COMMISSION MEETING
CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, April 12, 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**
   a. **Make-a-Wish Foundation - Sean McQuaid**
   b. **Support Our Troops - Terri Finnerty**
   c. **Presentation of the City of St. Pete Beach, Florida audit for the Fiscal Year ending September 30, 2010 - Pete Schatzel**
   d. **2011 St. Pete Beach Classic - City Manager Mike Bonfield**

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

4. **Consent**
    a. **City Commission Regular Meeting Minutes of March 22, 2011**
    b. **Authorize the City Manager to hang banners over 75th Avenue at Boca Ciega Drive and over the Pinellas Bayway at Granada Avenue for the October "Concert in the Park" Series.**
    c. **Authorization for the City Manager to enter into a 60 month lease agreement with Skyway Technology Group, agreement is quoted from a competitively solicited Florida State Contract # 600-340-06-01.**
    d. **Ratification of the 60 month lease agreement entered into by the City Manager with Skyway Technology Group, agreement is quoted from a competitively solicited Florida State Contract # 600-340-06-01.**

5. **Ordinances**
    a. **Ordinance 2011-09, Final Reading and Public Hearing, amending Chapter 82 of the City of St. Pete Beach City Code by creating Article V entitled "traffic light safety;" providing for recorded image monitoring and enforcement of red light violations consistent with general law.**
    b. **Ordinance 2011-11, First Reading and Public Hearing amending Section (O) 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.**

6. **Resolutions – none for this agenda**

7. **Action Items**
    a. **Case #20110006 Conditional Use. Applicant requests approval of Conditional Use for Operation of a Commercial Parking Lot for property located at 3815, 3855 and 3859 Gulf Boulevard as provided for in Section 14.4(j) of the Land Development Code. Applicant requests Variance to Section 23.4 to allow for unpaved parking area. Applicant requests Variance to Sections 22.3 and 22.6 to delete required landscaping.**
    b. **Special Event Permit #2011-16, application of the Corey Avenue Business Association for approval of Special Event Permit and City Co-Sponsorship of "Corey Fridays" events.**

8. Items for Discussion – none for this agenda

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

APRIL 12, 2011
6:30 pm

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENT

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

ALSO PRESENT

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

1. Changes to the Agenda

Mayor Finnerty asked if there were any changes to the agenda. Commissioner Garnett requested that Item 4.c. on the Consent Agenda be moved to Discussion Items. Mr. Bonfield agreed to move 4.c. to 7.c. under Action Items.

2. Presentations

a. Make-a-Wish Foundation

City Manager Bonfield introduced Sean McQuaid from the Make-a-Wish Foundation who made a brief presentation outlining their Second Annual Beach Walk for Wishes scheduled for May 21, 2011, which will held at the Post Card Inn on St. Pete Beach.

b. Support Our Troops

Mr. Bonfield introduced Terri Finnerty who acknowledged several generous donations. She reported that they shipped out 46 boxes this month and spent a little over $600 for postage. Mrs. Finnerty thanked all of her volunteers who helped pack and ship the packages. She then read a thank you letter from Timothy Moore, a US Navy Hospital Corpsman, who is stationed in Afghanistan.

Mrs. Finnerty introduced Brooks Cavender, President of Veteran's of Terra Verde & South Pinellas County, who reported on the charity Pancake Breakfast. From the proceeds of the Breakfast they donated $1,127 each to Support Our Troops and Wounded Warriors.

c. Presentation of the City of St. Pete Beach, Florida audit for the Fiscal Year ending September 30, 2010.

Mr. Bonfield introduced Pete Schatzel who thanked the Mayor and Commissioners for the opportunity to serve the City and proceeded to give a brief outline of the audit report. The City's books are in very good order and they did not have a difficult time doing the audit due to the full cooperation of the City's staff. Mr. Schatzel went on to say that the City's financial statements are fairly presented in accordance with generally accepted accounting principals.

Mr. Schatzel recommended a three month reserve in the General Fund, (The City is presently at 2.7 months). He then asked the Mayor and Commissioners if they had any questions or comments.

Commissioner Shavlan commented that he was pleased to see that the reserve in the General Fund was increasing.

Vice Mayor Parent asked Mr. Schatzel if he would go over the expenses for the wastewater fund. The changes from the previous year were due to changes in accounting practices.

d. 2011 St. Pete Beach Classic

City Manager Mike Bonfield give a brief summary of this year's Classic along with a power point presentation of the activities that took place. There were 1,360 runners and 430 volunteers.

Revenues from registrations totaled $39,000, sponsors $12,000 for a total of $51,000. Costs for the event totaled about $63,000. Total cost to the City was about $12,000.

They learned that the market for this event is strong and participation was good. He expects to get about 1,800 runners next year. Cash sponsorship was difficult due to the economy and the short planning period.

Overall, the event was a big success and they are looking forward to next year. They will have a new logo and it will be held the same weekend. They would like to add a half-marathon on Sunday.

Mr. Bonfield then asked Al Johnson for his comments. He is in favor of the half marathon on Sunday next year. St. Jude's Hospital is interested in sponsoring next year which would give the City a lot of national exposure. They have started signing up sponsors now.

Commissioner Shavlan asked, based on the number of runners this year, what would he anticipate for half marathon runners. Mr. Johnson would limit it to 1,000 due to the course they want to use.

Mayor Finnerty and the Commissioners thanked Mr. Johnson for sharing his knowledge with them.

3. Audience Comments

Mayor Finnerty asked for audience comments on issues not on the Agenda.

Rick Falkenstein, 6441 4th Palm Point, commented on the road work done at Pass-a-Grille Way and Gulf Boulevard and asked where the asphalt went that was taken up and replaced by concrete.

Debra Edney, 181 73rd Avenue, has been charged for a double sewer due to the fact that she has a multi-family dwelling. Renee Cooper told her she was going to get her money back from the City of St. Pete; she has not received it.

City Manager Bonfield explained this issue.

Mayor Finnerty will take time to sit down with the City Manager and Mrs. Edney to try to resolve this matter.

Mimi Gewanter, 265 Tessier, commented about the recent elections.

Hearing no further audience comments, Mayor Finnerty closed the Meeting to audience comments.

Mayor Finnerty asked City Attorney Davis if SOLV has met their requirements as far as legal fees are concerned.

Mr. Davis stated that SOLV is not contributing any money to the City for the legal expense of a lawsuit. They paid their lawyer to participate and Robert Lincoln has participated in the litigation and he is sure Mr. Lincoln will be filing a brief in the current cases that are on appeal.

Mr. Bonfield commented on Mr. Falkenstein's question concerning the asphalt. Demolition is part of the construction bid. The contractors are calculating demolition in their bids.

4. Consent

a. Minutes of March 22, 2011 City Commission Meeting

b. Authorize the City Manager to hang banners over 75th Avenue at Boca Ciega Drive and over the Pinellas Bayway at Granada Avenue for the October "concert in the Park" Series.

d. Ratification of the 60 month lease agreement entered into by the City manager with Skyway Technology Group, agreement is quoted from a competitively solicited Florida State Contract #600-340-06-01.

Commissioner Halpern made a motion to approve the Consent Agenda minus item 4.c. which has now become 7.c. The motion was seconded by Commissioner Shavlan and unanimously approved.

City Manager Bonfield asked the Mayor if they could move on to item 7.a. since there were people in attendance regarding that matter. Commissioner Garnett asked if they could go to 7.b. first. Everyone was in agreement to move to 7.b.

5. Action Items

b. Special Event Permit #2011-16, application of the Corey Avenue Business Association for approval of Special Event Permit and City Co-Sponsorship of "Corey Fridays" events.

Mayor Finnerty called upon Karl Holley who briefly explained the request from the Corey Avenue Business Association.

Mayor Finnerty asked if there were any questions; hearing none, he asked for a motion.

Commissioner Garnett made a motion to approve a Special Event Permit #2011-16 and City Co-Sponsorship of "Corey Fridays". The motion was seconded by Vice Mayor Parent and approved by unanimous roll call vote.

a. Case No. 20110006 Conditional Use. Application requests approval of conditional use for operation of a commercial parking lot for property located at 3815, 3855 and 3859 Gulf Boulevard as provided for in Section 14.4(j) of the Land Development Code. Application requests variance to Section 23.4 to allow for unpaved parking area. Applicant requests variance to Sections 22.3 and 22.6 to delete required landscaping.

Mr. Bonfield reminded the Commission that this matter was before them at their last Meeting as a Conditional Use Application with variances. After discussing this further with the City Attorney, they believe it is better to consider this application under the Temporary Use provisions of Section 6.11 of the Land Development Code. The hearing would then go from a quasi judicial hearing to a regular hearing and a decision by the Commission to approve a Temporary Use permit.

Mr. Davis explained to the Commission that they have a Comp Plan that is in effect but they don't have any Land Development Regulations enacted to implement the Comp Plan with respect to where this particular property is located. Under the law, the Comp Plans trumps the Land Development Regulation. The Comp Plan does not allow this conditional use. In searching for a way to find something that would allow it; the place that it fits is under Section 6.11 of the Land Development Code which is not a conditional use but a temporary use.

Vice Mayor Parent stated that since this application was submitted on February 28th, he's sure the other Commissioners have reviewed, studied and analyzed it as a conditional use and a variance. He expressed some displeasure with getting new information just three hours before this Meeting which changed the request to a temporary use which is an administrative issue not a Commission issue.

Mr. Davis admitted that they should have figured this out earlier. The Code says the City Manager can grant it, however there is absolutely nothing improper about the Commission dealing with it. This is a very controversial issue, affects a lot of people and it's not at all improper for the Commission to deal with it. They can analyze this exactly the same as they would a conditional use.

Commissioner Shavlan believes it's the right thing to do and the Commission should look at it and the Commission should make the decision.

Vice Mayor Parent then asked if this was a development order, even though it's temporary. Mr. Davis responded by saying yes, this is a development order. Development orders should comply with the Comp Plan.

Mayor Finnerty asked how they can stop additional parking lots from going into the area. Mr. Bonfield is only aware of one. Mr. Holley advised that this is being handled by Code Enforcement and a citation has been issued.

Mayor Finnerty asked Mr. Davis how to proceed and it was suggested that they hear from the public, hear from the applicant and then hear from the staff.

Mayor Finnerty adjourned the Meeting until 8:25 pm for a short break.

Mayor Finnerty called the Meeting back to order and discussion continued on Case No. 20110006 Conditional Use.

Karl Holley proceeded to briefly outline the application and the procedure that is being followed for a temporary use permit.

Beth Morean, the applicant, addressed the Commission and answered questions posed by the Mayor and Commissioners regarding fencing, landscaping, docks, entrances to the lot, trespassing on private property, beach access, bathrooms, closing and/or locking the lot at night, crosswalks, noise, trash, and "no mooring" signs on dock.

Mayor Finnerty opened the Meeting to audience comments.

Mr. Gaskin, 1620 83rd Avenue, Seminole, has no objection but would ask that the Commission make some provision to keep the cars from the north fence and the sea wall.

Cindy Carr, 4102 Gulf Boulevard, Unit 110, a new owner at the adjoining property produced some pictures of her patio and the chain link fence. She asked that parking be kept away from the north fence.

Jack Martynow, 3848 Gulf Boulevard, Owner of the Palm Crest Motel, is in favor of a north gate; he would like to see the current fence replaced with something more attractive. He is also concerned about bathroom facilities and lighting.

Jack Freed, 3820 Gulf Boulevard, was under the impression that the north gate would be opened and they wouldn't be parking any cars after dark. He is concerned about insurance for the parking lot. If there would be an incident on the property, would the City be responsible.

Robert Czyszczon, 4506 Gulf Boulevard, spoke against a temporary use permit. Temporary use should be restricted to one or two weeks. He recommended a minimum of a six foot fence. A new fence and palm trees is not too much to ask. A bathroom is a definite "must".

Bob Goldsman, 3820 Gulf Boulevard, has not seen any strange behavior in the parking lot.

Robin Grabowski, of Tampa Bay Beaches Chamber of Commerce, thinks this can be worked out and spoke in favor of the use.

Debra Edney, 181 73rd Avenue, thinks trees and foliage would look much better than a fence.

Mayor Finnerty asked for further comments. Hearing none, he closed the Meeting to Audience Comments.

Commissioner Shavlan thinks setbacks can be worked out with staff. He would like to get rid of the chain link fence and replace it with something that is at least five foot tall. Port-O-Lets are also important.

Mayor Finnerty asked about insurance coverage. The owner stated that she has a $5 million dollar umbrella liability policy on all of her properties.

Commissioner Shavlan pointed out that a closing time should be determined and it was agreed that a time certain should be set. Commissioner Garnett suggested 10:00 pm on Friday, Saturday, Sunday and Holidays, including special events. All were in agreement.

Vice Mayor Parent asked how long is temporary? Eighteen months with the right to terminate with ninety days notice after six months was agreed upon. Mr. Bonfield suggested the lot could be open through September 30th, 2012, from October 1st through February 28th for special events only, and then March 1st through September 30th.

In addition, the gate is to be placed on the north side and the fence should be at least a four foot tall vertical picket fence that cannot be seen through.

As a matter of clarification, Mr. Holley pointed out the need for "no mooring" signs, garbage receptacles and Port-O-Lets.

Mr. Bonfield then read what the Commission had agreed to as a whole:

- The temporary use permit will allow the lot to be open through September 30, 2012. October 1st through February 28th for special events only, March 1st through September 30th Friday, Saturday, Sunday, Holidays and special events.

- The lot will be open from 10:00 am to 10:00 pm.

- Access will be on the north curb cut

- No parking on the north or south side within 25 feet of the property line

- 4 foot vertical fence
- Trash receptacles
- Two (2) Port-O-Lets
- Erection of "No Mooring" signs

Commissioner Shavlan made a motion to approve Case No. 20110006, request for approval of Temporary Use under Section 6.11 of the Land Development Code for operation of a temporary commercial parking lot for property located at 3815, 3855 and 3859 Gulf Boulevard with the requirements outlined by Mr. Bonfield.

The Motion was seconded by Commissioner Garnett and defeated by a 3 to 2 roll call vote. Commissioner Halpern, Vice Mayor Parent and Mayor Finnerty voted no.

6. <u>Ordinances</u>

a. Ordinance 2011-09, Final Reading and Public Hearing, amending Chapter 82 of the City of St. Pete Beach City Code by creating Article V entitled "traffic light safety"; providing for recorded image monitoring and enforcement of red light violations consistent with general law.

Discussion ensued regarding Case No. 20110006.

Commissioner Garnett asked for a five minute break. Commissioners Shavlan and Garnett left the podium.

Discussion continued and Mr. Bonfield reminded the Commission that they were at recess.

Mayor Finnerty called the Meeting back to order.

Mr. Bonfield stated that he would not issue temporary permits for any special events on any properties like this.

Vice Mayor Parent asked to re-open discussion on this matter. Upon the advice of Mr. Davis, Vice Mayor Parent made a motion to reconsider Case # 20110006. Commissioner Halpern seconded the motion and it was unanimously approved by roll call vote.

Vice Mayor Parent asked for clarification of the procedure being used. After discussion, it was decided to vote on Case #20110006 again.

Vice Mayor Parent made a motion to approve Case No. 20110006, request for approval of Temporary Use under Section 6.11 of the Land Development Code for operation of a temporary commercial parking lot for property located at 3815, 3855 and 3859 Gulf Boulevard with the requirements outlined by Mr. Bonfield and including an exit clause that after October 1st, a ninety day notice of termination may be issued.

The motion was seconded by Commissioner Shavlan. The motion was approved by a 3 to 2 roll call vote. Commissioner Halpern and Mayor Finnerty voted no.

Mayor Finnerty called upon Mr. Bonfield to proceed. Mr. Bonfield returned to Ordinance 2011-09 with a brief reminder of the matters previously brought before the Commission. This is the final reading of the Ordinance that would allow the City to install the cameras but Mr. Bonfield has not included the agreement to install them for a couple of reasons; the first of which is that the Legislature is considering a bill that would repeal the legislation from last year that will prohibit them. At this point he doesn't see any point in proceeding with the agreement to install them but he sees no harm in approving the Ordinance. This does not authorize installation anywhere; that would come back to the Commission at a later date.

Commissioner Shavlan read a report that was done by three PHDs that indicated there were more accidents with the cameras installed. He also spoke about a conversation he had with the Mayor of Kenneth City which was not favorable to the cameras.

Vice Mayor Parent also talked about reports and studies that have been done indicating the program is beneficial. He stated that rear end collisions are a lot less offensive than t-bone accidents which can be deadly. He believes this is a safety issue and a preventive measure. He doesn't feel there is a down side to it.

Commissioner Garnett is not sure cameras would work in our City.

Commissioner Halpern has nothing against the cameras and feels it's worth giving it a shot.

Mayor Finnerty feels it's a safety issue.

Mayor Finnerty opened the Meeting to audience comments.

Rosemary Manning, 200 1st Avenue, Pass-a-Grille, received a citation in South Pasadena. She believes crosswalks are the problem in St. Pete Beach.

Debra Edney, 181 73rd Avenue, believes there should be a study done in our City to determine if anyone has died as a result of a red light violation.

Steve McFarlin, 2nd Palm Point, asked why not do research here in St. Pete Beach. Speed limits and crosswalks are the problem here. If this is a safety issue, he feels they should have some numbers before passing it.

Commissioner Halpern made a motion to approve Ordinance No. 2011-09, an Ordinance of the City of St. Pete Beach, Florida, amending Chapter 82 of the City of St. Pete Beach City Code by creating Article V entitled "Traffic Light Safety"; providing for recorded image monitoring and enforcement of red light violations consistent with general law; providing for the severability of parts hereof; providing for reading by title only; and providing an effective date.

The motion was seconded by Vice Mayor Parent and approved by a 3 to 2 roll call vote. Commissioners Garnett and Shavlan voted no.

b. Ordinance 2011-11, First Reading and Public Hearing amending Section (O) 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.

Mr. Bonfield advised this would add 2nd Street East between Lido Drive and 45th Avenue to the Section in the City's Code. There have been some problems in this area.

Commissioner Shavlan described what had been going on in that area.

Commissioner Shavlan made a motion to approve Ordinance 2011-11, an Ordinance of the City of St. Pete Beach, Florida, providing for amendment of Subsection (O) 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 approved by unanimous roll call vote.

Mayor Finnerty called upon Mr. Bonfield who stated the next item is c. of the Consent Agenda which Commissioner Garnett asked to be moved. He is aware of her concerns and would like to pull this item from the Agenda. The question is whether the City would be better off purchasing or leasing a copier; and he doesn't have the figures at this time so he would rather pull it from the Agenda.

This item pertains to the leasing of a copy machine and Commissioner Garnett would like to do some investigating before ruling on this item.

7. **Resolutions**
There are none for this Agenda.

8. **Discussion Items**
There are none for this Agenda.

9. **Reports**

City Manager Mike Bonfield presented his report.

City Attorney Mike Davis presented his report and requested a date to hold a Shade Meeting to discuss the Kadoura and Pyle cases. It was agreed that the Shade Meeting will be held on April 28, 2011, at approximately 4:00 pm after the Clerk interviews.

Commissioner Beverly Garnett presented her report.

Commissioner Marvin Shavlan presented his report.

Commissioner Al Halpern presented his report.

Vice Mayor Jim Parent 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 A. Prell
Pamala Prell, Acting City Clerk

Steve McFarlin, Mayor

Minutes approved on: 5-10-11