COMMISSION MEETING
CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, April 26, 2011

6:30 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

INSTALLATION MEETING
Call to Order

1. Installation of Mayor

Adjourn

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. **Proclamation to urge all citizens to celebrate Arbor Day on April 29th 2011.**

b. **Update on litigation cases relating to Pyle, Kudora, etc. - City Attorney**

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

4. **Consent**
   a. **Approval of the March 29, 2011 Workshop Minutes**
   b. **Authorize the City Manager to enter into a 3-year, unit cost, agreement with Neel-Shaffer for Disaster Debris Monitoring for Storm Events.**
   c. **Authorization for the City Manager to waive fees and permits for the Gulf Beaches Kiwanis Club to conduct the "Every Child a Swimmer" program at the Community Center Pool in May 2011.**
   d. **Authorize the City Manager to enter into a professional service agreement with Genesis Group for $31,000 for Landscape Design per FDOT Landscape Grants.**

5. **Ordinances**
   a. **Ordinance 2011-11, Final 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**
   a. **Adoption of Resolution 2011-10 providing for acceptance of the votes cast in the Runoff Election held on April 19, 2011.**

7. **Action Items**
   a. **Conditional Use Case #20110008. Applicant requests Conditional Use approval under Section 17.3 (c) for property located at 2301 Pass-a-Grille Way for reconfiguration of an existing commercial dock. Applicant also requests variance from Section 6.23 e 4 to allow tie poles to be located within 0' of the extended side property line. This is a quasi-judicial hearing.**
   b. **Conditional Use Case #20110010. Applicant requests Conditional Use approval under Section 15.4(t) for a commercial waterslide for property located at 9540 Blind Pass Road. This is a quasi-judicial hearing.**
   c. **Election of Vice Mayor**

d. **Board Appointments - BIG C, MPO, TBRPC, Suncoast League**

8. **Items for Discussion**
   a. **Election runoff procedures - Commissioner Shavlan**

9. **City Manager, City Attorney and City Commission Reports**
   a. **Department Quarterly Reports (included in the online version only)**

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 26, 2011
6:30 PM

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

Newly Elected Mayor Steve McFarlin
Outgoing Mayor Michael Finnerty
Vice Mayor Jim Parent
Commissioner Al Halpern
Commissioner Marvin Shavlan
Commissioner Beverly Garnett

ALSO PRESENT

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

Vice Mayor Parent presented Mayor Mike Finnerty with a plaque from the City Commission, a Certificate of Appreciation for his dedicated public service to the City.

Mayor Finnerty gave a brief statement of thanks.

Mrs. Teri Finnerty gave a statement of thanks to the staff at City Hall, to the residents of St. Pete Beach, to their friends and neighbors at the St. Pete Beach Yacht & Tennis Club and the volunteers of "Support Our Troops".

INSTALLATION MEETING

City Manager Mike Bonfield called up Steve McFarlin, the new Mayor of St. Pete Beach, to take the Oath of Office. Pamala Prell, Acting City Clerk administered the Oath of Office to Mayor McFarlin and welcomed him to the City.

Mayor McFarlin made a brief statement thanking Mike & Teri Finnerty for their service to the City and he also thanked his campaign workers. He spoke about plans to develop an "Economic Redevelopment Council".

Mayor McFarlin then adjourned the Installation Meeting.

REGULAR MEETING

Mayor McFarlin called the Regular Meeting to order.

1. Changes to the Agenda

Commissioner Shavlan asked that item 4.d. be moved to the end of 7. Action Items.

2. Presentations

Mayor McFarlin called upon Mr. Bonfield to proceed.

a. Proclamation to urge all citizens to celebrate Arbor Day on April 29, 2011.

Mayor McFarlin proceeded to read the Proclamation aloud.

b. Update on litigation cases relating to Pyle, Kadoura, etc.

City Attorney Mike Davis reported that both the Pyle and Kadoura cases are on appeal and these will be discussed at greater length during the Shade Meeting which is scheduled for April 28, 2011, and they will also discuss them at the Public Meeting following the Shade Meeting.

The other major case is the Anderson case which was brought last year in which Mr. Anderson seeks access to a series of transcripts of confidential Shade Meetings that were held pursuant to the Statute that authorizes attorneys to meet with the Commission and the Statute says there has to be a transcript of those meetings and that transcript remains confidential until the litigation is concluded. In this particular case, the City has released those transcripts to Mr. Anderson. He and his attorneys have them. Mr. Davis' position was there is no reason for that case to continue in the court system; the other side does not agree with us. He has filed a motion to dismiss which is set for hearing and he will keep them apprised of the status of this case.

Mayor McFarlin asked if they were looking for something else and Mr. Davis responded that they are primarily looking for attorney's fees. If they can show the Court that they improperly conducted those Shade Meetings, and then perhaps they will be entitled to attorney's fees.

3. Audience Comments

Mayor McFarlin opened the Meeting for audience comments.

Janet Gustafson, 104 12th Avenue, gave her view in regards to a change in zoning and change of future land use designation for the property at 113 11th Avenue, Block 3, Lots 11 & 17. She asked that the Commission turn down Mr. Caruso's request.

Mr. Davis explained that this case will be a quasi judicial matter when it comes before them and their deliberation will occur at that time and her letter will be entered into the record at that proceeding.

Mimi Gewanter, 265 Tessier Drive South, congratulated Mayor McFarlin on his election and wished him Good Luck.

Paul Pfister, 8090 Gulf Boulevard, congratulated Mayor McFarlin. Mr. Pfister directed a question concerning a dumpster to Commission Halpern.

Bruno Falkenstein, 2401 Pass-a-Grille Way, addressed the Mayor and Commissioners and spoke about agreeing to disagree.

Gary Renfrow, Alden Beach Resort, 5900 Gulf Boulevard, congratulated Mayor McFarlin and went on to discuss development.

Augie D'Alessio spoke about an ERC that, had it been in place and functioning years ago, he wouldn't be before the Commission tonight.

Phil Milner, Chairman of Fire Pension Board, reported that he received the City's cost based on changes to the assumption rates from Foster & Foster, 8 1/4%, 8% and 7 3/4%. Mr. Milner advised that the Pension Board will do whatever the Commission wants. If they want it at 8% as recited in the Resolution, they will change to 8%.

Lorraine Huhn, 9425 Blind Pass Road, upon congratulating Mayor McFarlin remarked "Let's Get Moving".

Carol Walker, 5396 Gulf Boulevard, congratulated Mayor McFarlin on his campaign and election. She is excited and is hopeful that St. Pete Beach's worst days are behind us and the process of healing has begun.

Rick Falkenstein, 4th Palm Point, suggested that the Commission take a look at the Leroy Selmon Toll System where you just drive through, you don't have to stop, and you get mailed a bill, write a check, and send it back.

Commissioner Garnett made a brief announcement regarding Pass-a-Grille's upcoming 100 Anniversary and the activities that are planned.

4. Consent

a. Approval of March 29, 2011, Workshop Minutes

b. Authorize the City Manager to enter into a 3-year, unit cost, agreement with Neel-Shaffer for Disaster Debris Monitoring for Storm Events.

c. Authorization for the City Manager to waive fees and permits for the Gulf Beaches Kiwanis Club to conduct the "Every Child a Swimmer" program at the Community Center pool in May 2011.

Vice Mayor Parent made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Halpern and unanimously approved by roll call vote.

5. Ordinances

a. Ordinance 2011-11, Final 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.

This was a request from Commissioner Shavlan and residents of Lido which was approved unanimously at First Reading.

Commissioner Shavlan made a motion to adopt Ordinance No. 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.

Mayor McFarlin asked for public comment; hearing none, he asked for a vote.

The motion was unanimously approved by roll call vote.

6. Resolutions

a. Adoption of Resolution 2011-10 providing for acceptance of the votes cast in the runoff election held on April 19, 2011.

Commissioner Garnett made a motion to approve Resolution 2011-10, a Resolution of the City of St. Pete Beach, Pinellas County, Florida, providing for the acceptance of the votes cast in the runoff election.

The motion was seconded by Commissioner Halpern and unanimously approved by roll call vote.

7. Action Items

a. Conditional Use Case No. 20110008. Applicant requests conditional Use approval under Section 17.3 (c) for property located at 2301 Pass-a-Grille Way for reconfiguration of an existing commercial dock. Applicant also requests variance from Section 6.23 e 4 to allow tie poles to be located within 0 feet of the extended side property line. This is a quasi-judicial hearing.

Mr. Davis advised the Mayor that he and Susan Churuti belong to the Yacht Club and the Florida Bar prohibits them from taking part this case discussion. He then excused himself from the meeting.

Mr. Bonfield asked the Mayor and Commissioners if any of them had had an ex parte communication they would like to disclose.

Commissioner Garnett has spoken with the person representing the "Women's Club".

Vice Mayor Parent advised he has read five (5) emails on this subject, some in favor and some against. He has also downloaded a satellite photo of the area.

Commissioner Halpern has read the same emails; Commissioner Shavlan has also read the emails. Mayor McFarlin and Commissioner Garnett have seen the same emails.

Mr. Bonfield asked if anyone in the audience would like "substantially affected" status.

Max Alfery, 2107 Pass-a-Grille Way, disclosed that he is the first house south of the Yacht Club and he doesn't feel it will affect him or the neighborhood.

Mr. Bonfield called upon Karl Holley for staff presentation.

Mr. Holley asked if all the Commissions and the Mayor had received a copy of an email from Jean and Greg Andrews. All of the Commission had copies. He then distributed a copy of a modified plan that he received that afternoon from the Applicant.

He proceeded to outline the application explaining that what the Applicant is seeking to do is modify an existing set of docks. There are presently five existing docks and the applicant proposes to reduce that to four docks and to adjust the location of the docks. Some of the docks that are proposed will be in excess of the length of the existing docks.

The reason they have received these modified plans late is because the Applicant has been involved in some discussion with the adjacent property owner, the Pass-a-Grille Women's Club, in order to resolve their concerns.

Commissioner Shavlan stated that when they first applied, they didn't even have any drawings because they didn't receive any in the original packet, so he asked why they are receiving the application if it's not complete. Mr. Holley responded by saying they had drawings that were going to be distributed to the Commission last week. The Applicant advised they were discussing this with the Women's Club and there would be a modified drawing forthcoming which is why he didn't include the original drawing in the Agenda packets.

Commissioner Garnett is not comfortable voting on this tonight.

Mr. Bonfield suggested that, if they are uncomfortable, they continue this to the next meeting; have the public hearing at that time.

Vice Mayor Parent would like to see the dimensions on the layout and he is confused by the Andrews' letter.

Mayor McFarlin stated that he would be in favor of moving this application to the next meeting and provide the Commission with more complete plans and give affected parties a chance to look at those plans as well.

Vice Mayor Parent made a motion to continue this application to the May 10, 2011 Meeting. The motion was seconded by Commissioner Shavlan and unanimously approved by roll call vote.

Mr. Bonfield advised the audience of the May 10th hearing date and also advised that there will be no other notices sent.

b. Conditional Use Case #20110010. Applicant requests Conditional Use approval under Section 15.4(t) for a commercial waterslide for property located at 9540 Blind Pass Road. This is a quasi-judicial hearing.

Mayor McFarlin asked if any of the Commissioners had any ex parte communication on this item.

Commissioner Shavlan went over to view the property but did not talk with anyone.

Commissioner Garnett had dinner on the property the previous night.

Vice Mayor Parent looked at the satellite views of the layout of the property.

Commissioner Halpern has gone to the property.

Mayor McFarlin asked if there was anyone present who is a substantially affected party. Hearing none, he called on Mr. Holley for his presentation.

Mr. Holley gave a brief explanation of the application. He distributed three additional letters of objection to the Commission received by his office subsequent to the distribution of their agenda packets. He also advised that he has had a number of discussions on the telephone with citizens, many of whom expressed concerns.

What is being requested is an inflatable vinyl-material water slide which the Applicant is proposing to inflate and fill with water at the beginning of each work day and then to deflate and drain at the end of each day. The Applicant's intention is to operate this facility on a seasonal basis, not the entire year.

Mr. Holley pointed out that there are no specific standards for parking relating to this so he doesn't have a specific ability to calculate. He relies on the International Transportation Engineer's manual to estimate traffic generation of various facilities. An inflatable water slide is not one of the facilities they have generated traffic information for; so we really doesn't have any basis for estimating what traffic impact there may be or parking requirements either. He

added that it would be prudent to assume that there will be some impact with respect to vehicle traffic generation and parking requirements for the site.

Other operational concerns or issues is the volume of noise generated by the people who utilize the slide. There are some individuals that are concerned about visual impact of the slide. It is his understanding that the proposed slide is going to be generally consistent with the slide that is currently operated by the "TradeWinds" on the beach and that would be your general visual context of the slide. Because it is not a structure by definition under the City's Code, it will not be required to meet structural setbacks when placed upon the lot.

Commissioner Halpern suggested a Temporary Use permit, giving them six months or a year and then review the use.

Commissioner Shavlan asked why they weren't given a photograph and dimensions.

Mayor McFarlin asked the Applicant to come forward.

Dave Winkler, of "Captain Dave Water Sports", 9540 Blind Pass Road offered his congratulations to Mayor McFarlin and asked for questions from the Commission.

Vice Mayor Parent asked "how tall is the water slide?" Mr. Winkler responded that the overall height of the slide is 18 feet at its highest point. The maximum height of the archway is 25 feet, half of the allowable distance.

Commissioner Halpern asked if the highest part is to the east. Mr. Winkler advised it would be to the north towards the road. He stated that the overall length of the slide is 91 feet. The slide at the "TradeWinds" is over 200 feet long, so this is half that size which gives a good comparative analysis.

Mayor McFarlin asked Mr. Winkler if he would consider amending his application to make it a temporary use (i.e. one season). Mr. Winkler replied he would be happy with one year; the slide in itself is about a $30,000 investment and he would probably make another $10,000 to $15,000 in capital improvements on the property to accommodate the slide.

As to hours of operation, he would like to follow the same pattern as the restaurants in the area and what they are allowed to do and conform to the noise ordinances in regard to outdoor activity. Usually 10 o'clock weekdays and 11 o'clock weekends.

Commissioner Shavlan really likes the idea particularly since he is going to clean up the area.

Mayor McFarlin thanked Mr. Winkler and then asked for audience comments.

John Schuster, 9425 Blind Pass Road, came to the Meeting with some concerns about this project. He is concerned that the attraction may be opened to adults as well as children. His main concern is the situation caused by "Caddy's Beach Restaurant" (located on Sunset Beach, Treasure Island). To tempt those people with a visible "toy" may bring those same problems to St. Pete Beach which he feels is moving in the wrong direction.

Eric Beard, 6690 Gulf Boulevard, came to the Meeting tonight because he saw this issue on the Agenda and it sounded interesting. Sounds like a good idea. He's all for it.

Seeing no more audience members who wished to speak, Mayor McFarlin called upon Commissioner Halpern for his comments.

Commissioner Halpern again stated that he would like to issue a Temporary Use permit for a year.

Vice Mayor Parent is in favor of this request as well. He likes the idea of a Temporary Use permit, actually a year and a month.

Commissioner Shavlan is also in favor of it and he understands Mr. Schuster's concerns but doesn't see that happening.

Commissioner Garnett is also in favor of it and believes it will attract people and business to our City.

Mr. Davis, in clarification, stated that he hears the Applicant is agreeable to converting his application to a Temporary Use so they just need to specify the conditions of the Temporary Use.

Mayor McFarlin is also in favor of it. He hears the concerns and he is going to rely on Mr. Winkler's reputation in this City and being temporary, the City can shut it down tomorrow if there is a problem.

Commissioner Halpern made a motion to approve Case #20110010, request for Temporary Use for commercial waterslide for property located at 9540 Blind Pass Road with the Temporary Use to be reviewed fourteen (14) months after the start of operation. The motion was seconded by Vice Mayor Parent and unanimously approved by roll call vote.

c. Election of Vice Mayor

Commissioner Shavlan nominated Beverly Garnett as Vice Mayor. The nomination was seconded by Vice Mayor Parent and unanimously approved .

d. Board Appointments – BIG C, MPO, TBRPC, SUNCOAST LEAGUE

Mr. Bonfield advised the Commission that it is no longer the MPO but the PPC (Pinellas Planning Council).

Commissioner Al Halpern was appointed to the TBRPC (Tampa Bay Regional Planning Council.

Vice Mayor Beverly Garnett was appointed to the Suncoast League of Cities.

Commissioner Jim Parent and Mayor Steve McFarlin were appointed to serve on the Big C (Barrier Islands Governmental Council).

Commissioner Marvin Shavlan was appointed to the PPC (Pinellas Planning Council). (Subject to approval of Madeira Beach and Treasure Island)

e. Service Agreement with Genesis Group for $31,000 for landscape design per FDOT Landscape Grants.

Commissioner Shavlan questioned what was going to be done for $31,000. Mr. Bonfield explained that plans were required to be done before the Grant.

Steve Hallock stated that this is actually three grants, $60,000 a year for the next five years which could include the medians and any other FDOT right-of-way work the City may want to do, the Corey entrance to the City or the Bayway entrance to the City. There's also a $100,000 Grant for the Bayway landscaping and $150,000 Grant for Gulf Boulevard/Blind Pass Road, the entire corridor.

What this accomplishes is basically the Plan has to go to FDOT and they have to sign off on it. There is no other way to put it. More than likely, FDOT landscaping is utilitarian and not beautification in nature. They have very detailed guidelines outlining what they will allow the City to do. Ten (10%) percent to fifteen (15%) percent is pretty common for engineers and he held them to the 10% which is applicable under the Grant.

Commissioner Halpern made a motion to authorize the City Manager to enter into a professional service agreement with Genesis Group for $31,000 for Landscape Design per FDOT Landscape Grants. The motion was seconded by Commissioner Shavlan and unanimously approved by roll call vote.

8. Items for Discussion

a. Election Runoff Procedures

Commissioner Shavlan feels they should dispose of the runoff election due to the fact that in the end it produced the same results and cost the City $15,000. He doesn't see the necessity of having it.

Mayor McFarlin stated that because four people were running for Mayor, it was obvious that a runoff would be necessary. It not only cost the City a lot of money it costs the residents a lot of money too.

Mr. Bonfield advised the Commission that if it's the consensus that they want to make that change, he would draft an Ordinance and present it at a future Meeting.

b. Requirements on Applications to the Building Department

There was discussion concerning the lack of information presented to the Commission when applications are heard. It was agreed that they need more information including pictures and the application must be submitted in a timely manner in order for the Commissioners to have time for review prior to the hearing. Mr. Bonfield will draft some requirements.

9. Reports

City Manager Bonfield presented his report.

He reminded the Commission of the interviews for City Clerk scheduled on Thursday, April 28, 2011 beginning at 9:30 am. He also reported on his recent trip and interview for the City Manager position in Alabama, of which he was not offered the position.

Mayor McFarlin asked Mr. Bonfield to add an item to the Agenda for the next Meeting "Repealing of the Ordinance to Install Red Light Cameras in St. Pete Beach". Mr. Bonfield will place it on the May 24th Meeting Agenda.

Commissioner Parent asked if they could look into combining the three Pension Boards. Mr. Davis will report back on that issue.

Vice Mayor Garnett presented her report.

Commissioner Shavlan presented his report.

Commissioner Parent presented his report.

Commissioner Halpern presented his report.

Mayor McFarlin presented his report.

Mayor McFarlin asked Mr. Bonfield to set up a Workshop Meeting to discuss the procedures for Commission Meetings. He stated that he has some suggested changes to the current procedures.

Mayor McFarlin also brought up the bus stops on Corey Avenue and particularly the poor lighting. Another lighting issue is at the triangle at the Gulf Winds.

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

Rebecca Haynes, City Clerk

Steve McFarlin, Mayor

Minutes Approved on: 05/24/2011