



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.

CITY COMMISSION MEETING

January 11, 2011

6:30 pm

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

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

ALSO PRESENT

**City Manager Mike Bonfield
City Attorney Mike Davis
IT Director, Donald Burkhardt**

1. CHANGES TO THE AGENDA

Vice Mayor Parent asked that two items of discussion be added to the Agenda. First are the fees for reclaimed water and second is a Neighborhood Watch Group in the Upham Beach area. All consented to the addition of these items to the Agenda.

Mayor Finnerty requested that Item 8.a. be moved closer to the beginning of the Meeting. It was agreed that item 8.a. would be moved to 4.b.

2. PRESENTATIONS

There were none for this Meeting.

3. AUDIENCE COMMENTS

Bill Pyle, 6600 Sunset Way, made positive remarks regarding correspondence received from Commissioner Shavlan.

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Bill Brown, 5920 Balao Way, complained about the disconnect fee for reclaimed water.

Mimi Gewanter, 265 Tessier Drive, expressed her hopes that the litigation would end soon.

Bob Manning, 201 First Avenue, remarked about a letter that Attorney Weiss had sent to the Commission and also negative statements made by Dr. Pyle.

Debra Edney, 181 73rd Avenue, she, too, is confused by the letter that Attorney Weiss wrote to the Commission.

Debra Schechner, 710 Boca Ciega Isle Drive, feels there are a lot of issues that need to be ironed out. She also spoke about the ballot language determined at the Meeting on January 6th.

Bob Fernandez, 110 12th Avenue, asked if the Commission would hold a Workshop with both Boards on THD at which the citizens could express their views.

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

Mayor Finnerty asked Mr. Davis if they were going to respond to Mr. Weiss's letter and Mr. Davis said he would write a brief response on behalf of the Commission.

4. CONSENT

a. **Vice Mayor Parent made a motion to approve the Minutes from the November 23, 2010, November 30, 2010, December 13, 2010, December 14, 2010 Meetings and Minutes from the November 30, 2010 Shade Meeting. The motion was seconded by Commissioner Shavlan and unanimously approved.**

b. Mr. Bonfield introduced Mr. Schwab from *Digital Eel* to address the Commission regarding their proposal to upgrade the City's website.

Steve Schwab gave a brief presentation of the programs and equipment that he is proposing for the City and answered questions from the Commissioners.

Mayor Finnerty asked Don Burkhardt for his comments.

Mayor Finnerty asked for audience comments.

Bill Brown, 5920 Balao Way, asked about price and also if the site would provide lodging sites.

Cleo Robertson, 2162 West Vina del Mar, put up a web site named "St. Pete Beach Today.com". She warned the Commission to not overlook the cost of hiring staff to put data on the web site; she has invested \$140,000 in the last two years.

Mayor Finnerty is in favor of supporting the new program.

Debra Edney, 181 73rd Avenue, cautioned the Commission about cost of the updates.

Rosemary Manning, 200 1st Avenue, asked if the money was budgeted in the current budget.

Mayor Finnerty closed audience comments.

5. ORDINANCES

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

Mr. Bonfield advised the Commission that they had discovered an error in the advertising and that is why they are having another Final Reading; nothing has changed.

Karl Holley reiterated that nothing had been changed since approval on the Second Reading.

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

Commissioner Garnett made a motion to approve Ordinance 2010-32, an Ordinance for the City of St. Pete Beach, Pinellas County, Florida providing 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 section 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. The motion was seconded by Commissioner Halpern and unanimously approved by roll call vote.

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.

Mr. Bonfield explained that this Ordinance establishes the budget for the St. Pete Beach Classic as well as bringing forward some funding from last year's capital budget that was not expended from the street improvements which will go towards the Don Cesar roadway improvements and alleyway work throughout the City.

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

Commissioner Shavlan 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 Commissioner Halpern and unanimously approved by roll call vote.

c. Ordinance 2010-39, Final Reading and Public Hearing amending Section 50, Library, Code of Ordinances.

Mr. Bonfield explained that these are relatively minor changes to the rates in order to be consistent with other libraries in the co-op.

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

Commissioner Halpern 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 Vice Mayor Parent and unanimously approved by roll call vote.

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

Mr. Bonfield explained that this Ordinance is brought forward at the request of the Historic Preservation Board. Primarily, it is to add to their list of duties the responsibility to develop architectural guidelines for new construction and alterations to existing structures in the Historic District in Pass-a-Grille. Karl Holley is present to any questions the Commission may have.

Mr. Holley reiterated what Mr. Bonfield stated. The Board has been working on specific guidelines for some time. Mrs. Pletcher, the Chairman of the Historic Preservation Board, is present and willing to answer any questions the Commission members may have.

Commissioner Halpern stated that he has a major issue with design guidelines in general and especially on new construction and on remodels. He doesn't think the City should get involved in design guidelines or tell someone who owns a piece of property what his house needs to look like. He thinks it's an invitation for more lawsuits.

Mr. Bonfield doesn't think it's a legal issue; he thinks it's a policy issue for the Commission to decide if they think it's necessary.

Mayor Finnerty asked City Attorney Davis for his recommendation.

Mr. Davis stated since this is First Reading, they can proceed or not proceed, as they see fit, and in the meantime they will make sure there are no problems.

Mr. Bonfield explained that there are details that will get worked out in the process; which is whether or not the Commission wants them to embark on this exercise and if so, okay and if not, they won't spend any more time on it.

Commissioner Shavlan thinks they should have design guidelines but it will be very difficult to make it happen.

Vice Mayor Parent stated that there may be some things that will be ruled out; flat roof, one story, concrete bunker. There may be a place for design guidelines if they are developed reasonably but that may certainly be a challenge.

Commissioner Garnett added that the Board is looking at buildings that are already on the ground and they want to make it easier for those residents to redevelop their property and that's part of the guidelines.

Commissioner Halpern asked what if a resident in an existing building wants to make an addition and his existing building doesn't meet the design guidelines.

Mayor Finnerty called upon Mrs. Pletcher to address the Commission.

Melinda Pletcher told Commissioner Halpern that if he asked the residents of Pass-a-Grille about design guidelines, the majority of them are for them. What they are absolutely against is continuing to see the FEMA compliant homes and how they have impacted their district. If they do nothing, land values and FEMA ends up impacting their district in a negative way and changes what Pass-a-Grille is.

Ron Holehouse, 113 12th Avenue, spoke in favor of design guidelines.

Will Jacoby, 8100 Gulf Boulevard, stated that the Planning Board has already addressed historic structures and contributing structures on setbacks. He is in favor of design guidelines.

Bob Manning, 2100 First Avenue, stressed that design guidelines and restrictions are done all over the nation. He is in favor of design guidelines.

Mr. Davis stated that design guidelines are a safer approach, to have incentives, as opposed to mandatory guidelines.

Commissioner Garnett made a motion to approve Ordinance 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. The motion was seconded by Commissioner Shavlan and approved by a 4 to 1 vote; Commissioner Halpern voted no.

e. Ordinance 2011-02, First Reading and Public Hearing, amending Section (n) of Section 82-137 of Division 1 of Article III of Chapter 82 of the Code of Ordinances.

Mr. Bonfield explained that this is a request from Commissioner Shavlan. In his District on 46th Avenue currently one side of the road is no parking from Gulf Boulevard to Plaza Way, the south side of the road. What he is requesting is that prohibition only extend from Gulf Boulevard to the east side of Lido Park which is where the residences begin.

Mayor Finnerty thinks it's a good idea.

Bill Brown, 5920 Balao Way, asked if they had contacted the owner of the "Drunken Clam".

Commissioner Shavlan made a motion to approve Ordinance 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. The motion was seconded by Commissioner Garnett and unanimously approved by roll call vote.

6. RESOLUTIONS

- a. Resolution 2011-03 adopting the "Let's Move!" campaign.

Mr. Bonfield stated that this item is a request from the Florida League of Mayors Board of Directors and this is a Resolution supporting First Lady Michele Obama's program "Let's Move" campaign which is about increasing physical activity and promoting healthy living in our communities.

Mayor Finnerty commented that Pinellas County got a grant for two or three million dollars to promote this program; he supports the Resolution.

Commissioner Halpern made a motion to adopt 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 health choices. The motion was seconded by Vice Mayor Parent and was unanimously approved.

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.

Steve Hallock gave a brief outline of the work that will be done.

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

Vice Mayor Parent made a motion 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. Commissioner Garnett seconded the motion and it was unanimously approved.

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.

Mr. Bonfield explained that FDOT is doing work on Gulf Boulevard and Blind Pass Road in terms of pedestrian safety improvements; the City received an appropriation from the Federal Government to do some engineering design work on Blind Pass Road and the thought was while they are looking at that network in the area of 75th, Gulf Boulevard, Blind Pass Road and Corey Avenue they can take a broader view to see if there are other ways to make some improvements.

Mr. Hallock recommended proceeding; it's a relatively minor investment with a lot of benefits.

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

Commissioner Halpern made a motion 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. The motion was seconded by Commissioner Shavlan and it was unanimously approved.

8. ITEMS FOR DISCUSSION

b. Discussion of process for staff review and reporting to Commission for applications for quasi-judicial determinations, including variances and conditional uses.

Mr. Bonfield gave a brief overview of these requests.

Karl Holley referred to the revised information sheets that had been provided to the Commission for their review. The application forms are slightly modified to address some of the information requirements. In addition, they have provided a proposed analysis form for both variances and conditional uses; they are very straight forward.

Mr. Bonfield pointed out that they have been down this road before and it puts a lot more responsibility on the applicant. Many homeowners who do their own applications look to staff to tell them what they need to write to get what they want and that's clearly not their roll.

Vice Mayor Parent stated that what was presented is extremely adequate; he went through it and couldn't find anything to add to it.

Commissioner Halpern feels it's their responsibility to help the applicants fill out the forms; a lot of people don't have any idea of where to go.

Commissioner Shavlan asked if an appeal is filed and they have already applied for a permit, do they lose their fee if they lose the appeal? Mr. Holley responded that they would not issue a permit until the period for filing an appeal had expired. As far as fees go, if someone pays for a plan review and they review the plan, then that fee has been utilized and is not refunded. The permit portion of the fee, which pays for inspections and administrative activities associated with that, could be refunded if someone had a variance overturned in court and they had already paid for a permit. It was agreed that no permit would be issued until the 30-day appeal time was over.

Commissioner Shavlan asked if the City could require digital files and Mr. Holley stated that they can require digital files however, the issue they have with digital files is providing for an archive standard that is acceptable under Florida law. The applicant can give them additional files but they still need a paper copy to maintain in their files if the digital copy does not have the proper electronic signature.

Commissioner Shavlan asked why can not require photos of what they are looking at. Mr. Holley is not aware of any legal reason why they can't require photographs of the subject property as part of the application.

He went on to ask that instead of "encouraging" a pre-application meeting, can they "require" it? Mr. Holley explained that the reason they encourage it is that many of these applications are extremely simple and they really don't need to be

taking staff time to sit down and talk with somebody. Many of these applications are being submitted by people that are very familiar with the process and have submitted applications before.

Commissioner Shavlan went on to ask if they can get disclosure of ownership because there could be voting conflicts and maybe they should tell us who is involved in these transactions. Mr. Bonfield stated that they represent themselves as having the authority, whether they do or not. Mr. Holley added that they can look at property tax records to determine who the owner of record is but that's not necessarily accurate information as of the time the Commission conducts the hearing. Mr. Davis advised that he assumes the owner in every case has to file the application or an agent for the owner has to file the application. The owner may be a company as opposed to an individual.

Commissioner Garnett spoke about a 3-story property that is partially constructed and the owners, because of financial problems, have not finished. There has got to be a way to make sure that people can afford to build. Mr. Davis replied that for an ordinary building permit, no.

c. Mayor Finnerty then moved on to discussion of reclaimed water fees.

Vice Mayor Parent pointed out that in Service Fees all of the rates and charges are listed however, there is no disconnect fee. If you look at page 46, in there it says there will be a fee for discontinuing reclaimed water; somewhere it says the disconnect fee shall be equal to the connect fee. Mr. Bonfield recalled that the Commission agreed to a disconnect fee to discourage people from making a quick decision to disconnect to save a few bucks because the cost of the system is going to be the same so for every person who opts out, it's going to increase the cost to other people.

Commissioner Garnett suggested taking a look at what other cities charge because she felt that \$250 sounds a bit exorbitant.

Steve Hallock added that every city property has the reclaimed water box installed so they are trying to recoup their costs. When a customer wants to disconnect they come in, write a letter requesting disconnect, fill out a form, so City staff spends time on it; there are three different contacts at Pinellas County as far as the billing, getting it scheduled and to get the records. Then it goes off to Pinellas County; they get it scheduled, the crew goes out, they usually do an inspection at that time, then they bill the City for the time they were out there to

do the disconnect, not only staff time but also truck time and any equipment they use, so there are only trying to recoup some of the costs that customer has placed on the system, so it wasn't really about making money. The City owns it and pay Pinellas County to maintain it.

Mayor Finnerty is in agreement to bringing this up. Mr. Bonfield suggested they put in on for First Reading to amend the Ordinance and they can get some "hard" costs and what may be considered "soft" costs. All were in agreement with this suggestion.

d. Neighborhood Crime Watch

Vice Mayor Parent advised that he met with a group, a few from District 2, some from District 1, at a meeting to talk to the police about a neighborhood watch in the area down by Corey. Officer Centofanti was there; there were about twenty people there and about half of them were more interested in what can be done about drugs and prostitution in the Corey Avenue area. It was a fairly long meeting; they are going to have another meeting on the 21st and Karl Holley is going to that meeting. He went on to ask if that would be a topic of interest for a Workshop to talk about effective neighborhood watches, to talk about anything we could possibly get, even to the extent of getting UK-style surveillance cameras in the area. Dispatch could be watching cameras.

Mr. Bonfield suggested having a meeting; Vice Mayor Parent was asked to attend the meeting on the 21st and he plans to attend however, he has a law seminar that morning so Commissioner Shavlan will attend. Mr. Bonfield asked if they wanted to schedule a workshop and all were in agreement. The Workshop was scheduled for February 10, at 3:00 pm.

9. REPORTS

City Manager Mike Bonfield presented his report.

Commissioner Beverly Garnett presented her report.

Commissioner Marvin Shavlan presented his report.

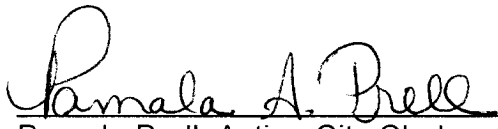
Vice Mayor Jim Parent presented his report.

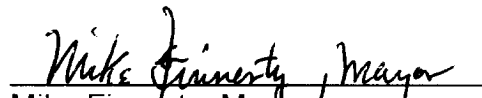
Commissioner Al Halpern presented his report.

Mayor Mike 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 2-8-11