COMMISSION MEETING
CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, June 14, 2011

6:00 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. **Walk for Wishes - Commissioner Shavlan**
   b. **Project close out for the new tennis court fencing, concrete block backboard and dog park fencing at Vina Del Mar Park.**

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

4. **Consent**
   a. **Approval of the City Commission Minutes of May 24, 2011**

b. Authorization for the City Manager to sign a proposal from George F. Young, Inc. in the amount of $26,800 to provide engineering design and permitting for six (6) seawall projects.
c. Authorization for the City Manager to enter an agreement with Public Risk Management of Florida for renewal of the City insurance policies covering the period from 10/01/2011 to 10/01/2012 in the amount of $428,732.00.

5. Action Items – none for this agenda

6. Ordinances
   a. Ordinance 2011-05, Final Reading and Public Hearing, amending Chapter 2, Finance, of the City of St. Pete Beach Code of Ordinances.
   b. Ordinance 2011-15, Final Reading and Public Hearing, Progress Energy Franchise Agreement
   c. Ordinance 2011-16, Final Reading and Public Hearing, Repealing Ordinance 2011-09 that authorized red light cameras in the city.
   d. Ordinance 2011-17, First Reading and Public Hearing, amending Division 28 of the Land Development to provide for review of the issuance of Demolition Permits for Contributing Structures in the National Register District and providing for a waiting period of up to 30 days following Board review for the issuance of a Demolition Permit for Contributing Structures in the National Register and Structures Designated as Historic under the provisions of Division 28.
   e. Ordinance 2011-18, First Reading and Public Hearing, amending Section 6.23 of the Land Development Code to allow presently non-conforming residential docks to be reconstructed in the same location and configuration without requiring variance approval.
   f. Ordinance 2011-19, First Reading and Public Hearing, readopting Ordinance 2008-15 relating to the Community Redevelopment Plan for the Corey and Gulf Boulevard areas.
   g. Ordinance 2011-20, First Reading and Public Hearing, amending Section 38-14 of the Code of Ordinance to eliminate the provision for a runoff election except to resolve a tie vote.

7. **Resolutions**
   a. **Resolution 2011-12, declaring as surplus certain police department vehicles, skateboard park, equipment and authorization for the City Manager to dispose of same.**
   b. **Resolution 2011-13, declaring support for the One Bay Regional Vision**

8. **Items for Discussion**
   a. **Discussion of changes to submission requirements for Variance and Conditional Use Applications.**

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

JUNE 14, 2011

6:30 pm

CALL TO ORDER

The Meeting was called to order by Mayor Steve McFarlin

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENT

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

ALSO PRESENT

Mike Bonfield, City Manager
Steve Hallock, Public Services Director
Catherine Hartley, Senior Planner
Karl Holley, Community Development Director
Rebecca C. Haynes, City Clerk

1. Changes to the Agenda

Commissioner Shavlan requested his presentation regarding "Walk for Wishes" be postponed until the next regular Commission Meeting.

Commissioner Halpern requested to add discussion of the sign ordinance, specifically LED signs, to the agenda. It was added as Item 8.b.

Vice Mayor Garnett requested to add discussion of the City Manager's employment agreement, specifically the severance clause. It was added as Item 8.c.

2. Presentations

a. Steve Hallock gave a brief report on the project close-out at Vina Del Mar Park. Because of additional landscaping around the Dog Park, the project was over budget by $3,860.00.

3. Audience Comments

Dick German, Vina Del Mar, commented on the dog park.

Paul Pfister, 8090 Gulf Boulevard, spoke about issues and problems in the downtown area. He will meet with Commissioner Halpern to address his concerns.

Deborah Schechner, 710 Boca Ciega Isle Drive, spoke about the poor conditions at Lido Beach and about "2011 Legislative Lobbyists by Principal List" representing St. Pete Beach. City Attorney Mike Davis responded to her questions.

Mayor McFarlin then closed the Meeting to Audience Comments.

4. Consent

a. Approval of City Commission Meeting Minutes of May 24, 2011.

b. Authorization for the City Manager to sign a proposal from George F. Young, Inc. in the amount of $26,800 to provide engineering design and permitting for six (6) seawall projects.

c. Authorization for the City Manager to enter into an agreement with Public Risk Management of Florida for renewal of the City insurance policies covering the period from October 1, 2011 to October 1, 2012 in the amount of $428,732.

Commissioner Halpern made a motion to approve the Consent Agenda as written, by reading it in its entirety. The motion was seconded by Commissioner Parent and unanimously approved by roll call vote.

5. Action Items

None for this Agenda.

6. Ordinances

a. Ordinance 2011-05, Final Reading amending Chapter 2, Finance, of the City of St. Pete Beach Code of Ordinances.

City Manager Bonfield explained that this Ordinance pertains to the new Purchasing Manual.

Vice Mayor Garnett made a motion to approved Ordinance No. 2011-05, an Ordinance of the City of St. Pete Beach, Florida, amending the Code of Ordinances, Chapter 2, Article 3 Finance, Division 1, Disposal of Surplus City Property, Section 2-186 (A) Definition of Personal Property; Division 4, Purchases and Contracts, Section 2-282, City Manager's Duties; Bidding Procedures, by increasing the bidding exemption from $10,000 to $25,000; 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, as amended. The motion was seconded by Commissioner Shavlan.

Mayor McFarlin asked for audience comments; hearing none he asked for comments from the Commissioners.

After discussion the motion was unanimously approved by roll call vote.

b. Ordinance 2011-15, Final Reading, Progress Energy Franchise Agreement.

Mr. Bonfield gave a brief explanation of the Agreement which expires this year.

Commissioner Parent made a motion to approve Ordinance 2011-15, an Ordinance granting to Florida Power Corporation, d/b/a Progress Energy Florida, Inc. a non-exclusive electric utility right of way utilization franchise; prescribing the terms and conditions related to the occupancy of municipal streets and rights-of-way in the City of St. Pete Beach, Florida, for the purpose of providing electric service; providing for severability of provision; and providing an effective date. The motion was seconded by Vice Mayor Garnett.

Mayor McFarlin asked for audience comments; hearing none he asked for comments from the Commissioners.

Gail Simpson, representative from Progress Energy, addressed the Commission and answered questions regarding the length of the agreement.

After discussion the motion was unanimously approved by roll call vote.

c. Ordinance 2011-16, Final Reading, repealing Ordinance 2011-09 that authorized red light cameras in the City.

Vice Mayor Garnett made a motion to approve Ordinance 2011-16, an Ordinance of the City of St. Pete Beach, Florida, repealing the City of St. Pete Beach, Florida Ordinance which authorized red light cameras in the City; repealing Ordinance 2011-09 which elected to locally implement Florida Statute 316.008 (8); and which provided for implementation of law of Florida 2010-80; repealing all ordinances in conflict herewith; providing an effective date; providing authority to renumber and codify; and providing a severability clause. The motion was seconded by Commissioner Shavlan.

Mayor McFarlin asked for audience comments; hearing none Mayor McFarlin asked for Commission discussion.

After discussion the motion was approved by 4-1 roll call vote; Commissioner Parent voted "nay".

d. Ordinance 2011-17, First Reading and Public Hearing, amending Division 28 of the Land Development Code to provide for review of the issuance of Demolition Permits for Contributing Structures in the National Register District and providing for a waiting period of up to thirty (30) days following board review for the issuance of a Demolition Permit for contributing structures in the National Register and Structures Designated as Historic under the provisions of Division 28.

Catherine Hartley, Senior Planner, addressed the Commission and provided a brief explanation of the Ordinance.

Commissioner Shavlan made a motion to approve Ordinance 2011-17, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendment of the Land Development Code; providing amendment of Division 28 of the Land Development Code as it relates to Historic Preservation; amending Section 28.11 to require the owners of designated and/or contributing structures to obtain a certificate of appropriateness prior to the demolition of the structure; allowing the Historic Preservation Board to stay the demolition for thirty (30) days so that alternatives to demolition can be explored; 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. The motion was seconded by Vice Mayor Garnett.

Mayor McFarlin asked for audience comments.

Rick Falkenstein, 6441 4th Palm Point, spoke in favor of the ordinance and asked if language could be added outlining the process taken if a structure was destroyed by a hurricane or other natural disaster.

Melinda Pletcher, 2281 East Vina Del Mar, Chairman of the Historic Preservation Board, spoke in support of the ordinance.

Hearing no further audience comments Mayor McFarlin asked for Commission discussion.

After discussion the motion was approved by unanimous roll call vote.

e. Ordinance 2011-18, First Reading and Public Hearing, amending Section 6.23 of the Land Development Code to allow presently non-conforming residential docks to be reconstructed in the same location and configuration without requiring variance approval.

City Manager Bonfield advised the Commission that this request came from the Pinellas County Marine Contractor's Association.

Karl Holley, Community Development Director, gave a brief outline of the Ordinance and answered questions posed by the Commission.

Commissioner Halpern made a motion to approve Ordinance 2011-18, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendment of the Land Development Code; providing for amendment of Division 6 of the Land Development Code as it relates to supplemental standards for docks; amending Section 6.23 allowing the repair and replacement of residential docks in the same configuration without a variance; 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. The motion was seconded by Commissioner Parent.

Mayor McFarlin asked for audience comments; hearing none the Mayor asked for Commission discussion.

Commissioners discussed the length of docks, original approval processes, an applicant's ability to provide documents and the necessity of this ordinance.

Vice Mayor Garnett requested to modify the motion to state that if the dock is an extended length, over 50% of the width of the lot, the applicant must apply for a variance.

Mr. Davis advised that this would require language changes in the ordinance, which would be reflected in the final reading.

Commissioner Halpern made a motion to *table* Ordinance 2011-18 for additional verbiage. Commissioner Parent seconded the motion.

The motion was approved by 4-1 vote; Mayor McFarlin voted "nay".

f. Ordinance 2011-19, First Reading and Public Hearing. re-adopting Ordinance 2008-15 relating to the Community Redevelopment Plan for the Corey and Gulf Boulevard areas.

Mayor McFarlin recessed the Meeting at 7:24 p.m.

The Mayor reconvened the meeting and City Manager Bonfield gave a brief outline of Ordinance 2011-19. Mr. Bonfield noted that he distributed copies of "Exhibit A" which is the Comprehensive Plan Amendment that was previously adopted by 2008-15, and is consistent with HB 7207 provisions which recently amended the Growth Management Act.

City Attorney Davis explained that this proposed ordinance is to re-adopt the precise Comprehensive Plan which has been upheld by the Department of Community Affairs and upheld upon appeal by the First District Court of Appeal (which is also currently in effect because of the pending appeals). Mr. Davis noted that under a provision the Florida Legislature adopted in their last session, which provides that a comprehensive plan amendment adopted pursuant to Section 163.32465 Florida Statutes and found in compliance before the effective date of this act, may be re-adopted by ordinance and shall become effective upon approval by the local government and is not subject to review or challenge pursuant to the above section. Mr. Davis proposed that the City Commission proceed as customary with ordinances, schedule a public hearing and a second reading in two weeks following the public hearing, whereupon the ordinance may be re-adopted.

Vice Mayor Garnett made a motion to approve Ordinance 2011-19, an Ordinance of the City Commission of the City of St. Pete Beach, Florida, relating to the Community Re-Development District Future Land Use District adopted by Ordinance 2008-15; providing for findings; re-adopting the Plan Amendment adopted by Ordinance 2008-15; providing for severability; providing an effective date. The motion was seconded by Commissioner Parent.

Mayor McFarlin asked for audience comments.

Rick Falkenstein, 6441 – 4th Palm Point, asked the Commission to take a close look at "green space".

Lorraine Huhn, 9425 Blind Pass Road, "Amen".

Rosemary Manning, 200 First Avenue, Pass-a-Grille, stated "let's move on".

Melinda Pletcher, 2281 East Vina del Mar, was happy to be at the meeting tonight and thanked the Commissioners for being the type of board that the community respects and appreciates.

Deborah Schechner, 710 Boca Ciega Isle Drive, asked that the Commission take a very close look at the Plan and receive additional input from the residents.

Ron Waters, 3100 Gulf Boulevard, asked that the Commission "get it done".

Hearing no further audience comments, Mayor McFarlin asked the Commission for their comments.

Commissioner Shavlan noted that the process has been thoroughly vetted and many of the residents supported the action.

Commissioner Halpern stated that the plan has existed for over two years and can be amended in the future, if necessary.

City Attorney Davis asked the record to reflect that the City Clerk has in her custody the Exhibit, which is the actual plan. The City Clerk responded affirmatively. Mr. Davis then re-read the ordinance title for the record.

Vice Mayor Garnett stated that this has been a long time in the making.

The motion was unanimously approved by roll call vote.

g. Ordinance 2011-20, First Reading and Public Hearing, amending Section 38-14 of the Code of Ordinance to eliminate the provision for a runoff election except to resolve a tie vote.

Commissioner Halpern made a motion to approve Ordinance 2011-20, an Ordinance amending Section 38-14, St. Pete Beach City Code, to provide that if three or more candidates for office of Commissioner or Mayor Commissioner qualify for office and the persons so qualified are voted on, the candidate receiving the highest number of votes shall be deemed elected regardless of whether or not such candidate received a majority of the votes cast; eliminating provision for a runoff election except to resolve a tie vote; providing findings of fact and providing an effective date;

repealing conflicting ordinances to the extent of conflict with this Ordinance; and providing for an effective date. The motion was seconded by Vice Mayor Garnett.

Mayor McFarlin asked for audience comments.

Tom (last name inaudible), 111 60th Avenue, spoke against the proposed ordinance.

Deborah Schechner, 710 Boca Ciega Isle Drive, opposes the ordinance.

Mayor McFarlin closed audience comments and asked for Commission discussion.

After discussion, the Motion was approved 3-2; Commissioner Parent and Vice Mayor Garnett voted "nay".

7. Resolutions

a. Resolution 2011-12, declaring as surplus certain police department vehicles, skateboard park equipment and authorization for the City Manager to dispose of same.

Vice Mayor Garnett made a motion to approve Resolution 2011-12, declaring as surplus certain police department vehicles, skateboard park equipment and authorization for the City Manager to dispose of same. The motion was seconded by Commissioner Shavlan.

Mayor McFarlin asked for audience comments. Hearing none, he asked for a roll call vote.

After discussion the motion was unanimously approved by roll call vote.

b. Resolution 2011-13, declaring support for the One Ban Regional Vision.

Commissioner Halpern made a motion to approve Resolution 2011-13, declaring support for the One Ban Regional Vision. The motion was seconded by Commissioner Parent.

Mayor McFarlin asked for audience comments. Hearing none, he asked for roll call vote.

After discussion the motion was unanimously approved by roll call vote.

8. Items for Discussion

a. Discussion of changes to submission requirements for Variance and Conditional Use Applications

Community Development Director Holley requested Commission direction on how to process the applications. It was decided to amend the application process to include more information such as additional photos, renderings, actual requirements versus actual requests, etc., at staff's discretion.

b. Discussion of the Sign Ordinance

Commissioner Halpern requested to add this item to the agenda to discuss LED signs, how often the message changes and the brightness of the lights. He noted the new technology called 'dimming' that causes the signs to dim in the daylight and brighten in the evening hours.

Commissioner Parent stated that a lot of the LED signs are in his district and noted that there are limitations placed on the brightness and message frequency.

Discussion was held regarding defining an LED sign, level of brightness and how often messages change. City Manager Bonfield stated he will bring back answers to the Commission addressing their concerns.

c. Amendment of City Manager's Employment Agreement

Vice Mayor Garnett requested to add this item to the agenda to discuss the severance package clause in the agreement. She requested the Commission discuss modifying the six-month provision to a nine-month provision.

Discussion ensued and it was decided to place discussion of the employment agreement on the June 28, 2011 agenda.

9. City Manager, City Attorney and City Commission Reports

City Manager Bonfield reported that the bid openings for Horan Park and Merry Pier are scheduled for Wednesday, 10:00 a.m. and 1:00 p.m. respectively, and they will be placed on the next agenda; he and Mayor McFarlin met with DOT regarding Phase Two of Blind Pass Road; he met with consultants regarding Corey Avenue traffic flow; and noted that Summer Camp registration and Dive-In Movies are underway at the Recreation Center. For the next Commission Meeting, the following items are scheduled: the presentation on Pump Station No. 1; consideration of voting delegate for the upcoming Florida League of Cities Conference; ratification of the Historic Preservation Committee By-Laws; discussion of City Manager employment agreement; final readings of the Land

Development ordinance, the Community Redevelopment Plan for Corey Avenue and Gulf Boulevard areas ordinance and the elimination of runoff elections ordinance; first reading of the dock ordinance and a resolution for storm water assessment.

City Attorney Davis requested Commission guidance on scheduling a Shade Meeting immediately prior to the next Commission Meeting on June 28 at 4:30 p.m. regarding the same cases as this evening.

Vice Mayor Garnett reported that the Suntan Art Center mural is nearing completion and volunteers are needed on Tuesday evenings from 6:00 p.m. to 9:00 p.m. at the Don Vista to help complete the project. Pass-A-Grille's 100th Anniversary Celebration was a success with attendees sharing their personal stories of what brought them to the area and why they stayed and celebration of the post office will be held at 11:00 a.m. on Friday, June 17. She welcomed Melissa, a reporter from The Gabber who covers the Commission meetings, back from Europe and reminded everyone to support their local merchants.

Commissioner Shavlan noted problems with short-term rentals, tracking the frequency of registrations on a yearly basis and prosecuting the offenders. City Manager Bonfield responded that staff is researching how other communities are handling the offenders. He reported that a resident has requested the City consider establishing a community garden.

Commissioner Parent stated the Community Yard Sale will be held Saturday, June 18 at the Community Center and Friends of St. Pete Beach are still accepting donations. His next Round Table meeting is scheduled for next Wednesday from 6:00 p.m. to 9:30 p.m. at the Library and the Big C Meeting is set for 9:00 a.m. in the Raymond Room at the Community Center. He noted that on-street parking on Blind Pass Road is too close to the stop signs, the Boca Ciega Room is booked through the end of the year and two months into next year, and that he would like to attend the Florida League of Cities Annual Conference in August.

Commissioner Halpern reported that the North Beach Civic Association BBQ is set for noon on June 26 at McKenney Park and reiterated that the Friends of St. Pete Beach are still accepting donations for the Community Yard Sale.

Mayor McFarlin reported that parking on Gulf Winds Drive south of 64th Avenue is increasing and people are parking their cars with the tires over the curb.

10. Adjournment

Vice Mayor Garnett moved to adjourn the meeting. Mayor McFarlin seconded the motion. The motion was unanimously approved and the meeting was adjourned at 9:20 p.m.

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Rebecca C. Haynes, City Clerk

Steve McFarlin, Mayor

Minutes approved on: 6/28/2011