



SPECIAL COMMISSION WORKSHOP MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, August 23, 2011

5:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

Public Records, Sunshine Law and Ethics Training

Adjourn

REGULAR MEETING

6:00 PM

Call to Order

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** - Presentations shall be limited to 5 minutes for non-city government related items.
 - a. **Website - Digital Eel**

- 3. Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda.
- 4. Consent – none for this agenda**
- 5. Action Items**
 - a. Approval of the Comprehensive Emergency Management Plan (CEMP)**
 - b. Approval of release of Shade Meeting Transcripts - request by City Attorney Mike Davis**
- 6. Ordinances**
 - a. Ordinance 2011-22, Final Reading and Public Hearing, Revision of Article II, Emergency Management**
 - b. 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.**
 - c. Ordinance 2010-34, 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.**
- 7. Resolutions – none for this agenda**
- 8. Items for Discussion**
 - a. Six-month review of performance of Special Magistrate.**
 - b. City Logo - Commissioner Shavlan**
- 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
WORKSHOP MEETING**

**AUGUST 23, 2011
5:00 PM**

MINUTES

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 Manager Mike Bonfield
City Attorney Mike Davis
City Clerk Rebecca C. Haynes**

City Attorney Mike Davis addressed the Commission regarding Public Records, Sunshine Law and Ethics Training.

Mr. Davis reviewed the requirements of and exemptions to Florida's open government laws that cover public records and open meetings.

He noted that a public record is any record regardless of form that is intended to memorialize, perpetuate or communicate information. The public records law provides that any records made or received by any public agency in the course of official business are available for inspection, unless specifically exempted by the Florida Legislature. A hand-written note is exempt when used by the writer for recall purposes only and retained for a limited amount of time.

The State of Florida Division of Library and Information Services maintains a disposition schedule for municipal use in determining a records management system.

City Attorney Davis recommended routing records and communication relating to city business through the Office of the City Clerk. He also recommended using caution when accessing social network sites such as Facebook or Twitter. He advised against discussing issues that may come before them as a decision-making body. Mr. Davis also noted that a commissioner may send an e-mail to other commissioners but any commissioner receiving the e-mail cannot respond.

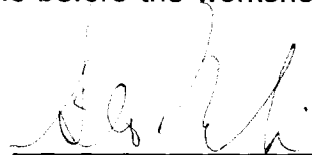
Mr. Davis distributed a packet written by a former City of Dunedin attorney regarding ethical behavior in public office and covers acceptance of gifts, disclosure of information, nepotism, bribes, interaction with lobbyists, etc. He stated that additional information is contained on the State of Florida website under the Commission on Ethics and the Office of the Attorney General Divisions.

City Attorney Davis stated that Commissioners are permitted to speak with candidates running for office until the candidate is elected.

There being no further business to come before the workshop, the meeting was adjourned at 5:39 pm.



Rebecca C. Haynes, City Clerk



Steve McFarlin, Mayor

Minutes approved on: 9-14-2011

CITY COMMISSION MEETING

AUGUST 23, 2011

6:00 PM

MINUTES

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 Manager Mike Bonfield
City Attorney Mike Davis
IT Director Don Burkhardt
Fire Chief Dan Graves
Community Development Director Karl Holley
City Clerk Rebecca C. Haynes**

1. Changes to Agenda

Mayor McFarlin requested to add the discussion of a petition submitted at a previous meeting demanding an audit of the City's legal expenses. The item was added as **Item 8(c) Items for Discussion**.

2. Presentations

a. Beach Goes Pops

Mr. Jay Anderson reviewed the "Beach Goes Pops" events and the distribution of proceeds to community organizations. The next event is scheduled for April 20 and 21, 2012.

b. Website – Digital Eel

City Manager Mike Bonfield introduced Steve Schwalb of Digital Eel who presented a status report on the new website. Mr. Schwalb and IT Director Don Burkhart demonstrated how to access information including a new feature entitled, "Photo of the Month." Digital photos can be submitted to pictures@stpetebeach.org for possible display on the site.

3. Audience Comments

Maria Urban, 6439 2nd Palm Point, addressed the City's legal expenses.

Tom DeYampert, 510 78th Avenue, spoke about alleys and code enforcement.

Deborah Schechner, 710 Boca Ciega Isle Drive, suggested listing all community events on the City's website and encouraged everyone to display their flags during the 10th anniversary of 9-11.

4. Consent Agenda

- a. Approval of the VW Classic Car Show Special Event on September 4, 2011

City Manager Bonfield advised the Commission that this event will take place on 9th Avenue in Pass-A-Grille.

A representative of the car show addressed the Commission and gave a brief description of the event which will run from 8:00 a.m. to 3:00 p.m. She encouraged Volkswagen owners to attend and exhibit their vehicles.

Commissioner Parent made a motion to approve the Consent Agenda as written. The motion was seconded by Commissioner Shavlan and unanimously approved by roll call vote.

5. Action items

- a. Approval of Comprehensive Emergency Management Plan (CEMP)

City Manager Bonfield asked Fire Chief Graves to give a brief overview of the changes that have been made from the City's previous plan.

Chief Graves provided the Commission with the amended CEMP and outlined some of the changes that have been made to the Plan which, according to FEMA rules, require Commission approval.

Vice Mayor Garnett made a motion to approve the Comprehensive Emergency Management Plan. The motion was seconded by Commissioner Parent and unanimously approved by roll call vote.

b. Approval of release of Shade Meeting Transcripts

City Attorney Mike Davis advised the Commission that he received a public records request for transcripts of Shade Meetings regarding litigation. The transcripts have not been released because the cases have not been settled and the records may remain confidential unless a waiver is signed by all involved parties.

It was the consensus of the Commission that the transcripts not be released at this time.

6. Ordinances

a. Ordinance 2011-22, Final Reading and Public Hearing, Revision of Article II, Emergency Management

Commissioner Halpern made a motion to approve Ordinance 2011-22; an ordinance of the City of St. Pete Beach, Florida, amending Article II of Chapter 34 of the City of St. Pete Beach City Code entitled "Emergency Management" and providing an effective date. The motion was seconded by Commissioner Parent and unanimously approved by roll call vote.

b. Ordinance 2010-35, Final 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.

City Manager Bonfield reminded the Commission that this matter was first heard on May 10, 2011 and he summarized the public hearing and discussions among Mr. Caruso, community members and their respective attorneys.

City Attorney Davis stated that Commissioners are required to disclose any ex-parte communication since the last hearing.

Vice Mayor Garnett stated that she spoke with several of the neighbors in the community, Mary Fernandez, Ron Holehouse, Tiffany, owners of the Keystone, the Herman's and Jay Anderson.

Commissioner Shavlan noted that he spoke with Mary Fernandez and Community Development Director Karl Holley. He drafted and distributed correspondence regarding possible solutions for both parties involved.

Commissioner Parent reported that he spoke with staff members.

Commissioner Halpern noted that he spoke with staff members and Planning Board Member Will Jacoby.

Mayor McFarlin spoke with City Manager Bonfield and received the noted correspondence from Commissioner Shavlan.

Commissioner Halpern made a motion to approve Ordinance 2010-35, an ordinance of the City of St. Pete Beach, Florida providing for amendment of the Comprehensive Plan of the City by amending the Future Land Use Plan map incorporated therein; providing for amendment of the Future Land Use Plan map designations of property generally located at 113 11th Avenue and more specifically described in Exhibit "A" attached hereto and incorporated herein; providing for a change in the designation of said parcels from residential low medium to residential high with the resort facilities overlay on the City's Future Land Use Plan map; 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 called for Commissioner comments.

Commissioner Parent inquired about setback requirements and applauded Commissioner Shavlan for trying to negotiate a compromise on this issue.

After discussion Mayor McFarlin asked the City Clerk to call roll.

The motion *was denied* by a vote of 2 to 3. Commissioner Shavlan, Vice Mayor Garnett and Mayor McFarlin voted nay.

- c. Ordinance 2010-34, First Reading and Public Hearing providing for amendment of the Official Zoning Map or the St. Pete Beach Land Development Code for property located at 113 11th Avenue. This is a quasi-judicial hearing.

Vice Mayor Garnett made a motion to approve Ordinance 2010-34, an ordinance of the City of St. Pete Beach, Florida providing for amendment of the Land Development Regulations of the City by amending the official zoning map incorporated therein; providing for amendment of the zoning designation of property generally located at 113 11th Avenue and more specifically described in Exhibit "A" attached hereto and incorporated herein; providing for a change in the designation of said parcel from residential low medium 2 to Traditional Hotel District on the City's official zoning map; 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.

Hearing no Commission discussion, Mayor McFarlin asked the City Clerk for roll call.

The motion was *denied* by a 1 to 4 vote. Commissioner Parent, Commissioner Shavlan, Vice Mayor Garnett and Mayor McFarlin voted nay.

Mr. Jackson Bowman, Brigham & Moore, 300 West Platt Street, Tampa, requested that the record include a copy of the proposed agreement previously distributed by Commissioner Shavlan.

City Attorney Davis stated that the correspondence will be made a part of the record and stated the document will be maintained in the Office of the City Clerk.

7. Resolutions

There are none for this agenda.

8. Items for Discussion

- a. Six-month review of performance of Special Magistrate

City Manager Bonfield noted that the Commission requested a six-month review of the Special Magistrate position.

After discussion, the Commission requested City Manager Bonfield advertise the position prior to expiration of the current contract and interview interested candidates, including Mr. Elias should he be interested in continuing with the City.

- b. City Logo

After discussion by the Commission, all agreed that the logo should be changed once the new website was finalized and a decision was made on how the City was going to be marketed.

- c. Petition requesting the hiring of an outside law firm to audit the current legal bills.

After discussion, it was agreed that there will be no action taken to hire an agency to conduct an audit on current legal expenses.

9. Reports

City Manager Bonfield reported that FDOT will begin the Pedestrian Improvement Project on August 29 that will include installation of pedestrian refuge islands along Gulf Boulevard between Pinellas Bayway and Blind Pass Road.

Mr. Bonfield requested to schedule a workshop to discuss the Corey Avenue couplet and streetscape. It is tentatively set for Tuesday, September 20 at 4:00 p.m. in the Commission Chambers.

City Manager Bonfield reported upcoming Recreation Center events include the "Tween Party" on September 2nd, Family Movie in the Park on September 9th and the Community Center Yard Sale on September 24th. The Friday Night Concert Series begins October 7 at 7:00 p.m. in Horan Park.

He reported that the Police Department is working with the task force this Saturday from 10:00 a.m. to 2:00 p.m. at Dolphin Village Publix for "Prescription Drug Take Back Day".

The next Commission meeting is Wednesday, September 14th at 6:00 pm.

Vice Mayor Garnett reported on the Florida League of Cities Annual Conference and described the various workshops and general business sessions that she attended. Vice Mayor Garnett requested that staff eliminate acronyms when publishing public notices to avoid confusion on what the abbreviations represent. She reported the Pass-A-Grille 100th Anniversary Celebration is October 22, 5:00 p.m. to 10:00 p.m. on Eighth Avenue and reminded everyone to support their local merchants.

Commissioner Shavlan reported that he also attended the Florida League of Cities Annual Conference and complimented Vice Mayor Garnett on her summary of events. He noted the "Snack Shack" is scheduled to open next weekend and on September 9th there is a sand dance at "Harry's Beach Bar".

Commissioner Parent asked City Manager Bonfield about the electrical project at Horan Park and discussed the alley that runs behind the Chamber of Commerce. Commissioner Parent's "Roundtable" will be 6:30 p.m., Wednesday, August 31st at the Library. He distributed a "Top Ten List" of suggestions that he believed would be helpful in making budget decisions. He reported on events at The Florida League of Cities Annual Conference.

Commissioner Halpern commented on the alleys in disrepair and noted it may be a code enforcement issue. He commented on completion of the electrical installation project at Horan Park.

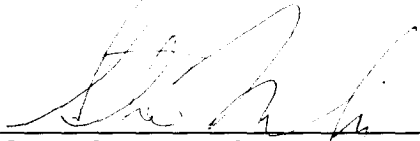
Mayor McFarlin thanked Vice Mayor Garnett for presiding over the last meeting. He reiterated his support of the "Support Our Troops" organization.

10. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:34 pm.



Rebecca C. Haynes, City Clerk



Steve McFarlin, Mayor

Minutes approved on: 9-14-2011