COMMISSION MEETING
CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, July 12, 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. **Proclamation for Parks and Recreation Month – July 2011**

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

4. **Consent**
   a. **Authorization for the City Manager to enter into an agreement with the Property Appraiser of Pinellas County, Florida for a non-ad valorem assessment.**

5. **Action Items**
   a. **Case #20110015 Conditional Use. Applicant requests Conditional Use approval for property located at 3850 Gulf Boulevard for Outdoor Restaurant Seating in accordance with Section 14.4(g) of the Land Development Code. Applicant requests seven seats.** ***This case requires a Quasi-Judicial public hearing.***

6. **Ordinances**
   a. **Ordinance 2010-13, Final Reading and Public Hearing, amending the Future Land Use Plan Element of the adopted Comprehensive Plan to address issues identified by staff review.**
   b. **Ordinance 2010-14, Final Reading and Public Hearing amending the Capital Improvements Element of the Comprehensive Plan.**
   c. **Ordinance 2010-15, Final Reading and Public Hearing amending the Future Land Use Plan and Future Land Use Map Elements of the City's adopted Comprehensive Plan.**
   d. **Ordinance 2010-37, Final Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendment to the Eighth Avenue Special Area Plan, as written in Exhibit "A" attached hereto; providing for the repeal of ordinances of parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date.**
   e. **Ordinance 2011-18, Final Reading and Public Hearing amending Section 6.23 of the Land Development Code to allow residential docks presently non-conforming to be reconstructed in the same location and configuration without requiring variance approval if the original County permit can be produced.**

7. **Resolutions**
   a. **Resolution 2011-14: a Resolution of the City of St. Pete Beach, Pinellas County, Florida, establishing the tentative millage rate for TRIM notices**

8. **Items for Discussion – none for this agenda**

9. **City Manager, City Attorney and City Commission Reports**

10. Adjournment

APPEALS

If a person decides to appeal any decision made at this hearing, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) The City does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

Agenda Material is available for review at City Hall on the Friday preceding the meeting. In accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services at (727) 363-9243 no later than four (4) days prior to the proceeding for assistance.

ST. PETE BEACH
CITY COMMISSION MEETING

July 12, 2011

6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

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

ALSO PRESENT

City Manager Mike Bonfield
City Attorney Susan Churuti
City Clerk Rebecca C. Haynes
Finance Director Elaine Edmunds
Community Development Director Karl Holley
Senior Planner Catherine Hartley

1. Changes to the Agenda

City Manager Bonfield advised the Commission that Item 5.a., Case #2011-0015, Conditional Use, is rescheduled to the next meeting, July 26, 2011, because an incorrect street address was advertised in the legal notice.

City Manager Bonfield suggested that Item 6.a., Ordinance #2010-13, Amending Future Land Use Plan Element, be rescheduled to August 9, 2011, with a workshop in the interim. Mayor McFarlin advised that he will not be present at the August 9th meeting but agreed with the suggestion of a workshop. City Manager Bonfield asked if they could leave item 6.a. on the agenda and discuss it further. All were in agreement.

2. Presentations

a. Proclamation for Parks and Recreation Month - July 2011

Mayor McFarlin read the Proclamation and declared the month of July 2011 as Parks and Recreation Month.

Mayor McFarlin also announced that he received a letter praising how quickly the beaches were cleaned up by the Public Works Department after the July 4th Celebration.

3. Audience Comments

Deborah Schechner, 710 Boca Ciega Isle Drive, commented that the City needs a task force to deal with the crime situation in the Corey Avenue area.

Mayor McFarlin asked for further audience comments. Hearing none, Mayor McFarlin closed Audience Comments.

4. Consent

a. Authorization for the City Manager to enter into an agreement with the Property Appraiser of Pinellas County, Florida, for a non-ad valorem assessment.

Commissioner Parent made a motion to approve the Non-Ad Valorem Assessment Agreement with the Property Appraiser of Pinellas County, Florida, to facilitate the City of St. Pete Beach non-ad valorem assessment.

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

5. Action Items

None on this Agenda.

6. Ordinances

a. **Ordinance 2010-13,** Second Reading and Public Hearing amending the Future Land Use Plan Element of the adopted Comprehensive Plan to address issues identified by staff review.

City Manager Bonfield stated that there are a number of changes in this ordinance but the main issue of concern relates to the use of the Tourist Lodging Density Pool. In the Plan, there are 325 units in a pool that are designated for Corey Avenue. The proposal that was included in the first reading was to allow the Activity Center and Bayou Residential to also be eligible for that pool.

Mayor McFarlin called upon Senior Planner Catherine Hartley to address the Commission regarding the changes in this ordinance.

Ms. Hartley proceeded to give a brief overview of the proposed changes and answered questions from the Commission. She suggested an amendment to the amendment removing the word "stories" and instead use "maximum height".

Commissioner Halpern made a motion to approve Ordinance 2010-12, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendments to the future land use element of the Comprehensive Plan; amending maps 1, 2, and 3 in the Community Redevelopment District to correct scrivener's errors; deleting maps 10 and 11 in the Community Redevelopment District and references thereto; allowing transient accommodations as a permitted use in the Activity Center and Bayou Residential Character Districts and establishing height and density limits; allowing the Activity Center and Bayou Residential District to pull from the TC-2 Density Pool; allowing for horizontal mixed use in the Activity Center District; clarifying height limitations in the Community Redevelopment District; clarifying that the Density Pool for the Upham Beach Village District is for the redevelopment of currently licensed transient accommodations only; 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 Shavlan.

Mayor McFarlin asked for audience comments.

Deborah Schechner, 710 Boca Ciega Isle Drive, wanted to know why the Commission is adding tourist units to an area that is primarily a residential area.

Robert Fleeting, 3910 Gulf Boulevard, believes that now is a perfect opportunity to bring back some of the small hotels.

Hearing no further audience comments, Mayor McFarlin asked for Commission discussion. Hearing none, he asked the City Clerk for roll call.

The motion was approved by 4 – 1 majority vote; Vice Mayor Garnett voted nay.

b. **Ordinance 2010-14,** second reading and public hearing amending the Capital Improvement Element of the Comprehensive Plan.

Senior Planner Catherine Hartley briefly described the amendment for the Commission.

Vice Mayor Garnett made a motion to approve Ordinance 2010-14, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment to the Capital Improvements Element of the Comprehensive Plan to incorporate the school board's five year work program by reference; providing for the repeal of ordinances or part 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 Shavlan.

Mayor McFarlin asked for audience comments; none being heard he asked for Commission discussion. Hearing none, he asked the City Clerk for roll call.

The motion was unanimously approved by roll call vote.

c. **Ordinance 2010-15,** second reading and public hearing amending the Future Land Use Plan and Future Land Use Map Elements of the City's adopted Comprehensive Plan.

Catherine Hartley explained that this was primarily a "clean up" of the Plan. She added that the Community Redevelopment District (CRD) was added under Future Land Use Maps.

After discussion, Mayor McFarlin asked for audience comments.

Deborah Schechner, 710 Boca Ciega Isle Drive, spoke against the amendment.

Hearing no further audience comments, he asked for Commission discussion. Hearing none, Mayor McFarlin called for a motion..

Vice Mayor Garnett made a motion to approve Ordinance 2010-15, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendments to the future land use, recreation and future land use map elements of the Comprehensive Plan; amending the definitions; clarifying that density is not waived for non-conforming uses but protected from catastrophic loss; deleting cross references to certain page numbers within the Plan; deleting references to specific sections of the Land Development Code; deleting police, fire, reclaimed water and library as infrastructure for purposes of concurrency management in the Community Redevelopment District; amending minimum acreage standards in the

TC-1 and TC-2 Character Districts; deleting general location descriptions of each Character District; stating the number of affordable units to be constructed in order to receive a density bonus in the large Resort District; amending the recreation level of service; adding the Community Redevelopment Districts to the Future Land Use map element; 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 and unanimously approved by roll call vote.

d. **Ordinance 2010-37,** second reading and public hearing amending the Eighth Avenue Special Area Plan.

Senior Planner Catherine Hartley presented a brief overview of the amendment and responded to questions from the Commission.

Commissioner Shavlan made a motion to approve Ordinance 2010-37, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendments to the Eight Avenue Special Area Plan, as written in Exhibit A attached hereto; 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.

Rick Falkenstein, 6441 – 4th Palm Point, asked what area this amendment included.

Hearing no further audience comments, Mayor McFarlin asked for Commission discussion. Hearing none, he asked the City Clerk for roll call.

The motion was approved by unanimous roll call vote.

Ordinance 2011-18, final reading and public hearing amending Section 6.23 of the Land Development Code to allow residential docks presently non-conforming to be re-constructed in the same location and configuration without variance approval if the original County permit can be produced.

City Manager Bonfield summarized the amendment for the Commission.

Community Development Director Karl Holley added that the Planning Board will be meeting to discuss the issue of how to address the administrative variances on dock length so there may be some additional modification coming back to the Commission in the near future.

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, allowing the repair and replacement of nonconforming 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 Vice Mayor Garnett.

Mayor McFarlin asked for audience comments; hearing none he asked the Commission for further discussion. Hearing none, Mayor McFarlin asked the City Clerk for roll call.

The motion was approved by unanimous roll call vote.

7. Resolutions

Resolution 2011-14, a Resolution of the City of St. Pete Beach, Pinellas County, Florida, establishing the tentative millage rate for TRIM notices.

City Manager Bonfield explained that this resolution is required by State Statute to adopt each year prior to the City's budget hearings. The tentative rate is advertised on the TRIM notice, which can go down as a result of the budget hearings but it cannot be raised.

City Manager Bonfield recommended that the Commission tentatively adopt the millage rate which produces the same amount of tax revenues as last year.

Mayor McFarlin asked for comments from the Commission.

After discussion, Mayor McFarlin called upon Elaine Edmunds, Finance Director, to address the Commission with any additional information she may want to bring before them.

Mayor McFarlin then opened the meeting to audience comments.

Deborah Schechner, 710 Boca Ciega Isle Drive, noted that she does not like the term "roll back" and asked that the Commission stop using it.

Rick Falkenstein, 6441 4th Palm Point, supports the Commission and the tax rates.

Hearing no further audience comments, Mayor McFarlin asked the Commission for further discussion. Hearing none, Mayor McFarlin called for a motion.

Commissioner Parent made a motion to approve Resolution 2011-14, a Resolution of the City of St. Pete Beach, Pinellas County, Florida, establishing the tentative millage rate for TRIM notices.

Whereas, such millage rate for the City of St. Pete Beach is computed to be 2.8569.

The City Commission authorizes the notification of the Pinellas County Property Appraiser of the tentative millage rate of 2.8569 mills and the voted debt service millage rate of .0895 mills for a total of 2.9464 mills for use in the Truth in Millage Notices. Vice Mayor Garnett seconded the motion.

Mayor McFarlin asked the City Clerk for roll call. The motion was unanimously approved by roll call vote.

8. Items for Discussion

None for this Agenda.

9. Reports

City Manager Bonfield reported that the Planning Board had their first workshop the previous evening and discussed the Land Development Code and changes that are consistent with the recently readopted Comprehensive Plan.

City Manager Bonfield stated that he would like to have workshops on capital items and also on the implementation of the redevelopment plan. He suggested doing those before the budget review.

After discussion, it was agreed that the workshop on capital improvements would be held on July 26, 2011, at 4:00 p.m., the workshop on implementation of the re-development plan would be held on August 2, 2011 at 5:00 p.m. and the workshops on budget hearings will be held on August 3 & 4, 2011, at 5:00 p.m.

"No Parking" signs on Gulf Winds were discussed and it was decided to install temporary signs prior to the weekend.

City Attorney Churuti introduced James Lang of their firm, Bryant, Miller & Olive. Mr. Lang recently graduated from the University of Florida and will assist Ms. Churuti with some of the St. Pete Beach issues.

Ms. Churuti advised the Commission that her firm is re-opening the Chimielewski mediation on August 10, 2011 in the hopes that they can resolve that matter.

City Attorney Churuti advised the Commission that her firm is working with the City Clerk to get documents into the various appellate records indicating that the City has now adopted a Comprehensive Plan.

City Attorney Churuti further advised the Commission that the Florida Municipal Attorneys are meeting in Palm Beach this year where she will be speaking on "Sunshine Law" and "How to Negotiate High Level Contracts Outside of the Sunshine".

Vice Mayor Garnett reported that the Wall Street Journal ran a front page article about the "Tradewinds Hotel" making an American Flag with towels on the beach on the Fourth of July. She encouraged residents to support their local merchants.

Commissioner Shavlan thanked Belle Vista Condominium Association for a contribution of $200 to purchase chairs and stated that the Association is working on a "Business to Resident" event where the residents can showcase their businesses.

Commissioner Parent reported that he had received a lot of compliments on the fireworks show this year. He commented on the agenda published by the Police Pension Board and asked the Commissioners to attend the upcoming meeting on the 21st of July, 2011 to encourage a more positive atmosphere.

Commissioner Halpern reported that all is very quiet and announced that Oscar's Restaurant has permanently closed. He asked that everyone support the City's merchants particularly during July and August.

Mayor McFarlin reported that the City's beach area is becoming more popular and there is a much greater demand for beach activities. He cautioned residents about leaving garage doors open and the possibility of theft.

There being no further business to come before the Commission, the meeting was adjourned at 8:03 p.m.

Rebecca C. Haynes, City Clerk

Steve McFarlin, Mayor

Minutes approved on: 7/27/2011