



THE SUNSET CAPITAL OF FLORIDA

COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, March 27, 2012

6:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

INSTALLATION MEETING

Call to Order

- 1. Installation of District 1 Commissioner – Lorraine Huhn**

Adjourn

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** - Presentations shall be limited to 5 minutes for non-city government related items.
 - a. Proclamation declaring March and April, 2012, as St. Pete Beach Fire Fighters Local 2266, Appreciation Months.**

- 3. Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda.
- 4. Consent**
 - a. Approval of Minutes for the City Commission Regular Meeting of February 28, 2012.**
 - b. Authorize the City Manager to enter into a purchasing agreement with Hinterland Group, Inc., for \$116,112, for the rehabilitation of Lift Station #10.**
 - c. Authorize the City Manager to rescind the surplus of a Ford Ranger (vehicle #180).**
 - d. Ratification of the City Manager's decision to expend \$33,451.44 to Rowland Inc. for emergency repairs to wastewater force main #2.**
 - e. Ratification of the City Manager's decision to expend \$22,650 to Seminole Septic Inc. for emergency repairs to wastewater force main #2.**
 - f. Authorization for the Mayor and City Manager to enter into an Interlocal Agreement providing joint control of pollutants within Pinellas County.**
 - g. Authorize the City Manager to sign modified FDOT District Seven Highway Beautification Maintenance Memorandum of Agreements (MOAs) for the City of St. Pete Beach to design, build, and maintain new landscaping on FDOT right-of-way.**
- 5. Action Items**
 - a. Authorization for the City Manager to amend the existing lease agreement with Merry Pier Partners, LLC to permit limited on premises consumption of beer and wine and limited consent to sub lease the side deck/patio area subject to the terms and conditions set forth in the FIRST AMENDMENT TO LEASE AGREEMENT and CONSENT TO SUBLEASE AGREEMENT.**
 - b. Election of Vice Mayor**
 - c. Board Appointments – BIG C, MPO, TBRPC and Suncoast League**
- 6. Ordinances**
 - a. Ordinance 2011-33, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment to the Future Land Use Map of the Comprehensive Plan for**

the property located at 1307 Gulf Way, further illustrated on the map in "Exhibit A", changing the designation from Residential High with the Resort Facilities Overlay to Residential Low Medium; Providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date. (Legislative)

- b. Ordinance 2011-34, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment to the official zoning map for the property located at 1307 Gulf Way, as illustrated on the map in "Exhibit A" from THD to RLM-2; Providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date. (Quasi-Judicial)**
- c. Ordinance 2011-37, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment to the Future Land Use Map of the Comprehensive Plan for the property located at 701 Gulf Way, as illustrated on the map in "Exhibit A"; Providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date. (Legislative)**
- d. Ordinance 2011-38, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment to the official zoning map for the property located at 701 Gulf Way, as illustrated on the map in "Exhibit A"; Providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date. (Quasi-Judicial)**
- e. Ordinance 2011-39, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendments to the Eighth Avenue Special Area Plan, adding 701 Gulf Way to the map, adding single family residential as a permitted use, and amending the allowable temporary lodging density from 30 to 50 units per acre; Providing for the repeal of ordinances or parts of ordinances in**

conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date. (Legislative)

- f. Ordinance 2011-40, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendments to the text of the Future Land Use Plan Element and the text of the Future Land Use Map Element in the Comprehensive Plan to increase the permitted temporary lodging density from 30 to 50 units per acre in the Community Redevelopment Area – Eighth Avenue Future Land Use designation, as illustrated in “Exhibit A”; Providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date. (Legislative)**

7. Resolutions

- a. Resolution No. 2012-02, accepting the March 13, 2012 Election Results**

8. Items for Discussion

9. City Manager, City Attorney and City Commission Reports

10. Adjournment

APPEAL

If a person decides to appeal any decision made at this meeting, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the meeting 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.

AMERICAN DISABILITIES ACT

In Accordance with the American's with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this meeting should contact City Hall at (727) 367-2735 no later than (4) days prior to the meeting for assistance.

The public is cordially invited to attend. All agenda material is available for review at City Hall.

CITY COMMISSION MEETING

MINUTES

March 27, 2012

6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Steve McFarlin, Mayor
Beverly Garnett, Vice Mayor
Jim Parent, Commissioner
Marvin Shavlan, Commissioner

NOT PRESENT:

Al Halpern, Commissioner (excused)

ALSO PRESENT:

Mike Bonfield, City Manager
Mike Davis, City Attorney
Mary Ellen Hogan, City Attorney
Rebecca C. Haynes, City Clerk
Catherine Hartley, Senior Planner

Message from Commissioner Halpern

City Manager Bonfield read a message from Commissioner Halpern, in his absence, regarding his term in office as Commissioner of District #1 and the respect he holds for the election process.

Installation of District #1 Commissioner

Lorraine Huhn was sworn in as the new District #1 Commissioner by City Clerk Haynes.

Introduction of Boy Scout Troop

Mayor McFarlin welcomed the Boy Scouts of Troop 334 from Clearwater to the Commission meeting.

1. Changes to the Agenda

City Manager Bonfield requested that Items 6(a) and (b) be continued until the April 10th Commission meeting.

Commissioner Parent moved to continue Items 6(a) and (b) until date certain, April 10th Commission meeting. The motion was seconded by Commissioner Shavlan. The motion was unanimously approved by roll call vote.

Commissioner Shavlan requested adding a brief discussion of the Traditional Hotel District.

City Attorney Davis requested adding a brief update of the Chmielewski case to the agenda.

2. Presentations

Mayor McFarlin read a proclamation declaring March and April, 2012, as St. Pete Beach Fire Fighters Local 2266, appreciation months. Bob Barber, St. Pete Beach Firefighter was present to accept the proclamation.

3. Audience Comments

Paul Pfister, 8090 Gulf Boulevard, welcomed Commissioner Huhn as Commissioner of District #1 and congratulated the St. Pete Beach Police Department on the arrest of two armed robbery suspects.

Nancy Ginsland, SPB Yacht and Tennis Club, presented the Mayor and Commission with a petition opposing the Corey Couplet and the one-way street plan.

Deborah Schechner, Boca Ciega Isle Drive, voiced her concern regarding lack of public input into the Corey Couplet project and read into the record information concerning the CRA and the City General Fund.

Harry Metz, 504 Pass-a-Grille Way, stated his concerns with the Corey Couplet and recommended alternate traffic flow options.

Ray Coreliss, 9231 Captiva Circle, questioned how the City could proceed with projects such as the proposed marina and Corey Couplet while in debt in other budget areas.

4. Consent

- a. Approval of minutes for the City Commission Regular Meeting of February 28, 2012.
- b. Authorize the City Manager to enter into a purchasing agreement with Hinterland Group, Inc. for \$116,112 for the rehabilitation of Lift Station #10.
- c. Authorize the City Manager to rescind the surplus of a Ford Ranger (Vehicle #180).
- d. Ratification of the City Manager's decision to expend \$33,451.44 to Rowland Inc. for emergency repairs to wastewater force main #2.
- e. Ratification of the City Manager's decision to expend \$22,650 to Seminole Septic Inc. for emergency repairs to wastewater force main #2.
- f. Authorization for the Mayor and City Manager to enter into an Interlocal Agreement providing joint control of pollutants within Pinellas County.
- g. Authorize the City Manager to sign modified FDOT District Seven Highway Beautification Maintenance Memorandum of Agreements (MOAs) for the City of St. Pete Beach to design, build and maintain new landscaping on FDOT right-of-way.

Vice Mayor Garnett moved to approve Consent Agenda Items (a) through (g) as written. The motion was seconded by Commissioner Shavlan. The motion was unanimously approved by roll call vote.

5. Action Items

- a. Authorization for the City Manager to amend the existing lease agreement with Merry Pier Partners, LLC to permit limited, on-premises consumption of beer and wine and limited consent to sub-lease the side deck/patio area subject to the terms and conditions set forth in the FIRST AMENDMENT TO LEASE AGREEMENT and CONSENT TO SUBLEASE AGREEMENT.

City Manager Bonfield explained this two-part action item.

Vice Mayor Garnett moved to approve Action Item 5(a), authorization for the City Manager to amend the existing lease agreement with Merry Pier Partners, LLC to permit limited, on-premises consumption of beer and wine on leased premises, with a thirty (30) day cancellation clause and limited consent to sub-lease the side deck/patio area subject to the terms and conditions set forth in the FIRST AMENDMENT TO LEASE AGREEMENT and CONSENT TO SUBLEASE AGREEMENT. The motion was seconded by Commissioner Shavlan.

Mayor McFarlin called for audience comments.

Nancy, Merry Pier Partners, explained that they want to allow customers the opportunity to consume beer and wine on their leased property during business hours.

Harry Metz, 504 Pass-a-Grille Way, stated that beer consumption was allowed on the dock until a few years ago and has never been a problem.

Hearing no further audience comments, the Mayor called for roll call vote.

The motion passed by a 4 to 1 vote with Mayor McFarlin voting no.

- b. Election of Vice Mayor

Mayor McFarlin moved to approve the election of Commissioner Shavlan as Vice-Mayor. The motion was seconded by Vice Mayor Shavlan. The motion was unanimously approved by roll call vote.

- c. Board Appointments – Big C, PPO, TBRPC, Suncoast League and Mayors' Council

It was the consensus of the Commission that the following board appointments be made: Commissioner Parent will remain on the Big C Board, Vice Mayor Shavlan will remain on the Pinellas Planning Council Board, Commissioner Huhn will accept the Tampa Bay Regional Planning Council appointment, Commissioner Garnett will remain on the Suncoast League Board and Mayor McFarlin will remain on the Mayor's Council Board.

6. Ordinances

- a. Ordinance 2011-33, First Reading and Public Hearing, providing for an amendment to the Future Land Use Map of the Comprehensive Plan for the property located at 1307 Gulf Way, further illustrated on the map in "Exhibit A", changing the designation from Residential High with the Resort Facilities Overlay to Residential Low Medium. (Legislative)

Ordinance 2011-33 was continued to date certain April 10, 2012.

- b. Ordinance 2011-34, providing for an amendment to the official zoning map for the property located at 1307 Gulf Way, as illustrated on the map in "Exhibit A" from THD to RLM-2. (Quasi-Judicial)

Ordinance 2011-34 was continued to date certain April 10, 2012.

- c. Ordinance 2011-37, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment to the Future Land Use Map of the Comprehensive Plan for the property located at 701 Gulf Way, as illustrated on the map in "Exhibit A"; Providing for the repeal of ordinances or parts of ordinances in conflict

herewith, to the extent of such conflict; providing for severability; and providing an effective date. (Legislative)

- d. Ordinance 2011-38, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment to the official zoning map for the property located at 701 Gulf Way, as illustrated on the map in "Exhibit A"; Providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date. (Quasi-Judicial)

It was decided to discuss Items (c) and (d) concurrently yet act on each item separately.

Mayor McFarlin requested that any substantially affected parties come forward and identify themselves. David Howard, 111 7th Avenue; Harry Metz, 504 Pass-a-Grille Way; and Dan Bean, 106 7th Avenue placed their names for the record.

City Attorney Davis asked the Commissioners if they had any ex-parte communication regarding this item. Commissioner Huhn reported no ex-parte communication; Commissioner Parent reported that he read correspondence from individuals regarding their opinions, he met with Senior Planner Hartley on three occasions, and attended the Planning Board meeting; Vice Mayor Shavlan reported that he attended the Planning Board meeting; Commissioner Garnett reported that she attended the Planning Board meeting; and Mayor McFarlin reported that he spoke with City Planner Hartley and attended the Planning Board meeting.

Commissioner Parent asked if the units were being rented from the sale date until present date and Ms. Hartley responded that there was no way to tell because the business tax program was set up inclusively and did not break down into individual categories.

Senior Planner Catherine Hartley gave a presentation related to the property use at 701 Gulf Way reporting that the units were recently sold as temporary lodging units that could be used as short-term rentals. She reviewed the impact on the community, and noted the restrictions and permitted uses of the property.

Deborah Martohue, Martohue Land Use Law Group, 2429 Central Avenue, Suite 203, St. Petersburg, represented the property owners of the Beach Club at Pass-a-Grille, 701 Gulf Way, and noted that the land use hearing and zoning hearing would be a combined process. Ms. Martohue reviewed all criteria and evidence supporting the zoning re-designation request from ROR land use and zoning to CREDA designation for Eighth Avenue. Five of the units were purchased through a distressed bank sale and the remaining units are out-of-state owners. The amendment will allow for rentals of 30 days or less. She noted the 30% decrease in density from 11 units to eight units and that was no additional request for expansion or increase in height.

Rod Kilgo, Clearwater, also represented the property owners of 701 Gulf Way. He noted that none of the owners live in any of the units, most residents live in other states.

David Howard, 111 7th Avenue, spoke in opposition to changing the land use for this property. He noted many, of what he considered, disadvantages to living close to the building.

Harry Metz, 504 Pass-a-Grille Way, stated that the parking issue surrounding the units is atrocious and spoke in opposition of the re-zone.

Dayn Beam, 106 7th Avenue, previously submitted to the City Clerk's Office, for the record, his written objections to rezoning 701 Gulf Way. Mr. Beam spoke in opposition of the proposed land use amendment noting that rezoning the property is not consistent with the criteria contained in the Land Development Code.

Mayor McFarlin called for audience comments.

Deborah Schechner, Boca Ciega Isle, noted that a title company is responsible for conducting due diligence on behalf of a buyer.

Hearing no further comments from the audience, Mayor McFarlin called for the motion.

Commissioner Parent moved to approve Item 6(c), Ordinance 2011-37, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment to the Future Land Use Map of the Comprehensive Plan for the property located at 701 Gulf Way, as illustrated on the map in "Exhibit A"; Providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date. The motion was seconded by Commissioner Shavlan. The motion passed by a 4 to 1 vote with Commissioner Garnett voting no.

Commissioner Parent moved to approve Item 6(d), Ordinance 2011-38, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment to the official zoning map for the property located at 701 Gulf Way, as illustrated on the map in "Exhibit A"; Providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date. The motion was seconded by Commissioner Shavlan. The motion passed by a 4 to 1 vote with Commissioner Garnett voting no.

- e. Ordinance 2011-39, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendments to the Eight Avenue Special Area Plan, adding 701 Gulf Way to the map, adding single family residential as a permitted use, and amending the allowable temporary lodging density from 30 to 50 units per

acre; Providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date. (Legislative)

Senior Planner Hartley explained the details of the amendment.

Commissioner Shavlan moved to approve Item 6(e), Ordinance 2011-39, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendments to the Eight Avenue Special Plan, adding 701 Gulf Way to the map, adding single family residential as a permitted use, and amending the allowable temporary lodging density from 30 to 50 units per acre; Providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date. The motion was seconded by Commissioner Parent.

Mayor McFarlin called for audience comments.

Deborah Schechner, Boca Ciega Isle Drive, wanted to note on record that the Commission was voting to increase density.

David Howard, 111 7th Avenue, thanked the Commission for listening to his comments and stated his displeasure with the proposed ordinance.

Hearing no further comments from the audience, Mayor McFarlin called for Commission comments.

Hearing no Commission comments, Mayor McFarlin called for the vote.

The motion passed by a 4 to 1 vote with Commissioner Garnett voting no.

- f. Ordinance 2011-40, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for an amendment to the text of the Future Land Use Plan Element and the text of the Future Land Use Map Element in the Comprehensive Plan to increase the permitted temporary lodging density from 30 to 50 units per acre in the Community Redevelopment Area – Eight Avenue Future Land Use designation, as illustrated in "Exhibit A"; Providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date. (Legislative)

City Manager Bonfield explained that the proposed ordinance provides to language for the density increase from 30 units to 50 units per acre.

Commissioner Parent moved to approve Item 6(f), Ordinance 2011-40, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Pinellas

County, Florida, providing for an amendment to the text of the Future Land Use Plan Element and the text of the Future Land Use Map Element in the Comprehensive Plan to increase the permitted temporary lodging density from 30 to 50 units per acre in the Community Redevelopment Area – Eight Avenue Future Land Use designation, as illustrated in “Exhibit A”; Providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing an effective date. The motion was seconded by Commissioner Shavlan.

Mayor McFarlin called for audience comments.

There were no audience comments.

Hearing no Commissioner comments, Mayor McFarlin called for the vote.

The motion passed by a 4 to 1 vote with Commissioner Garnett voting no.

Update on Chmielewski Lawsuit

City Attorney Davis recognized Mary Ellen Hogan, who recently joined his firm as a Senior Litigator where she specializes in environmental law and litigation matters.

Attorney Mary Ellen Hogan introduced herself to the Commission and provided a brief update on the Chmielewski case.

7. Resolutions

- a. Resolution No. 2012-02, accepting the March 13, 2012 Election Results

Commissioner Parent moved to approve the adoption of Resolution No. 2012-02, a resolution of the City of St. Pete Beach, Pinellas County, Florida, providing for the acceptance of the votes cast in the Runoff Election held on March 13, 2012. The motion was seconded by Commissioner Huhn. The motion was approved by unanimous roll call vote.

8. Items for Discussion

Commissioner Shavlan initiated a brief discussion of the Traditional Hotel District.

9. City Manager, City Attorney and City Commission Reports

Commissioner Huhn thanked the voters and volunteers involved in her campaign. She stressed how important it is to consider what is best for the City as a whole.

City Manager Bonfield noted that the South Pinellas Veterans pancake breakfast is on Saturday, March 31st from 8:00 a.m. to noon with a flagpole dedication by Congressman

Young at 10:00 a.m. Proceeds will benefit 'Save Our Troops' and 'Building Homes for Heroes'. Saturday evening at 6:30 p.m., the St. Pete Beach Police Department is sponsoring a Special Olympics benefit at the Sirata Hotel. Mr. Bonfield reported that Gulf Boulevard is near completion, with landscape plans under final review by Florida Department of Transportation, and he noted that the Corey Avenue workshop was held last week and over 30 comment cards have been submitted. The City Manager then requested a budget workshop be scheduled immediately following the next Commission meeting on April 10. It was agreed hold the workshop immediately following the next Commission meeting.

City Attorney Davis gave a brief update on the Coconut Inn case.

Commissioner Garnett apologized to one of the audience participants for a previously asked question. Ms. Garnett reported on the success of the Pass-a-Grille Woman's Club Home Tour and noted that the next large community event is 'The Beach Goes Pops' on April 20 and 21st.

Vice Mayor Shavlan mentioned the 'Make a Wish Beach Walk' at 9:00 a.m. on April 21st at the Postcard Inn. He asked for a status on Hotel Zamora and discussed the lack of evening parking in the area of 64th Avenue.

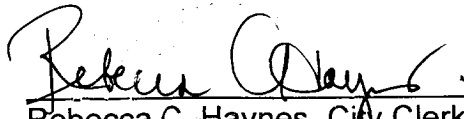
Commissioner Parent reported that the latest 'Music in the Afternoon' event was successful and invited everyone to attend the next one on April 15th. His next round-table meeting will take place on March 28th from 6:30 p.m. to 8:00 p.m. at the Library. Commissioner Parent will attend the 'Big C' meeting the morning of March 28th. He mentioned the 'Underwater Easter Egg Hunt' is Saturday, April 7th beginning at 10:00 a.m. at the Community Center, with the 'Spring Festival' following in Horan Park. The Community Center will also be holding the 'Passport to Summer Fun', which is a series of summer camps for children.

Commissioner Huhn reported that the 'St John's Fish Fry' is held every Friday during Lent from 4:30 p.m. to 6:45 p.m. and that the 'Corey Avenue Arts Festival' will be held from March 31st to April 1st. She submitted her board appointments and has put together an advisory group.

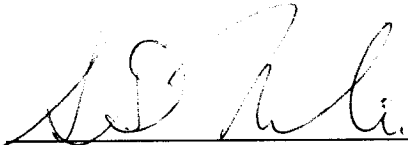
Mayor McFarlin stressed that once the Gulf Boulevard improvements are complete, they will be well worth the time and effort put into them. He stated that questions concerning the Corey Couplet project are welcomed and asked that people keep an open mind about the project.

10. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9:43 p.m.



Rebecca C. Haynes, City Clerk



Steve McFarlin, Mayor

Minutes approved on: 4-24-2012