnerty stated they could hold meetings on December 13, 2010 and December 14, 2010 to discuss this matter.

Mr. Bonfield agreed that the Commission could adopt Resolutions and Ordinances on December 13, 2010.

Vice Mayor Parent stated that he would like to schedule a meeting on December 13, 2010 to focus on the Resolutions that may go on the ballot and the specific wording of those along with public input and keep the regular business of the Commission on the following day.

Mayor Finnerty was in agreement and asked if everyone was available at 6:30 pm. He advised that a Meeting will be scheduled for December 13, 2010, at 6:30 p.m. and the Regular Meeting will be on December 14, 2010, at 6:30 pm. He advised that audience comments will be allowed at both meetings.

City Attorney Davis asked if the Commission would like him to bring back, in addition to the repealer ordinance, and ballot language, along with one that would modify the Initiative Provision in the Charter; to require either a higher number of registered voters to sign petitions or make some other changes. He advised that he can bring several alternatives for consideration.

Mr. Bonfield stated there are two other items for consideration for the ballot, the first being the City Clerk position. He pointed out that there are a number of provisions in the Charter and the Code as it relates to the City Clerk; the Charter provides that the Commission hire/fire and discipline the City Clerk. He reported that in 1998 the City Commission passed Ordinances that made the City Clerk a non-classified position; established the City Clerk as a Department Director and that the City Clerk report to the City Manager.

Mr. Bonfield asked if the Commission wanted to make any changes to that since they are getting ready to advertise for a new City Clerk and stated that he felt that in fairness to all involved, they should know what the Commission's intent is regarding the Office of the City Clerk and who they will report to. He stated that he would like to have some discussion and perhaps get some direction if the Commission desires any changes.

Mayor Finnerty asked if Mr. Bonfield wants to have that discussion now or have it at the December 14th meeting. Mr. Bonfield advised that he can draft up some options if they want to discuss the issue on December 14th. The City Commission was in agreement to discuss the City Clerk position at the meeting on December 14th.

Mr. Bonfield went on to say there is a recommendation coming to the Commission from the Planning Board and the Historic Preservation Board to make some changes to the Traditional Hotel District Zoning Designation, one of which is to change the overall maximum height requiring any hotels in the future to comply with the residential height requirements. He pointed out that according to the City's Charter, any change to allowable height in the Land Development Code will require a voter referendum. He advised that the first reading is scheduled for the December 14th meeting and that they could start the process for putting it on the ballot at the same time, just knowing that the final reading will

be after the ballot language is submitted to the Supervisor of Elections. Mr. Bonfield recommended that this particular item be placed on the Regular Meeting of December 14th, 2010 and that he will structure it in a way that so that if the Commission approves it on first reading they can also approve the Resolution for the ballot language.

The City Commission was in agreement with the recommendation.

A motion was made to adjourn the Meeting. The motion was seconded and unanimously approved.

Attest:

Pamala Prell, Acting City Clerk

Michael Finnerty, Mayor

Minutes approved on: _____

CITY COMMISSION SPECIAL MEETING

December 13, 2010

6:30 pm

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

**Commissioner Marvin Shavlan
Commissioner Al Halpern
Vice Mayor Jim Parent
Mayor Mike Finnerty**

NOT PRESENT

Commissioner Beverly Garnett

ALSO PRESENT

**City Attorney Mike Davis
City Manager Mike Bonfield
Acting City Clerk Pamala Prell**

Mayor Finnerty announced that Commissioner Garnett was quite ill and asked the remaining Commissioners if they would like to proceed with the Ordinances slated on the Agenda without her and the general consensus was that they would proceed due to the fact that all Ordinances were scheduled for First Reading.

Mayor Finnerty called upon the City Manager to proceed.

Mr. Bonfield advised the Commission that in order for the outlined Ordinances to be placed on the ballot in March, they must be submitted to the Supervisor of Elections no later than January 7, 2011. The City Charter requires that the Charter be amended by Ordinance. He suggested that the Second Reading of the Ordinances be held on January 4, 2011.

Numbering and order of Ordinances was discussed and Mr. Davis advised that the order could be determined at the January 4, 2011 Second Reading.

1. Ordinances

a. Ordinance 2010-40, Repeal of Charter Requirement for Voter Approval of Comprehensive Plans or Amendments.

Mayor Finnerty opened the Meeting for audience comments.

Robert Urban, 6439 2nd Palm Point, thinks it is perfectly fine if a citizen wants to question a particular part of a Code or part of a Comprehensive Plan in order to highlight an area where a citizen feels the City is moving in a direction other than what the citizens want them to do.

Rick Falkenstein, 6441 2nd Palm Point, please proceed to let the people speak.

Steve McFarlin, 6449 2nd Palm Point, asked the Commission to give the citizens a chance to try the other.

William Pyle, 6600 Sunset Way, said he is not sure the voters knew what they were voting on.

Tony Cahill, 9343 Blind Pass Road, stated that they all want normalcy in their community. He agrees with Mr. Urban.

Mike Castleman, 632 Boca Ciega Isle

Mike Riley, 370 59th Avenue,

Jake Holehouse, 113 11th Avenue

Ward Friszolowski, 3566 Belle Vista Drive East

Miriam Kraughthammer, 500 55th Avenue, stated she sees the fights getting worse; stop fighting, compromise, call a truce. Put principals before personalities.

Harry Metz, 504 Pass-a-Grille Way, thinks people should sit down without lawyers and discuss the issues to come up with a solution.

Deborah Nicklaus, 470 75th Avenue, wants the Commission to put 3.15 back on and let the people vote.

Kevin Hing, 7000 Beach Plaza, stated that after reading Judge Demers' order, he feels it a hopeless task to put 75 words on the ballot. Go forward with repeal.

Paul Pfister, 8090 Gulf Boulevard, commented that he had tried to get the parties together.

The Meeting was then closed to audience comments.

Mayor Finnerty apologized to Mr. Cahill for challenging his comments. Another sensitive issue was the election of Ralph Brooks as City Attorney who told the Commission that the ballot language could not be changed, to which the Mayor disagreed.

Commissioner Halpern stated that it's impossible to described a 200 page Comp Plan in 75 words on a ballot.

Commissioner Shavlan commented that only about 2% of the voters read the Comp Plan which would require about 5 hours to read. He went on to cite a portion of the editorial from the St. Petersburg Times. Mr. Shavlan wants to stop the insanity and repeal the Plan.

Commissioner Shavlan made a motion to approve Ordinance 2010-40, an Ordinance of the City of St. Pete Beach, Florida proposing, pursuant to Section 8.01 of the City Charter, an amendment to the City Charter repealing Section 3.15 of the City Charter which provides that, except as otherwise prohibited by law, voter approval is required for any Comprehensive Plan or Plan amendment that affects more than five parcels of land and which changes the density or intensity of uses or the height of structures or that adds or changes a land use category in the Comprehensive Plan; providing for repeal of said Section 3.15 of the City Charter; providing for a ballot question to be submitted to the electors of the City at a referendum election to be held on March 8, 2011; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extend of such conflict; and providing for an effective date. The motion was seconded by Vice Mayor Parent. Mr. Bonfield stated for the record that Commissioner Garnett supports the Ordinance. The motion was approved by a 3 to 1 vote; Mayor Finnerty voted no.

b. Ordinance 2010-41, Repeal of Charter Requirement of submittal of Community Redevelopment Plans to Voters.

City Manager Bonfield summarized the Ordinance and the reason for repealing it is that it is subject to change over the years and is also subject to negotiation with the county.

Mayor Finnerty is in favor of the Ordinance due to the fact that County approval is required.

Commissioner Shavlan supports the Ordinance; he wants to focus on items that are critical.

Vice Mayor Parent stated that he feels that the priority of things on the ballot is important. He reminded them that this is First Reading.

Mike Davis advised that they don't have to make a final decision until Second Reading which is January 4, 2011.

Mayor Finnerty opened the Meeting to audience comments.

Bill Pyle, 6600 Sunset Way, doesn't see the necessity of amending the City Constitution for something like this.

Vice Mayor Parent remarked that the Constitution and the Charter are great documents but if something is not working, it's time to look at something else.

Commissioner Shavlan asked if "CRA" could be put in parenthesis on this Ordinance. Vice Mayor Parent also pointed out that there is a word missing; Mr. Davis will take a look at it and see if those changes can be made. He went on to say that they were trying to stay within the 75 word limit.

Commissioner Halpern made a motion to approve Ordinance 2010-41, an Ordinance of the City of St. Pete Beach, Florida proposing, pursuant to Section 8.01 of the City Charter, an amendment to the City Charter repealing Section 3.16 of the City Charter which provides that a Community Redevelopment Plan, as defined in Florida Statutes Section 163, shall not be adopted by the City Commission until such proposed Community Redevelopment Plan is submitted to a vote of the electors by Referendum; providing for repeal of said Section 3.16 of the City Charter; providing for a ballot question to be submitted to the electors of the City at a Referendum Election to be held on March 8, 2011; providing for severability; providing for the repeal of Ordinances or parts of Ordinances in conflict herewith, to

the extent of such conflict; and providing for an effective date. Vice Mayor Parent seconded the motion. Mr. Bonfield stated for the record that Commissioner Garnett supports Ordinance 2010-41. The motion was approved by unanimous roll call vote.

City Attorney Davis then read aloud Ordinance 2010-40 for the record. The Statute requires that an Ordinance be read aloud two times. A second vote is not required.

c. Ordinance 2010-42, repeal of Charter Requirement of Voter Approval of Development Code Changes to Height of Structures.

Mr. Bonfield described the Ordinance to the Commission.

Vice Mayor Parent asked Mr. Bonfield if this is the Ordinance that changes the height requirement in the THD. Mr. Bonfield responded that was correct.

Mayor Finnerty opened the Meeting to audience comments.

Bill Pyle, 6600 Sunset Way,

Rick Falkenstein, 6441 Palm Point, asked if this pertained to Pass-a-Grille; Vice Mayor Parent said it was for the whole City. Mr. Falkenstein said it was very confusing to the residents.

Harry Metz, 504 Pass-a-Grille Way, stated that the easiest thing to do was go back and write a new Comp Plan; the Commission should write it this time.

Mayor Finnerty closed audience comments.

Vice Mayor Parent didn't want to confuse anyone; this change is City wide.

Mayor Finnerty asked Mr. Davis if there was any way to clearly define the language. Mr. Davis responded that this is a City wide measure.

Commissioner Shavlan said height is part of the Comp Plan; let the citizens decide it.

A motion was made by Vice Mayor Parent to approve Ordinance 2010-42, an Ordinance of the City of St. Pete Beach, Florida proposing, pursuant to Section 8.01 of the City Charter, an amendment to the City Charter repealing Section 3.18 of the City Charter which provides that no

amendment to the City's Land Development Regulations changing the allowable height of any structure shall be adopted until the amendment is submitted to a vote of the electors by referendum, unless the amendment has been previously voted on in an approved Comprehensive Plan or Plan amendment; providing for repeal of said Section 3.18 of the City Charter; providing for a ballot question to be submitted to the electors of the City at a referendum election to be held on March 8, 2011; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extend of such conflict; and providing for an effective date. The motion was seconded by Commissioner Shavlan. Mr. Bonfield stated for the record that Commissioner Garnett supported Ordinance 2010-42. The motion was approved by a majority roll call vote. Mayor Finnerty voted no.

d. Ordinance 2010-43, amendment of Initiative Section of City Charter Relating to proposing Ordinances.

Mr. Bonfield gave a brief explanation of the Ordinance. He stated that the next three Ordinances deal with initiative process.

Mr. Davis has looked at some other initiatives in other cities; he suggests adding zoning at the end of Section 7.02.

Commissioner Halpern is hesitant to take away the Comprehensive Plan and the Land Development Regulations.

Mr. Davis advised the Commission that they could move this forward on First Reading and change it on Second Reading; they are not locked in tonight.

Commissioner Shavlan stated that they should forget about the next two Ordinances and deal with percentages of voters needed for petitions.

Mr. Bonfield said that Commissioner Garnett prefers to deal with this as a percentage of signatures.

It was the consensus of all present that they will withdraw Ordinances 2010-43 and 2010-44. (Note: These two ordinances were revisited and approved later on in the meeting.)

f. Ordinance 2010-45, amendment of Section 7.04 of the City Charter Governing Initiative and Referendum Proceedings.

Mr. Bonfield explained that currently under this Ordinance a petition must be 10% of voters City wide to get initiative; the number 25% came up, which is probably on the high end. What overall percentage of voters does the Commission want to require. This includes all *registered* voters.

Mayor Finnerty opened the Meeting to audience comments.

Mike Riley, 370 59th Avenue, feels 25% is too high to get an initiative thereby eliminating voter participation.

Bill Pyle, 6600 Sunset Way agrees with the previous speaker.

Harry Metz, 504 Pass-a-Grille Way, asked Mr. Bonfield what Commissioner Garnett's position on this issue would be if she was present and listening to the audience comments. He feels 25% is too high. Leave it at 10% but no higher.

Deborah Nicklaus, 417 55th Avenue, also feels 25% is too high and suggests 12% to 15% with a time limit of 60 to 90 days.

Kevin Hing, 7000 Beach Plaza, believes initiatives are about a matter of trust and went on to say he trusts the process, he trusts the Commission and he trusts the voters.

Ward Friszolowski, 3566 Belle Vista Drive East, stated that on the state level 60% is the requirement and believes it may be something to think about.

Will Jacoby, 8100 Gulf Boulevard, said that in addition to the 60% mentioned by Mr. Friszolowski, the state also requires 8% of the voters who voted in the previous presidential election in 13 out of 25 districts of the state. Suggests 10%, maybe 5% for the district.

Mayor Finnerty closed the Meeting to audience comments.

Commissioner Halpern feels all districts should be included.

Commissioner Shavlan wants 15% in every district with a 90 day deadline.

Mayor Finnerty suggested a time limit of 120 days or 150 days; Vice Mayor Parent wants 90 days.

Mayor Finnerty agreed to a time limit of 90 days and then asked that they set a percentage. He suggested a minimum for each district.

Commissioner Shavlan suggested 15% across the board.

Mayor Finnerty asked if they are proposing that if a petition is deemed valid and the Commission has to bring it up for a vote, whoever petitioned has to pay for the election? Mr. Davis responded that they would have to amend the City Charter in order to do that. He doesn't think they can make the petitioners pay for the election. They are talking about a significant change to the Charter.

Going back to percentages, Mayor Finnerty asked the Commission what they were comfortable with. It was the general consensus that 15% across the board in each district was acceptable. Mayor Finnerty believes 10% is reasonable.

Mr. Davis stated that they have to change the title of the Ordinance; he recommended "a percentage" and they can decide what that percentage is at the Second Reading. Also add "providing a time frame for gathering signatures and submittal to the City".

Mr. Davis then read the title of Ordinance 2010-45 with his suggested changes. The actual ballot language will be added at Second Reading.

Mr. Davis suggested changing the title and bringing it back before the Commission tomorrow (December 14, 2010).

Commissioner Halpern made a motion to approve Ordinance 2010-45, an Ordinance of the City of St. Pete Beach, Florida proposing, pursuant to Section 8.01 of the City Charter, an amendment to City Charter subsection 7.04 (b) and (f) which provide for initiative or referendum petitions; and results of election; to require that a percentage of the voters in each district of the City to sign a petition in order to initiate proceedings under this Section and to require referendum approval of an initiative or referendum measure in each voting district of the City; and providing a time frame for gathering signatures and submittal to the City; and providing for an effective date. The motion was seconded by Commissioner Shavlan. The motion was approved by majority roll call vote; Mayor Finnerty voted no.

Mr. Bonfield suggested they go back to 2010-43 and 2010-44 and vote on First Reading.

Vice Mayor Parent made a motion to approve Ordinance 2010-43, an Ordinance of the City of St. Pete Beach, Florida proposing, pursuant to Section 8.01 of the City Charter, an amendment to City Charter Section 7.02 which provides that the qualified voters of the City shall have power to

propose ordinances to the Commission and, if the Commission fails to adopt an ordinance so proposed, without any change in substance to adopt it or reject it at a City election; providing for amendment of said Section 7.02 of the City Charter to exclude from this Charter section certain types of ordinance; providing for a ballot question to be submitted to the electors of the City at a referendum election to be held on March 8, 2011; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date. The motion was seconded by Commissioner Shavlan. The motion was approved by a majority roll call vote; Commissioner Halpern voted no.

Commissioner Shavlan made a motion to approve Ordinance 2010-44, an Ordinance of the City of St. Pete Beach, Florida proposing, pursuant to Section 8.01 of the City Charter, an amendment to City Charter Section 7.03 which provides that the qualified voters of the City shall have power to require reconsideration by the Commission of any adopted ordinance and, if the Commission fails to repeal an ordinance so reconsidered, to approve or reject it at a City election; providing for amendment of said Section 7.03 of the City Charter to exclude from said Section certain types of ordinances; providing for a ballot question to be submitted to the electors of the City at a referendum election to be held on March 8, 2011; providing for severability; providing for the repeal ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date. The motion was seconded by Commissioner Halpern. The motion was approved by a majority roll call vote; Commissioner Halpern voted no.

g. Ordinance 2010-46, elimination of the City Clerk position from the City Charter.

Mr. Bonfield briefly explained the Ordinance to the Commission. He went on to say there are three options, one is to *not* have the Commission involved in the oversight of the City Clerk, the City Commission could retain complete authority over the City Clerk, or continue the way they have been. For the record, Commissioner Garnett does not support a change.

Commissioner Halpern favors option c; Mayor Finnerty favors turning the matter over to the City Manager. Commissioner Shavlan feels the process should be left alone.

Mayor Finnerty opened the Meeting to audience comments.

Rosemary Manning, 200 1st Avenue, Pass-a-Grille, supports having the City Manager take over supervision of the City Clerk. She went on to say she is uncomfortable when Mr. Bonfield is reviewed by the Commission and the City Clerk should not have to do that.

Vice Mayor Parent made a motion to approve Ordinance 2010-46, an Ordinance of the City of St. Pete Beach, Florida proposing, pursuant to Section 8.01 of the City Charter, an amendment to the City Charter to amend the Charter to eliminate references to the City Clerk; providing for a ballot question to be submitted to the electors of the City at a referendum election to be held on March 8, 2011; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date. The motion was seconded by Commissioner Halpern and approved by a unanimous roll call vote.

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

Pamala Prell, Acting City Clerk

Mike Finnerty, Mayor

Minutes approved on: _____

CITY COMMISSION MEETING

December 14, 2010

6:30 pm

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

**Commissioner Al Halpern
Commissioner Marvin Shavlan
Vice Mayor Jim Parent
Mayor Mike Finnerty**

NOT PRESENT

Commissioner Beverly Garnett

ALSO PRESENT

**City Manager Mike Bonfield
City Attorney Mike Davis
Acting City Clerk Pamala Prell
Director of Community Development, Karl Holley**

1. Changes to the Agenda

Mr. Bonfield announced that Commissioner Garnett is ill and not able to attend the Meeting, however, she asked that Items 4.f. and 6.b. be continued until she is able to attend.

Commissioner Shavlan sees no harm in delaying these items.

Vice Mayor Parent feels everything they act on involves the whole City.

Commissioner Halpern agrees to delay these items until Commissioner Garnett is able to attend.

Mayor Finnerty agreed to continue items 4.f. and 6.b. until Commissioner Garnett is in attendance.

Mr. Bonfield advised the Commission that Item 4.b. was added to the Agenda because the vendor asked for Commission approval.

Item 6.e. was added to the Agenda as a result of the Meeting held yesterday.

2. Presentations

a. Support our Troops & ESGR

Terri Finnerty acknowledged generous donations from individuals and businesses in the area. Mrs. Finnerty also reported on proceeds from various fund raising events in the area. Fifty (50) Christmas boxes were mailed last week; from October through today, they have sent out 207 boxes.

The "Golf Scramble" is scheduled for Monday, February 7, 2011, at 1:00 pm, at the St. Petersburg Country Club. All proceeds will go to "Support Our Troops".

Phil Speak, State Chairman of ESGR, is en route and will speak when he arrives.

3. Audience Comments

Bill Pyle, 6600 Sunset Way

Rick Falkenstein, 6441 2nd Palm Point

Debra Edney, 181 73rd Avenue

Mimi Gewanter, 265 Tessier

Bob Manning, 200 1st Avenue, Pass-a-Grille

Rusty Ercius, 111 12th Avenue

Joe Caruso, 1301 Gulf Way

Mayor Finnerty closed audience comments.

Mr. Bonfield made a statement regarding Mr. Pyle's remarks and drawings presented at the Meeting. He also stated his willingness to meet with Ms. Edney regarding her problems. Mayor Finnerty also agreed to meet with Ms. Edney. Commissioner Shavlan also commented on Dr. Pyle's remarks.

4. Consent

- a. Minutes of the November 9, 2010 City Commission Meeting
- b. Authorization for the City Manager to enter into an agreement with Hill York in an amount not to exceed \$275,000 to provide energy efficiency consulting for the design and implementation of an Energy Efficiency Program as required by the Florida Energy and Climate Commission Grant Agreement.
- c. Authorize the City Manager to enter into an agreement with the State of Florida for grant assistance for the implementation of an Energy Efficiency Program.
- d. Authorize the City Manager to enter into a purchase agreement with Sieg and Ambachtsheer for \$14,480 for additional bridge repairs on Vina Del Mar Bridge.
- e. Authorize the City Manager to enter into a purchasing agreement with LS Curb Service in the amount of \$10,637.50 for reconstruction of the 8th Avenue/Gulf Way sidewalk.
- g. Authorize the City Manager to enter into a three (3) year agreement with Luke Brothers at a cost of \$49,330 per year for citywide tree trimming and maintenance.
- h. Memorandum of Understanding – temporary suspension of Section B2 and B3 of Article 23, Work Week and Overtime, of the FOP contract.

Vice Mayor Parent made a motion to approve the Consent agenda, as amended. The motion was seconded by Commission Shavlan and unanimously approved.

5. Resolutions

There were none listed on the Agenda.

6. Ordinances

- a. Ordinance 2010-36, Final Reading and Public Hearing, providing for an increase in budgeted monies in the General Fund for Fiscal Year ending September 30, 2010 and providing for funding.

Mr. Bonfield explained that this is money for the extra legal costs.

Vice Mayor Parent made a motion to approve on Final Reading Ordinance 2010-36, an Ordinance providing a supplemental appropriation to the General Fund for Fiscal Year ending September 30, 2010; providing for funding; providing for an effective date. The motion was seconded by Commissioner Halpern.

Mayor Finnerty asked for audience comments. Hearing none, he asked for a roll call. The motion was unanimously approved by roll call vote.

c. Ordinance 2010-38, First Reading and Public Hearing, providing a supplemental appropriation for Fiscal Year 2011 to the General and Capital Projects funds, providing for funding and providing for an effective date.

Mr. Bonfield stated that this item relates to putting the St. Pete Beach Classic in the budget. They have budgeted equal expenditures with revenues.

The City has approximately \$300,000 in the street improvement budget from last year that was not expended but is being carried forward to this year.

Mayor Finnerty asked for audience comments; hearing none, he asked for a motion.

Commissioner Halpern made a motion to approve Ordinance 2010-38, an Ordinance of the City of St. Pete Beach, Florida providing a supplemental appropriation to the general and capital project funds for Fiscal Year ending September 30, 2011; providing for funding; providing for an effective date.

The motion was seconded by Vice Mayor Parent. The motion was unanimously approved by roll call vote.

d. Ordinance 2010-39, First Reading and Public Hearing, amending Chapter 50, Library, of the City of St. Pete Beach Code of Ordinance.

Mr. Bonfield explained that this will bring the City's policies and rules in line with that of other libraries in the area; he does not feel there will be any budgetary impact on these changes.

Mayor Finnerty asked for audience comments; hearing none, he asked for a motion.

Commissioner Shavlan made a motion to approve Ordinance 2010-39, an Ordinance of the City of St. Pete Beach, Florida providing for amendment of Section 50 of the Code of Ordinances of the City, pertaining to the library; providing for severability; providing for repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; and providing for an effective date. The motion was seconded by Commissioner Halpern. The motion was unanimously approved by roll call vote.

e. Ordinance 2010-45, amendment of Section 7.04 of the City Charter Governing Initiative and Referendum Proceedings.

Mr. Bonfield reminded the Commission that this item was approved on First Reading at the Meeting held yesterday. There was a change made to allow items such as the length of time to collect the petitions, the timing of the elections and the results of the elections which can all be determined at the Final Reading.

Mr. Davis suggested they make a motion to reconsider the Ordinance, and if that motion passes, then it's back before them and then he suggests they read this title.

Commissioner Shavlan asked if they could make a petitioner pay for an election. Mr. Davis stated that he does not think they can make someone pay for an election.

Commissioner Halpern stated that the City needs to say that by the time the petitions are turned in, it will be voted on at the next scheduled election.

Vice Mayor Parent believes the City should advise the petitioner that if the petition is out of cycle, it will cost approximately \$25,000 for a special election. He asked Mr. Davis to check this out and find out if this procedure is legal.

Vice Mayor Parent made a motion to reconsider previously read Ordinance 2010-45. The motion was seconded by Commissioner Shavlan. The motion was unanimously approved by roll call vote.

Mr. Davis then recommended that they should open it up again for Public Hearing.

Mayor Finnerty asked for audience comments.

Rick Falkenstein, 6441 Palm Point

Mayor Finnerty asked for additional comments; hearing none he closed the Meeting to audience comments and asked for a motion.

Commissioner Halpern made a motion to approved Ordinance 2010-45, an Ordinance of the City of St. Pete Beach, Florida proposing, pursuant to Section 8.01 of the City Charter, an amendment to City Charter subsection 7.04 (b) and (f) which provide for initiative or referendum petitions; and results of election; to require that a certain percentage of the voters in each district of the City to sign a petition in order to initiate proceedings under this Section and to require referendum approval of an initiative or referendum measure by a certain percentage in each voting district of the City; to provide a time limit for gathering and submitting initiative or referendum petitions; to modify time periods for an election to be held; and providing for an effective date. The motion was seconded by Vice Mayor Parent and unanimously approved by roll call vote.

At this point, Mayor Finnerty announced that Mr. Speak had arrived and asked him to come forward and give his presentation.

Col. Phil Speak, State Chairman of ESGR (Employer Support of the Guard and Reserve) on behalf of the Secretary of Defense, addressed the Meeting and stressed the need for support of the families of the military and the need of jobs for the returning military.

Mayor Finnerty adjourned the Meeting for a short recess.

Mayor Finnerty called the Meeting back to order and asked Mr. Bonfield to proceed.

7. Action Items

a. Case #20100041, application of Mike Anderson for property located at 645 Corey Avenue. Applicant requests modification of approved conditional use to increase outdoor restaurant seating from 12 to 22 seats. This is a quasi-judicial hearing.

Mr. Davis asked if any of the Commissioners had any ex parte contact on this matter; if so, they should disclose that now.

Commissioner Halpern stated that he spoke with one of the residents who lives in the vicinity of the applicant's property.

Mr. Davis went on to say that anyone in the audience who has a substantial interest that may be affected, other than the public at large; they can identify themselves now and request special status as a party in this proceeding.

There were two audience members that were recognized as affected parties and Mr. Davis asked the Commission to proceed.

Karl Holley presented Case No. 20100041 to the Commission.

Commissioner Halpern expressed concern over limited parking in the area.

Vice Mayor Parent asked if this property is a bar or a restaurant; with this increased capacity, will there be more people in the space as a result of an increase in seating or will there be fewer because there would be less room for people to stand around.

Commissioner Shavlan asked how many parking spots this property is supposed to have and Mr. Holley replied that as a restaurant it would be one parking space for 200 sq. feet of interior space in addition to any outdoor seating area.

Mayor Finnerty asked the applicant to appear before the Commission.

Mike Anderson, Terra Verde, presented information regarding his request.

Mr. Bonfield explained that basically the number of outside seating will be increased from twelve to fifteen, not twenty-two. There are seven seats inside which are not required to be included in this application.

Larry Myers, 636 Corey Avenue, expressed his concern about the lack of parking on Corey Avenue and is therefore against granting the application.

Patrick Higgins, 630 Corey Avenue, thinks there are enough bars on Corey Avenue; agrees with Mr. Myers. The big problem he has with this application is people standing around on the sidewalk drinking, waiting for tables, loitering and trash.

Rick Falkenstein, 6441 Palm Point, feels this is a chance to make some money for the City by putting meters along Corey Avenue.

A resident of 7141 Bay Street and the owner of Rip Tides on Blind Pass Road, states that hopefully this will be an easy decision for the Commission and is in support of Mr. Anderson's and his request.

Will Jacoby, 8100 Gulf Boulevard, a member of the Planning Board, pointed out that parking all over the City is limited. He urged the Commission to approve the application.

Larry Myers, 636 Corey Avenue, there's nothing wrong with Corey Avenue that can't be fixed. He went on to say Mr. Anderson has a reputation of fixing up a property and then selling it. He said there are enough bars in that area.

Mike Anderson (applicant) feels that when you have a vacant piece of property you are inviting vagrants; he is fixing up the property which will eliminate the vagrancy problem.

Mayor Finnerty asked for additional audience comments; hearing none, he closed the Meeting to further comments.

Mayor Finnerty thinks they should look into parking meters on Corey Avenue.

Mr. Bonfield reminded the Commission that a restaurant/bar is permitted use for the property; that is not what's before them tonight. The only thing before them tonight is do they want to allow three (3) more seats outside of the restaurant. They cannot expand the property without expanding parking due to increased occupancy.

Mayor Finnerty feels it is a reasonable request and is in favor of granting three additional seats outside.

Mr. Holley doesn't feel they can deny them the legitimate use of a properly zoned structure based upon the fact that parking was not previously required but they can require additional parking when there is a change of use.

Commissioner Shavlan made a motion to approve the requested conditional use for additional outdoor restaurant seating from twelve (12) to fifteen (15) at 645 Corey Avenue. The motion was seconded by Vice Mayor Parent and unanimously approved by roll call vote.

b. Authorize the City Manager to enter into a purchasing agreement with Kloote Contracting in the amount of \$244,225 to make street and sidewalk improvements in the Don CeSar area.

Mr. Bonfield explained that this is a project they have been working on for several years.

Renee Cooper, CIP Construction Manager, briefly explained the project to the Commission and gave a power point presentation.

Mayor Finnerty asked for audience comments.

Debra Edney, 181 73rd Avenue, wants the same treatment as the rich and powerful people of St. Pete Beach.

Bob Manning, 200 1st Avenue, brought up the issue of people crossing underneath the overpass bridge at the Don CeSar there needs to be a fence that runs the length of the property line along the east side of Pass-a-Grille Way to stop people from crossing under the bridge.

Rick Falkenstein, 6441 4th Palm Point, thinks people crossing under the bridge are going to the spa.

Commissioner Halpern made a motion to authorize the City Manager to enter into a purchasing agreement Kloote Contracting the amount of \$244,225 to make street and sidewalk improvements in the Don CeSar area. The motion was seconded by Vice Mayor Parent and unanimously approved by roll call vote.

8. Items for Discussion

There were none scheduled on this agenda.

9. Reports

City Manager Mike Bonfield reminded the Commission that the Meeting scheduled for December 28, 2010 has been cancelled. The next meeting will be a Special Meeting on January 4, 2011 at 6:30 pm to discuss and approve March ballot items. At the next regular Meeting on January 11th, there will be a couple final readings, one on the budget and one on the Library fees.

Mayor Finnerty advised the Commission that he will be attending the Governor's Inaugural Ball on the 4th of January and asked if they could change the date of the Special Meeting. It was agreed that the Special Meeting will be on the 6th of January, 2011, at 6:30 pm.

Commissioner Halpern 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, Acting City Clerk

Mike Finnerty, Mayor

Minutes approved on: _____

ST. PETE BEACH CITY COMMISSION

SHADE MEETING

November 30, 2010

MINUTES

CALL TO ORDER

Mayor Mike Finnerty called the Meeting to order at 5:30 p.m.

PRESENT

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

ALSO PRESENT

City Manager Mike Bonfield
City Attorney Michael Davis
Susan Churuti, Esq.
Suzanne VanWyk, Esq. (by telephone)
David Miller Esq.
Official Court Reporter
Acting City Clerk, Pamala Prell

ATTORNEY CLIENT SESSION (SHADE MEETING)

Mayor Finnerty announced that the following cases will be discussed:

Pyle v. Finnerty, et al., Case No's: 08-08129-CI-08 and 08-8642-CI-19, Kadoura v. Huhn, et al., Case No. 08-12498-CI-19 and Kadoura v. Commissioner Beverly Garnett, et al., Case No. 10-08869-CI-08.

Mayor Finnerty also announced that the following persons would be in attendance at the shade meeting: Mayor Michael Finnerty, City Manager Mike Bonfield, Commissioner Al Halpern, Commissioner Jim Parent, Commissioner Marvin Shavlan, Commissioner Beverly Garnett, City Attorney Mike Davis, Susan

***Churuti, Esquire, David Miller Esquire; Suzanne Van Wyk Esquire
and an official court report as provided by law.***

Mayor Finnerty announced that the estimated length of the Attorney-Client Session will be approximately one hour.

At approximately 5:40 pm Mayor Finnerty adjourned the public portion of the Shade Meeting.

At approximately 7:00 p.m. Mayor Finnerty called the meeting to order and stated that since the Meeting was not noticed as a Public Hearing, there will be no audience comments. Attorney Davis clarified that the meeting was noticed as a Workshop Meeting, which normally does not take public comment.

At 7:10 p.m. Mayor Finnerty announced the end of the Shade Meeting and the Meeting was adjourned.

Pamala Prell, Acting City Clerk

Mike Finnerty, Mayor

Minutes approved on: _____

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Final Reading and Public Hearing of Ordinance 2010-32, amending Division 26 of the City of St. Pete Beach Land Development Code.

Date: January 11, 2011

Prepared By: Karl E. Holley, AICP, Community Development Director

Summary of Issue: At the request of the Commission, the Planning Board conducted a workshop on 8-31-10 to discuss ways to improve the visibility of local businesses through modification of provisions of the sign code.

After receiving input from a representative of the Gulf Beaches Chamber of Commerce and other business owners, the Planning Board requested staff to prepare amendments to the sign code which increased the area of windows available to be utilized for signage, allowed banners to be displayed in association with approved special events, provided for broader use of sandwich board signs and which created regulations for “designer signs”.

The Planning Board voted to recommend approval of the proposed amendments at its October 19th regular meeting.

This ordinance was previously considered for final adoption by the Commission at their November 23, 2010 meeting, but required additional public notice.

Requested Motion: “I move to approve Ordinance 2010-32 (read title)”

Attachments: Ordinance 2010-32.

Reviewed by City Manager: MB

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 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 AMENDMENTS TO SECTIONS RELATED TO FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City wishes to ensure an aesthetic environment that is conducive to quality of life and successful business enterprises; and

WHEREAS, current economic conditions make it prudent to consider methods to assist local businesses in reaching target markets through use of appropriate signage; and

WHEREAS, the City's Planning Board, acting as the City's local planning agency, has reviewed this ordinance and found it to be consistent with the City's adopted comprehensive plan and has recommended approval thereof; and

WHEREAS, the City Commission has found this ordinance to be consistent with the City's adopted comprehensive plan; and

WHEREAS, the City Commission has found this ordinance to be in the best interest of the health, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA HEREBY ORDAINS:

Section 1. Division 26 of the City of St. Pete Beach, Florida Land Development Code is hereby amended as follows:

Sec. 26.2. Definitions.

All words used in this division shall carry their customary dictionary meanings, except that the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned or discontinued sign or sign structure means a sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of six months or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (i) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed, or (ii) a sign which is blank.

Advertising means sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity, entertainment, or real or personal property.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.

Area of ground supports means the total area of a freestanding sign's structural elements.

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed.

Attached sign means a wall sign, an integral roof sign, marquee sign or a canopy sign.

Banner means any sign or string of one or more signs, usually made of cloth or other lightweight material, which is used to attract attention, whether or not imprinted with words or characters, including but not limited to balloons and pennants. Flags shall not be considered banners.

Beacon means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar agency. This definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

Billboard means a sign structure and/or sign utilized for advertising an establishment, an activity, a product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign structure and/or sign is located.

Building frontage means the length of the single face of a building or that portion of a building occupied by a single office, business or enterprise, commonly referred to as "store-front," which is abutting a street, parking area, or other means of customer access such as an arcade, a mall or a walkway.

Bus stop informational sign means a freestanding or attached noncommercial sign located at a bus stop and providing information as to the route, hours or times of service.

Canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Commercial message means any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Construction sign means a temporary on-premise sign identifying the ongoing construction activity during the time that a building permit is active and prior to completion of the work for which the permit was issued, containing sign copy is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site.

Copy means the linguistic or graphic content of a sign.

Designer Sign means a sign that is custom made wall or monument type signs, reviewed by the city manager or his designee and found to be of a higher creative, artistic and three-dimensional, or sculptural nature than the standard types of signs typically used within the sign industry.

Double-faced sign means a single sign with items of information relating to the same business on both sides of the sign and mounted as a single structure.

Drive-through menu sign means a sign placed so as to be viewed from a drive-through lane and which contains only a listing of the products, with prices, offered for sale by the business on which the sign is located and which may provide a mechanism for ordering the products while viewing the sign.

Eave mean the lowest horizontal line of a sloping roof.

Election sign means a temporary sign erected or displayed for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue upon which the voters of the city shall vote.

Erect means to build, construct, attach, hang, place, suspend or affix and includes the painting of wall signs.

Facade means the entire building front.

Flag means any fabric, or bunting containing distinct colors, patterns or symbols, used as an ornamental flag or as a symbol of government, political subdivision, corporation or business or other entity. (See also Ornamental flag.)

Flagpole means a pole on which to raise a flag.

Flashing sign means a sign which permits light to be turned on or off intermittently more frequently than once per minute.

Foot-candle means a unit of measure of luminosity of a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Footlambert means the centimeter gram second unit of brightness equal to the brightness of a perfectly diffused surface that radiates or reflects one lumen per square centimeter.

Free expression sign means a sign, not in excess of three square feet in size (area) and the top of the sign is not more than six feet off the ground, communicating information or views on matters of public policy concern or containing any other noncommercial message, that is otherwise lawful.

Freestanding sign means a sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of any building or other structure.

Freestanding monument sign means a freestanding sign whose ratio of width of sign to width of support is less than 3 to 1.

Freestanding pole sign means a freestanding sign whose ratio of width of sign to width of support is equal to or greater than 3 to 1.

Frontage means the length of the property line of a parcel of land which runs parallel with and along a road right-of-way or street, exclusive of alleyways.

Garage or yard sale or garage-yard sign means any onsite temporary sign pertaining to the sale of personal property in, at or upon any residentially-zoned property located in the city. Garage or yard sales shall include but not be limited to all such sales, and shall include the advertising of the holding of any such sale, or the offering to make any sale, whether made under any name such as garage sale, lawn sale, yard sale, front yard sale, back yard sale, home sale, attic sale, rummage sale, patio sale, flea market sale, or any similar designation.

Ground level means the finished grade of a parcel of land exclusive of any filling, berming or mounding. Ground level on marina docks or floating structures shall be the finished grade of the landward portion of the adjoining parcel.

Grand opening sign means an on-premise temporary sign announcing the opening of a newly licensed business, that does not exceed 16 square feet in sign area and that is not displayed for longer than 30 days after the issuance date of the occupational license for the new business.

Height means vertical distance measured from ground level nearest the base of the sign to the highest point on the sign.

Holiday and seasonal decorations mean decorations that pertain to legal or other recognized holidays or to a season of the year.

Illuminated sign means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

Integral roof sign means any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches. No integral portion of the roof shall extend more than five feet above the structural roof.

Lot. See definition of Parcel.

Maintenance means the replacing, repairing or repainting of a portion of sign structure, periodically changing changeable copy or renewing copy which has been made unusable by ordinary wear.

Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee sign means any sign attached to a marquee.

Menu display sign means a fully enclosed or otherwise protected from the elements sign structure, including but not limited to a box, shadow box or cabinet, attached to a wall or

freestanding, which is used solely for the purpose of displaying restaurant menus. A menu display may be used for a restaurant without drive-through service and for transient lodging facilities which have restaurant facilities open to the general public in addition to the registered guests. Menu display sign structures shall be limited to one per establishment, having a maximum surface area of not more than 12 square feet, and the zoning districts in which they are permitted.

Multi-tenant development means a development where more than one business may be located, including businesses located above the first floor or otherwise without frontage on a public right-of-way.

Nameplate sign or occupant identification sign means a sign indicating the name and/or profession or address of a person or persons residing on the premises or legally occupying the premises.

Non-commercial message means any message, which is not a commercial message.

Noncommercial on-site directional sign means an on-site sign providing direction or information to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and not displaying a commercial message, e.g., "entrance," "exit," "caution," "no parking," "one way only," "no trespassing," and the like.

Non-conforming sign means a sign which does not conform with the regulations provided in this division.

Off-premise sign or off-site sign means any sign relating in its subject matter to commodities, accommodations, services or activities on a premises other than the premises on which the sign is located. See also Billboard.

On-premise sign or on-site sign means any sign relating in its subject matter to the commodities, accommodations, service or activities on the premises on which it is located.

Ornamental flag means any fabric or similar material containing patterns, drawings or symbols used for decorative purposes and designed to be flown as a flag.

Parcel means land which has been or which is proposed to be used, developed, or built upon as a unit under single ownership.

Parapet means a false front or wall extension above the roof of a building.

Pennant means any series of small flag-like or streamer-like pieces of cloth, plastic, paper or similar material attached in a row to any staff, cord, building, or at only one or two edges, the remainder hanging loosely.

Permanent sign means any sign which, when installed, is intended for permanent use. For the purposes of this division any sign with an intended use in excess of 12 months from the date of installation shall be deemed a permanent sign.

Portable sign means any sign or poster that is not permanently attached to the ground or structure. For purposes of this division, a cold air inflatable sign shall be considered to be a portable sign.

Premises means any property owned, leased or controlled by the person actively engaged in business at that location.

Projecting sign means any sign affixed perpendicularly to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Real estate sign means a sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed temporarily.

Revolving sign or rotating sign means any sign that revolves or rotates.

Roof sign means any sign erected and constructed wholly on or over the roof of a building, which is supported by the roof structure, or any sign that extends in whole or in part above the roofline of a building.

Roofline means the highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridgeline or the highest line common to one or more principal slopes of roof. On a flat roof, the roofline is the highest continuous line of a roof or parapet, whichever is higher.

Safety sign. See Warning sign.

Sandwich board sign means a portable double-faced, freestanding sign not exceeding 12 square feet in area that is designed such that it can be displayed during business hours and easily removed at the close of business.

Shopping center means a group of three or more independent commercial establishments owned and operated as a planned unit, with off-street parking provided on the property. A shopping center may include a building or structure owned in fee simple, condominium, cooperative, leasehold or other ownership.

Sight visibility triangle means a triangular shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. For street intersections, this triangle is measured 20 feet in length from the intersection along the abutting curb lines to form a triangle; and for driveway intersections, this triangle is measured ten feet from the intersection along the curb line and along the driveway line to form a triangle. (See illustration in section 6.21.)

Sign means any device, fixture, placard or structure which uses color, form, graphics, illumination, architectural style or design with text, or writing to advertise, attract attention, announce the purpose of, or identify the purpose of any person or entity or to communicate information of any kind to the public. The term "sign" includes sign structure.

Sign area means the total square foot area of sign surface, including all parts thereof devoted to the background, computed by bounding the exterior of the sign structure or surface with a series of straight or curved lines tangent thereto (see illustrative examples in section 26.3). The area of a sign painted directly on a wall or awning and signs with letters attached directly to walls or awnings shall be calculated by constructing an imaginary series of straight lines or lines formed, bounded or characterized by curves around the outside of all elements of the sign. For a freestanding sign, the sign area shall include the area of ground support.

Sign face means the part of the sign that is or can be used to identify, display, advertise, communicate information, or for the visual representation which attracts or intends to attract the attention of the public for any purpose.

Sign structure means any structure which is designed specifically for the purpose of supporting a sign, which has supports or which is capable of supporting a sign. The definition shall include any decorative covers, braces, wires, supports, or other components attached to or placed around the sign structure.

Snipe sign means any sign tacked, nailed, posted, pasted, glued or otherwise attached to telephone poles, utility poles, or fences, with the message appearing thereon not applicable to the present use of the premises upon which the sign is located.

Statutory sign means a sign required by any statute of the State of Florida or the United States.

Street address sign means any sign denoting the street address of the premises on which it is attached or located.

Subdivision monument identification sign means a monument sign which contains only the name of a platted subdivision or other residential development.

Temporary sign means a sign intended for a use not permanent in nature. For the purposes of this division, a sign with an intended use of one year or less shall be deemed a temporary sign.

Time and temperature sign means a sign which displays the current time and temperature at intervals no more frequently than once per minute and which contains no other messages. Time and temperature signs are regulated within the zoning districts in which they are allowed.

Traffic control device sign means any sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Vehicle sign means any sign or signs where the total sign area covers more than ten square feet of the vehicle.

Visibility triangle. See Sight visibility triangle.

Wall sign means a sign which is painted on, fastened to, or erected against the wall of a building with its face in a parallel plane with the plane of the building facade or wall, which is used for advertising.

Warning sign or safety sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

Waterside identification sign means a sign identifying a residential complex, single business property or shopping center and which can be only be viewed from the waters of the Gulf of Mexico, Boca Ciega Bay, the intracoastal waterway or any other navigable waterway.

Window sign means any sign painted on or mounted in any fashion on the interior or exterior of the surface of a window.

Wind sign means a sign, which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons to express a commercial message; however, the term wind sign shall not include flags.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Cross references: Definitions, § 2.1.

Sec. 26.4. Prohibited signs.

The following signs and sign-types are prohibited within the city limits and shall not be erected. Any lawfully existing permanent sign or sign-type which is among the prohibited signs and sign-types listed below shall be deemed a nonconforming sign subject to the provisions of section 26.5.

- (a) Billboards; off-site signs.
- (b) Revolving signs; rotating signs.
- (c) Flashing or animated signs.
- (d) Banners, except those used to advertise special events, approved with a special event permit. The banner may not be placed on the property in which the event is to take place more than 21 days prior to the special event. .
- (e) Wind signs.
- (f) Portable signs, other than sandwich board signs as allowed within certain zoning districts pursuant to this division.
- (g) Roof signs, other than integral roof signs in non-residential zoning districts.
- (h) Abandoned and discontinued signs.
- (i) Snipe signs.
- (j) Bus bench advertising signs; bus shelter advertising signs.
- (k) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter.
- (l) Signs that have unshielded illuminating devices.
- (m) Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device.
- (n) Any attached sign that exceeds 100 square feet in area.
- (o) Any freestanding sign that is higher than 35 feet.
- (p) Any freestanding sign that exceeds 135 square feet in sign area.
- (q) Any sign within a sight visibility triangle that obstructs a clear view of pedestrian or vehicular traffic.
- (r) Any sign in the public right-of-way, other than traffic control device signs, bus stop informational signs, warning signs or safety signs.
- (s) Any sign attached to a seawall or pier, other than a warning sign or safety sign.
- (t) Any sign other than a traffic control device sign that uses the word "stop" or "danger," or presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or limitation of official traffic control device signs, and which is adjacent to the right-of-way of any road, street, or highway.
- (u) Any sign nailed, fastened or affixed to any tree.
- (v) Any sign prohibited by state or federal law.
- (w) Vehicle sign or signs which have a total sign area on any vehicle in excess of ten square feet, when the vehicle is not "regularly used in the conduct of the business" advertised on the vehicle, and (a) is visible from a street right-of-way within 100 feet of the vehicle, and (b) is parked for more than two consecutive hours within 100 feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily (i) for advertising, or (ii) for the purpose of advertising, or (iii) for the purpose of providing transportation for owners or employees of the business advertised on the vehicle.
- (y) Any sign located on real property without the permission of the property owner.

(z) Beacons, except as required by federal or state law.
(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.11. Sign permit required.

- (a) Allowed temporary and allowed permanent signs of the type described in section 26.25 shall be exempt from sign permitting hereunder.
- (b) No sign permit shall be issued for the erection of a prohibited sign.
- (c) Unless exempt from permitting, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and appropriate fee paid to the city.
- (d) A sign lawfully erected under permit may be repainted or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a new sign permit; however, if such sign is to be structurally altered in any manner, a new sign permit shall be required and the altered sign must meet all requirements of this division and this Code.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.13. Fees.

- (a) *Initial application fees.* Every person making an initial application for a sign permit shall pay fees to the city at the time of approval of the application. The fees shall be established by resolution of the city commission and shall be as stated in appendix A to this Code.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.14. Conditions.

- (a) *Duration of permit.* If the work authorized under a sign permit has not been completed within six months after the date of issuance, the permit shall become null and void and a new application for a sign permit shall be required. However, for just cause, one renewal period of 90 days may be granted.
- (b) *Maintenance of signs.*
 - (1) All visible portions of a sign and its supporting structure shall be maintained in a safe condition, and neat appearance according to the following:
 - a. If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner.
 - b. If the sign is painted, the painted surface shall be kept in good condition.
 - c. Every sign shall be kept in such manner as to constitute a complete or whole sign.
 - (2) Lawfully erected nonconforming signs may suffer only ordinary and customary repairs and maintenance. As provided in section 26.11, a lawfully-erected non-conforming sign shall not be structurally altered except in full conformance with this division.

Sec. 26.25. All districts.

The regulations in this division apply in every zoning district in the city, except where otherwise specified or indicated. Sign permits are not required for signs and sign-types described and identified in this section, below.

(a) *Street address signs.* For each parcel within the city, one street address sign may be displayed for each public street frontage or waterfront. For parcels in residential use, the street address sign shall not exceed two square feet in sign area. For each parcel in non-residential use, the street address sign shall not exceed six square feet in sign area.

(b) *Nameplate signs or occupant identification signs.* For each residence, business or other occupancy within the city, one nameplate sign may be displayed. For residences the nameplate or occupant identification signs shall not exceed two square feet in sign area. For any non-residential use, the nameplate or occupant identification sign shall not exceed six square feet in sign area.

(c) *Noncommercial onsite directional signs.* Noncommercial onsite directional signs, not exceeding four square feet in sign area, shall be allowed on each parcel within the city.

(d) *Noncommercial onsite parking space signs.* Noncommercial onsite parking space number signs, not exceeding one square foot of sign face per sign, shall be allowed on each parcel in noncommercial use having multiple parking spaces onsite. One such sign shall be allowed for each parking space.

(e) *Noncommercial onsite marina slip number signs.* Noncommercial onsite marina slip number signs, not exceeding one square foot of sign face per sign, shall be allowed for each marina having marina slips. One such sign shall be allowed for each marina slip.

(f) *Free expression signs.* For each parcel within the city and for each residential unit within a multifamily residence, one free expression sign not exceeding three square feet in sign area may be displayed. The free expression sign may be displayed as an attached sign or as a freestanding sign; if displayed as a freestanding sign, the free standing sign shall not exceed three feet in height. A free expression sign is in addition to any other sign permitted under this Code and is permitted in any zoning district. Only one such sign shall be permitted on each such parcel or each residential unit. The sign must be located within six feet of a building located on the lot or parcel; or if there is no building on the lot or parcel, the sign must be located at least 15 feet from any street.

(g) *Election signs.* For each parcel within the city, one election sign for each candidate and each issue may be displayed. An election sign may be displayed as an attached sign or as a freestanding sign. On parcels that are in residential use, the election sign shall not exceed three square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed three feet in height. On parcels that are in non-residential use, the election sign shall not exceed 12 square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed six feet in height. Freestanding election signs shall be set back at least three feet behind the sidewalk or, if there is no sidewalk, 10 feet from the edge of pavement. An election sign shall be removed within seven calendar days following the election to which it pertains.

(h) *Artwork.* Artwork is allowed in all districts.

- (i) *Flagpoles.* One flagpole is allowed for each parcel in the city. Flagpoles in residential districts shall not exceed 20 feet in height, and flagpoles in nonresidential districts shall not exceed 30 feet in height.
- (j) *Flags.* For each detached dwelling unit in a residential district, one flag not greater than 15 square feet in sign area may be displayed. For each parcel in a multi-family residential district and in a non-residential district, three flags not greater than twenty-four square feet in sign area (each) may be displayed.
- (k) *Warning signs and safety signs.* Warning signs and safety signs, not exceeding four square feet in sign area, shall be allowed in all districts.
- (l) *Machinery and equipment signs.* Machinery and equipment signs shall be allowed in all districts.
- (m) *Construction signs.* One construction sign shall be allowed on each parcel within the city. Construction signs shall not exceed three square feet in sign area for residential properties, and 16 square feet in sign area for nonresidential properties.
- (n) *Real estate signs.* For each parcel within the city, one real estate sign may be displayed on each parcel of land or part thereof that is for sale, lease, or rent; however, when more than one dwelling unit or non-residential space on a parcel of land is for sale, lease, or rent, there may be one real estate sign for each such unit or space. In addition, waterfront lots may display one additional real estate sign within the required waterfront yard. Real estate signs shall not exceed three square feet in sign area for residential properties, and sixteen square feet in sign area for nonresidential properties. The real estate sign shall be removed immediately upon the sale, lease or rent of the real estate that was offered for sale, lease, or rent.
- (o) *Temporary garage-yard sale signs.* For each parcel with a lawful residential use, one temporary garage-yard sale sign may be displayed. A temporary garage-yard sale sign shall not exceed four square feet in sign area. A temporary garage-yard sale sign may not be displayed for a period longer than two days during any calendar month and shall be removed upon the conclusion of the sale.
- (p) *Temporary grand opening signs.* For each new business or business name change, one temporary grand opening sign shall be permitted for 30 days after the issuance of an occupational license for the new business or the business name change. A temporary grand opening sign shall not exceed 12 square feet in sign area. A temporary grand opening sign may be a temporary covering, such as a toaster cover, sign boot, or sign sock, which covers an existing permitted attached or freestanding sign.
- (q) *Temporary Seasonal Signage.* During the period November 15 until January 7 each year, each business holding a valid Business Tax Receipt shall be allowed to display one additional sign of the sign types allowed for the applicable zoning district, excluding freestanding pole or monument signs. Such sign shall not require a permit, but must conform to all dimensional and locational requirements of the Code.
- ~~(q)~~ (r) *Window signs.* For each parcel within the city, one or more window signs may be displayed. On parcels that are in residential use, the window sign(s) shall not exceed an aggregate of three square feet in sign area. On parcels that are in non-residential use, the window sign(s) shall not be restricted from the date of adoption of this ordinance until December 31, 2012; following which such signage shall not exceed an aggregate of more than fifty (50) percent of any window surface.

(+) (s) *Temporary holiday and seasonal decorations.* Temporary holiday and seasonal decorations shall be allowed in all districts.

(+) (t) *Temporary valet parking station signs.* One temporary valet parking station sign no more than four square feet in sign area shall be allowed on each parcel. The temporary valet parking station sign shall only be visible during hours that the valet is operating.

(+) (u) *Bus stop information signs.* Bus stop informational signs up to three square feet in area shall be allowed in all districts.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.28. ROR Residential/Office/Retail District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the ROR District may have up to three of the following signs in a-e below, subject to permit approval and compliance with the conditions for each type of sign:

(a) *Subdivision monument identification signs.* For each platted subdivision or neighborhood entrance within any ROR Residential/Office/Retail District, one subdivision monument identification sign not exceeding six feet in height and 24 square feet in sign area shall be allowed.

(b) *Freestanding monument signs.* For each parcel with a lawful non-residential use within the ROR Residential/Office/Retail District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:

(1) *Maximum height.* The monument sign shall not exceed ten feet in height.

(2) *Maximum size.* The monument sign shall not exceed 40 square feet in sign area. However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.

(c) *Attached signs.* For each parcel with a lawful non-residential use within the ROR Residential/Office/Retail District, attached signs shall be allowed. Attached signs shall be subject to the following limitations:

(1) *Maximum size.* An attached sign shall not have a sign area that exceeds one square foot for each linear foot of building frontage.

(2) *Height restrictions.* An attached sign may not appear above the ~~first~~ second floor of a building.

(d) One sandwich board sign or one designer sign, subject to the following:

(1) Sandwich board - Shall be located in front of the storefront for which it advertises and shall not be placed in the right of way, shall not be placed within the visibility triangle required for intersections at streets and driveways, as required by this LDC, be no larger than five (5) feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

(2) Designer sign- shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than 5 feet tall by three feet wide by three feet deep.

(e) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet. (Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.29. RFM Resort Facilities Medium District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, the following permanent signs and temporary signs are also allowed within RFM Resort Facilities Medium District. The permanent signs described below require a sign permit.

(a) *Freestanding monument signs.* For each parcel with a lawful non-residential use within any RFM Resort Facilities Medium District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:

(1) *Maximum height.* The monument sign shall not exceed 20 feet in height.

(2) *Maximum size.* The monument sign shall not exceed 135 square feet in sign area. However, in the event that the parcel is greater than one acre in size and has two street frontages or more than 400 feet along one street frontage, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.

(b) *Freestanding pole signs.* In lieu of one freestanding monument sign, each parcel with a lawful non-residential use within the RFM Resort Facilities Medium District is allowed one freestanding pole sign. The freestanding pole sign shall be subject to the following limitations:

(1) *Maximum height.* The pole sign shall not exceed 35 feet in height.

(2) *Maximum size.* The pole sign shall not exceed one square foot in sign area for each linear foot of street frontage, subject to a maximum sign area of no more than 135 square feet.

(3) *Setback.* The pole sign shall be set back at least ten feet from the property line.

(c) *Attached signs.* For each parcel with a lawful non-residential use within the RFM Resort Facilities Medium District, attached signs shall be allowed. Attached signs shall be subject to the following limitations:

(1) *Maximum number.* Up to three attached signs shall be allowed with a combined sign area not exceeding the maximum permitted in paragraph (c)(2); however, in the event the parcel contains a multi-tenant development, each individual business use may have one attached sign.

(2) *Maximum size.* An attached sign shall not have a sign area that exceeds one square foot for each linear foot of building frontage.

(3) *Height restrictions.* An attached sign may not appear above the ~~first~~ second floor of a building.

(d) *Drive-thru menu signs.* For each parcel with a lawful non-residential use that utilizes a drive-through lane within RFM Resort Facilities Medium District, one drive-

through menu sign shall be allowed for each drive-thru lane. An allowed drive-thru menu sign may be either a free-standing sign or an attached sign, and shall not exceed 40 square feet in sign area and ten feet in height. Drive-thru menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(e) *Attached menu display signs.* For each parcel within RFM Resort Facilities Medium District with (a) a restaurant without drive-through service or (b) with a transient lodging facility that has restaurant facilities open to the general public, one attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding 12 square feet in sign area. An attached menu display sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(f) *Theater signs.* For each parcel with a theater within RFM Resort Facilities Medium District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater, subject to a maximum limit of 64 square feet in sign area. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(g) *Waterside identification signs.* For each parcel within RFM Resort Facilities Medium District with a residential complex, business property or shopping center theater that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed 20 square feet in sign area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(h) *Boat or beach concession signs.* Each licensed boat or beach concession rental business operating along the Gulf of Mexico and on the site of a business having Gulf frontage may be permitted signs as follows:

(1) *Permission required.* The applicant shall provide the city with a letter, granting approval for placement of the signs, from the owner of the real property upon which signs are to be located prior to the issuance of a permit.

(2) *Advertising permitted.* Signs at boat or beach concession rental business licensed sites shall only provide descriptions of the specific activities and services offered at the site where the sign is located. Such signs shall not be permitted to advertise or imply the availability of any activities or services that are not specifically available at the site.

(3) *Lighted signs.* Lighted signs shall be prohibited.

(4) *Sandwich board signs.* Operators may display sandwich board sign on the sandy beach during the hours of business operation in accordance with subparagraphs (i) through (iv) below. Such signs shall be removed from the beach when the business is closed.

(i) *Maximum area:* 12 square feet per face.

(ii) *Number permitted:* One.

(iii) *Maximum height:* Five feet.

(iv) *Setbacks:* 40 feet from the water's edge.

(5) *Tiki hut or ticket office signs.* Operators may display signs on the tiki huts or ticket offices as follows:

(i) *Maximum area:* Eight square feet per face.

(ii) *Number permitted:* Three per tiki hut; not more than two on one side.

(iii) *Location:* Signs may be attached to or painted on the sides of the tiki hut at a point no higher than four feet above the ground, provided however, that one of the signs may be raised and attached at a point on the side of the tiki hut just below the eave of the roof.

(6) *Operators without a tiki hut or ticket office.* Licensed board or beach concession rental businesses that do not use a tiki hut or other structure for their businesses shall be permitted to keep one sandwich board sign on the beach overnight, provided such sign is no larger than eight square feet in area per face and is located or protected so as to not be a hazard to people walking on the beach after dark.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.30. CG-1 Commercial District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the CG-1 District may have up to three of the following signs in a-g below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to 4 signs from a-g):

(a) *Freestanding monument signs-* Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than 8 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed 8 feet in height. However, this sign shall be counted as two of the three or four permitted. subject to the following limitations:

(b) *Attached signs*, subject to the following: (1) *Maximum size.* An attached sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.

(2) *Height restrictions.* An attached sign may not appear above the ~~first~~ second floor of a building.

(c) *Drive-thru menu signs.* For each parcel with a lawful non-residential use that utilizes a drive-through lane within the CG-1 Commercial District, one drive-through menu sign shall be allowed for each drive-thru lane. An allowed drive-thru menu sign may be either a free-standing sign or an attached sign, and shall not exceed 40 square feet in sign area and ten feet in height. Drive-thru menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(d) *Attached menu display signs.* For each parcel within the CG-1 Commercial District with a restaurant without drive-through service or with a transient lodging facility that has restaurant facilities open to the general public, one attached menu display sign shall

be allowed. An attached menu display sign shall be a wall sign not exceeding 12 square feet in sign area. An attached menu display sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(e) *Theater signs.* For each parcel with a theater within the CG-1 Commercial District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(f) *Waterside identification signs.* For each parcel within the CG-1 Commercial District with a residential complex, business property or shopping center theater that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed 20 square feet in sign area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.31. CG-2 Commercial District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the CG-2 District may have up to three of the following signs in a-f below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to 4 signs from a-f):

(a) *Freestanding monument* Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than 8 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed 8 feet in height. However, this sign shall be counted as two of the three or four permitted.

(1) *Maximum height.* The monument sign shall not exceed 8 feet in height.

(2) *Maximum size.* The monument sign shall not exceed 50 square feet in sign area.

(3) *Setback.* The sign shall be set back at least ten feet from the property line.

(b) *Attached signs*, subject to the following: (1) *Maximum size.* An attached sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.

(2) *Height restrictions.* An attached sign may not appear above the ~~first~~ second floor of a building.

(c) *Attached menu display signs.*

(d)- *Theater signs.* For each parcel with a theater within the CG-2 Commercial District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(e) *Waterside identification signs.* For each parcel within the CG-2 Commercial District with a residential complex, business property or shopping center theater that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed 20 square feet in sign area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(f) One sandwich board sign or one designer sign, subject to the following:

(1) Sandwich board - Shall be located in front of the storefront for which it advertises and shall not be placed in the right of way, shall not be placed within the visibility triangle required for intersections at streets and driveways, as required by this LDC, be no larger than five feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

(2) Designer sign- shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than 5 feet tall by three feet wide by three feet deep.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.32. INS Institutional District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each institution may choose up to three signs from a – c below, subject to the limitations for each sign.(a) *Freestanding monument signs.* For each parcel with a lawful non-residential use within any INS Institutional District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:

(1) *Maximum height.* The monument sign shall not exceed 8 feet in height.

(2) *Maximum size.* The monument sign shall not exceed 50 square feet in sign area. However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.

(b) *Attached signs.* For each parcel with a lawful non-residential use within the INS Institutional District, attached signs shall be allowed. Attached signs shall be subject to the following limitations:

(1) *Maximum number.* Only one attached sign shall be allowed.

(2) *Maximum size.* An attached sign shall not exceed a sign face area equal to (a) 24 square feet or (b) one square foot for each linear foot of building frontage, whichever is less.

(3) *Height restrictions.* An attached sign may not appear above the ~~first~~ second floor of a building.

(c) One sandwich board sign or one designer sign, subject to the following:

(1) Sandwich board - Shall be located in front of the storefront for which it advertises and shall not be placed in the right of way, shall not be placed within the visibility triangle required for intersections at streets and driveways as required by this LDC, be no larger than five feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

(2) Designer sign- shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than 5 feet tall by three feet wide by three feet deep.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.33. TC-1 Town Center Core District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the TC-1 District may have up to three of the following signs in a-g below, subject to permit approval and compliance with the conditions for each type of sign:

(a) One sandwich board sign or one designer sign, subject to the following:

(1) Sandwich board - Shall be located in front of the storefront for which it advertises and will not be placed in the right of way, not be placed within the visibility triangle required for intersections at streets and driveways, as required by this LDC, be no larger than five (5) feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

(2) Designer sign- shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than (5) feet tall by three (3) feet wide by three (3) feet deep.

(b) A marquee or canopy sign;

(c) A menu display sign;

(d) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet;

(e) A wall sign, provided the sign is not internally illuminated, unless such sign is on a parcel which abuts Gulf Boulevard south of 76th Avenue, in which case internal illumination shall be allowed. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 50 square feet.

(f) A Freestanding monument sign, provided that the sign face does not exceed 40 square feet in area, is not taller than 8 feet in height, does not block any pedestrian

walkway, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback.
(Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.34. Large Resort District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the Large Resort District that has an exclusive entrance to the interior of the building from the exterior of the building may have up to three of the following signs in a-e below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to four from a – e below):

- (a) A marquee or canopy sign;
- (b) A menu display sign;
- (c) A wall sign, ~~provided the sign is not internally illuminated~~. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 70 square feet.
- (d) Up to two Freestanding monument signs, provided that the sign face does not exceed 50 square feet in area, is not taller than 8 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed 8 feet in height. However, this sign shall be counted as two of the four permitted.
- (e) One sandwich board sign or one designer sign, subject to the following:
 - (1) Sandwich board - Shall be located in front of the storefront for which it advertises and will not be located in the right of way, shall not be placed within the visibility triangle required for intersections at streets and driveways as required by this LDC, be no larger than five feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.
 - (2) Designer sign- shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than 5 feet tall by three feet wide by three feet deep.

Section 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon adoption.

Michael Finerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2010.

Theresa B. McMaster, City Clerk

**St. Pete Beach City Commission
Agenda Report**

ISSUE CONSIDERED: Final Reading: Ordinance 2010-38 providing a supplemental appropriation for fiscal year 2011 to the General and Capital Projects Funds, providing for funding and providing for an effective date.

DATE: January 11, 2011

PREPARED BY: Elaine Edmunds, Finance Director

SUMMARY OF ISSUE: Ordinance 2010-38 provides for a supplemental appropriation for fiscal year 2011 to the General and Capital Projects Funds.

During budget discussions, it was the desire of the City Commission to assist local businesses by sponsoring special events within the community thereby increasing the number of visitors to the City.

The first event will be the St. Pete Beach Classic. This event was previously sponsored by a private company and was not held last year due to illness. It has been extremely popular in prior years. The budget adjustment to the general fund is based on 1,000 entrants and proposes revenues of \$57,500 and expenditures of an equal amount.

The adjustment to the Capital Projects fund is for street and pedestrian improvements being done in the Don Cesar neighborhood area (\$225,000) as well as additional alley work throughout the city (\$75,000). These projects are being funded from capital project fund reserves.

REQUESTED MOTION: "I move to approve Ordinance 2010-38, (read title)..."

ATTACHMENTS: Ordinance 2010-38

**REVIEWED BY
CITY MANAGER:** MB

ORDINANCE 2010-38

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING A SUPPLEMENTAL APPROPRIATION TO THE GENERAL AND CAPITAL PROJECT FUNDS FOR FISCAL YEAR ENDING SEPTEMBER 30, 2011; PROVIDING FOR FUNDING; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, estimated revenues and expenditures are provided in Ordinance 2010-25, Budget Ordinance; and

WHEREAS, the authority for appropriation amendments is provided in Article III, Section 3.13 (a) of the City Charter; and

WHEREAS, the City Commission wishes to Fund the St. Pete Beach Classic event; and

WHEREAS, additional funding is required for street projects.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, HEREBY ORDAINS:

Section One. For the General Fund, an increase in revenue in the amount of \$57,500 comprised of entrance fees and sponsorships for the St. Pete Beach Classic and an increase in expenditures for the police department to fund overtime costs (\$5,600) and the public services department (\$51,900) to fund overtime (\$3,500) race supplies (\$17,300) equipment rentals (\$8,150) outside services (\$17,100) advertising (\$4,000) and post race party (\$1,850).

Section Two. For the Capital Projects Fund, an increase in expenditures for streets projects (\$300,000) to be funded from reserves.

Section Three. This ordinance shall become effective upon final passage.

Michael Finnerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Pamala PreLL, Acting City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2011.

Pamala Prell, Acting City Clerk

St. Pete Beach City Commission
Agenda Report

Issue Considered: Final Reading: Ordinance 2010-39 amending Chapter 50, Library, of the City of St. Pete Beach Code of Ordinances

Date: January 11, 2011

Prepared By: Elaine Edmunds, Finance Director

Summary of Issue: The three changes being proposed to fines for overdue library materials will bring the St. Pete Beach Library in alignment with the charges of the majority of other libraries participating in the Pinellas Public Library Cooperative.

Beginning this fiscal year, October 2010, the majority of PPLC libraries are charging the increased daily rate of 15 cents per day for books/general materials that are overdue. Our current rate is 10 cents per day. With regard to the VHS and DVD's the St. Pete Beach Library is the only library that is currently charging two dollars per day. All other public libraries are charging the proposed rate of 15 cents per day for VHS materials and one dollar per day for DVD's.

By bringing our fees in alignment with the other libraries participating in the PPLC, it will eliminate confusion experienced by both patrons and staff when materials are loaned and returned to the various libraries within the PPLC. Adhering to an agreed-upon standard of fines and charges will enable a seamless exchange of materials for our patrons.

The financial gain or loss is expected to be negligible; however, will be monitored.

The balance of the proposed changes provide for a general clean-up of Chapter 50 of the Code of Ordinances pertaining to the library.

Requested Motion: "I move to approve Ordinance 2010-39....(read title.)"

Attachments: Ordinance 2010-39

Reviewed by
City Manager: MB

**CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE 2010-39**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF SECTION 50 OF THE CODE OF ORDINANCES OF THE CITY, PERTAINING TO THE LIBRARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES, IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the City Commission's desire to amend portions of Section 50 pertaining to fines to be consistent those being charged by other libraries participating in the Pinellas Public Library Cooperative and;

WHEREAS, by adopting more generic terms for materials it will not be necessary to amend the ordinance for changes that are occurring in the types of materials being offered by the library.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, DOES HEREBY ORDAIN:

Section 1. Subsection (c) of Section 50-1 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to library fees, is hereby amended as follows:

(c) A fee established by ordinance of the city commission and listed in appendix A to this Code shall be charged for a special temporary visitor card ~~valid for up to one year from the date of issue,~~ to visitors from outside the Tampa Bay area.

Section 2. Section 50-2 of the code of Ordinances of the City of St. Pete Beach, Florida is hereby amended as follows:

(a) Materials borrowed from the public library for a 28-day period shall be returned within that period. A fine of ~~\$0.10~~ **\$0.15** per day to a maximum of ~~\$2.50~~ **\$5.00** per item shall be charged to the library patron for the late return of materials.

(c) ~~Videocassettes~~ **Materials** borrowed from the library for a ~~two~~ **seven** day period shall be returned within that period. A fine of ~~\$2.00~~ **\$1.00** per day to a maximum of ~~\$20.00~~ **\$5.00** per item shall be charged to the library patron for the late return of ~~videocassettes~~ **such materials**.

(d) ~~Audio-cassettes~~ **Materials** borrowed from the public library for a 14-day period shall be returned within that period. ~~No renewals shall be allowed for audio-cassettes.~~ A fine of ~~\$0.10~~ **\$0.15** per day to a maximum of ~~\$2.50~~ **\$5.00** per item shall be charged to the library patron for the late return of ~~audio-cassettes~~ **such materials**.

Section 3. Section 50-3 of the code of Ordinances of the City of St. Pete Beach, Florida is hereby amended as follows:

- (1) ~~Books~~ **Materials** returned in a partially damaged conditions, ~~such as those that are wet or mildewed~~ e.g. wet, food stained, chewed, broken spine/case, etc.
- (2) ~~Books returned with damaged spines or covers.~~
- (3) ~~Books returned with a missing or damaged barcode.~~
- (4) ~~Missing or damaged videocassette cases.~~
- (5) ~~Failing to rewind a videocassette.~~

Section 4. Section 50-4 of the code of Ordinances of the City of St. Pete Beach, Florida is hereby amended as follows:

- (a) Copies form the self-service photocopy machine, per page ~~\$0.15~~ **\$0.20.**
- (b) Printouts from ~~any CD-ROM reference machine~~ **public computers**, per page ~~\$0.10~~ **\$0.20.**
- (c) ~~Print-outs from the internet or any other on line resource~~ \$0.10
- (d) ~~Printouts from the word processor, per page~~ \$0.10
- (e) ~~Price of three and one half inch computer disc~~ \$2.00

APPENDIX A – FEE SCHEDULE

Chapter 50. Library

- 50-1(c) 1 Special temporary “tourist” card for visitors from outside the Tampa Bay Area
- | | |
|-------------------------------|-------|
| Up to 90 days | \$25 |
| 90 to 120 180 days | \$50 |
| Over 120 180 days | \$100 |
- 50-4(a) Copies from the self service photocopy machine \$0.20
- 50-4(b) ~~Print outs from the internet or any other on line source, per page \$0.20~~

Section 4. This ordinance shall become effective upon passage.

MICHAEL FINNERTY, MAYOR

FIRST READING : _____

PUBLISHED : _____

SECOND READING : _____

PUBLIC HEARING : _____

CA: 10/15/07 V1

I, Pamala Prell, Acting City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, 2011.

Pamala Prell, Acting City Clerk

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: First Reading and Public Hearing of Ordinance 2011-01, amending Chapter 22 of the City of St. Pete Beach Code of Ordinances.

Date: January 11, 2011

Prepared By: Karl E. Holley, AICP, Community Development Director

Summary of Issue: The attached ordinance is proposed by the City's Historic Preservation Board in order to clarify the Board's responsibilities and authorities and provide for appropriate authorization to develop architectural guidelines for the Pass-a-Grille area of the City.

Requested Motion: "I move to approve Ordinance 2011-01 (read title)"

Attachments: Ordinance 2011-01.

Reviewed by City Manager: MB

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; AMENDING CHAPTER 22, ARTICLE VII, REGARDING THE POWERS AND DUTIES OF THE HISTORIC PRESERVATION BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Historic Preservation Board was established to ensure the protection of the City's Historic Resources; and

WHEREAS, The Historic Preservation Board has determined that in order to protect such resources, the development of design guidelines and standards for development are appropriate for the Pass-a-Grille area, which is the location of the City's National Register Historic District; and

WHEREAS, The Historic Preservation Board has recommended changes to their powers and duties in order to accomplish the preservation of the character of Pass-a-Grille;

WHEREAS, the City Commission has found this ordinance to be in the best interest of the health, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA HEREBY ORDAINS:

Section 1. Section 22-211 of the City of St. Pete Beach, Florida Code of Ordinances is hereby amended as follows:

Sec. 22-211. Purpose; powers and duties.

(a) The historic preservation board will recommend historic district boundaries essential to the maintenance of the unique character of the city.

(b) The board will develop and recommend guidelines, standards and associated land development regulations for new construction and alterations to existing structures specific to the districts.

(c) The board shall develop design guidelines for new construction or alterations to existing structures within the Pass-a-Grille Overlay.

(d) The board shall also have the power and duty to:

(1) Maintain and update the findings of the historical and archaeological resource surveys and validate those findings.

(2) Evaluate the significance and eligibility of historic resources for designation pursuant to the Land Development Code.

(3) Designate eligible historic resources pursuant to the Land Development Code.

(4) Nominate historic resources to the local and state list of historic places and to the National Register of Historic Places.

(5) Approve, deny, or approve with conditions applications for certificates of appropriateness applicable to historic resources or structures within historic districts pursuant to the Land Development Code.

(6) Approve or deny applications for a certificate of appropriateness for new construction or alterations to existing structures within the Pass-a-Grille Overlay, based on the adopted guidelines.

(7) Make recommendations to the board of adjustments with respect to variance requests applicable to historic resources designated pursuant to the Land Development Code.

(8) Place historical markers and administer other programs aimed at the proper recognition of designated historic resources.

- (9) Advise the city commission on all matters related to historic preservation policy, including use, administration and maintenance of city-owned historic resources.
- (10) Recommend zoning and building code amendments to the appropriate board of authority to assist in the preservation of designated historic resources.
- (11) Review and make recommendations to the appropriate board of authority on proposed amendments to the comprehensive plan or land development regulations that may affect designated historic resources.
- (12) Propose and recommend to the city commission financial and technical incentive programs to further the objectives of historic preservation.
- (13) Increase public awareness of historic preservation and its community benefits by promoting public education programs.
- (14) Record and maintain records of the board actions and decisions.
- (15) Review any nominations of local properties to the National Register of Historic Places following the regulations of the state historic preservation office, as follows:
 - a. The responsibilities of the board in this regard shall be supplementary to the state historic preservation officer.
 - b. Inclusion on either the local, state or federal list is voluntary, and when a property owner objects to the nomination, he shall submit a notarized written statement to the board before the nomination is considered.
 - c. Owners of nominated properties shall be notified of the board meeting at which the nomination will be considered in accordance with the procedure set forth in the Land Development Code. When necessary, the board may seek outside expert advice before evaluating the nomination.
 - d. The board shall forward its recommendations and action on the nomination to the state historic preservation officer.

(16) Maintain the local and state site file of historic places for the city and conduct and maintain a comprehensive survey of materials that shall be kept available to the public, and duplicates of all inventory forms shall be supplied to the state historic preservation officer.

(17) Perform any other reasonable functions or duties relating to historic preservation assigned to it by the city commission.

(18) Attend pertinent informational or educational meetings, workshops and conferences.

Section 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon adoption.

Mayor Michael Finnerty

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

Attest:

I, Pamala Prell, Acting City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2011.

Pamala Prell, Acting City Clerk

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: First Reading of Ordinance 2011-02, amending section (n) of Division 1, Article III, Chapter 82, Section 82-137 of the Code of Ordinances; as it relates to stopping, standing or parking of vehicles.

Date: January 11, 2011

Prepared By: Dan O'Connor, Administrative Services Supervisor

Through: Elaine Edmunds – Finance Director

Summary of Issue: The attached ordinance amends section (n) of Division 1, Article III, Chapter 82, Section 82-137 of the Code of Ordinances; as it relates to stopping, standing or parking of vehicles.

At present Section 82-137(n) prohibits parking of one side of 46th. Avenue from Gulf Blvd. to Plaza Way. Upon passage of this Ordinance, prohibited parking on one side of 46th. Avenue will be from Gulf Blvd. to the east end of Lido Park.

Parking Maps to be updated upon passage.

Requested Motion: “I move for the adoption of Ordinance 2011-. . . (read title).”

Attachments: Ordinance 2011-02

Reviewed By:
City Manager: MB

ORDINANCE NO. 2011-02

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF SUBSECTION (n) OF SECTION 82-137 OF DIVISION 1 OF ARTICLE III OF CHAPTER 82 OF THE CODE OF ORDINANCES, PERTAINING TO STOPPING, STANDING AND PARKING OF VEHICLES; PROVIDING FOR AMENDMENT OF THE CITY PARKING MAPS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to improve the traffic and parking control regulations pertaining to city streets and city controlled parking areas within the city; and

WHEREAS, the City Commission has found this ordinance to be in the best interest of the health, safety and welfare of the citizens of the city;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA DOES HEREBY ORDAIN:

SECTION 1. Subsection (n) of Section 82-137 of Division 1 of Article III of Chapter 82 of the Code of Ordinances, pertaining to stopping, standing and parking of vehicles, is hereby amended thereto as follows:

(n) Parking on one side of the following city streets shall be prohibited at any time, as designated on the city parking maps:

1st Avenue between Gulf Way and Pass-A-Grille Way;
11th. Avenue to 22nd Avenue between Gulf Way and Pass-A-Grille Way;
23rd Avenue to 30th Avenue between Sunset Way and Pass-A-Grille Way;
32nd Avenue between 1st Street West and Pass-A-Grille Way;
El Centro at the Don Vista Center;
West Maritana Drive between Alahambra Street and South Maritana drive;
South Maritana Drive between West Maritana Drive and Granada Street;
Alahambra Street between West Maritana and West Debazan Avenue;
West Debazen Avenue between East Debazen and South Maritana;
Debazen Avenue between Casablanca and Alahambra Street;
East Debazen between Alahambra Street and South Debazen Avenue;
Alfonzo Street between West Maritana Drive and West Debazen Avenue;
Granada Street between East Debazen Avenue and East Maritana Drive;
Barcelona Street between Debazen Avenue and East Maritana Drive;
Casablanca Avenue between 37th Avenue and Pinellas Bayway;
East Maritana Drive between 37th Avenue and Pinellas Bayway;
Belle Vista Drive between 41st. Avenue and Belle Vista Drive East;
Lido Drive between 1st Street East and Plaza Way;
36th Avenue between El Centro and East Maritana Drive;
41st Avenue between Belle Vista Drive and Poinsettia Drive;

46th Avenue between Gulf Boulevard and ~~Plaza Way~~ **the east end of Lido Park;**
 51st Avenue between Gulf Boulevard and the beach;
 51st Avenue between Gulf Boulevard and the east end;
 55th. Avenue between Aloha Drive and Leilani Drive;
 Boca Ciega Isle Drive at the entrance;
 58th Avenue between Gulf Blvd. and 2nd Street East;
 64th Avenue between Gulf Winds Drive and and 430 64th. Avenue;
 Gulf Winds Drive between 67th Avenue and 71st Avenue;
 67th Avenue to 73rd Avenue between Sunset Way and Gulf Boulevard;
 Sunset Way between 23rd Avenue and 24th Avenue;
 Sunset Way between 25th Avenue and 26th Avenue;
 Sunset Way between 29th Avenue and 30th Avenue;
 1st Street West between 31st Avenue and 32nd Avenue;
 Casablanca Avenue between 37th Avenue and Cabrillo Avenue;
 78th Avenue to 87th Avenue between Blind Pass Road and Boca Ciega Drive;
 and Corey Circle.

SECTION 2. If any portion, part or section of this ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 3. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 4. This Ordinance shall become effective immediately upon final passage as provided by law.

Mike Finnerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Pamala Prell, Actinb City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2011.

 Pamala Prell, Acting City Clerk

St. Pete Beach City Commission
Agenda Report

Issue Considered: Resolution 2011-03 –Adopting the “Let’s Move!” campaign.

Date: 1/11/11

Prepared by: Sharon Smith, Recreation Administrator

Through: Steven J. Hallock, Public Services Director

Summary of Issue: The Florida League of Mayors Board of Directors voted to adopt a resolution supporting the Let’s Move Cities & Towns Campaign. This is an initiative by First Lady Michelle Obama calling on Mayors and elected officials across the country to help solve the problem of childhood obesity. Her goal is to reverse the nation’s childhood obesity epidemic within a generation.

Let’s Move Cities and Towns targets one of America’s gravest public health threats and emphasizes the critical leadership Mayors and other city leaders can provide to spur local action. Participating cities and towns agree to take simple steps that promote healthy eating and physical activity, choosing strategies that make sense for their own communities.

Mayors are encouraged to adopt the resolution and send to:

Anton Gunn, Regional Director
U.S. Department of Health and Health Services
61 Forsyth Street, South West, Suite 5B-95
Atlanta, Georgia 30303-8909

Requested Motion: “I move to adopt Resolution 2011-03. . .read title”

Attachments: Resolution 2011-03

Reviewed by
City Manager: MB

RESOLUTION 2011-03

A RESOLUTION RELATED TO THE LET'S MOVE CAMPAIGN WHICH SUPPORTS POLICIES THAT FOCUS ON HEALTH AND WELLNESS; PROMOTES ACTIVITIES FOR RESIDENTS THROUGH EXERCISE OPPORTUNITIES AND CONTINUING EDUCATION; AND PROVIDES INFORMATION FOR FAMILIES TO MAKE HEALTHY CHOICES.

WHEREAS, the City of St. Pete Beach supports policies that focus on health and wellness, continuing education, and healthier lifestyles in all communities; and

WHEREAS, many cities, counties, and schools have adopted policies, programs, and ordinances that promote healthy lifestyles by making their communities walkable, promote youth and senior activities, reduces the sale of junk food in City facilities and provides exercise opportunities for their residents; and

WHEREAS, City officials believe there are important, long-term community benefits to be gained by encouraging healthy lifestyles, including a decrease in the rate of childhood obesity and its negative health-related impacts; and

WHEREAS, City departments and other community partners can work together to understand the relationship between obesity, land-use policies, redevelopment, and community planning; and

WHEREAS, cities and other community partners can work together to ensure that there are safe places for their residents to be active such as in parks, ball fields, pools, gyms, and recreation centers; and

WHEREAS, access to healthy foods has a direct impact on the overall health of our community and planning for fresh food, open space, sidewalks, and parks should be a priority; and

WHEREAS, the Florida League of Mayors has partnered with the Healthy Eating Active Living (HEAL) Cities Campaign to provide training and technical assistance to help city officials adopt policies that improve their communities' physical activity and retail food environments; and

WHEREAS, the Florida League of Mayors support the "Let's Move!" campaign headed by the First Lady of the United States, the President's Task Force on Childhood Obesity and Secretary of Health and Human Services' in an effort to solve the challenge of childhood obesity within a generation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, that:

SECTION 1: The City of St. Pete Beach supports preventative measures to fight obesity as set forth by the First Lady of the United States of America in the *Let's Move* campaign;

SECTION 2: The City of St. Pete Beach supports efforts to (1) provide information for parents to make healthy family choices, (2) provide healthy food choice information to kids, (3) provide access to healthy and affordable snacks, and (4) promote physical activity.

INTRODUCED AND PASSED by the City Commission of St. Pete Beach, Pinellas County, Florida on this 11th day of January 2011.

Michael Finnerty, Mayor

ATTEST:

Pamala Prell, Acting City Clerk

St. Pete Beach City Commission
Agenda Report

Issue Considered: Authorize the City Manager to enter into a purchasing agreement with KMS & Associates, Inc., for pavement assessment, software installation, and software training for \$13,762.

Date: 1/11/11

Prepared By: Renee Cooper, CIP Construction Manager

Through: Steven J. Hallock, Public Services Director

Summary of Issue: Asset management is a very important concept in effectively managing City assets. Simply put, you perform a reliable inventory of an infrastructure and then utilize this data to make capital and operational decisions. The American Public Works Association notes *"Records of infrastructure condition should be maintained and used in tracking maintenance and operating costs and highlighting service needs to maximize life expectancy of the infrastructure"...* *"To effectively manage the street and highway system, it is necessary to have an inventory of all facilities for which the agency is responsible, the condition of those facilities, and some means to identify how available funds should be best spent to maintain or improve the characteristics of the system."*

In order to adequately plan for proper street and sidewalk maintenance, an updated pavement assessment is needed. A professional assessment firm offers an unbiased approach to our City's assessment, along with a quick turn around on an assessment, evaluation, and CIP plan. This firm is also capable of completing GIS shapefiles for future City use. Beyond assessment, the overall contract package includes installation of MicroPAVER software, and training on that software, in order to manage our City street and sidewalk network and maintenance beyond our current capabilities.

Bids were due on November 19th 2010 at 1:00 PM. Three (3) bids were received and results are as follows:

KCA: \$27,979.80

KMS: \$13,762.00

TransMap: \$13,198.55 (plus \$600 per year in support)

Staff is recommending KMS & Associates for the project. If approved Street CIP funding is available and will be used to cover the expenditure.

Requested Motion: "I move to authorize the City Manager to enter into a purchasing agreement with KMS & Associates, Inc., for pavement assessment, software installation, and software training for \$13,762."

Attachments: Bid Tabulation Spreadsheet
KMS Bid Proposal
Purchasing Agreement

Reviewed by
City Manager:

MB



Pavement Assessment

11/19/10 - 11AM

	<u>KCA</u>	<u>KMS</u>	<u>TransMap</u>
Bid Total:	\$27,979.80	\$13,762.00	\$13,198.55
<i>Roadway Inventory and Inspection</i>			
Per Mile	\$311.90	\$184.00	\$193.94
Total	\$13,099.60	\$7,728.00	\$8,145.55
<i>Sidewalk Inventory and Inspection</i>			
Per Mile	\$100.34	\$68.00	\$11.14
Total	\$3,512.00	\$2,380.00	\$390.00
<i>Digital Images</i>			
Per Mile	\$1.00	\$25.00	\$0.00 - Included
Total	\$42.00	\$1,050.00	\$0.00 - Included
<i>GIS Integration</i>			
Per Mile	\$1.00	\$30.00	\$20.89
Total	\$42.00	\$1,260.00	\$940.00
<i>6 Year Development Plan</i>			
Per Mile	\$114.10	\$32.00	\$25.07
Total	\$4,762.20	\$1,344.00	\$1,128.00
MicroPAVER Software/License Training/Support	\$6,492.00	\$0.00 - Included	\$2595.00*

*Additional \$600 per year
for support

II. GENERAL CONTRACT DOCUMENTS

REQUEST FOR PROPOSAL

Pavement Condition Survey

BID DOCUMENTS

- I. Bidder's Proposal
- II. General Contract Documents
- III. References
- IV. Certificate of Insurance
- V. Performance Bond
- VI. Contract Agreement
- VII. Maps

DETAILS

The City of St. Pete Beach is soliciting proposals from qualified Contractors for:

Pavement inspection services on all City roads and sidewalks, including information and photos for GIS upload, maintenance and rehabilitation plans, software training and support.

BIDDER INFORMATION

All Contractors must contact the CIP Construction Manager, via e-mail, with their intention to bid, along with their company name and contact information. The City is not responsible for any Addendums or other supplementary information that is not received due to non-submittal of the aforementioned information. Please refer back to the website (www.stpetebeach.org) for additional project information as it becomes available.

BID SUBMITTALS

Bid documents must include a signed proposal, itemized bid description and fee schedule, project schedule, references, contractor's license and insurance certificates. Any major sub-contractor that will be hired by the contractor for this project must also submit references, contractor's license and insurance certificates.

BID PACKAGES

Sealed bids will be received until 11:00 a.m. on November 19, 2010, in the Office of the City Clerk, 155 Corey Avenue, St. Pete Beach Florida at which time they will be publicly opened and read. All bidders are invited to attend this bid opening, which will be held immediately following the closing time specified. Bids received after the deadline will not be accepted.

Bids should be addressed to: City of St. Pete Beach
City Clerk's Office
155 Corey Ave.
St. Pete Beach, FL 33706

Plainly marked as: ***"Pavement Condition Survey"***

CONTACT INFORMATION

Renee Cooper, CIP Construction Manager
155 Corey Avenue
St. Pete Beach, Florida 33706
Office - (727) 363-9254 Fax - (727) 367-2736
E-mail (r.cooper@stpetebeach.org)

I. **BIDDER'S CONTRACT PROPOSAL**

The company that is submitting a proposal declares that he/she has extensive experience in the inspection of roadways and sidewalks and is also licensed to do so.

The undersigned, as Bidder, hereby declares that the only person or persons interested in the Proposal as principal or principals are named herein, and that no other person than herein mentioned has any interest in the Proposal or in the Contract to be entered into; that this Proposal or Contract is made without connection with any other person, company, or parties making a Bid or Proposal; and that it is in all respects fair and in good faith without collusion or fraud.

The Bidder further declares that he/she has examined the site of the work and informed himself/herself fully in regard to all conditions pertaining to the place where the work is to be done; that he/she has examined the Plans and Specifications for the work and Contract Documents relative thereto, and has read all special provisions furnished prior to the opening of bids; and that he/she has satisfied himself/herself relative to the materials to be supplied and work to be performed.

The Bidder proposes and agrees, if the Proposal is accepted, to contract with the City of St. Pete Beach, Florida, in the form of Contract/Agreement specified for: *"Pavement Condition Survey"*

In St. Pete Beach, Florida, in full and complete accordance with the shown, noted, described, and reasonably intended requirements of the Plans, Specifications, and Contract Documents, to the full and entire satisfaction of the City of St. Pete Beach, Florida.

The Bidder proposes to furnish all materials, equipment, labor, and perform the work submitted in their bid schedule for the City of St. Pete Beach *"Pavement Condition Survey"*

COMPANY: *Kms & Associates, Inc* DATE: *11/18/10*

ADDRESS: *PO Box 4300* PHONE:
Dublin OH 43016

BY: 
(SIGNATURE)

NAME: *Joe Kindler President*
(PRINT NAME & TITLE)

SUBMIT REPAIR BID ITEMIZATION WITH PROPOSAL

**CITY OF ST. PETE BEACH
PUBLIC SERVICES DEPARTMENT
155 COREY AVENUE
ST. PETE BEACH, FLORIDA 33706**

BID SCHEDULE

- | | |
|---|---------------------|
| 1. Roadway Inventory and Inspection | \$ <u>184</u> /Mile |
| Total: \$ <u>7728</u> | |
| 2. Sidewalk Inventory and Inspection | \$ <u>68</u> /Mile |
| Total: \$ <u>2380</u> | |
| 3. Digital Images | \$ <u>25</u> /Mile |
| Total: \$ <u>1056</u> | |
| 4. GIS Integration | \$ <u>30</u> /Mile |
| Total: \$ <u>1260</u> | |
| 5. 6 Year Plan Development | \$ <u>32</u> /Mile |
| Total: \$ <u>1344</u> | |
| 6. MicroPAVER Software/License/Training/Support | |
| Total: \$ <u>0</u> | |

Bid Total: \$ 13762.00

November 15, 2010

City of St. Pete Beach
c/o Renee Cooper
CIP Construction Manager
155 Corey Avenue
St. Pete Beach, FL 33706



PO Box 4300
Dublin, OH 43016

(800) 638-8040
jg3@micropaver.net
www.micropaver.net

Subject: Request for Proposal, Pavement Condition Survey

Dear Renee,

KMS & Associates, Inc. (KMS) has been providing pavement management consultation and service for over 13 years, with 100% of our daily business operations occurring within the field. Our reputation is one of knowledgeable pavement management professionals with a special emphasis on customer service. We strive to serve each client with their own particular needs and objectives in mind while our innovative, comprehensive and low cost services take our clients ideas from concept to reality.

To date, KMS has provided over 60 agencies with a successful and efficient pavement management program, with approximately 30% of our clients within the state of Florida. This is due in large to the opening of our second office location within Fort Pierce, FL in 2007. With a strong presence within the state of Florida, KMS will be available for immediate response with technical assistance or consultation to help grow your pavement management efforts for many years to come.

We fully understand that the City of St. Pete Beach is seeking a full service consulting firm to provide a cost effective, efficient, standardized pavement management program. It is the goal of KMS to provide the most efficient approach to meeting your agency's pavement management needs. We will match our knowledge, expertise and technical approach to the pavement management requirements listed within the RFP; and will provide all required information necessary to propose our recommended pavement management solution.

Thank you for the opportunity to recommend our proposed pavement management solution, we look forward to your decision.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. L.", is written over a horizontal line.

Please direct all questions regarding this proposal to:

Jim Golden, Director of Operations
PO Box 4300
Dublin, OH 43017
Ph: (800) 638-8040
Fax: (877) 603-3162
Email: jg3@micropaver.net

With a copy to:

Joe Kindler, PE - President and CEO
1101 N. US 1
PMB #10
Fort Pierce, FL 34950
Ph: (800) 638-8040
Fax: (877) 603-3162
Email: jk@micropaver.net

KMS & Associates, Inc. – New Dimensions in Pavement Management

SCOPE OF WORK



Define the Pavement Inventory

Pavement inventory definition will be derived from electronic information provided by City of St. Pete Beach staff as well as field based data collection. Standard inventory items collected for the MicroPAVER database are as follows:

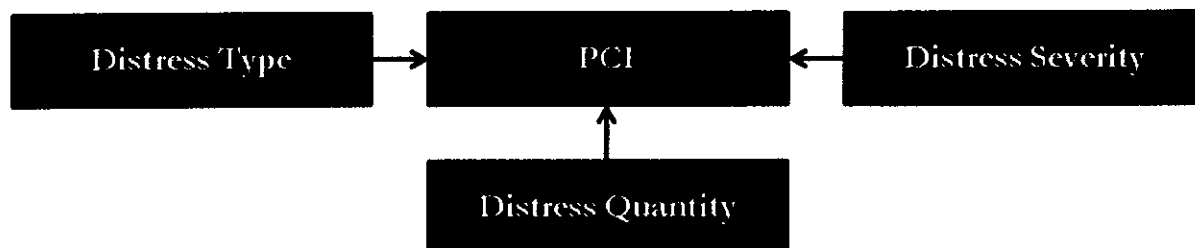
- Network Name
- Branch Name
- Section ID
- From
- To
- Length
- Width
- Area
- Surface Type
- Rank Classification
- Zone
- Last Construction Date

Additional user defined fields can be set up and collected during the inventory process as well. Possibilities can be discussed during the project kickoff meeting.

Perform the Pavement Inspection

The standardized ASTM D6433-03 inspection process will be followed for this project. This is a manual “foot on ground” process performed by trained inspectors. The distress identification and PCI calculation will occur in the field, not through the use of video and then post processing the information in an office to determine the distress information and Pavement Condition Index (PCI). All KMS inspectors have attended the MicroPAVER training course provided by Technical Assistance Center (TAC) and have accumulated continuing education credits for doing so.

Using this process, KMS staff will inspect 2500 square foot representative sample locations within each pavement section. All distress types, severity levels and quantities within each sample will be recorded in the PCI component within the MicroPAVER database.



The number of representative samples to inspect within each pavement section is determined using the following matrix:

Total Possible # of Sample Units in Each Section	Total # of Sample Units to be Inspected
1 - 5	1
6 - 10	2
11 - 15	3
16 - 40	4
Over 40	10% of Total Possible Samples

The end result will be a calculated PCI number for each pavement section, on a scale of 0 -100 with 0 being the worst and 100 being the best. The following condition categories will then be assigned for MicroPAVER graph, reporting and GIS purposes:

Sidewalk Inventory & Inspection

A representative sample area will be taken within each section, on each side of the roadway to determine the Sidewalk Condition Index (SCI). The SCI is based on a scale of 0 – 5 with 0 being the worst and 5 being the best and will be stored within the Micro PAVER database. This will be accomplished through the additional user defined fields capability within Micro PAVER and will be set up according to the agency's needs. The following criteria will be used to determine the SCI:

Distress Definition and Severity Levels

1. Cracking
 - a. Light – Single crack in slab less than 1/4"
 - b. Medium – Single and/or multiple cracks up to 1/2"
 - c. High – Single and/or multiple cracks greater than 1/2"
2. Depression
 - a. Low – Depression in slab is up to 1/4" depth
 - b. Medium - Depression in slab is up to 1/2" depth
 - c. High - Depression in slab is greater than 1/2" depth
3. Deterioration
 - a. Low – Minor joint and corner spalling
 - b. Medium – Spalling has increased, loose aggregate on surface
 - c. High – Loose or missing pieces within slabs
4. Excessive Slope

Slab slopes to or away from street and impounds water

5. Faulting

- a. Low – Adjoining slab joints differ by up to 1/4"
- b. Medium - Adjoining slab joints differ by up to 1/2"
- c. High - Adjoining slab joints differ by more than 1/2"

6. Additional criteria may be included in the SCI per agency discretion

Sidewalk Condition Index (SCI) Assessment Matrix

SCI	Percentage of Distresses	Severity of Distresses	Observed Distresses
5	Less than 25%	Low	None
4	Less than 25%	Low	Cracking
3	25% - 50%	Medium	Depression
2	25% - 50%	Medium	Deterioration
1	Greater than 50%	High	Excessive Slope
0	Greater than 50%	High	Faulting

SCI's can be further broken down into the following categories:

No Attention Needed: SCI = 5

Minor Repair Necessary: SCI = 3 - 4

Major Repair Necessary: SCI = 1 – 2

Replacement Necessary: SCI = 0

Adjustments to the SCI and specified categories can be accommodated based on additional distress criteria as deemed necessary by the agency.

Compile and Enter Work History

KMS will work with City of St. Pete Beach staff members to compile historical work related items for all pavement sections and enter within the Work History component of MicroPAVER.

Digital Images of Pavement Sample Locations



KMS will provide a 3 MP digital image of each sample location inspected, and will place all images on a fully indexed CD/DVD for St. Beach staff use. Each image will be approximately 2 MB in size with a resolution of 2592 x 1944. Images are taken at this resolution to provide a quality image in a compact size.

The image shown (not to scale) is a clear representation of the the type of digital image that will be provided for each sample location.

Each image name will be in the following format: StreetName_SectionNo_SampleNo

GIS Integration

KMS will import the provided roadway centerline shapefile of the City of St. Pete Beach maintained roadways into MicroPAVER, and tie all pavement section data to their corresponding GIS segments. Once complete, GIS viewing and reporting capabilities within MicroPAVER will have been established, with external ArcGIS 10x capabilities supported.

Create User Defined Reports

KMS will provide City of St. Pete Beach with a variety of reports which come standard within MicroPAVER. The MicroPAVER reporting component provides for GIS, graph and spreadsheet based reporting. Reports can be simple, push button generated and/or developed through the EMS query tool for specific and detailed information.

Develop Agency Specific Prediction Models

The purpose of prediction modeling is to identify and group pavement sections with similar characteristics such as traffic count, surface composition and use together as a family. The model will analyze all pertinent information about each section to plot the "Age vs. Condition" deterioration curve for each family. Pavement models will be specific to the City of St. Pete Beach.

Develop 6 Year Maintenance & Rehabilitation Plans

KMS will develop in depth and comprehensive maintenance and rehabilitation strategies, budget requirements and future condition forecasting. The M&R planning component utilizes inventory data combined with inspection history, maintenance policies, maintenance costs and the prediction models to

develop a wide variety of condition, maintenance, repair and budgetary requirement "What IF" scenarios. Reports are generated in GIS, spreadsheet and graph form for review.

Perform Data Implementation

KMS will provide full onsite software and data implementation. Software installation practices will be to install MicroPAVER locally on the number of computers as directed, and install the data file on the network. This will allow for multiple user access. MicroPAVER has a site licensing structure allowing the agency to legally install on as many computers as desired. KMS is currently supporting Version 5.3.7, and agencies in contract with our pavement inspection services will be provided a copy under our site license.

Provide Training and Ongoing Support

When pavement inspection services are rendered, KMS will provide software training in all facets of MicroPAVER to the number of users as deemed necessary by City of St. Pete Beach. Depending on the amount of users that need to be trained, the training process will take between 8 – 24 hours. KMS will work with staff members during this process until they feel confident in utilizing all aspects of MicroPAVER. Upon completion of training, KMS will continue to provide unlimited support via telephone, email, and internet and up to 2 onsite visits at no additional cost.

PROJECT SCHEDULE

KMS will provide all services listed within the Scope of Work within a 60 day period from the notice to proceed date. If at all possible, KM would like to perform these services sometime between January and February of 2011.

BID DESCRIPTION/FEE SCHEDULE

SERVICE DESCRIPTION	COST	UNIT	QTY	TOTAL
MICROPAVER SETUP/INVENTORY/INSPECTION	\$184	CL MI	42	\$7,728
SIDEWALK INVENTORY/INSPECTION	\$68	CL MI	35	\$2,380
6 YEAR PLAN DEVELOPMENT	\$32	CL MI	42	\$1,344
DIGITAL IMAGES OF EACH SAMPLE LOCATION	\$25	CL MI	42	\$1,050
GIS INTEGRATION	\$30	CL MI	42	\$1,260
SOFTWARE TRAINING	\$0	NA	1	\$0
*MICROPAVER SOFTWARE/SITE LICENSE	\$0	NA	1	\$0
PROJECT SUBTOTAL				\$13,762
PROJECT GRAND TOTAL				\$13,762

*Currently KMS is providing services and support for MicroPAVER Version 5.3.7 and a software license is at no charge when inspection services are rendered, provided all technical support is through KMS.

CITY OF ST. PETE BEACH, FLORIDA
PURCHASING AGREEMENT
Pavement Assessment, Software Installation/Support

THIS AGREEMENT is hereby executed this 11th day of January, 2011, between the CITY OF ST. PETE BEACH, FLORIDA (hereinafter "CITY") and KMS & Associates, Inc. (hereinafter "VENDOR"), as follows:

WHEREAS, City is desirous of purchasing from Vendor the goods or services described in this agreement; and

WHEREAS, Vendor is in the business of providing the goods or services described herein, and has submitted an appropriate proposal to the City to provide the same; and

WHEREAS, this agreement has been properly approved by the appropriate authority of the City and the Vendor.

NOW, THEREFORE, upon the mutual covenants contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto hereby agree to the following:

1. City hereby agrees to purchase, and Vendor hereby agrees to sell or provide, the goods or services described in the proposal attached hereto and incorporated herein.

2. Vendor shall deliver the goods, or provide the services, described herein no later than April 1, 2011.

3. Time is of the essence in the performance of this contract. City shall be entitled to liquidated damages in the amount of \$500 per day, for each day subsequent to the date set forth in paragraph 2 hereof that Vendor has failed to properly and completely deliver all of the goods or provide all of the services herein specified. Vendor specifically acknowledges that the foregoing sum is reasonable and does not constitute a penalty.

4. Upon Vendor's satisfactory delivery of the goods, or full performance of the services, or in accordance with the payment schedule provided in the attached proposal, City shall pay Vendor the sum of \$13,762, as full consideration for the goods or services provided hereunder.

5. Vendor fully warrants the title to any goods provided hereunder, and agrees to defend the same against all claims whatsoever. At the time of delivery, Vendor shall furnish to the City a bill of sale absolute, with full warranties, or other evidence of title transfer satisfactory to the City, for the goods specified herein.

6. Vendor expressly warrants that all goods delivered hereunder are of merchantable quality and fit for the purpose for which the City has purchased the same. Vendor further warrants that any defects in the goods shall be properly repaired by Vendor for a period of 18 months from final delivery, including all parts and labor associated with said products. Support for software to be provided as per the proposal.

7. City reserves the right to reject any defective goods, notwithstanding City's payment of the purchase price provided herein.

8. Vendor fully warrants that all services provided hereunder have been provided in a good and workmanlike manner. Vendor guarantees said services for a period of 18 months from the date of final performance. Vendor shall provide all labor and materials necessary to repair any defective workmanship reported to Vendor within said guarantee period. Support for software to be provided as per the proposal.

9. To the extent that this agreement requires Vendor to provide any services of any kind, Vendor and all of Vendor's subcontractors shall maintain public liability insurance in a single combined limit for bodily injury and property damage in the amount of not less than \$1,000,000.00, satisfactory to the City Manager of City, naming the City as additional insured and providing coverage up through and including the final performance of any services provided hereunder. Vendor and all of Vendor's subcontractors shall maintain in full force and affect a policy of worker's compensation insurance for all of Vendor's employees in accordance with applicable state and federal law. Said insurance coverage shall include employer's liability with a single limit of \$100,000.00 per accident or occurrence. Vendor shall present City with a certificate for all of the foregoing insurance, at the time of executing this agreement and at such other times requested by the City.

10. In consideration of the payment of ten dollars as part of the above purchase price, Vendor shall indemnify, defend and hold the City harmless for itself, its employees, agents and assigns, from and against any and all losses, claims, damages, suits, actions, or demands, including attorneys fees and costs of litigation through all appellate proceedings, arising from the performance or non-performance of this agreement, whether caused in part by the City or not.

11. This Agreement shall be binding upon the parties, their successors, assigns, and legal representatives. Vendor shall not assign or otherwise transfer any of the rights or duties under this Agreement, without the express written consent of the City.

12. This document embodies 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 herefrom shall be in Pinellas County, Florida.

13. The prevailing party in any action to enforce or interpret this agreement shall be entitled to reasonable attorneys fees incurred through all appellate proceedings.

14. Vendor hereby acknowledges that the person executing this agreement on behalf of Vendor has the full authority to do so and to bind Vendor to the terms hereof.

15. Any notices provided hereunder shall be sent to the parties at the following addresses and shall be considered properly delivered when placed in the U.S. mail, postage prepaid, certified return receipt requested:

As to Vendor:

KMS & Associates, Inc.
PO Box 4300
Dublin, OH 43016

As to City:

City Manager
City of St. Pete Beach, Florida
155 Corey Avenue
St. Pete Beach, Florida 33706

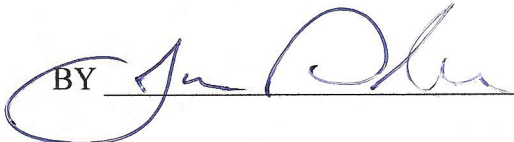
16. To the extent that any terms in the attached proposal conflict with the terms of this agreement, the terms of this agreement shall control and supersede such conflicting terms in the attached proposal, to the extent of such conflict.

17. The following sections, paragraphs or provisions of the attached proposal are hereby deleted from this agreement and shall be of no force or effect:

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

KMS & Associates, Inc.
Vendor

CITY OF ST. PETE BEACH, FLORIDA

BY 

BY _____
CITY MANAGER

Jim Golden, Director of Operations
NAME, TITLE (typed or printed)

APPROVED AS TO FORM:

ATTEST:

CITY ATTORNEY

CITY CLERK

10/1/2004

St. Pete Beach City Commission
Agenda Report

Issue Considered: Authorize the City Manager to accept a proposal from George F. Young in the amount of \$19,930 to perform a downtown traffic analysis for a one-way couplet concept.

Date: 1/11/11

Prepared By: Steven J. Hallock, Public Services Director

Summary of Issue: City staff is proposing a downtown traffic analysis to find new ways to promote quality economic development, enhance alternative transportation modes and pedestrian safety, improve traffic flow and function and beautify the downtown area. An initial review of existing traffic patterns indicates a one-way couplet concept may contribute to meeting these goals, but additional analysis will be critical to making a final determination.

City staff has had a preliminary meeting with FDOT and held a public meeting on November 11, 2010 to discuss the one-way couplet concept. Various stakeholders appear open to the idea but agree more in-depth study and modeling is needed. The goal of the traffic analysis is meant to provide this data and information so a final determination can be made.

Requested Motion: "I move to authorize the City Manager to accept a proposal from George F. Young in the amount of \$19,930 to perform a downtown traffic analysis for a one-way couplet concept."

Attachments: GFY Traffic Study Proposal
Traffic Study Exhibit A

Reviewed by
City Manager: MB



George F. Young, Inc.

CLIENT AND CONSULTANT
PROFESSIONAL SERVICES TASK ORDER AGREEMENT
MASTER CONTRACT NO. 10Y01900SC

This task assignment is authorized this 23rd day of November 2010,
the effective date, for the attached Scope of Services and associated fees bound by the Agreement by and between George F. Young,
Inc. and the City of St. Pete Beach executed on January 27, 2010:

CONSULTANT:

George F. Young, Inc.

Address:

299 Dr. Martin Luther King Jr. St. N.
St. Petersburg, FL 33701

Telephone: 727-822-4317

Email: gotwald@georgefyoung.com

Fax: 727-822-2919

CLIENT:

City of St. Pete Beach, Florida

Attn.: Steven Hallock

Address:

155 Corey Avenue
St. Pete Beach, FL 33706

Telephone: 727-363-9243

Email: s.hallock@stpetebeach.org

Fax: 727 - 367-2736

Project Name: Blind Pass Road – Gulf Blvd; One-Way Couplet Traffic Methodology Statement, Traffic Report and FDOT

Submittal

Name and Address of Record Owner of Property (if other than Client):

N/A

The property upon which the services hereinafter described are to be performed is located at:

Blind Pass Road and Gulf Blvd from 75th Avenue to the Intersection of Blind Pass Road & Gulf Boulevard

Client intends to Obtain FDOT concurrence with Conceptual Plan to create a one-way couplet of Blind Pass Road and Gulf
Blvd. through the business district of the City.

(“the project”)

Scope of Services: Refer to Exhibit “A” attached.

ACCEPTANCE

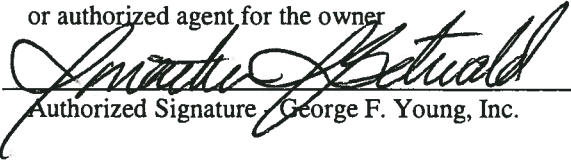
By execution of this agreement Client accepts the scope of services and associated fees hereof, acknowledges receipt of a copy hereof,
including all exhibits, and authorizes Consultant to proceed with the work.

IN WITNESS THEREOF, the parties hereby execute this agreement upon the terms and conditions stated hereon and on the date first
above written.

Accepted by: _____

Authorized Signature - Client, as owner
or authorized agent for the owner

Date: _____

Accepted by: 

Authorized Signature - George F. Young, Inc.

Date: 11/23/2010



George F. Young, Inc.

EXHIBIT A

BASIC SCOPE OF SERVICES

George F. Young, Inc. will provide contract management and subconsultant liaison services for Blind Pass One-way Couplet FDOT Traffic Methodology Statement, Traffic Report and FDOT submittal for the City of St. Pete Beach.

The scope of these services provided by the Subconsultant (LPA Group) includes:

Scope of service

Task:

1. Data Collection
2. Traffic Methodology Statement
3. Traffic Analysis
4. Agency Meeting
5. Public Outreach Meeting
6. Report preparation and submittal for review

Further described with man-hour estimates in the attached spreadsheet.

Contract management will be provided by George F. Young, Inc.



George F. Young, Inc.

EXHIBIT B

CLIENT'S RESPONSIBILITIES

Article 3 of the Master Agreement is amended and supplemented to include the following agreement of the parties

In addition to other responsibilities of CLIENT as set forth in the Master Agreement, CLIENT shall:

1. Attend meetings with FDOT
2. Schedule and attend Public Outreach Workshop for presentation of Traffic Analysis.



George F. Young, Inc.

EXHIBIT C

COMPENSATION SCHEDULE

Client shall pay Consultant for Basic Services set forth in Exhibit A in accordance with item A below:

A: LUMP SUM

1. A Lump Sum amount of \$ 19,930.00 based upon the following assumed distribution of compensation:

Contract Management (GFY):	\$ 700.00
Design (LPA)	\$ 19,230.00

2. The portion of the Lump Sum amount billed for Consultant's services will be based upon Consultant's estimate of the proportion of the total services actually completed during the billing period to the Lump Sum.

THE LPA GROUP INC. One-Way Couplet Concept (Fee Summary) City of St. Pete Beach									
Task and Description	Principal	Project Manager	Traffic Engineer	Synchro Engineer	Designer	CAD Technician	Technical Assistant	Total	
Rate	\$201	\$185	\$171	\$144.0	\$108.0	\$82	\$65		
Traffic Study									
1 Data Collection									
1a. 8 hours Turning Movement Count (6 locations)-1 day								\$ 2,500.00	
1b. 24 hours traffic volume count for three days (directional)								\$ 2,500.00	
2 Traffic Methodology Statement									
2.a. Traffic methodology for traffic analysis (FDOT Review)	2.0	4.0					4.0	\$ 1,402.00	
3 Traffic Analysis									
3.a. Conceptual Synchro network for existing year		2.0	6.0	4.0				\$ 1,972.00	
3.b. Develop opening and design year traffic volume		2.0	6.0	4.0				\$ 1,972.00	
3.c. Synchro network for opening and design year		2.0	6.0	4.0				\$ 1,972.00	
4 Agency Meeting									
4.a. Meeting with City, FDOT		4.0	4.0					\$ 1,424.00	
5 Public Outreach Meeting									
5.a. Fire Station and Local Business		2.0	8.0					\$ 1,738.00	
6 Report Preparation									
6.a. Prepare draft Report		2.0	8.0			2.0	2.0	\$ 2,032.00	
6.b. Final Report		4.0	4.0			2.0	2.0	\$ 1,718.00	
LPA Fees	2.0	22.0	42.0	12.0	-	4.0	8.0	19,230.0	
SUB-TOTAL								\$ 19,230.00	

Digital Eel Inc

“Electrifying the Internet!”



“How can Digital Eel help you
with your Internet Marketing needs?”





City of St Pete Beach Website Proposal

Digital Eel Inc would like to thank the City of St Pete Beach for giving Digital Eel the opportunity to assist you with your website and internet marketing needs. Below please find the costs, features, and additional services, based on our understanding of your needs.

Design / Content Management System

\$7,600.00

A Content Management System enables you to implement your own content for your website, anytime, anywhere. Our Web Development team will provide the layout, training, and support you'll need to get started on your CMS. Then we'll hand you the keys. It's perfect for those that want to make frequent updates to their website, at their convenience, without incurring update fees.

Package Details:

- Creating a new look and feel for the new website, configure and implement the approved new look on a Content Management System (CMS)
- Ability to create, edit, delete, publish, and unpublish articles (pages of your site)
- Create and edit navigation or “menus” including primary navigation, primary with collapsible and expandable, and primary with dropdowns. (ex: ‘Home,’ ‘Services,’ ‘About,’ ‘Contact Info’)
- Allows for RSS Newsfeeds, where news is automatically displayed and updated on your website
- Upload current media (PDF, JPGS, GIFS, etc) to our server as provided by City’s I.T. staff. (Up to 2 hours upload time included in quote)
- Motion Graphics - movement within the site to produce dramatic image transitions, which will be updatable by the client.
- Photo Gallery – Allows the client to create a photo gallery on one or more pages.
- Multiple Event Calendars to track events, provide event detail and allow for archiving - great for city events and meetings. Allows for multiple, password-protected areas of event calendar. Ideal for members of an organization, or for your own internal use.
- Custom Forms – this feature allows client to create different forms throughout the site to obtain different information as needed.

- Multi-Language conversion.
- Video plug-in available. Includes ‘SplashUp’, a built-in image editor for easy, time efficient photo editing and uploads.
- Implement an Advanced Site Search for ease of visitors to the site finding what they are looking for quickly and efficiently.
- Install end-user security setting for front-end & back-end content editing permissions.
- Copy as much of the content from the existing site to the new location as practical (up to 10 hours time included in quote).
- Provide a 2 hour CMS Training which Includes Basic Reference Manual and follow-up phone / email assistance if you have questions from your training session.
- Establish 301 Redirects to preserve traffic and rankings.
- Create custom 404 page.

Website Hosting

Digital Eel will provide hosting, 99.9% uptime Guarantee and web analytics package. We will point your MX records to your current Mail Exchange so email will not change. This information will be provided by your I.T. staff.

\$ 263.40 / yr

Internet Marketing Package (Optional)

Includes Keyword Research, Title and Description Tag construction, copy development for up to 7 key pages, Link development, Google Adwords campaign and more.

\$1,999.00

Digital Eel, Inc. was incorporated in 1999 in St. Pete Beach, Florida. We are a full service web development studio, with a 2,000 square foot waterfront office. We offer site planning and analysis, web design, hosting, Search Engine Optimization and Marketing, e-commerce, database development and integration, site maintenance, consulting and more. All of our Designers are Certified, and have years of experience.

Thanks again for your consideration. Please contact me should you have any questions, or need any additional information.

Steve Schwalb
Digital Eel, Inc
(888) 884-3335

Digital Eel Inc

“Electrifying the Internet!”



Digital Eel, Inc. provides complete website development solutions for your business needs. This is achieved by employing a team of highly-skilled individuals in the disciplines of web design, web hosting, website marketing and customer service. This approach allows for clients to receive specialized service whether they are in need of a single service or a complete integrated internet marketing solution.

Web Design / Redesign

Digital Eel, Inc. believes that web design is the successful integration of Artistic Vision, Technical Savvy and Powerful Marketing. The Design Team approaches each project with this strategy in order to project the client’s message with aesthetically pleasing designs that perform optimally on the internet.



Web Hosting

Hosting is a vital decision in determining the success of your website. Uptime is guaranteed by using quality servers, an extensive network backbone for redundancy and proactive security measures.

Web Marketing (SEO / SEM)

Qualified traffic leads to sales. Digital Eel specializes in generating significant traffic from a targeted audience and then converting this traffic. Led by a Qualified Google Advertising Professional, the focus is on your return on investment.



E-Commerce Solutions

Digital Eel provides integrated e-Commerce solutions which allow your business to sell goods and services globally at anytime with real time payment processing. E-Commerce solutions utilize the Digital Eel Design, Hosting, Marketing and Customer Service teams to provide a complete online sales solution.

Additional Services

Digital Eel provides a wealth of services that can be requested individually or that will be part of an integrated internet marketing solution.

✓ Podcasts 

✓ Audio & Video Embedding  

✓ RSS Feeds 

✓ Wordpress Blog Customization 

✓ Domain Registration

✓ Website Text Authoring

Digital Eel Inc

"Electrifying the Internet!"



Digital Eel, Inc. believes that web design is the successful integration of **Artistic Vision**, **Technical Savvy** and **Powerful Marketing**. The Design Team approaches each project with this strategy in order to project the client's Message with aesthetically pleasing designs that perform optimally on the internet.

Artistic Vision

Good design means balance, proper use of colors A purposeful flow of the site, a good harmony Between text and graphics and creation of strong '1st impression'. Digital Eel works closely with every client to understand their business, the image they want to project, their clients, ant their competitors. This knowledge is used to create **high impact custom designs** that deliver the client's message – **professionally, artistically, and effectively.**



Technical Savvy

A website that doesn't work is a disaster. Digital Eel's Design Team is composed of highly trained, certified web designers that are technology experts. This level of expertise is necessary to implement the latest technologies while ensuring accessibility. As new technologies become available, the

Design Team performs research and tests to utilize the most efficient solutions. The benefit of this research and testing is that Digital Eel websites will appear and function optimally, regardless of the type of computer or web browser that the visitors use.

Powerful Marketing

Your website is designed around your specific business objectives. We understand that a 'pretty' website that doesn't further your business goal is NOT an effective website. The professionals at Digital Eel, Inc. have decades of real world business marketing expertise. We deliver the right message, to the right audience, and we unleash the power of the internet for you!



Individual, **Comprehensive SEO Analysis** of your Website by a **Qualified Google Advertising Professional** to Identify and Correct Deficiencies that can Result in Low Rankings (or even being Banned by Search Engines)

Wed Design Portfolio

For each project, the design team consults with the hosting, marketing, and customer service team members in order to provide an end-product that projects the image that the client is seeking and that will appeal to the desired target market.

View our portfolio page at: www.digitaleel.com/portfolio.html



**St. Pete Beach City Commission
Agenda Report**

Issue Considered:	Discussion of process for staff review and reporting to Commission for applications for Quasi-Judicial determinations, including variances and conditional uses.
Date:	January 11, 2011
Prepared By:	Karl E. Holley, AICP, Community Development Director
Summary of Issue:	The City Commission has indicated the desire to assess the suitability of current staff analysis and reporting of applications for approvals requiring quasi-judicial review. The staff has prepared proposed alternatives for Commission review.
Requested Motion:	N/A
Attachments:	Proposed application forms and analysis format.
Reviewed by City Manager:	<u>MB</u>

INFORMATION ON THE VARIANCE PROCESS

WHAT IS A VARIANCE ?

A variance is a grant of relief by the Board of Adjustment or the City Commission from the requirements of the Land Development Code. The Land Development Code (LDC) is a set of ordinances enacted by the City of St. Pete Beach for the regulation of any aspect of subdivision and the development of land.

Applicants are encouraged to meet with staff prior to submitting their application for a variance to discuss their plans and the review process. Appointments can be made by calling (727) 363-9265.

WHAT IS THE BOARD OF ADJUSTMENT (BOA) AND WHEN DO THEY MEET?

The Board of Adjustment is a Quasi-Judicial public board appointed by the City Commission. The Board of Adjustment reviews and makes final determinations on applications for variances. Under the Quasi-Judicial process the Board acts in the role of a “judge” and is required to follow certain procedures and base their decisions on factual evidence.

The Board of Adjustment is made up of five residents. They normally meet one time per month on the last Wednesday at 2:00 p.m., in the City Commission Chambers at 155 Corey Avenue (City Hall). Applications must be filed approximately six to seven weeks before the meeting because of advertising requirements and staff review procedures. See the attached document showing the meeting dates and their corresponding application due dates.

VARIANCE LIMITATIONS OF THE BOARD OF ADJUSTMENT (BOA)

The Board of Adjustment is authorized to hear and make final determinations on all variance requests, with the exception of variances to the City’s Coastal Construction Control Line and variances request that are part of a conditional use application.

CITY COMMISSION AND WHEN THEY MEET

The City Commissions are the Elected Officials of the City of St. Pete Beach. The City Commission reviews and makes final determinations only on applications for variances, which are part of a Conditional Use Permit request and to the City’s Coastal Construction Control Line. Under the Quasi-Judicial process the City Commission acts in the role of a “judge” and is required to follow certain procedures and base their decisions on factual evidence.

The City Commission is made up of five elected residents. Conditional Use Permit variance requests are heard one time per month on the second Tuesday at 6:30 p.m., in the City Commission Chambers at 155 Corey Avenue (City Hall). Applications must be filed

approximately six to seven weeks before the meeting because of advertising requirements and staff review procedures. See the attached document showing the meeting dates and their corresponding application due dates.

VARIANCE LIMITATIONS OF THE CITY COMMISSION

The City Commission is authorized to hear and make final determinations on the following variance requests:

- (1) Variances that are incorporated with a Conditional Use Permit. Such variances may be approved or denied by the City Commission without regard to the disposition of the Conditional Use.
- (2) Variances to the City's Coastal Construction Control Line

APPEAL PROCEDURE

If any person is aggrieved by the decision of the BOA or City Commission, they must file an appeal within 30 days, following the final decision, at the Pinellas County Circuit Court. Although appeals are rare, they have occurred in the past, and the City has no control over time or outcome of the application if this occurs. **Building permits may be issued before the 30-day period has elapsed; however, any construction started during this period will be stopped and may have to be changed if an appeal is filed.** The city assumes no liability for permits issued.

SUBMITTAL REQUIREMENTS FOR A VARIANCE

- § A completed and signed application.
- § An agent authorization if someone else will be representing you at the public hearing.
- § A survey of your current property (including all improvements) that is readable, properly scaled so we can measure distances, and fully dimensioned. Surveys can be 8.5 X 11 inches to 24" X 36" in size. **Ten (10) copies** of the survey must be submitted.
- § Scaled drawings depicting the request. The drawings can be 8.5 x 11 inches to 24" x 36" in size. These are necessary to assist staff and the BOA or City Commission in the review of your request. **Ten (10) copies** of the drawings must be submitted.
- § Check made payable to the City of St. Pete Beach for the amount of the application plus mailing fees. This will be calculated for you when you turn in your application.
- § Staff may request additional information, if necessary.

INFORMATION ON THE CONDITIONAL USE PROCESS

WHAT IS A CONDITIONAL USE ?

Certain uses are conditional rather than uses by right. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, public services, the desired character of an area, or they may create nuisances. A review of these uses is necessary due to the impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

Only those uses which are authorized in each zoning district or those nonconforming uses which are substantially damaged or destroyed, and are permitted to be re-established in accordance with this ordinance may be approved as conditional uses. The designation of a use in a zoning district as a conditional use does not constitute an authorization of such use or an assurance that such use will be approved; rather, each proposed conditional use shall be evaluated by the city commission for compliance with the standards and conditions set forth in the Land Development Code. Wherever a conditional use existing on the effective date of these regulations is terminated or destroyed, subsequent conditional use of the property shall be permitted only in conjunction with the approval process specified in the Code.

If the request also involves a variance request, the City Commission will hear this request simultaneously. However, you will have to submit a separate application for the requested variance. Please refer to our variance application packet for more information.

Applicants are encouraged to meet with staff prior to submitting their application to discuss their plans and the review process. Appointments can be made by calling (727) 363-9265.

CITY COMMISSION AND WHEN THEY MEET

The City Commissions are the Elected Officials of the City of St. Pete Beach. The City Commission reviews and makes final determinations regarding conditional use requests at a public hearing, which is conducted as a quasi-judicial hearing. Under the Quasi-Judicial process the City Commission acts in the role of a “judge” and is required to follow certain procedures and base their decisions on factual evidence. For more information on the Quasi-Judicial process, please go to the following link on the City’s website: <http://www.stpetebeach.org/SPBNEW/Files/CommunityDevelopment/Information/quasijudicial.pdf>

The City Commission is made up of five elected residents. Conditional Use Permit requests are heard at a regularly scheduled Commission meeting, generally the second or last Tuesday of the month at 6:30 p.m., in the City Commission Chambers at 155 Corey Avenue (City Hall). Applications must be filed approximately six to seven weeks before the meeting because of

advertising requirements and staff review procedures. See the attached document showing the meeting dates and their corresponding application due dates.

APPEAL PROCEDURE

If any person is aggrieved by the decision of the City Commission, they must file an appeal within 30 days, following the final decision, at the Pinellas County Circuit Court. Although appeals are rare, they have occurred in the past, and the City has no control over time or outcome of the application if this occurs. **Building permits may be issued before the 30-day period has elapsed; however, any construction started during this period will be stopped and may have to be changed if an appeal is filed.** The city assumes no liability for permits issued.

SUBMITTAL REQUIREMENTS FOR A CONDITIONAL USE

- § A completed and signed application.
- § An agent authorization if someone else will be representing you at the public hearing.
- § Check made payable to the City of St. Pete Beach for the amount of the application plus mailing fees. This will be calculated for you when you turn in your application.
- § Staff may request additional information, if necessary.

COMPLIANCE REQUIREMENTS ONCE REQUEST IS GRANTED

In instances where no additional construction is necessary to implement the conditional use, failure to obtain an occupational license for the approved conditional use within six months from the date of approval of the conditional use permit shall invalidate the approval, unless a shorter compliance period is required by the city.

Where construction is necessary prior to the operation of the conditional use, failure to obtain a building permit within 12 months of the date of approval of an application for a conditional use permit, shall invalidate the approval. A shorter compliance period may be required by the city commission.

An occupational license shall be obtained within 30 days of the issuance of the certificate of occupancy for the necessary construction.

Failure to maintain continual construction shall void any building or other development approval granted in connection with the project. If construction activity ceases at any time after the zoning lot has been cleared of vegetation, the owner shall be required to reclaim the site in accordance with section 22.3(g) of the Land Development Code.



Community Development Department
155 Corey Avenue
727.363.9265
email: k.holley@stpetebeach.org

VARIANCE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

- _____ I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.
- _____ On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.
- _____ I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.
- _____ I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.
- _____ I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

After acknowledgement of these conditions, complete the application form on the following pages.

Signature of Applicant

Date

VARIANCE APPLICATION

Case Number: _____

APPLICANT/AGENT:

PROPERTY OWNER:

Name: _____ Name: _____

Address: _____ Address: _____

City: _____ State: _____ City: _____ State: _____

Zip: _____ Phone: _____ Zip: _____ Phone: _____

PROPERTY:

Address: _____

Parcel ID: _____

Current Zoning: _____ FLUM Designation: _____ Lot Area: _____

Existing Use: _____ Proposed Use: _____

DETAILS OF THE REQUEST: (Add additional sheets if necessary)

Attach the following supporting documentation to this application:

- § Recent survey of the property
- § A site plan, drawn to scale, illustrating the proposed variance.

This application, together with all required supporting document, shall be submitted by 12:00 noon on the stated filing date for the Board of Adjustment/City Commission. Failure to do so will delay your application to a later date.

Signature of Applicant Date Signature of Authorized Agent Date

For office use only:

Hearing Date: _____ Fees: _____

Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied
☐ Continued

In order for an application for a variance to be approved or approved with conditions, the Board of Adjustment or the City Commission must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The applicant has the burden of proof demonstrating that the application for the variance complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Conditions and circumstances exist that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same zoning district which have complied with these regulations without hardship.
2. The strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building.
3. The peculiar conditions and circumstances are not the result of the actions of the applicant.
4. The proposed variance will not have the effect of changing any district boundary on the zoning map.

5. The variance shall not permit a non-conforming use or permit a use not specifically permitted in the zoning district.
6. The variance shall not increase density or intensity over that which is permitted in the Comprehensive Plan.
7. The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
8. The variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

Signature of Applicant

Date

Signature of Authorized Agent

Date

CONDITIONAL USE APPLICATION

Case Number: _____

APPLICANT/AGENT:

PROPERTY OWNER:

Name: _____

Name: _____

Address: _____

Address: _____

City: _____ State: _____

City: _____ State: _____

Zip: _____ Phone: _____

Zip: _____ Phone: _____

PROPERTY:

Address: _____

Parcel ID: _____

Current Zoning: _____ FLUM Designation: _____ Lot Area: _____

Existing Use: _____ Proposed Use: _____

DETAILS OF THE REQUEST: (Add additional sheets if necessary)

This application, together with all required supporting document, shall be submitted by 12:00 noon on the stated filing date for the City Commission. Failure to do so will delay your application to a later date.

Signature of	Applicant	Date	Signature of Authorized Agent	Date
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For office use only:

Hearing Date: _____ Fees: _____

Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied
☐ Continued

In order for an application for a Conditional Use to be approved or approved with conditions, the City Commission must make a positive finding with regard to each of the provisions below. The applicant has the burden of proof demonstrating that the application for the conditional use complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan.

2. Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential, commercial and/or service facilities available within the existing area. More specifically:

- Whether the overall appearance and function of the area will be significantly affected consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;
- Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources; (check with Planning Dept. to determine historic resource status)

- Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features;
- Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues;
- Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety; (a traffic study may be required)

- Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely; (please provide current and proposed number of parking and loading spaces)
- Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;
- Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation; and
- Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.

Signature of <u>Applicant</u>	<u>Date</u>	Signature of Authorized Agent	Date
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City of St. Pete Beach
Conditional Use and Variance Request
Case # 2010- _____
Staff Report
November 12, 2010

Application and Property Information

Owner/Applicant:
Address:
Current Zoning:
Current FLUM designation:
Existing Uses:
Lot characteristics: 100' x 110' or 11,000 square feet

Summary of Request and background information

The applicant has requested a conditional use for a “nightclub” for the space that is currently occupied by vacant retail space, plus an additional 144 square feet at-grade patio for additional outdoor seating to the rear of the property. The total square footage for the new use would be 1,742 square feet (1,598 square feet of existing interior space plus 144 square feet of new outdoor seating space). The change in use requires additional parking, which, based on the site characteristics, the applicant cannot supply. Therefore, the applicant has also requested a variance from the additional spaces that would be required under the code.

The three uses currently share 7 parking spaces and 1 handicap space. There is additional parking located to the south of the building; however, this parking is on City ROW and cannot be counted toward the required parking. Per section 23.5, each existing use is required to have the following number of spaces:

Use	Square footage	# of spaces required / SQ ft.	Total spaces required
Restaurant	1428	1 space per 100 sq ft	15
Retail (liquor store + vacant retail)	3358	1 space per 200 sq ft	17
¹ Total Required: 32 Spaces + 1 space per 10 spaces for handicap = 36			

The applicant received a variance in 2006 for 15 parking spaces for the Agave restaurant, leaving a deficiency of 10 spaces and 3 handicap spaces for the exiting uses in the complex as a whole (32 required spaces – 15 variance spaces – 7 existing spaces = 10).

¹ Parking spaces are rounded up to the next whole number.

Assuming that the existing 7 parking spaces can be counted towards the parking for the liquor store, the requested conditional use would require a variance for 35 spaces.

Applicable Regulations:

Sec. 4.4. of the Land Development Code provides the following standards for review for conditional uses:

(a) Standards applicable to all conditional uses. When considering an application for approval of a conditional use, the city commission review shall consider the following standards:

(1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations;

The request is consistent with Future Land Use Element Policy _____, as it is a permitted use in this FLUM category.

(2) Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential, commercial and/or service facilities available within the existing area. More specifically:

a. Whether the overall appearance and function of the area will be significantly affected consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;

b. Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;

c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features; and

d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues.

The proposed use does not expand the actual building footprint; rather, it only changes the internal configuration of an existing structure. Therefore, conditions 2a and 2c do not apply. No historic resources have been identified on or in proximity to the subject property. It could be argued that the proposed outdoor smoking area would generate noise. However, residential uses are not immediately adjacent to the site, and therefore the noise may have little to no impact to the residential area to the west.

(3) Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety;

The proposed use has direct access to an arterial and PSTA bus service (Gulf Boulevard). The nearest transit stop is within 1/8 of a mile of the subject property. Gulf Boulevard is currently operating at a level of service C – most recent traffic counts indicate there is over 10,000 trips available for the design capacity with an adopted level of service D. Gulf Boulevard has capacity to handle the additional vehicular trips generated by the proposed use (approximately 20 pm peak hours trips per ITE code 936).

(4) Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely;

The proposed use cannot meet the required parking standards, as analyzed above. The LDC does not require loading spaces for commercial uses under 10,000 square feet.

(5) Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;

The use will not impact the health, safety, or welfare of the community any more than the already permitted uses for the site.

(6) Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation; and

The applicant has not supplied any documentation showing financial feasibility of the project.

(7) Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.

As noted above, the proposed use cannot meet the parking standards imposed by the LDC.

Sec. 3.12. of the Land Development Code provides standards for review for variances:

(a) Authority and approval criteria.

(1) The appropriate board of authority may authorize variances to the land development regulations if the applicant is able to demonstrate the following conditions:

(a) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant; and

The applicant has not provided evidence that there are circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship. The

applicant already has reasonable use of the land, as the building may continue as a retail use without having to provide additional parking. It should be noted, however, that there is no use that the applicant could change to in which he could possibly comply with the parking regulations. The circumstances that triggered the variance request are the result of the applicant, as he has requested the change of use for the property.

(b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance; and

The applicant has not requested the variance based on non-conforming uses of neighboring properties. The variance is based solely on the change of use for the subject property.

(c) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district; and

The variance request is for parking, not use or zoning map changes. C is not applicable.

(d) The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application; and

The general purpose and intent of the code is to provide minimum regulations that support the overlying FLUM designation and site design standards that minimize the impacts of uses adjacent to one another. Because the site cannot accommodate the parking required, patrons may attempt to park on 64th Avenue or on adjacent parcels, which may be a nuisance to the neighborhood.

(e) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

As stated above, the property owner already has reasonable use of the land.

Conclusion

The applicant has not met sections 4,6 or 7 of the conditions required to grant the conditional use.

The applicant has not met criteria a, c, or e for the granting of a variance.

BOARD OF ADJUSTMENT
MEETING SCHEDULE FOR 2011

MEETING DATE	APPLICATION DEADLINE
1/26/2011	12/15/2010
2/23/2011	1/12/2011
3/30/2011	2/16/2011
4/27/2011	3/16/2011
5/25/2011	4/13/2011
6/29/2011	5/18/2011
7/27/2011	6/17/2011
8/31/2011	7/13/2011
9/28/2011	8/17/2011
10/26/2011	9/14/2011
11/30/2011	10/19/2011
12/21/2011	11/16/2011

All Meetings are Held at 2:00 P.M. In the City
Commission Chambers Unless Otherwise Posted

CITY COMMISSION
CONDITIONAL USE MEETING SCHEDULE FOR 2011

MEETING DATE	DEADLINE DATE
1/25/2011	12/15/2010
2/22/2011	1/12/2011
3/22/2011	2/09/2011
4/26/2011	3/16/2011
5/24/2011	4/13/2011
6/28/2011	5/11/2011
7/26/2011	6/15/2011
8/23/2011	7/13/2011
9/27/2011	8/17/2011
10/25/2011	9/14/2011
11/22/2011	10/12/2011
12/13/2011	11/02/2011

All Meetings are Held at 6:30 P.M. In the City
Commission Chambers Unless Otherwise Posted