

CITY COMMISSION MEETING

MINUTES

August 28, 2012

6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENT:

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

ALSO PRESENT:

Mike Bonfield, City Manager
Mike Davis, City Attorney
Rebecca C. Haynes, City Clerk
George Kinney, Community Development Director
Catherine Hartley, Senior Planner

1. Changes to the Agenda

Vice Mayor Shavlan requested to add the possible transfer of law enforcement services to Pinellas County Sheriff's Office under Items for Discussion.

2. Presentations

There were no presentations.

3. Audience Comments

There were no audience comments.

4. Consent

a. Approval of the August 8, 2012 and August 9, 2012 City Commission Budget Workshops; and the August 14, 2012 Regular Meeting Minutes.

b. Authorize the City Manager to enter into Amendment 3 of the Interlocal Agreement with Pinellas County for maintenance of traffic control signal and devices.

c. Authorize the Mayor and City Manager execute the one year extension of the ALS First Responder Agreement

d. Ratification of the City Manager's decision to expend \$12,898.86 to Rowland Inc. for emergency repairs to wastewater force main #2.

City Manager Bonfield recommended approval of the consent items as presented.

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

5. Action Items

a. St. Petersburg Yacht Club request for Conditional Use and Variance approval to repair and/or replace and/or install dock pilings and finger piers. The Variance portion of the request is Quasi-Judicial in nature.

City Manager Bonfield noted the item is a Quasi-Judicial.

Mayor McFarlin asked the Commissioners if they had any contact or involvement to report.

Commissioner Parent reported that he spoke with the Fire Marshall regarding the fire code requirements.

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

Community Services Director Kinney gave a Power Point presentation on the conditional use request showing the existing Yacht Club property with the zoning and side yard setback, and how they relate to the existing marina. The proposal is to repair and/or replace the finger piers, repair four pilings and replace eight pilings.

Staff is recommending three conditions be included in the approval process: (1) shield the pedestal lighting so it is not visible beyond the property lines, (2) no boat with a beam in excess of 12' be moored or otherwise stored between the most southerly finger pier and the extended waterside property line, and (3) require standpipes be installed as required by the Fire Code.

Mayor McFarlin called for audience comments. There were none.
Mayor McFarlin called for Commission comments.

Commissioner Parent moved to approve Item 5(a), Variance 2012-24 to repair and/or replace, and/or install dock pilings and finger piers. The motion was seconded by Commissioner Huhn and unanimously approved by a roll call vote.

Mayor McFarlin called for audience comments regarding the conditional use. There were none.

Commissioner Parent moved to approve Item 5(a), Conditional Use 2012-24 to repair and/or replace, and/or install dock pilings and finger piers. The motion was seconded by Vice Mayor Shavlan and unanimously approved.

6. Ordinances

a. Ordinance 2011-37, Final Reading and Public Hearing, Change of Future Land Use designation for 701 Gulf Way from Residential Office Retail (ROR) to Community Redevelopment District – Eighth Avenue (CRD-EA).

City Manager Bonfield reported that the proposed ordinance received county and state approval when going through the review process.

Senior Planner Hartley noted the change in land use to include the property in the Community Redevelopment District Eighth Avenue. The zoning regulations were adopted last year with additional changes requested: (1) amend Special Area Plan to include single family residential as a permitted use and (2) change the density for temporary lodging from 30 to 50 units per acre. The Planning Board recommended approval with the condition that the units not be permitted to rent for less than one week.

Commissioner Huhn made a motion to approve Ordinance 2011-37, 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, further illustrated on the map in

“Exhibit A”, from Residential Office Retail to CRD-EA; 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, with the caveat that units not be permitted to rent, or advertise for rent, for less than a one-week period, and that pool hours be restricted to a mandatory closing at 10:00 p.m. during the week and 11:00 p.m. on weekends with a sign posted stating hours of operation and contact information. The motion was seconded by Vice Mayor Shavlan.

Mayor McFarlin called for audience comments.

Deborah Martohue, 3030 North Rocky Point West, Tampa, representing the Beach Club at Pass-a-Grille Condominiums, noted there were no leasing restrictions in the declaration of condominiums when the property was purchased. Ms. Martohue commented that there is only one on-street/on-site parking space per unit, which transfers from owner to owner and results in one less parking space per unit than a residential condominium space would allow.

Deborah Schechner, Boca Ciega Isle Drive, spoke in opposition to the change in land use designation.

Bill Curry, 111 7th Avenue, spoke in opposition to the zoning change noting trash strewn in the alley, no regulated pool hours, lack of parking spaces and excessive noise.

City Attorney Davis noted that the Commission could establish pool regulations as a condition of approval.

Mayor McFarlin called for the vote.

The motion was approved by a 4-1 vote, with Commissioner Garnett voting ‘no’.

b. Ordinance 2011-38, Final Reading and Public Hearing, Change of Zoning designation for 701 Gulf Way from ROR to CRD-EA.

City Manager Bonfield noted this is a Quasi-Judicial Hearing.

Mayor McFarlin asked the Commissioners if they had any contact or involvement to report. There were none.

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

Senior Planner Hartley explained that the proposed ordinance corresponds with the above land use amendment at 701 Gulf Way.

Ms. Martohue commented that her clients accept the conditions entered into the record.

Commissioner Parent made a motion to approve Ordinance 2011-38, 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, further illustrated on the map in "Exhibit A" from ROR to CRD-EA; 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, with two conditions of approval (1) No unit can be advertised or rented for less than seven (7) days and (2) The pool will close at 10:00 p.m. during the week and 11:00 p.m. on the weekends, and a sign will be clearly posted as such. The motion was seconded by Vice Mayor Shavlan.

Mayor McFarlin called for audience comments.

Deborah Martohue, 3030 North Rocky Point West, Tampa, representing the applicant, noted her clients will accept the conditions noted.

Mayor McFarlin called for Commission comments.

Mayor McFarlin called for the vote.

The motion was approved by a 4-1 vote, with Commissioner Garnett voting 'no'.

c. Ordinance 2011-39, Final Reading and Public Hearing, Amending the 8th Ave Special Area Plan to add 701 Gulf Way to the Map, add single family residential as a permitted use, and amend the allowable temporary lodging density from 30 to 50 units per acre.

City Manager Bonfield noted the address is in the Community Redevelopment District and brings forth three amendments to the Special Area Plan.

Senior Planner Catherine reported that the Pinellas County Planning Council requested her to analyze the impact that the increased density change would have on infrastructure.

Vice Mayor Shavlan made a motion to approve Ordinance 2011-39, 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. The motion was seconded by Commissioner Huhn.

Mayor McFarlin called for audience comments; there were none.

The motion was unanimously approved by roll call vote.

d. Ordinance 2011-40, Final Reading and Public Hearing Amending 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.

City Manager Bonfield commented on the text amendment of the land use plan and map to increase the density in the Community Redevelopment Area – Eighth Avenue Future Land Use designation.

Mayor McFarlin called for audience comments; there were none.

Commissioner Huhn made a motion to approve Ordinance 2011-40, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for 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 for an effective date. The motion was seconded by Vice Mayor Shavlan and unanimously approved by roll call vote.

e. Ordinance 2012-14, First Reading and Public Hearing, Providing for amendment of the Land Development Code deleting all references to the City's Coastal Construction Excavation Setback Line.

City Manager Bonfield explained the item is a result of recent requests for variances to the City's coastal construction line.

Senior Planner Hartley noted that the City of St. Pete Beach established a coastal construction line in the 70's, prior to the State of Florida establishing its less restrictive line. The City's line deals more with environmental controls, existing dunes and vegetation cannot be removed. Approval will allow the City to look at applications for site plans on a case-by-case basis.

Vice Mayor Shavlan made a motion to approve Ordinance 2012-14, an ordinance of the City of St. Pete Beach, Florida providing for amendments to the Land Development Code as it relates to the City Coastal Construction Excavation setback line; deleting all references to said line; 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 audience comments.

Bill Pyle, Sunset Way, Silver Sands Condominiums, spoke in opposition to the proposed ordinance.

Deborah Schechner, Boca Ciega Isle Drive, spoke in opposition to the proposed ordinance.

Mayor McFarlin called for the vote.

The motion was unanimously approved by roll call vote.

f. Ordinance 2012-15, First Reading and Public Hearing, Providing for amendments to Division 14 of the Land Development Code to allow for outdoor seating as a permitted use in the RFM zoning district.

City Planner Hartley stated the RFM district is one of the few zoning districts where outdoor seating is a conditional use.

Commissioner Garnett made a motion to approve Ordinance 2012-15, an ordinance of the City of St. Pete Beach, Florida providing for amendments

to the Land Development Code as it relates to outdoor seating in the RFM zoning district; amending Division 14 to permit outdoor seating for eating and drinking establishments in the RFM zoning district; 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 Shavlan.

Mayor McFarlin called for audience comments.

Deborah Schechner, Boca Ciega Isle Drive, spoke in favor of the proposed outdoor seating.

Mayor McFarlin called for the vote.

The motion was unanimously approved by roll call vote.

g. Ordinance 2012-16, First Reading and Public Hearing, providing for amendments to Division 26 the Land Development Code of the City of St. Pete Beach Sign Code.

City Planner Hartley detailed the changes which include vehicle and non-conforming signs.

Commissioner Parent made a motion to approve Ordinance 2012-16, an ordinance of the City of St. Pete Beach, Pinellas County, Florida providing for amendments to Division 26 of the Land Development Code as it relates to signage; 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 Huhn.

Mayor McFarlin called for audience comments; there were none.

Mayor McFarlin called for the vote.

The motion was unanimously approved by roll call vote.

7. Resolutions

a. Resolution 2012-10, a resolution of the City of St. Pete Beach, Florida delegating to the City Manager authority to enter into a Federally Funded Public Assistance Agreement and authorizing the signing of all related official documentation.

City Manager Bonfield explained that the resolution authorizes him to submit the required paperwork to the Federal Emergency Management Association (FEMA) for reimbursement costs related to Tropical Storm Debby.

Commissioner Huhn made a motion to approve Resolution 2012-10, a resolution of the City of St. Pete Beach, Florida delegating to the City Manager the authority to enter into a federally funded public assistance agreement and authorizing the signing of all related official documentation. The motion was seconded by Commissioner Parent and unanimously approved by roll call vote.

8. Items for Discussion

a. Discussion regarding transferring law enforcement services to Pinellas County Sheriff's Office.

Vice Mayor Shavlan requested Commissioners consider discussing the possible transfer at the next Commission meeting and expressing their opinions so residents know where they stand.

It was decided to gather additional information and state positions/opinions at the September 25, 2012 Commission meeting.

9. City Manager, City Attorney and City Commission Reports

City Manager Bonfield reported that the next Commission meeting is scheduled for Wednesday, September 12 due to a conflict in budget hearings with Pinellas County. Upcoming projects include force main project on Gulf Boulevard between Gulf Winds and 55th Avenue with one lane closure, lasting approximately six to eight weeks; median landscape and irrigation along Gulf Boulevard will continue beginning on Tuesday; seawall projects on Boca Ciega Drive at 85th and 86th Avenues and Lift Station #10 at Blind Pass Road at the end of Corey Avenue will also begin next week. Mr. Bonfield noted that Suntan Art Center will receive an award from the Florida Parks and Recreation Association August 29th and then reviewed upcoming agenda items.

Commissioner Garnett reported that she will hold her citizen meeting on September 5th at the Don Vista Building.

Vice Mayor Shavlan reported that the Lizard Live event at the Sirata Hotel was successful and thanked all participants.

Commissioner Parent reported on his attendance at the Florida League of Cities, noted that the Friends of St. Pete Beach has disbanded, stated that he conducted an informal poll in his newsletter regarding the speed limit on Gulf Boulevard and noted that his roundtable discussion will be held at 6:30 p.m. on Wednesday at the Library.

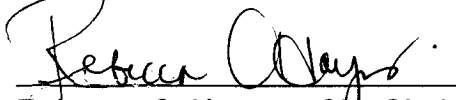
Commissioner Huhn reported on new pool hours and stated everything was quiet in the north end of the city.

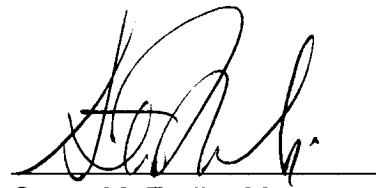
Mayor McFarlin reported on the Big C meeting he attended where he discussed the speed limit on Gulf Boulevard; attendees were supportive of St. Pete Beach lowering the speed limit but did not want to do the same in their respective communities.

10. Adjournment

There being no further business to come before the commission, the meeting was adjourned at 8:10 p.m.

Attest:


Rebecca C. Haynes, City Clerk


Steve McFarlin, Mayor

Minutes approved on: 9-12-2012