

**BOARD OF COMMISSIONERS
TOWN OF REDINGTON SHORES
REGULAR MEETING
TUESDAY, OCTOBER 11, 2005 – 7:00 P.M.
MINUTES**

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

APPROVAL OF MINUTES – Regular Meeting, September 13, 2005; Special Meeting, September 14, 2005; Workshop Meeting, September 27, 2005

Commissioner Holmes moved to approve the minutes as stated, second by Commissioner Armstrong. Roll call: all yes.

APPROVAL OF BILLS – September 2005

Commissioner Holmes moved to approve the bills as submitted, seconded by Commissioner Reynolds. Roll call: all yes.

Vice Mayor Lishamer announced Mayor Beyrouiti would not be at tonight's meetings due to his wife, Linda, having surgery today.

COMMISSION REPORTS

Mayor Beyrouiti – Absent

Vice Mayor Lishamer, Commissioner District No 1

Commissioner Reynolds, Commissioner District No 2

Commissioner Reynolds reported that the sewer system is working fine.

Commissioner Armstrong, Commissioner District No 3

Commissioner Armstrong reported on her attendance at the Florida Beaches and Shores Preservation Conference.

Del Bello Park Grant – Commissioner Armstrong reported that an up-to-date survey is needed for Del Bello Park as part of the paper work for the grant.

Town Picnic and 50th Anniversary Parade was held Saturday, October 8, 2005 and both were a great success. The 50th Anniversary Luau is scheduled for November 5th and tickets are still available at Town Hall.

Commissioner Armstrong and Commissioner Holmes attended the Pinellas County Emergency Management Coordinators Meeting. Biggest concern is to get the word out to the public that there is assistance for evacuation not only for the special needs people, but also for people who just don't have a way off the island. Residents can contact town hall to obtain a form for help with evacuations. Pet shelters are now open in Pinellas County.

Coastal Beach Clean up is this Saturday, October 15th. Volunteers are needed and should meet at Town Hall at 8:00 a.m.

Commissioner Holmes, Commissioner District No 4

Emergency Management – Commissioner Holmes reported that the Director of Emergency Management of Pinellas County stressed that public officials of this town and county are not responsible for you as an individual or your welfare. They are responsible to provide information on where to safely evacuate during a storm event.

Property owners should continue to prepare their property with mitigation issues and take care of your property the best you can to avoid losses.

Library - Commissioner Holmes met with Mary Brown, Executive Director of the Pinellas County Public Library Cooperative. Ms. Brown is asking the Town to approve a letter to be sent to our legislators asking for more funds to be appropriated to the libraries in the state budget. Consensus of the Commission is to send a letter of support.

Indian Shores Police Department – No unusual activity.

Commissioner Holmes told the Commission the reappointment of Sharon Corbin Town representative to the Gulf Beaches Library Board needs to be approved. Commissioner Holmes moved to reappoint Sharon Corbin to the Gulf Beaches Library, seconded by Commissioner Armstrong. Roll call: all yes.

OLD BUSINESS

Approval of Accounting Software Purchase

Commissioner Holmes explained this item was discussed at the last workshop meeting. Town Clerk Mary Palmer has been looking at different software packages for the Town and discussing the purchase with our Town Auditor, Town Attorney and other surrounding communities. Three bids have been received and it is recommended to purchase the Fund Balance Software for \$13,520.00. Commissioner Holmes moved to purchase the Fund Balance Software at \$13,520.00 and to upgrade the existing computer systems to handle the new software, seconded by Commissioner Armstrong. Roll call: all yes.

Second Reading and Advertised Public Hearing, Ordinance 05-08, Additional Homestead Exemption

Attorney Denhardt read Ordinance 05-08 by title only. Commissioner Holmes moved to approve Ordinance 05-08 on second reading, seconded by Commissioner Reynolds. Vice Mayor Lishamer asked for any comments as this is an advertised public hearing. No comments were heard. Roll call on the motion and second. All yes.

Second Reading and Advertised Public Hearing, Ordinance 05-09, Amending Parking

Attorney Denhardt read Ordinance 05-09 by title only. Commissioner Armstrong moved to approve Ordinance 05-09 on second reading, seconded by Commissioner Reynolds. Vice Mayor Lishamer asked for any comments, as this is an advertised public hearing. No comments were heard. Roll call on the motion and second. All yes.

Open Bids – Beach Access Renovations

Commissioner Armstrong explained that no bids were received. Consensus of the Commission was to re-bid the project.

Appeal Board of Adjustment Decisions – 134, 135, 141, 148, 150, 151, 154, 171, 185, 175th Ave., and 144 175th Terrace Drive

Commissioner Holmes stated this is an appeal of the Board of Adjustment decision made at their September 7, 2005 meeting and not an entire new hearing. There are four separate appeals concerning the decision of the Board of Adjustment concerning 10 different properties and are being consolidated for determination by the Board of Commissioners. There were two different requests presented to the Board of Adjustment, one for the relaxation of height restriction for covered cabana's on the top deck for properties located at 134, 135, 141, 148, 150, 151, 154, 171 and 185 175th Ave. East, and 144 175th Terrace Drive, the second variance request was for relaxation of rear setbacks from 16' to 10' for properties located at 148, 154 175th Ave. East and 144 175th Terrace Drive. Commissioner Holmes explained to the Commission and the audience the steps that would be followed during this appeal process. Each appellant will be given time to address the Commission with their reason for their appeals at the conclusion of the appellant's statement the members of the Commission will have time to question the appellants. Following the appellant's statements each applicant will be given time to present

their case to the Commission and at the conclusion of their statements the Commission will have the opportunity to question the applicant. After the presentations are completed the Commission will allow comments from the audience.

At this time Commissioner Holmes made an apology on behalf of the Commission to Mr. & Mrs. Guise who were not properly notified of a Board of Adjustment Hearing.

Commissioner Holmes asked each appellant to individually address the Commission.

First appellant – Mrs. Susan Guise – 176 175th Terrace Drive. Mrs. Guise read a statement to the Commission. Mrs. Guise does not object so much to the height of the buildings but the setbacks granted on the buildings and the precedence it has established. The Town has given these variances and setbacks without taking into consideration the impact created by the buildings that are already started. This has not only impacted traffic patterns and people access but also environmental and infrastructure of the entire community. Mrs. Guise is asking for the Town Commission and the Board of Adjustment is to look carefully at the pluses and minuses that will come currently and also for responsible, consistent and more cautious procedures. Commissioner Holmes asked if any of the Commission had any questions for Mrs. Guise. No questions were asked.

Second appellant – Ms. Christy Herig – Ms. Herig stated to the Commission that she had started this appeal process back on July 27th, 2005. Ms. Herig's main concern is that these buildings were not permitted correctly. Ms. Herig has an interpretation from the State Building Code and also an interpretation from Pinellas County on the Town's Land Development Code. Bottom line is that the permits were not put in place correctly in the first place and the former building official said the bottom story, the lowest floor does not count, it is only for the sake of determining the flood elevation height of living space. The basis on which the Board of Adjustment made their decision was in error. The Town is responsible for the infrastructure of the Town, which could cause disasters from hurricanes and roof top gardens are not a responsible infrastructure of the Town. Seeking that the height be limited to the code as it reads, which is 35 feet or 2 ½ stories, without an elevator access, they can have an open stairway and the rooftop garden and utilization would be limited. Commissioner Holmes asked if any of the Commission had any questions for Ms. Herig. No questions were asked.

Third appellant – Mr. Stefan Korts – 112 Wall Street – Mr. Korts stated to the Commission his appeal is based on hardship. Mr. Korts does not understand how the Board of Adjustment came to a point of hardship on these variances. Mr. Korts quoted Sections 90-129(e) Section 1, Paragraph a, b and g. Mr. Korts interprets hardship means something that is so hard to change about a property or building. There is no hardship on these properties, the request are for luxuries to the properties themselves. The cabanas on top of the roofs encroach upon the height restrictions in the code. Mr. Korts is asking from the Commission a definition of hardship and the interpretation of hardship. Commissioner Armstrong asked Mr. Korts if he had attended the Board of Adjustment meeting and if there was a reason given for the hardship. Mr. Korts stated he asked the question of what was the hardship; no one from the Board of Adjustment had any comment except the Chairmen who said, "good point". The developer said it was an aesthetic hardship, which is not a hardship.

Fourth appellant – Mrs. Purcell Evans – 17742 1st Street East – Disappointed in how the Commission is not following the town codes and variances that have been given with no hardship involved. Mrs. Purcell is in agreement with the first three appellant's appeals.

Commissioner Holmes asked the applicants to address the Commission. Richard Gannaway, Project Manager for Gannaway Builders. Mr. Gannaway explained the setbacks have been approved twice and appealed twice. The setbacks are in conformity with surrounding properties, whom some have much closer setbacks. The height setback is requested for cabanas to be placed on top of the roof, where the elevator access is located. These cabanas offset the appearance of the elevator's access and also allow some area for usage, as the ground area is not sufficient for yard space. Commissioner Armstrong asked what the hardship was for the setback variance request. Mr. Gannaway stated to remain consistent to the neighborhood and that the lots are shallow lots.

Commissioner Holmes explained the procedure which the Board of Adjustment follows for a variance request and also how the Board members are appointed to the Board.

Commissioner Holmes opened the discussion to the audience for those who are for or against the decisions of the Board of Adjustments. Those who are opposed to the Board of Adjustments decision were asked to address the Board of Commissioners. There were no comments to the Board of Commission.

Those in audience who are in support of the Board of Adjustments decision were asked to address the Board of Commissioners. Several residents address the Commission in support of the projects on 175th Ave., and thanking the Board of Commissioners for allowing the redevelopment.

There being no further discussion Commissioner Holmes stated to the Commission the options they have:

1. To deny the appeal and uphold the granting of the variances
2. To uphold the appeal and reverse the granting of the variances.
3. To uphold the appeal in part and to deny the appeal in part and grant the variance by placing additional conditions on the granting of the variance.

Commissioner Holmes stated that based on his review of all the documents, reviewing the code, listening to the presentations and most importantly reviewing the Boards actions and the meaning of what the board does, Commissioner Holmes moved that the Commission deny the appeal and uphold the granting of the variance, seconded by Commissioner Armstrong. Roll call: all yes.

NEW BUSINESS

Proclamation – Proclaiming October 20, 2005 as Lights On Afterschool

Attorney Denhardt Proclaimed October 20, 2005 as Lights on Afterschool.

Resolution 19-05 – Supporting the Florida Gulf Beaches Half-Marathons

Attorney Denhardt read Resolution 19-05 by title. Commissioner Holmes moved to adopt Resolution 19-05, seconded by Commissioner Reynolds. Roll call: all yes.

Resolution 20-05 – Signing Documents

Attorney Denhardt read Resolution 20-05 by title. Commissioner Holmes moved to adopt Resolution 20-05, seconded by Commissioner Armstrong. Roll call: all yes.

Approval of Change Order Phase 1 Construction

Vice Mayor Lishamer explained there was a conflict in the 174th area that needed to be corrected. The amount to relocate the structure is \$3,419.04. Commissioner Reynolds moved to approve the change order in the amount of \$3,419.04, seconded by Commissioner Holmes. Roll call: all yes.

Employee Increase

Tabled until next meeting.

First Reading, Ordinance 05-10, Utility Undergrounding

Attorney Denhardt read Ordinance 05-10 by title. Attorney Denhardt explained that the Bond Council for Suntrust Bank who was going to finance the undergrounding ruled that the Town should go for a referendum to the electorate that to make sure the Town was in full compliance with the Town Charter. Commissioner Reynolds moved to approve Ordinance 05-10 on first reading, seconded by Commissioner Holmes. Roll call: all yes.

Approve Interlocal Agreement, Redington Beaches/Indian Shores Boat Parade

Attorney Denhardt explained this is an agreement that the Towns approve each year for the parade.

Commissioner Holmes moved to approve the Interlocal Agreement as to the conditions and funding, seconded by Commissioner Reynolds. Roll call: all yes.

PUBLIC COMMENTS

Resident Christy Herig asked about the status of the roof-over on 175th Terrace Drive. Attorney Denhardt explained the Special Master has heard the case and the Special Master had ruled the project in violation of the Town codes. There is now a 21-day order to have the owner bring the property into compliance. If the owner does not come into the compliance, the case will go back to the Special Master for an administrative sign to be established.

Resident Casey Wojeck reported to the Commission on the removal of the Blighted Area designation. The Commission discussed preparing a resolution stating the Town would never condemn a piece of property for development nor to allow private developers to do so.

Resident Dave Browning asked the Commission if a special meeting could be held in regard to the proposed ordinance for the RD-15 District. Vice Mayor Lishamer asked what the urgency is. Mr. Browning stated he has closing of properties pending depending on the approval of the proposed ordinance. Consensus of the Commission is to have a Special Meeting before the Workshop Meeting if there is enough time to advertise.

MISCELLANEOUS

Commissioner Armstrong explained to the Commission that a new boundary survey for Del Bello Park is needed as part of the paper work for the grant that has been received. Commissioner Armstrong will shop for prices to include Constitution Park. Vice Mayor Lishamer would like to see the Town easement at the end of 174th Ave. be surveyed. Commissioner Reynolds moved to approve up to \$5,000.00 for a survey for Del Bello Park, seconded by Commissioner Holmes. Roll call: all yes.

Vice Mayor Lishamer announced the following meeting dates:

Workshop Meeting – Tuesday, October 25, 2005 – 4:00 p.m.

Regular Meeting – Tuesday, November 8, 2005 – 7:00 p.m.

Respectfully submitted,

Mary F. Palmer, CMC
Town Clerk