COMMISSION MEETING
CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, May 10, 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. **Proclamation declaring May 12, 2011 Wendy Wax Day**
   b. **Proclamation declaring May Neurofibromatosis (NF) Awareness Month**
   c. **Don Cesar area street/sidewalk improvement project close out.**
   d. **Street and sidewalk assessment project close out.**
   e. **Presentation to City Commission on the Stormwater Utility Rate Study. (The Rate study will be in the online version only)**

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

4. **Consent**
   a. **Minutes of April 28, 2011 Shade Meeting, April 28, 2011 Special Meeting and April 12, 2011 Regular Meeting**
   b. **Authorize the City Manager to expend $14,540.00 to American International Motors, Inc for emergency repairs to wastewater lift station #2.**
   c. **Authorize the City Manager to sign a proposal from George F. Young, Inc. in the amount of $18,920 to provide engineering services for the rehabilitation of Lift Station #4.**

5. **Ordinances**
   a. **Ordinance 2010-35, First Reading and Public Hearing providing for amendment of the Future Land Use Map of the St. Pete Beach Comprehensive Plan for property located at 113 11th Avenue.**
   b. **Ordinance 2011-34, First Reading and Public Hearing providing for amendment of the Official Zoning Map of the St. Pete Beach Land Development Code for property located at 113 11th Avenue. This is a quasi-judicial hearing.**
   c. **Ordinance 2011-03, First Reading and Public Hearing amending Divisions 3, 20, 26 and 31 of the City of St. Pete Beach Land Development Code.**
   d. **Ordinance 2011-12, First Reading and Public Hearing, providing a supplemental appropriation for fiscal year 2011 to the General Fund, providing for funding and providing for an effective date.**
   e. **Ordinance 2011-13, First Reading and Public Hearing, amending Chapter 58 of the Code of Ordinances.**
   f. **Ordinance 2011-14, First Reading and Public Hearing, amending Chapter 94 - Waterways of the Code of Ordinances.**

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

7. **Action Items**
   a. **Case #20110008 Conditional Use. 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. **Annual Holiday Boat Parade route.**
   c. **Appointment to the Firefighters Pension Board of Trustees**

8. **Items for Discussion – none submitted 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

MAY 10, 2011
6:30 PM

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENT:

Mayor Steve McFarlin
Vice Mayor Beverly Garnett
Commissioner Al Halpern
Commissioner Jim Parent
Commissioner Marvin Shavlan

ALSO PRESENT:

City Manager Mike Bonfield
Acting City Clerk Pamala Prell, MMC
City Attorney Susan Van Wyk

1. **Changes to the Agenda**

Action Item 7.a. was moved between the Consent Agenda and Ordinances.

Vice Mayor Garnett advised the Commission that she is a member of the Pass-a-Grille Women's Club and a member of the St. Petersburg Yacht Club. She asked if she could vote on Item 7.a.

Attorney Van Wyk advised her that after checking with Mr. Davis it was determined that she does not have a conflict and she can vote. However, Ms. Van Wyk has a conflict and the Florida Bar prohibits her from taking part.

Mr. Bonfield added that Terri Finnerty is present and would like to give an update on "Support Our Troops"; she can be added to the end of Presentations. All were in agreement.

2. **Presentations**

a. Proclamation declaring May 12, 2011 Wendy Wax Day.

Mayor McFarlin read the proclamation and declared May 12, 2011 Wendy Wax Day. Ms. Wax was present and thanked the Commission for the acknowledgement. Ms. Wax gave a copy of her latest novel, Ten Beach Road, to each member of the City Commission.

b. Proclamation declaring May Neurofibromatosis (NF) Awareness Month.

Mayor McFarlin read the proclamation and declared the month of May as Neurofibromatosis (NF) Awareness Month in St. Pete Beach.

c. Don CeSar area street/sidewalk improvement project close out.

Renee Cooper gave a brief presentation of the improvements made and showed "before and after" pictures.

Vice Mayor Garnett reported that the citizens of Pass-a-Grille have contacted her with very positive remarks regarding the improvements.

d. Street and sidewalk assessment project close out.

Renee Cooper presented the results of the survey. The City's roadway network average is a PCS 71 which is a little below the goal and the City's SBI average is 4 for the sidewalks.

e. Presentation to City Commission on the Stormwater Utility Rate Study.

Steve Hallock addressed the Commission regarding this study. He then introduced the consultants from Woolpert who presented the results. Their recommendation to reach the City's $511,000 goal would be a $72.00 per year charge or assessment on the tax appraiser's bill. They also recommend an annual increase be built into the resolution of 4% in order to take into account inflation as well as increased mandates that may be coming. No property would be exempt from this assessment.

f. Terri Finnerty – Support Our Troops

Mrs. Finnerty announced that the Support Our Troops Program has been moved to St. Albans Episcopal Church, located at 330 85th Avenue which gives them more room and more hours of access for the volunteers.

The donation box as well as pictures and letters will remain at City Hall. The donation box at the Library will remain and St. Albans is allowing them to have a donation box there.

3. Audience Comments

Paul Pfister, 8090 Gulf Boulevard, asked the Mayor about the status of the Economic Redevelopment Council. Mayor McFarlin advised that he is working with Robin at the Chamber of Commerce and they will meet again next week. Right now they are just gathering ideas and he is asking the Commissioners for their ideas.

Mary Ann Tuchol, 7815 Boca Ciega Drive, advised that there is a problem on the Beach that the Commission is not aware of. There are no laws or regulations regarding mooring of boats. She was concerned with a sailboat being moored near her property in the Intracoastal Waterway near the Community Center, which has broken loose several times. She asked that City Commission get involved to seek a resolution to this problem.

Mimi Gewanter, 265 Tessier Dr., South, asked if the Mayor was going to give a report of his first two weeks in office.

Deborah Edney, 181 73rd Avenue, asked if the Commissioners received her emails. She is asking that instead of paying $1200 a year for a double occupancy, she is asking to pay $600 a year for her sewer bill.

Ian Boyle, Government Affairs Manager for Waste Services, Inc. wanted to come to this Meeting to introduce himself and leave his business card. He will also leave cards for Bill Krimmel, their Division Manager.

Deborah Schechner, 710 Boca Ciega Isle Drive, brought up the Nuisance Abatement Board again. The crime rate is much worse than shown on the paperwork the Commission received. She also suggested that the City do something to get more of the bed tax returned to the City.

Carol Walker, 5396 Gulf Boulevard, spoke on behalf of the Beach Theater which was not doing well and may close. She stated that the owner has done lots of good things for the Community and suggested that the Community support the oldest Theater in Pinellas County by taking their family and/or friends to a movie.

Mike Bonfield advised that he will be setting up a meeting with the owner to see what can be done regarding this matter.

Mayor McFarlin then closed the Meeting to Audience Comments.

4. Consent

a. Minutes of April 28, 2011 Shade Meeting, April 28, 2011 Special Meeting and April 12, 2011 Regular Meeting.

b. Authorize the City Manager to expend $14,540 to American International Motors, Inc. for emergency repairs to wastewater lift station #2.

c. Authorize the City Manager to sign a proposal from George F. Young, Inc. in the amount of $18,920 to provide engineering services for the rehabilitation of lift station #4.

Commissioner Parent made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Halpern and unanimously approved.

Item 7.a., Case #20110008 Conditional Use. 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 variances from Section 6.23 (e) (4) to allow tie poles to be located within zero feet of the extended side property line. *This is a quasi-judicial hearing.*

Mr. Bonfield reiterated that this is a quasi-judicial hearing and since both City attorneys are members of the Yacht Club they are excused from this hearing and he advised them should something come up where they need further legal advice, they may have to continue this hearing.

Mayor McFarlin asked the Commission if they had any communication with the applicant. Hearing none, he asked if there was anyone in the audience who wanted to be considered for a "substantially affected" status.

Mayor McFarlin then called upon Karl Holley who proceeded to outline the application. He stated that the Commission and Mayor should have received a couple of drawings provided by the applicant, one which indicates the existing configuration of the facility and one that indicates the proposed configuration.

He went on to say that the overlay documents they were provided are approximately to scale. It may be off by about 2%.

Commissioner Shavlan asked if this had to go through another agency to which Mr. Holley replied that it does require approval of the Pinellas County Water & Navigation Authority.

Mayor McFarlin asked for comments from the applicant. Hearing none, he asked for audience comments. Hearing none, the Mayor closed audience comments.

Vice Mayor Garnett made a motion to approve Case #20110008 a request for variance from Section 6.23.(e)(4) to allow tie poles to be located within 1 foot of the extended side property line. The motion was seconded by Commissioner Shavlan and unanimously approved by roll call vote.

Vice Mayor Garnett made a motion to approve Case #2011008, a request for Conditional Use under Section 17.3(c) for a commercial dock. The motion was seconded by Commissioner Parent and unanimously approved by roll call vote.

Mayor McFarlin called for a five minute break.

Mayor McFarlin called the Meeting back to order at 8:14 pm.

5. Ordinances

a. Ordinance 2010-35, First Reading and Public Hearing providing for amendment of the Future Land Use Map of the St. Pete Beach Comprehensive Plan for property located at 113 11th Avenue.

Mr. Bonfield asked Susan Van Wyk to address to the Commission.

Ms. Van Wyk recommended that the Commission combine items a. and b. and hold one *quasi judicial hearing* on both Ordinances, i.e. 2010-35 and 2011-34, and then consider them by separate votes. All were in agreement with the recommendation.

Mayor McFarlin then asked the Commission to disclose any communications or involvement the Commissioners may have had with the applicant and/or others.

Vice Mayor Garnett advised that she has received phone calls, emails, and she expressed to the callers that she shouldn't be discussing this issue.

Commissioner Shavlan disclosed that he saw the emails, spoke to Jay Anderson, Martin Lott, Ward Friszolowski, Ron Holehouse, Melinda Pletcher, Joe Caruso, Karl Holley and Catherine Hartley.

Commissioner Parent reported that he has spoken to staff and read the emails.

Commissioner Halpern stated that he read the emails, spoke to staff and spoke to Joe Caruso and Will Jacoby.

Mayor McFarlin advised that he read the emails and the concessions that he received earlier in the day and spoke to the applicant once but explained that he couldn't discuss the application or visit the property. He also spoke to staff a couple times.

Mayor McFarlin asked the audience members if anyone wished to be considered under substantially affected status.

The following persons were granted the substantial affected status:

<u>Bob Fernandez, 110 12th Avenue</u>.

<u>Mrs. Menendez, 111 11th Avenue.</u>

<u>Ron Holehouse, 113 12th Avenue.</u>

<u>Rusty Ercius, 111 12th Avenue.</u>

<u>Ms. James, 109 12th Avenue.</u>

<u>Toni King, 109 12th Avenue.</u>

<u>Debra Yates, 1105 Gulf Way</u>

<u>Dave Nelson, 107 12th Avenue.</u>

Mayor McFarlin then called upon Karl Holley to proceed.

Mr. Holley explained that this is a request by Joseph Caruso for a Land Use Change and rezoning of his property located at 113 11th Avenue. Mr. Caruso is requesting to modify Future Land Use Map designation from its current designation of Residential Low Medium to Residential High with a Resort Facilities Overlay. His stated purpose for requesting this modification is to allow for him to apply for and be awarded the Traditional Hotel District Zoning which requires the Residential High Land Use with the Resort Facilities Overlay designation.

Mr. Holley went on to give a brief presentation of the requests and the policies that affect them. He explained that the first Ordinance that is before the Commission is a Land Use Change request which is a legislative action, not a *quasi judicial action* and as such the Commission has a general standard of reasonableness as well the necessity to ascertain that it is requested adequately compliant with applicable Comprehensive Plan Policy.

Mr. Holley advised that with respect to the entire rezoning request, in summary staff's conclusion was that the request appears to be generally more consistent with the standards than inconsistent. The Land Development Regulations do not say that one standard is more significant than the other. They do not say that all standards must be met nor does it say that all standards may not be met.

Upon inquiry by Commissioner Parent, Mr. Holley advised that the request is unmodified from what went before the Planning Board. Commissioner Parent then stated that he is assuming the Commission can put conditions on the zoning request and asked if they can put conditions on the legislative Land Use. Mr. Holley responded yes, as long as they are reasonably related to the approval criteria that they have before them.

Ms. Van Wyk replied yes and there are a couple of different methods. They can incorporate conditions on the Future Land Use Map itself by using footnotes or write notations right on it that can limit density or intensity; however; the best way to limit an approval would be through a Development Agreement which is a contract with a developer that is signed by all parties, goes through a Public Hearing Process, is recorded in public record and runs with the land. She would recommend that if the City is going to agree to conditions that they do so formally in a way that "will run with the land".

Mayor McFarlin asked if there were any other questions from the Commission and hearing none, then asked the Applicant to come forward.

<u>Jackson Bowman, 1780 102nd Avenue North, St. Petersburg,</u> attorney for Joe Caruso, addressed the Commission. He pointed out various portions of the Land Development Code that favorably reflect on his client's application.

Joe Caruso, 1301 Gulf Way, gave a brief history of his business in Pass-a-Grille and outlined what his plans are now for his property. He went on to read a list of conditions he is willing to comply with in order to get approval for the improvements at The Coconut Inn.

Mayor McFarlin called upon Mr. Fernandez who is represented by Mr. Bacon who indicated that Mr. Bacon will be speaking on behalf of Mr. Holehouse, Mr. & Mrs. Fernandez, and Mr. Ercius.

David Bacon, 2959 1st Avenue North, St. Petersburg stated that his clients are in no way enemies of nor opposed to The Coconut Inn. They value that historic structure and recognize it's an important part of the history of the community and they are not opposing that whatsoever. Their concerns are based on one fundamental consideration and that's the confusing issue of whether the City is trying to preserve or allow expansion. The applicant today has one lot that has the allowance of 50 units an acre and he's asking for two lots that have those allowances. That is what his clients are opposed to. They are not opposed to preservation but they are opposed to any expansions that would go beyond that.

Attorney Bacon went on to say that the Commission acted properly about a year and four months ago by denying the very same application that is now before them. He went on to cite the primary considerations that he recited before the Commission many months ago.

Mayor McFarlin then asked if anyone who identified themselves as substantially affected would like to speak. There were none.

Mayor McFarlin then opened the Meeting to audience comments. He asked for anyone who is in support of the application to come and speak first.

Tom (last name inaudible), of Alton Drive stated that he owns two properties on Vina Del Mar. He spoke in favor of the application.

Mimi Gewanter, 265 Tessier Drive South, spoke in favor of the application.

Teri McKay, 1106 Pass-a-Grille Way, stated that she has been a resident since 1980 and is very proud of what Mr. Caruso has done to his property. She spoke in favor of the application.

Michael Lamate, from New York spoke in favor of the application.

Brad (last name inaudible), 1205 Gulf Way, spoke in favor of the application.

Patricia Lopez, 1005 Gulf Way, spoke in favor of the application.

Dave Nelson, 107 12th Avenue, spoke in favor of the application.

Debra Yates, stated that she supports the application, but would rather see landscaping on the vacant lot rather than a Shuffle Board Court.

Ed Porke, Wesley Chapel, Florida, supported the application.

Deborah Schechner, 710 Boca Ciega Isle Drive, spoke in favor of the applicant.

Maggie Caruso, 113 11th Avenue, Joe Caruso's wife, asked that the Commission take all of these residents' comments and opinions into consideration when making their decision. In addition, Bill Stapleton wanted to be at the Meeting tonight but sent a letter in support of all of the Inns remaining in Pass-a-Grille; and their neighbor, Chris Morrison, also said he is thrilled with anything they want to do there.

Mayor McFarlin then asked for anyone who wants to speak in opposition of the application to come forward.

Bob Fernandez, 110 12th Avenue sent each of the Commissioners an email expressing his opposition.

Lila Menendez, 111 11th Avenue, said that she would like to see limits on the changes that are being proposed.

Ms. James, 109 12th Avenue, was concerned with the vacant lot being used as a construction site for about two years and stated that she was opposed to the application.

Jane Gottwald, 23rd Avenue, is against the "encroachment" in the neighborhood.

Don Pellegrino, 103 25th Avenue, is opposed to the change in land use and zoning.

Suzette Feinstein, 105 13th Avenue, was against the application.

Melinda Pletcher, 2281 East Vina del Mar, requested that the Commission deny this application.

Two women from the audience (inaudible names/addresses) opposed the application.

Mary Fernandez, 110 12th Avenue, spoke against the application.

Ron Holehouse, 113 12th Avenue, would like to see the Commission find a way to help Mr. Caruso beautify the property. He suggested that a compromise be reached to allow him the ability to landscape the property and beautify the neighborhood. He requested the Commission deny the request for a zoning change.

Mayor McFarlin closed the Meeting to audience comments.

Mayor McFarlin then called upon the Applicant for cross-examination.

Attorney Jackson Bowman, questioned Mr. Holley regarding the most recent version of the THD Zoning Ordinance and when it was adopted. He then asked Mr. Holley to describe the purpose of having a Comprehensive Plan designation "RH" in the area south of 15th Avenue in Pass-a-Grille.

Attorney Van Wyk informed the Commission that they could cross-examine.

Commissioner Halpern had no questions.

Commissioner Parent asked for clarification in terms of the timing of when Mr. Caruso bought The Coconut Inn and when it was eligible for the THD.

Mr. Caruso advised that he purchased the Leroy Hotel July 28, 2008. The Ordinance was changed to include the Leroy and the Fairhaven several months after.

Commissioner Parent asked Ms. Van Wyk if the memo by Mr. Davis in November of 2009 stating that the two lots could be considered together still stands. She responded by saying that was correct; that is still the opinion.

Commissioner Parent then asked if recreational use and/or landscaping impacts intensity or density. Ms. Van Wyk answered there are no measurements; there are uses that are either allowed or not allowed.

Mayor McFarlin asked Mr. Holley if any of the alleys running north/south east/west had been vacated. Mr. Holley stated that it is public right-of-way.

Commissioner Shavlan asked for clarification of Attorney Bacon's comment that Development Agreements are not enforceable. Attorney Van Wyk believes that the attorney was referring to the difficulty of crafting and developing an agreement that is enforceable. She went on to say that her recommendation is that they adopt a Development Agreement if they want to approve this application with conditions. She advised that it would have to go through two Public Hearings and there would be much opportunity for public input and one of those hearings could be before the Planning Board.

Commissioner Shavlan went on to ask Mr. Holley if a catastrophic loss devastated the applicant's hotel, would building back the same number of rooms be impossible. Mr. Holley stated it would certainly be difficult.

Commissioner Shavlan then asked Mr. Fernandez and Mrs. Menendez if there is any room for compromise. He suggested that perhaps an agreement could be worked out and they could specify what he could and could not do with a Development Agreement in place.

Mr. Fernandez suggested letting Mr. Caruso re-apply for THD for the one lot on 11^{th} Avenue where the Coconut Inn is and then allow the landscaping on the other lot. He stated that he would not oppose that; but their biggest fear is a commercial structure next door to them.

Mrs. Menendez commented that if Mr. Caruso has to re-build after a catastrophe event, he could use the whole lot. There is a pool between the two buildings but if he used the whole lot he could build a bigger hotel.

Mayor McFarlin asked Mr. Bacon to come forward for rebuttal.

Mr. Bacon stated that he would be very brief because he has not heard anything new presented. He does not believe they have before them a request that can be approved as it was submitted.

Mayor McFarlin then called upon Attorney Bowman for his remarks.

Attorney Bowman requested that when the Commission makes its decision, they follow the Comprehensive Plan. Mr. Caruso has made it very clear that the only reason that vacant lot is in play is *if*, by some reason, the LDC does not permit him to construct what he may have lost on the improved lot. There is nothing in the Plan that makes this debatable.

Mayor McFarlin asked the Commission if they would like to discuss the issue.

Vice Mayor Garnett asked for clarification as to the THD Plan; it wasn't a blanket approval of all of the hotels, each property was given the opportunity to apply for the THD designation.

Mr. Holley responded by saying it was clear that the Commission, at the time they adopted these regulations, intended for each individual application to come forward and be considered on its own merits.

Mr. Bonfield added that the reason it wasn't considered a blanket approval was because it would have required a vote of the public if it affected move than five parcels.

Commissioner Shavlan appreciates what the residents are saying about noise intrusion. However, they can get a Development Agreement so that they know exactly what is going there and they can control it. It would be best for all who are involved.

Commissioner Parent feels the THD was meant to preserve the character of Pass-a-Grille. He agrees with Commissioner Shavlan that if this lot gets sold off as residential, they are going to get a two story over parking structure blocking out sunlight. You are also going to get all the hotel parking on the streets. The THD conflicts with the Comp Plan. Using the property as a recreational use with gazebos doesn't show him a big problem. He would strongly recommend whatever it takes they find a way to create some use on that lot. He wants to find a way to compromise on this issue.

Commissioner Halpern has heard everyone speak tonight and it sounds like they really don't want the THD in Pass-a-Grille. Any small hotel in Pass-a-Grille that applies for a THD is going to have the same issues. They are going to have neighbors who don't want it. He thinks this should be approved; he hasn't seen one good reason why it shouldn't and if they don't approve it, he thinks they should seriously look at doing away with the THD completely.

Mayor McFarlin said what they are looking at here is do they want to take away from the homeowners or not.

Mr. Bonfield asked for a break; Mayor McFarlin adjourned the Meeting for a 5 minute break.

Mayor McFarlin called the Meeting back to order at 11:16 pm.

Attorney Van Wyk announced that she met with her colleagues during the recess and they have a recommendation to make to the Commission. Having listened to all the comments on both sides, the Applicant and the substantially affected parties are interested in trying to work out something in the form of a compromise; and what they would like to do is defer the application and bring it back amended with certain conditions that can be agreed upon for the development of Lot 11, which would include limiting the developments that can occur on that property in the future; but insure that the grandfathering of the existing Inn, under the Comp Plan, is meaningful.

Ms. Van Wyk recommended that it be a Development Agreement that would go with the land. The Commission would be approving a Land Use Change and a Zoning Change subject to conditions that would be incorporated into a Development Agreement and be recorded in the public records and run with the land. According to State law, a Development Agreement expires after twenty years and that is being extended to thirty years under the Growth Management Act that was just approved. It could not be changed back to a single family lot without amendment of that agreement which has to be signed by all parties and there has to be another Public Hearing. The Commission would be a signatory on the Development Agreement. All were in agreement.

Mayor McFarlin asked Mr. Bonfield to move on to the next item on the Agenda.

c. Ordinance 2011-03, First Reading and Public Hearing amending Divisions 3, 20, 26 and 31of the City of St. Pete Beach Land Development Code.

Attorney Van Wyk interrupted to say they needed to vote on the deferral of Items a. and b. on the Agenda.

Commissioner Parent made a motion to defer Items 5. a. and 5. b. to some time in the future. The motion was seconded by Commissioner Halpern and unanimously approved by roll call vote.

Karl Holley gave a brief explanation of Ordinance 2011-03.

Mayor McFarlin had a question about taking the variances away from the Board of Adjustment.

Commissioner Shavlan asked Attorney Van Wyk if it is alright for the Commission to confer with their appointees to Boards and can they tell them how to vote. She responded that it is perfectly acceptable to confer with their appointees on any committee however they should not tell them how to vote.

Mayor McFarlin asked for audience comments.

Commissioner Halpern made a motion to approve Ordinance No. 2011-03, with the exception of the changes to 3.12(b) and removal of 31.13, variance authority, and the addition of lighting in Section 26.35(d) with the same verbiage as in 26.35., an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendment of the Land Development Code; providing for amendment of Divisions 3, 20, 26 and 31 of the Land Development Code as they relate to the Traditional Hotel District; changing the variance authority from the Board of Adjustments to the City Commission; establishing regulations related to signage in the Traditional Hotel District; lowering the maximum allowable height for Temporary Lodging Establishments in the Traditional Hotel District; providing for the repeal of ordinances, or parts of ordinances, in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date.

Commissioner Parent seconded the motion and it was approved by unanimous roll call vote.

d. Ordinance 2011-12, First Reading and Public Hearing, providing a supplemental appropriation for fiscal year 2011 to the General Fund, providing for funding and providing for an effective date.

Mr. Bonfield gave a brief summary of the four items in the Ordinance.

Vice Mayor Garnett made a motion to approve Ordinance 2011-12, an Ordinance of the City of St. Pete Beach, Florida, providing a supplemental appropriation to the General Fund for fiscal year ending September 30, 2011; providing for funding; providing for an effective date.

Commissioner Shavlan seconded the motion and it was approved by unanimous roll call vote.

e. Ordinance 2011-13, First Reading and Public hearing, amending Chapter 58 of the Code of Ordinances.

Mr. Bonfield explained that this is the adoption of their regulations for the new dog park which will be opened in Vina Del Mar in the very near future.

Commissioner Parent asked several questions regarding the Dog Park.

Steve Hallock advised the Commission that they need this Ordinance in place before they can open the Park. The second reading is scheduled for the 24th of May and staff is getting landscaping done and spraying of pesticides for fleas and ticks. At the end of this month, it should be open.

Vice Mayor Garnett made a motion to approve Ordinance No. 2011-13, an Ordinance of the City of St. Pete Beach, Florida, providing for amendment of Chapter 58 of the Code of Ordinances, pertaining to parks and recreation; providing for amendment of Section 58-25 to include rules and regulations for dog parks; and providing for an effective date, and further eliminating 58.25(a).

The motion was seconded by Commissioner Shavlan and approved by unanimous roll call vote.

e. Ordinance 2011-14, First Reading and Public Hearing, amending Chapter 94 – Waterways of the Code of Ordinances.

Mr. Bonfield explained that the major issue here is the zones on the map which have been updated to reflect the current regulations.

Vice Mayor Garnett made a motion to approve Ordinance 2011-14, an Ordinance of the City of St. Pete Beach, Florida, providing for amendment of Chapter 94 of the Code of Ordinances, pertaining to waterways; providing for amendment of Section 94-36 to update designated zones of restricted watercraft operation; and providing for an effective date.

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

6. <u>Resolutions</u>

There were none submitted for the Agenda.

7. <u>Action Items</u>

b. Annual Holiday Boat Parade route.

Commissioner Halpern made a motion to support that the annual Holiday Boat Parade travel north to south in 2011 and that every other year the route be reversed.

The motion was seconded by Vice Mayor Garnett and unanimously approved.

c. Appointment to the Firefighters Pension Board of Trustees.

Mr. Bonfield explained that this is an appointment by the two Commission appointees and the two employee appointees; they are recommending Keith Beattie, a retired fireman, who has served in this position previously.

Commissioner Shavlan made a motion to confirm the appointment of Keith Beattie to the Firefighters Pension Board of Trustees.

The motion was seconded by Vice Mayor Garnett and approved. By a 4-1 vote. Commissioner Parent voted no.

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

There were none submitted for this Agenda.

9. <u>Reports</u>

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

<u>Attorney Van Wyk</u> gave a brief report.

<u>Vice Mayor Garnett</u> presented her report.

<u>Commissioner Shavlan</u> presented his report.

<u>Commissioner Parent</u> presented his report.

There being no further business to come before the Commission, the Meeting was adjourned at 12:25 am.

Attest:

Rebecca Haynes, City Clerk

Steve McFarlin, Mayor

Minutes Approved On: 05/24/2011