

**BOARD OF COMMISSIONERS
TOWN OF REDINGTON SHORES
REGULAR MEETING
TUESDAY, SEPTEMBER 14, 2004 – 7:00 P.M.
MINUTES**

Present upon roll call: Commissioner Reynolds, Commissioner Holmes, Mayor Beyrouiti and Attorney Denhardt.
Absent: Commissioner Armstrong and Vice Mayor Lishamer.

APPROVAL OF MINUTES – Regular Meeting; August 10, 2004; Special Meeting, August 26, 2004;
Workshop Meeting, August 31, 2004; Special Meeting, September 8, 2004

Commissioner Holmes moved to approve the minutes of Regular Meeting; August 10, 2004; Special Meeting, August 26, 2004; Workshop Meeting, August 31, 2004; and two Special Meetings, September 8, 2004, seconded by Commissioner Reynolds. Roll call: all yes.

APPROVAL OF BILLS – September 2004

Commissioner Reynolds moved to approve the bills for September 2004, seconded by Commissioner Holmes. Roll call: all yes.

COMMISSION REPORTS

Mayor Beyrouiti told the Commission the Town hired Waste Services to pick-up all the debris from the storm. The biggest concern on damages is the beach erosion. The County will be sending a group out to report on the amount of beach that was lost.

Commissioner Reynolds

Sewers - several repairs needed to be done to the sewer lift stations in the last few weeks. The Maintenance Staff is doing a good job with keeping up with the repairs and having parts on hand.

Building – there have been issues with zero lot lines for townhouses and duplexes. The Town has no ordinances that allow each individual unit to be sold separately. Commissioner Reynolds asked to have the staff check into what other communities are doing and report at the next workshop meeting.

Urban Design Guidelines – Commissioner Reynolds asked if the Town Administrator could work on finding a source to write the guidelines into the town code. Mayor Beyrouiti told the Commission that this is being worked on.

Commissioner Holmes, Commissioner District No 4

Emergency Management – Commissioner Holmes thanked the staff and residents on preparing for the storms. Commissioner Reynolds asked if a scheduled advertised meeting was interrupted by an evacuation order is there a standard place to meet. Attorney Denhardt told the Commission the public meetings need to be held in a place accessible to the public, at the location in the community, and if an issue comes up because of an evacuation, it would be handled at that time.

Town Administrator, Don Lusk

Administrator Lusk told the Commission, that Vice Mayor Lishamer has asked that Barbara Maglia be appointed to the 50th Anniversary Committee. Commissioner Holmes moved to appoint Barbara Maglia to the 50th Anniversary Committee, seconded by Commissioner Reynolds. Roll call: all yes.

Presentation - Kurt Spitzer, Pinellas County Charter Review Commission – Mr. Spitzer was not able to attend this meeting, and asked to be placed on the next workshop agenda. The Commission approved this request.

OLD BUSINESS

Award Sealed Bid – Phase 5 – Vice Mayor Lishamer

Mike Nadeau explained that the bids are out of line and he is scheduled to meet with the lowest bidder to review the bids. Mr. Nadeau asked that this item be scheduled at a later date. The Commission was in consent to schedule at a later date.

Noise Ordinance/Hotel Isis – Administrator Lusk

Administrator Lusk explained that he asked Attorney Denhardt to prepare a resolution to abate the new amended noise ordinance until January 2, 2005, so that Hotel Isis will be able to fulfill committed reservations for weddings that were scheduled prior to the new ordinance. Attorney Denhardt read Resolution 15-04 by title only. Commissioner Holmes moved to adopt Resolution 15-04, seconded by Commissioner Reynolds. Roll call: all yes.

Administrator Lusk recommended approving the Development Agreement first. Administrator Lusk explained that he has worked with Attorney Denhardt and the owners on this agreement and feels comfortable with the agreement and the owners do also. Commissioner Holmes explained that items 3, 4 and 5 on the agenda need to be looked at together.

Approval of Development Agreement, 17495 Gulf Blvd., - Administrator Lusk

Administrator Lusk explained that the Development Agreement is in line with the proposed Condo/Hotel Ordinance, with the exception of the square footage of the units. Commissioner Reynolds moved to approve the Development Agreement as presented in Exhibit A. Mayor Beyrouiti explained there needs to be a motion and a second in order to discuss the item. Commissioner Holmes seconded the motion. Attorney Troy Perdue, representing the Knoblochs' addressed the Commission. Attorney Perdue explained that his clients would like to build a high-end hotel. When the site plan came before the board, there were issues on potential uses, but it met the requirements of the code. The applicants understood the board's concern and have met with the staff and have come to an agreement within the Development Agreement, except for the fee of \$2,500.00 for the Town Attorney to prepare the Development Agreement. Commissioner Holmes explained that he is not in agreement with the Development Agreement, as it does not coincide with the proposed Condo/Hotel Ordinance in regard to the square footage of the units. Mayor Beyrouiti explained that when the applicants approached the Town on this project, the Town had no ordinances in place for Condo/Hotel and square footage. Mr. Nadeau explained that when the applicants first approached the Town they were allowed to build a hotel, not a condominium; then the discussion of Condo/Hotel evolved and the Town is developing an ordinance. Mayor Beyrouiti asked Attorney Denhardt about the fee of \$2,500.00 in the Development Agreement. Attorney Denhardt explained that prior development agreements he has done for other communities he has charged the developer, not the Town. Commissioner Holmes asked who would monitor the terms of the Development Agreement. Attorney Denhardt explained that there are provisions in the Agreement for deed restrictions, etc., but that does not mean years down the road, that owners will not comply. The first motion and second has been withdrawn. Commissioner Reynolds moved to consider the development agreement as presented in Exhibit A as a draft to be later presented to the Commission as an Ordinance, seconded. Roll call: Commissioner Reynolds, yes; Commissioner Holmes, no; Mayor Beyrouiti, yes.

Approval of Planning and Zoning Recommendation on Site Plan Harbor Cove, 17495 Gulf Blvd. – Administrator Lusk

Commissioner Reynolds moved to approve the Planning and Zoning Board recommendation, based on the conditions set forth within the Development Agreement. Attorney Denhardt explained to the Commission that the site plan was brought before the Planning and Zoning Board based upon the Board of Adjustments variances. The site plan is basically a dimensional consideration, whether based upon those variances that were granted by the Board of Adjustment, the site plan that was presented, whether you believe that site plan is appropriate, and whether you think that foot print, dimensions fit on the lot, and provide the criteria under the site plan ordinance. The approval or disapproval of the site plan is not based on usage or interior usage.

Commissioner Reynolds restated his motion to approve the site plan based on the dimension represented at the Board of Adjustment hearing dated May 7, 2004 without any reference to Condo/Hotel, or interior dimensions, it is just a site specific plan for dimension only, and not to include any specific use on the property, seconded by Commissioner Holmes. Roll call: all yes.

Planning and Zoning as Local Planning Agency Recommendation on Proposed Condo/Hotel Ordinance – Commissioner Reynolds

Commissioner Reynolds moved to approve the recommendation, seconded by Commissioner Holmes. Roll call: all yes. This ordinance will require two advertised public hearings.

Ordinance 04-11, Second Reading and Advertised Public Hearing, Amending LDU Funds – Administrator Lusk

Attorney Denhardt read Ord. 04-11 by title only. Commissioner Holmes moved to approve Ord. 04-11 on second reading, seconded by Commissioner Reynolds. Mayor Beyrouti announced this is an advertised public hearing and asked for any discussion. Resident Gail Conroy expressed that the ordinance sounds vague and asked for interpretation. Attorney Denhardt read and explained the amendments to the ordinance. There being no further discussion roll call on motion and second, all yes.

Ordinance 04-09, Second Reading and Advertised Public Hearing, Tree/Landscape – Commissioner Reynolds

Attorney Denhardt read Ord. 04-09 by title only. Mayor Beyrouti asked if there was any discussion. Resident Gail Conroy asked what willow trees were being talked about in the ordinance, as there are many willow trees. Mike Nadeau told the Commission the list of evasive trees came from Pinellas County. Commissioner Holmes moved to approve Ord. 04-09 on second reading, seconded by Commissioner Reynolds. Roll all: all yes.

Ordinance 04-13, Second Reading and Advertised Public Hearing, Procedures for Amending the Code – Administrator Lusk

Attorney Denhardt read Ord. 04-13 by title only. Attorney Denhardt explained that State Statutes governs how land development regulations are enacted. Statues have changed and now we have conflict between the Statutes and the Town Code. Attorney Denhardt suggested to amend our ordinance to coincide with the State Statutes. There being no discussion, Commissioner Holmes moved to adopt Ord. 04-13 on second reading, seconded by Commissioner Reynolds. Roll call: all yes.

NEW BUSINESS

Approval of Capital Improvement Plan 2002-2007 – Administrator Lusk

Administrator Lusk told the Commission there was an error on the first page, total buildings should be \$31,250.00 not \$41,250.00. Commissioner Holmes moved to approve Redington Shores Capital Improvement Plan for 2002-2007, seconded by Commissioner Reynolds. Roll call: all yes.

Approval of Records Retention – Commissioner Holmes

Commissioner Holmes explained that the records request is in accordance with State standards and the records will be disposed of. Commissioner Holmes moved to approve the records request disposal as submitted, seconded by Commissioner Reynolds. Roll call: all yes.

Resolution 11-04, Amending FY 2003-2004 Budget – Administrator Lusk

Attorney Denhardt read Resolution 11-04 by title. Commissioner Holmes moved to approve Resolution 11-04, seconded by Commissioner Reynolds. Roll call: all yes.

Resolution 14-04, Approving Building Permit Fee Schedule – Administrator Lusk

Attorney Denhardt read Resolution 14-04 by title. Commissioner Holmes moved to approve Resolution 14-04, seconded by Commissioner Reynolds. Roll call: all yes.

Additional Fees Cumbey & Fair – Phase 1 Project – Vice Mayor Lishamer

Mike Nadeau explained these additional fees are for additional services when the SWFWMD Grant was obtained for the CDS Units. These additional fees are already funded in the budget in the grant money. Commissioner Reynolds moved to approve the additional fees of \$16,300.00, seconded by Commissioner Holmes. Roll call: all yes.

Expand Contract Cumbey & Fair – Phase 5 Project – Vice Mayor Lishamer

Mike Nadeau explained these additional monies are for services after the contract has been awarded; these fees have not been budgeted. Commissioner Holmes moved to approve the additional fees of \$13,500.00, seconded by Commissioner Reynolds. Commissioner Holmes amended the motion for the monies to be paid out of the Pennies for Pinellas Fund, seconded by Commissioner Reynolds. Mayor Beyrouti asked who is recommending extending the contract. Mike Nadeau told the Commission this request is upon his recommendation. Mayor Beyrouti asked if there is a time limit on these additional fees. Mike Nadeau stated this is a fixed fee. Roll call on motion and amended motion. Roll call: all yes.

Purchase of Mower – Commissioner Armstrong

This item is tabled for another meeting.

Approval of Building Permit Policy – Administrator Lusk

Mike Nadeau told the Commission he has been asked numerous times for this type of information. Commissioner Reynolds moved to approve this policy, seconded by Commissioner Holmes. Roll call: all yes.

MISCELLANEOUS

Commissioner Holmes told the Commission that he would not be able to attend the Special Meeting on Friday, September 17, 2004.

Mayor Beyrouti announced the following meeting dates:

Special Meeting – Friday, September 17, 2004- 5:30 p.m.

Workshop Meeting - Tuesday, September 28, 2004 – 4:00 p.m.

Special Meeting – Tuesday, September 28, 2004 – Following Workshop Meeting

Special Meeting – Thursday, October 7, 2004 – 7:00 p.m.

Regular Meeting – Tuesday, October 12, 2004 – 7:00 p.m.

PUBLIC COMMENTS

Resident Charles Parker addressed the Commission in regard to an email he had sent to the Commission and the letter he received in return from Building Official Mike Nadeau. Mr. Parker told the Commission he felt the letter was very unprofessional and he felt like he was being retaliated on. Mayor Beyrouti thanked Mr. Parker for his concerns and Mayor Beyrouti will address the situation and assures that no resident will ever be picked on.

Respectfully submitted

Mary F. Palmer, CMC
Town Clerk