

RESOLUTION 2020-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, ENACTED UNDER THE CITY'S CURRENT NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) STATE OF EMERGENCY; ADDRESSING PUBLIC BEACHES, PUBLIC PARKING, OUTDOOR DINING ON PRIVATE AND PUBLIC SPACES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the COVID-19 has the potential for causing a serious public health risk to the citizens and visitors of the City of St. Pete Beach; and

WHEREAS, on March 9, 2020, Florida Governor, Ron DeSantis issued Executive Order 20-52 ("Emergency Management COVID-19 Public Health Emergency"), followed by numerous additional Executive Orders (collectively "Executive Orders") finding in part allowing for the suspension of formalities and procedures of political subdivisions of the state articulated under Chapter 252.38, Florida Statutes; and

WHEREAS, on March 13, 2020, Pinellas County Board of Commissioners unanimously approved a local state of emergency, followed by additional approvals ("County Declarations"), that delegates authority to the county administrator, allowing him to take measures to keep residents safe and help mitigate and contain the spread of COVID-19; and

WHEREAS, on March 19, 2020, the Pinellas County Board of Commissioners adopted Resolution 20-17 closing all public beaches and public beach parking, and on April 28, 2020 the Board adopted Resolution 20-34 permitting for the reopening of public beaches, public beach parking, and public beach restrooms; and

WHEREAS, on April 30, 2020, Governor DeSantis issued several executive orders including his "Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery" ordering, in part, that bars, pubs and nightclubs that derive more than 50 percent of gross revenue from the sale of alcoholic beverages shall continue to suspend the sale of alcoholic beverages for on-premises consumption, restaurants and food establishments may allow on-premises consumption of food and beverage, so long as they adopt appropriate social distancing measures and limit their indoor occupancy to no more than 25 percent of their building occupancy with social distancing requirements of maintaining a minimum of 6 feet between parties, only seating parties of 10 or fewer people and keeping bar counters closed to seating, and in-store retail sales establishments may open storefronts if they operate at no more than 25 percent of their building occupancy and abide by the safety guidelines issued by the CDC and OSHA; and

WHEREAS, Chapter 252.38, Florida Statutes, and Article II, Sec. 34-38 of the City of St. Pete Beach Code of Ordinances authorized the proclamation declaring a local state of emergency which was initially executed by Mayor Alan Johnson on March 16, 2020, and

thereafter has been renewed in seven (7) day increments in accordance with state law; and

WHEREAS, the City Commission desires to authorize the City Manager through this resolution to take any and all legal, appropriate and reasonable measures, described in more detail below, to protect the public health, safety and welfare of the citizens, city employees and visitors of the City of St. Pete Beach, Florida to help mitigate and contain the spread of COVID-19.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Pete Beach, that:

Section One: The above recitals are true and correct and are incorporated herein by reference.

Section Two: Pursuant to Sec. 34-38, St. Pete Beach Code of Ordinance and Sec. 252.38, Florida Statute, the City Commission authorizes the City Manager of the City of St. Pete Beach to take any and all legal, appropriate and reasonable measures ("Emergency Measures") to protect the public health, safety and welfare of the citizens, city employees and visitors of the City of St. Pete Beach, Florida to help mitigate and contain the spread of COVID-19, including but not limited to the following actions:

- a) **Public Beaches** – Public beaches will open May 4th, 2020 at 7am, in concurrence with Pinellas County Commission Resolution 20-34. Public beach visitors must adhere to CDC social distancing guidelines. Groups of more than 10 are prohibited, and people not from the same family must stay at least 6 feet apart. Public beach restrooms must meet CDC guidelines for cleaning and disinfection. Concessions, including snack bar and kayak and chair rentals, will remain closed pending new direction from the state regarding nonessential businesses.
- b) **Public Parking** – West of Gulf Way shall be open, east of Gulf Way shall be closed, 15th and 16th Avenues shall be for B & D parking only, Pass-a-Grille Way shall be closed for parking except between 7th Avenue to 9th Avenue for businesses and Merry Pier only, and 8th and 9th Avenues shall be open for business parking. All Upham Beach parking will be open.
- c) **Temporary Outdoor Eating and Drinking on Private Property** –The City Manager is authorized to permit temporary outdoor seating on private property on a case-by-case basis.
- d) **Temporary Outdoor Eating and Drinking on Public Property** – The City Manager is authorized to permit temporary outdoor seating on public property on a case-by-case basis, including street closures/wet zones on Corey Avenue and 8th Avenue.

Section Three: Such Emergency Measures entrusted to the City Manager include the duties and responsibilities required of him by the City's charter, code, and other laws, policies, rules, and regulations.

Section Four: Should any part of this resolution conflict with a controlling Pinellas County emergency resolution, emergency county administrative order, or an executive order issued by the Florida Governor, the sections of this resolution not in conflict shall remain in full force and effect.

Section Five: This resolution shall be effective upon rendition and the actions listed in Section Two shall take effect on the date and time expressed in that Section.

BE IT FURTHER RESOLVED THAT the enforcement of the provisions of this Resolution and shall be in effect until terminated or expiration in accordance with State law.

[signature page to follow]

Passed this 1st day of May 2020 by the City Commission of the City of St. Pete Beach, Florida.



Alan Johnson, Mayor

ATTEST:


Rebecca C. Haynes, City Clerk

APPROVED AS TO FORM AND CORRECTNESS:


Andrew Dickman, City Attorney