



COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, June 28, 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. Master Pump Station force main and jointly owned force main limited condition assessment project update.**
- 3. Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda.
- 4. Consent**
 - a. Approval of the Shade Meeting City Commission Minutes of June 14, 2011, and the Regular Meeting City Commission Minutes of June 14, 2011**

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.

**ST. PETE BEACH
CITY COMMISSION MEETING**

**JUNE 28, 2011
6:00 p.m.**

CALL TO ORDER

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

**City Attorney Mike Davis
City Manager Mike Bonfield
City Clerk Rebecca Haynes
Public Services Director Steve Hallock
Community Development Director Karl Holley
Senior Planner Catherine Hartley**

1. Changes to the Agenda

Commissioner Parent asked if discussion could be added regarding parking along Gulf Winds and 64th Avenue and regarding outdoor displays throughout the city. The items were placed as Item 8.a. and Item 8.b.

Vice Mayor Garnett asked that item 5.c., Amendment of City Manager's Employment Agreement, be removed from the Agenda. A brief discussion followed and the item was removed.

2. Presentations

a. Commissioner Shavlan gave a brief report on "Walk for Wishes" and announced that they raised almost \$56,000 for the charity, which doubled last year's proceeds. Next year's event will be held April 21, 2012.

b. City Manager Mike Bonfield stated that the Master Pump Station force main is now completed and asked Steve Hallock to explain what was done.

Steve Hallock, Public Services Director, gave a brief explanation of the project and reported they were well under budget.

3. Audience Comments

Harry Metz, 504 Pass-a-Grille Way, asked Mayor McFarlin and Vice Mayor Garnett to review the accuracy of their Treasurer's Reports regarding in-kind contributions.

Paul Pfister, 8090 Gulf Boulevard, asked Commissioner Shavlan to keep him posted on city related pension issues.

Tom DeYamper, 510 78th Avenue, expressed his concerns about safety in the crosswalks, particularly in District One.

Deborah Edny, 181 73rd Avenue, advised that it will be seven years since the death of her nephew, Joey, and announced there is a book out called "Justice for Joey" outlining the investigation of the accident.

Hearing no further audience comments, Mayor McFarlin called upon City Manager Bonfield to proceed.

4. Consent

a. Approval of Shade Meeting Commission Minutes of June 14, 2011 and the Minutes of the regular City Commission Meeting on June 14, 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 Suntan Art Center/City of St Pete Beach 100 Artists Show.

Mayor McFarlin requested the Shade Meeting minutes be amended to reflect that the Commissioners did not discuss the Sowa vs. the City of St. Pete Beach case.

Commissioner Parent made a motion to approve the Consent Agenda with the change Mayor McFarlin requested. The motion was seconded by Commissioner Halpern and unanimously approved.

5. Action Items

a. Appointing a voting delegate for the 85th Annual Florida League of Cities Conference.

Commissioner Parent previously attended this conference on behalf of the City. **Mayor McFarlin asked Commissioner Parent if he would serve again this year and he consented. The appointment was unanimously approved.**

b. Amending the By-Laws of the Historic Preservation Board.

City Manager Bonfield explained that the current City Code provides that the Historic Preservation Board shall adopt their rules of procedure, subject to approval by the City Commission. At their last meeting, the Board Members amended their membership terms and quorum requirements.

City Manager Bonfield recommended changing the proposed wording under Article 2, paragraph one to read, "The Chair and Vice-Chair terms shall be for one year."

Commissioner Parent stated he supports the Board changing from a four member quorum to a three member quorum.

Commissioner Halpern disagrees with extending the number of terms from three to five years, but agrees that a quorum should consist of three members instead of the current four-member requirement.

Commissioner Parent made a motion to approve the proposed Amendments to the Historic Preservation Board By-Laws as amended. The motion was seconded by Vice Mayor Garnett. The motion was approved by a 3 to 2 vote; Commissioners Halpern and Shavlan voted no.

6. Ordinances

a. **Ordinance 2011-17**, Final 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 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.

Vice Mayor Garnett 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 for 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 Commissioner Parent.

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

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

b. **Ordinance 2011-19, Final Reading and Public Hearing, readopting the Plan Amendment adopted by Ordinance 2008-15.**

Mr. Davis, City Attorney, presented a brief explanation of the ordinance.

Commissioner Parent made a motion to approve Ordinance 2011-19, an Ordinance of the City Commission of the City of St. Pete Beach, relating to the Community Redevelopment 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 for an effective date. The motion was seconded by Commissioner Halpern.

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

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

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

Commissioner Parent 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 then called for audience comments.

Tom (inaudible last name), 111 60th Avenue, spoke against the proposed ordinance and asked the Commission to reconsider their vote.

Rosemary Manning, 200 First Avenue, believes the City should have runoff elections and they should be held within two (2) weeks of the initial election.

Hearing no further comments, Mayor McFarlin closed the meeting to audience comments. Mayor McFarlin asked City Manager Bonfield if reducing the number of polling places from three to two would provide a savings to the City and if the runoff could be held closer to the election. City Manager Bonfield responded that there would be no cost savings with less polling places and that he will inquire if the time between the election and runoff can be reduced.

After discussion, Mayor McFarlin asked the City Clerk for roll call.

The motion was defeated by unanimous roll call vote.

d. **Ordinance 2011-18**, First Reading and Public Hearing amending Section 6.23 of the Land Development Code to eliminate the administrative variance provisions for dock length and to allow residential docks presently non-conforming by side setback to be reconstructed in the same location and configuration without requiring variance approval.

Mayor McFarlin called upon Karl Holley, Community Development Director, to explain the ordinance more fully.

Commissioner Parent 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, eliminating the provision for administrative variance of dock length; allowing the repair and replacement of residential docks in the same configuration without a variance for setback; 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 Halpern.

Mayor McFarlin then called for audience comments.

Andrew (last name inaudible), 3001 Alton Drive, is trying to repair his dock and has run into difficulties that have delayed the improvements.

Paul Pfister, 8090 Gulf Boulevard, spoke about a very large sail boat tied up in his area.

Ward Friszolowski, 3566 Belle Vista Drive, advised the Commission that the Planning Board voted 3 to 1 to recommend denial of the proposed ordinance.

Hearing no further audience comments, Mayor McFarlin asked the Commission for discussion, which centered on dock length requirements.

Commissioner Parent amended his original motion to remove the strikeouts in Section 1. (d) (3) and removing the words "by their positioning within the required area of the lot's width" in paragraph (f) (3) and further eliminating the words "This exemption shall not apply to that portion of docks which are non-conforming by virtue of length which must be brought into compliance at the time of reconstruction." The motion was seconded by Vice Mayor Garnett.

The motion was unanimously approved by roll call vote.

7. Resolutions

a. Resolution 2011-11 (the "Annual Assessment Resolution") re-imposing annual Storm Water Service Assessment associated with fixed

program costs to be levied throughout the City at a rate not exceeding last year's rate of \$36 per tax parcel.

City Attorney Mike Davis advised the Commission that Mr. Mark Wasson of his Tallahassee office has been working with staff to meet the timelines for inclusion on the property tax rolls.

Steve Hallock, Public Services Director, provided further explanation on the resolution and assessment.

Commissioner Shavlan made a motion to approve Resolution 2011-11, a Resolution of the City Commission of the City of St. Pete Beach, Florida, approving the fiscal year 2011-12 non-ad valorem assessment roll for Storm Water service assessments associated with fixed program costs levied throughout the City; directing certification of the assessment roll to the Pinellas County Tax Collector; directing finalization and presentation of the supplemental funding plan for addressing and recovering variable costs associated with the Storm Water system; and providing an effective date. The motion was seconded by Vice Mayor Garnett.

The motion was unanimously approved by roll call vote.

8. Items for Discussion

- a. Parking issues at Gulf Winds and 64th Avenue.

City Manager Bonfield presented a map where the on-street parking is problematic.

Commissioner Parent outlined the difficulties in the area with people parking their cars over the curb, on the grass, blocking access and parking too close to the stop signs. He suggested placing temporary "no parking" signs over the 4th of July weekend to determine if this solution is beneficial.

It was agreed that "no parking on grass" signs would temporarily be placed on Gulf Winds, and that the issues would be further reviewed.

- b. Outdoor Displays

Mr. Bonfield explained that presently the City Code does not allow for outdoor displays but sidewalk signs, displays and sales are increasing on a regular basis. **City Manager Bonfield suggested the Commission request the Planning Board to place this matter on their agenda for consideration; meanwhile,**

the Commission agreed to hold enforcement in abeyance while staff evaluates the issues.

9. Reports

City Manager Mike Bonfield reported that fireworks will be displayed on the Fourth of July at Upham Beach. Summer Camp registration is open and Fox 13 will be live at the Community Center on Thursday, June 30th as part of an article they are doing on summer camps. Bids were opened for Horan Park and Merry Pier, and they are considerably higher than budgeted; staff is reviewing alternatives and will return with options.

City Attorney Mike Davis advised that they have a proposed settlement offer in the SOLV vs Pyle case and he recommended that the Commission *not* accept this proposal. All Commissioners were in agreement.

Vice Mayor Garnett attended a wedding at the Community Center and commented that the facility was a beautiful setting. Her monthly meeting is July 6 at the Don Vista. She encouraged everyone to support their local businesses.

Commissioner Shavlan advised that fence installation is completed on the parking lot across from the "Under Tow" and commented that it looks much better. He asked if the Planning Board could look into requiring fencing on all future vacant lots, questioned if all "beach access" signs could be consistent and wanted to know if the City's logo could be changed by adding "Sunset Capital of Florida". Commissioner Shavlan asked about the status of the City's new website and about the possibility of lowering the decibel level in the noise ordinance.

Commissioner Parent announced that Wednesday, June 29, is the BIG C Meeting and St. Pete Beach is hosting it at the Community Center. Also on Wednesday, he is holding his monthly Roundtable Meeting at the Library from 6:30 p.m. to 8:00 p.m. He noted that the Community Center is offering 50% off yearly pool passes during the month of July and that the Library has a new program whereby a patron can download three songs a week at no charge. Commissioner Parent registered for the Florida League of Cities Annual Conference where he will represent the City as their voting delegate and he has joined a Legislative Committee for Finance & Taxation again this year.

Commissioner Halpern reported that the North Beach Civic Association had a successful meeting and Steve Hallock was their guest speaker.

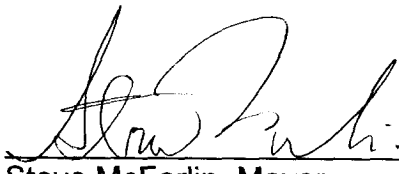
Mayor McFarlin reported that he will not be present for the August 9th Meeting.

10. Adjournment

There being no further business to come before the Commission, the Meeting was adjourned at 9:10 p.m.



Rebecca C. Haynes, City Clerk



Steve McFarlin, Mayor

Minutes approved on: 7/26/2011