

CITY COMMISSION MEETING

MINUTES

July 10, 2012

6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Steve McFarlin, Mayor
Marvin Shavlan, Vice Mayor
Lorraine Huhn, Commissioner
Jim Parent, Commissioner
Bev Garnett, Commissioner

ALSO PRESENT:

Mike Bonfield, City Manager
Susan Churuti, City Attorney
Rebecca C. Haynes, City Clerk
Elaine Edmunds, Finance Director
George Kinney, Community Development Director
Dan O'Connor, Administrative Services Supervisor
Catherine Hartley, Senior Planner

1. Changes to the Agenda

City Manager Bonfield requested removal of Item 4(a) for placement on a subsequent agenda. Mayor McFarlin requested to address Items 6(b) and 6(c) before Item 6(a).

2. Presentations

There were no presentations.

3. Audience Comments

There were no audience comments.

4. Consent

City Manager Bonfield read the Consent Items.

b. Authorize the City Manager to sign a task order with George F. Young in the amount of \$12,050 to provide permitting and survey services for covering the exposed portions of the subaqueous wastewater force main.

c. Authorize the City Manager to enter into a purchasing agreement with Bill Riley Painting for \$22,200 for caulking and painting the exterior of City Hall.

Commissioner Parent made a motion to approve/deny/continue the consent agenda as written. The motion was seconded by Vice Mayor Shavlan and unanimously approved a roll call vote.

5. Action Items

a. Sirata Beach Resort request to construct a sundeck seaward of both the rear-yard setback line and the City Coastal Construction Excavation Setback Line.

City Manager Bonfield summarized the request of Sirata Beach Resort owner, Gregg Nicklaus, stating that the City Code currently provides that a variance to the City's coastal construction line requires City Commission approval. He noted the request is a quasi-judicial hearing.

Community Development Director Kinney noted the request incorporates two variance requests. Mr. Kinney then reviewed a Power Point presentation that delineated the project location, coastal construction setback line locations, site plan and photos, and vegetation and landscape plans.

Mayor McFarlin asked if any audience member wanted to be considered a substantially affected party; there were none.

Mayor McFarlin requested Commissioners to disclose any communication they may have had with the applicant.

Commissioner Huhn disclosed she had no communication with the applicant. Commissioner Parent disclosed that he visited the site. Commissioner Garnett disclosed that she visited the site and spoke with Debra Nicklaus. Vice Mayor Shavlan disclosed that he visited the site and spoke with Gregg Nicklaus. Mayor McFarlin disclosed that he encountered the applicant prior to the meeting and saw the maps related to the project.

Jim Dickson, Adams and Reese LLP and counsel to owners of the Sirata, reviewed the variance request, noting the substantial difference in the City's and the State of Florida's coastal construction lines. Mr. Dickson apologized on behalf of the owners for not obtaining a variance prior to the installation of the paver deck.

Gregg Nicklaus, owner of the Sirata Beach Resort, commented on the additional vegetation and dunes he has provided to enhance the beach area in front of the property, and turtle nesting promotion efforts.

Mayor McFarlin called for audience comments; there were none.

Mayor McFarlin called for Commission comments; there were none.

Commissioner Parent moved to approve the Item 5(a), Sirata Beach Resort request to construct a sundeck seaward of both the rear-yard setback line and the City Coastal Construction Excavation Setback Line, with the inclusion of the access control walls. The motion was seconded by Commissioner Garnett and unanimously approved by a roll call vote.

6. Ordinances

b. Ordinance 2012-11, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida providing for amendment of Section 82-260 of Division 1 of Article III of Chapter 82 of the Code of Ordinances, pertaining to the issuance of metered and non-metered parking space permits; providing for severability; providing for the repeal of all ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date.

City Manager Bonfield explained the ordinance is proposed in response to the recently enacted parking regulations associated with the "B" permit parking stickers. The ordinance will provide for non-metered "B" parking stickers, which will allow for one-day or an extended period of time parking, similar to the "D" parking sticker utilized in Pass-a-Grille.

Administrative Services Supervisor O'Connor noted the proposed ordinance establishes the language for non-metered fees. The stickers are currently sold at the Police Department and on-line service procedures are currently being established.

Mayor McFarlin called for audience comments.

Deborah Schechner, Boca Ciega Isle, commented on city-wide restricted parking regulations.

Mayor McFarlin called for Commission comments.

Commissioner Garnett made a motion to approve Ordinance 2012-11, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida providing for amendment of Section 82-260 of Division 1 of Article III of Chapter 82 of the Code of Ordinances, pertaining to the issuance of metered and non-metered parking space permits; providing for severability; providing for the repeal of all ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date. The

motion was seconded by Vice Mayor Shavlan and unanimously approved by a roll call vote.

c. Ordinance 2012-12, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach Florida providing for an amendment of the Appendix A Fee Schedule as referenced in section 82-260 of the code of ordinances, as set forth in attachment A to this ordinance pertaining to the issuance of metered and non-metered parking space permits; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; and providing for an effective date.

City Manager Bonfield reported that the proposed ordinance establishes the rates for the "B" permit parking stickers.

Mayor McFarlin called for audience comments; there were none.

Commissioner Garnett made a motion to approve Ordinance 2012-12, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach Florida providing for an amendment of the Appendix A Fee Schedule as referenced in section 82-260 of the code of ordinances, as set forth in attachment A to this ordinance pertaining to the issuance of metered and non-metered parking space permits; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; and providing for an effective date. The motion was seconded by Commissioner Parent and unanimously approved by roll call vote.

a. Ordinance 2012-10, First Reading and Public Hearing, amendment to the City Charter repealing Section 4.06 which provides that the St. Pete Beach Police Department shall be established as a charter department and providing for ballot language for the November 6, 2012 election.

City Manager Bonfield reported that, in 1998, the residents approved a Charter amendment that provided for the police department to be a charter department, prohibiting the City Commission to contract for police services.

The proposed ordinance provides for ballot language for the November 6, 2012 election, repealing the requirement that the police department be a charter department and allowing the Commission to contract with an outside agency, specifically the Pinellas County Sheriff's Office.

Commissioner Huhn made a motion to approve Ordinance 2012-10, First Reading and Public Hearing, proposing pursuant to Section 8.01 of the City Charter an amendment to the City Charter repealing Section 4.06 of the City Charter which provides that the St. Pete Beach Police Department shall be established as a Charter department of the City of St. Pete Beach and all law enforcement activities shall be performed by employees of the

department, and that no law enforcement activity shall be transferred by contract or other process to any department or employee not administered by the city manager of the City of St. Pete Beach; providing for a ballot question to be submitted to the electors of the City at a referendum election to be held on November 6, 2012; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date. The motion was seconded by Commissioner Parent.

Rick Falkenstein, Palm Point, inquired about the ballot language.

Deborah Schechner, Boca Ciega Isle Drive, spoke in opposition of the ballot language.

Fran Travison, St. Pete Beach, spoke in opposition of the ballot language and stated it was confusing.

Jeff Brunell, 80th Avenue, requested additional information on the ballot language.

Danielle Micklitsch, Pass-a-Grille Way, spoke in opposition of the ordinance.

Rosemary Manning, 1st Avenue, requested clarification on the ballot language.

Robert Micklitsch, Pass-a-Grille Way, spoke in opposition to the ordinance and contracting out for police services.

Mayor McFarlin called for the vote.

The motion was unanimously approved roll call vote.

7. Resolutions

a. Resolution 2012-07, a resolution of the City of St. Pete Beach, Pinellas County, Florida, establishing the tentative millage rate for Truth In Millage (T.R.I.M.) Notice.

City Manager Bonfield explained that we are required by law to adopt a tentative millage rate each year that will be used in the T.R.I.M. notices mailed out to residents regarding their property taxes. This rate can be decreased when the City Commission adopts the final millage rate but it cannot be increased.

Staff presented seven alternatives and after Commission discussion, the consensus was Alternative 7, allowing for the super majority vote.

Commissioner Parent made a motion to approve Resolution No. 2012-07, a resolution of the City of St. Pete Beach, Pinellas County, Florida, establishing the tentative millage rate for T.R.I.M. Notices at 3.5628. The motion was seconded by Commissioner Garnett.

Mayor McFarlin called for audience comments.

Rick Falkenstein, 4th Palm Point, supported the current administration and commissioners in the decision to possibly raise taxes to cover expenses and maintain the quality of St. Pete Beach.

Rosemary Manning, 1st Avenue, also supported the possible increase of taxes to maintain a quality of life in St. Pete Beach.

Jeffrey Brunell, 80th Avenue, noted the tax rate in St. Pete Beach was very low in comparison with surrounding communities.

Joe Caruso, Gulf Way, stated that he believes the parking rate is very low.

Finance Director Edmunds clarified that the 3.5628 millage rate does not include the debt service of .087, which covers the final payment for the police station. The total millage rate would be 3.6506 of which 3.5628 is operating millage and .087 is debt service.

The motion was unanimously approved by a roll call vote.

8. Items for Discussion

There were no items for discussion.

9. City Manager, City Attorney and City Commission Reports

City Manager Bonfield informed the Commissioners that Police Chief Dave Romine was out of town attending a conference and apologized that he was unable to attend tonight's meeting. Mr. Bonfield commented that Suntan Arts Center was awarded the Corporate Partner of the Year by Florida Recreation and Parks Association, reminded everyone the 'Dive-In' Movies have begun for the season and reported that the Finance and Budget Review Committee will hold meetings July 16th and 17th at 2:00 p.m. He noted the Gulf Boulevard project is scheduled to begin next week tapping into the reclaimed water for irrigation and then complete the landscaping. City Manager Bonfield commented that Commissioners need to schedule budget workshops, reported the FOP Impasse hearing is scheduled August 15 at 1:30 p.m., detailed the two separate drownings, and discussed the July 4th traffic back-ups.

City Attorney Churuti discussed the Chmielewski request to turn over Shade Meeting transcripts regarding pending litigation and noted there will be a hearing on August 3 at 9:00 a.m. regarding the Anderson case.

City Manager Bonfield listed the upcoming agenda items. Commissioner Garnett thanked volunteers at the 8th Avenue Celebration and the residents for working together after Tropical Storm Debby. Ms. Garnett requested people contact the Commissioners with their thoughts about the budget.

Vice Mayor Shavlan stated that he also attended the 8th Avenue Celebration and thanked participants of the 5K run at the Sirata Beach Resort.

Commissioner Parent reported that the Pinellas County Board of Commissioners gave their unanimous approval for the Interlocal agreement regarding Gulf Boulevard improvements. He commented that he was approached by representatives from Silver Sands regarding the parking situation, noting they offered several alternatives to the recent changes.

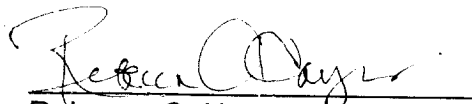
Commissioner Huhn reported on the Corey Avenue Summer Sizzle weekend and Woody's Christmas in July.

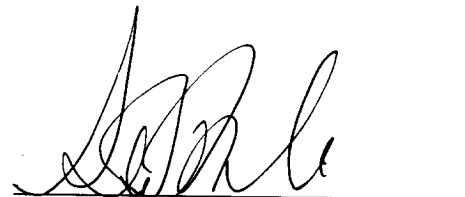
Mayor McFarlin commented favorably on the 4th of July fireworks.

10. Adjournment

There being no further business to come before the commission, the meeting was adjourned at 8:12 p.m.

Attest:


Rebecca C. Haynes, City Clerk


Steve McFarlin, Mayor, Mayor

Minutes approved on: 8-14-2012