

**BOARD OF COMMISSIONERS
TOWN OF REDINGTON SHORES
REGULAR MEETING
WEDNESDAY, OCTOBER 9, 2019 – 6:00 P.M.
MINUTES**

Present upon roll call: Commissioner Drumm, Commissioner Robinson, Commissioner Neal, Vice Mayor Kapper, Mayor Henderson and Attorney Denhardt.

APPROVAL OF MINUTES – Regular Meeting, September 11, 2019; Special Meeting, September 18, 2019

Vice Mayor Kapper moved to approve the minutes for the Regular Meeting, September 11, 2019 and the Special Meeting, September 18, 2019 as stated; seconded by Commissioner Neal. Roll call: all yes.

RATIFICATION OF BILLS – September/October 2019

Vice Mayor Kapper moved to approve the Ratification of Bills for September and October 2019; seconded by Commissioner Robinson. Commissioner Robinson pointed out the sewage bill was \$72,223.00, which is extremely high. Commissioner Neal stated the Town was looking at another meter. Roll call: all yes

COMMISSION REPORTS

Mayor Henderson

Mayor Henderson spoke about the underground project, which is expected to take another four (4) weeks. After four (4) years of working with FDOT on the crosswalk near Redington Towers, the Town now has a rendering and location for the crosswalk; however, the Town is still working on funding. The Mayor invited everyone to the Town Picnic on Saturday, October 12th from 1pm-5pm, town t-shirts would be available for a ten (\$10) dollar donation, as well as car decals for two (\$2) dollars. The town was still seeking volunteers as well.

Vice Mayor Kapper, Commissioner District No 1

Fire/EMS - Vice Mayor Kapper stated there were nine (9) fire emergency response calls, nine (9) non-emergency EMS responses, twelve (12) emergency EMS responses.

Commissioner Neal, Commissioner District No2

Sewers – Commissioner Neal reported the televising of the laterals have been complete and once they are reviewed they will know what needs to be fixed. Commissioner Neal has received one quote for a new meter in the amount of \$17,600.00. He is going to look into possibly renting a meter. Bids are being obtained for A/C work in town hall.

Commissioner Neal gave an update on the sewer lines from the laterals on the westside of Gulf Blvd. As soon as they review them, they will have a better understanding of where they need to fix. He also received pricing on an extra meter which is roughly \$17,600, possibly looking at a rent to own where it is checked for six (6) months. If there is a lot of conflicts in the readings, then the Town will look at purchasing their own meter. Also receiving pricing for the A/C filters and the idea of dropping down the units from the attic so they are easier to change.

Commissioner Robinson, Commissioner District No 3

Emergency Management - Commissioner Robinson stated that he and Deputy Clerk, Sarah Mauter attended a debrief on actions take surrounding Hurricane Dorine. Although, the Hurricane missed the county it was seen as a good exercise. One of the issues that the Deputy Clerk brought up was the issues with releasing re- entry passes to renters versus to owners. The county is looking into how to make the process easier for the renters. The activities related to the Town audit have begun, which will help being prepared in advance.

Commissioner Drumm, Commissioner District No 4

Commissioner Drumm reported the Food for Thought event will be held on Saturday, March 20th, 2020 from 6:00pm-9:00pm, tickets are \$30.00 in advance and \$35.00 at the door. The event will be held at the Madeira Beach Recreation Center. Commissioner Drumm thanked the Mayor and Town Clerk for the audio and visual system update.

OLD BUSINESSSecond Reading and Advertised Public Hearing – Ordinance 19-04 – Amending Town’s Flood Ordinance

Attorney Denhardt read Ordinance 19-04 by title. Vice Mayor Kapper moved to adjourn Ordinance 19-04 on second reading, seconded by Commissioner Drumm. Mayor Henderson asked if anyone had any comments. There being none, roll call: all yes. Commissioner Neal requested to hold a workshop after the first of the year to explain the FEMA 50% rule to the residents.

Recommendation from Planning and Zoning Board (LPA) - Land Use and Zoning Change – 17940 Gulf Blvd. Redington Long Pier

Mayor Henderson explained that the next three items on the agenda will be handled at one time. Mayor Henderson stated the Planning and Zoning Board have recommended to deny the request for the Land Use and Zoning Change. Mayor Henderson asked that before the public hearing starts those who wish to speak to fill out a request card stating if they are for or against the request and would need to take an oath. Attorney Denhardt stated the hearings on both the ordinances will be heard in one public hearing. After the public hearing portion, the comments are closed, then the Commission will discuss and then they will entertain the ordinances. Attorney Denhardt stated the commission did hire a consultant firm to handle this request and asked Mr. Healey to address the commission and audience discussing the relationship between the comp plan, towns dev code and town zoning districts. Mr. Healey address the commission giving an overview between the comprehensive plan and the town’s development code. Mr. Healey again stated there are two items tonight to be considered, one is to amend the town’s comprehensive plan, specifically the future land use map within the plan and the second to amend the town’s official zoning map. The comprehensive plan establishes community public policy, guiding growth and development in the town. It is a statement Purpose and vision and serves as the foundation and basis for the day to day decisions, procedures and standards that are important to implement the plan.

The Comprehensive Plan sets the framework and zoning is the tool to implement the plan. There are eight separate plan elements in the comprehensive plan, more detail will come forth in his presentation. Each element includes goals, objectives and policies that provide specific guidance of each of those elements. Goals identifies the community vision; objectives identify desired outcome and the policies identify the means by which to achieve the desired outcome of the visions. Therefore, the comprehensive plan is the official adopted expression of public policy of the town that guides all land use and development decisions.

The Zoning Ordinance is the principle mechanism that implements the comprehensive plan providing details of the regulatory procedure and standards that help interpret the plan and apply the principles in the plan.

The comprehensive plan and zoning ordinance must be consistent with each other. Any changes to the town’s plan must be reviewed and approved by both the County and the Department of Community Affairs. Mr. Healey submitted his resume into the record and reviewed with them his background and credentials. Mr. Healey asked if there were any questions for him. There were none.

Mayor Henderson called both Case LUPA 19-1 Application for an Amendment to the Town’s Land Use Map as contained in the town’s Comprehensive Plan and Case Z19-1. There will be one Public Hearing for these cases. As Case Z19-1 will be a Quasi-judicial hearing, all quasi-judicial rules of procedure will be followed. Attorney

Denhardt read Ordinance 19-06 by title. This ordinance is to amend the town's Comprehensive Plan. Attorney Denhardt read Ordinance 19-05 by title. This ordinance is to amend the zoning on the property. Mayor Henderson asked Mr. Utegaard to identify himself and who he represents. Mr. Utegaard stated he is applying on the behalf of Ben Malher. Mayor Henderson asked Mr. Utegaard if he is being represented by an Attorney at this hearing, Mr. Utegaard stated he is not.

Mayor Henderson opened the Public Hearing on both applications at this time.

All those who wish to speak were sworn in at this time.

Mr. Healey addressed the Commission reviewing with them his report which he submitted to the Commission for the record. Mr. Healey summarized the key points in his reports. After review, Mr. Healey recommends respectfully to the Commission to deny the request by the applicants. Commissioner Drumm clarified with Mr. Healey the number of rooms that would be allowed, which would be ten and eighteen rooms. Mayor Henderson asked Mr. Healey what other uses would be allowed if this was approved. Mr. Healey stated, automotive, fast food, non-drive in and other uses listed in the general commercial. There being no further questions or comments, Mayor Henderson asked Mr. Utegaard to present to the Commission their application. Ben Malher addressed the Commission stating he is under contract to purchase the property, with a vision to take preservation and progress together. Their plan is the only solution they can come up with to rebuild the pier and the hotel would pay for the up-keep. Mr. Utegaard agreed with all that Mr. Healey stated, but there is a process to change things. Mr. Utegaard stated their true desire to enter into a Development Agreement with the town, with precise conditions regarding the development. Mr. Utegaard explained to the Commission how a development agreement works. Commissioner Neal stated he has spoken to his constituents who would love to see the pier rebuilt, but do not want to see a hotel built. Mr. Utegaard stated they would like to have a continuance. Attorney Denhardt stated to Mr. Utegaard that you are half-way through a public hearing and recommends to the Commission to continue with the public hearing. Attorney Denhardt stated Mr. Utegaard was offered a continuance earlier in the process but declined. Mayor Henderson asked Mr. Utegaard if he had a copy of the purchase contract. Mr. Utegaard stated yes; and submitted to the Mayor. After further questions and discussion from the Commission, Mayor Henderson asked if there were any questions or clarification for the applicant. Mr. Pergolizzi, representing, Anglers Cove Condominium asked Mr. Utegaard how current zoning is incompatible with the RM-15 zoning and how parks are incompatible with condominiums. Mr. Utegaard stated he was directly referring to Mr. Healey's phrase. Mr. Pergolizzi stated the application states the height of the building is 89-feet, is it 89 feet, or 89 feet above base flood elevation. Mr. Utegaard, 89 feet from the ground. Mr. Pergolizzi stated the application states 89 feet from base flood elevation. Mr. Pergolizzi clarified that Anglers Cove is a condominium, not a hospitality investment. Mr. Pergolizzi asked Mr. Utegaard for the name of the person at DEP he stated who he spoke to. Mr. Utegarrrd stated Kathlyn Lewis.

Mayor Henderson took a 10-minute recess at this time.

Mayor Henderson continued with the public hearing.

All those in favor of the applications were sworn in and were individually called to address the commission. The main points of being in favor were additional revenue coming into town and the ability to save the pier.

All those opposed to the applications were sworn in and were individually called to address the commission. Those opposed would love to see the pier rebuilt, but not at the cost of changing the zoning and land use. Other points of opposition were the size of the lot being too small for such a large project, the area of the beach is not big enough for the increase of visitors. The stress on the town's infrastructure. No longer having a small quiet town.

There being no other public comments. Mayor Henderson asked Mr. Healey as town staff do you have any

questions or need clarification from the opponents. Mr. Healey stated he does not. Mayor Henderson asked if the applicants if they have any rebuttal to any comments made by the opponents. Mr. Utegaard referred to questions that were asked regarding the project and stated all would be bound to a development agreement. Mr. Utegaard again asked for a continuance instead of a yes or no vote tonight, so a discussion can be had to see if a development agreement can be agreed upon.

There being not further comments or discussion, Mayor Henderson closed the public hearing on both the cases.

The commission discussed amongst themselves Ordinance 19-06. Vice Mayor Kapper stated if there is another way to work out this project with less rooms, etc. it would be better than having the vacant land. Commissioner Robinson stated he is not willing to change the town comprehensive plan for the project presented. Commissioner Robinson stated he is not against a development agreement, if it is consistent with the town's comprehensive plan. Commissioner Neal made the motion to deny Ordinance 19-06, motion seconded by Commissioner Robinson. Roll: Commissioner Robinson- Yes, Commissioner Drumm- Yes, Commissioner Neal- Yes, Vice Mayor Kapper- No, Mayor Henderson- Yes.

Attorney Denhardt reiterated that because Ordinance 19-06 was denied, the Ordinance 19-05 becomes mute at this time.

Appeal to Special Magistrate Order – For Rear Yard Set Back Variance – 17822 Lee Avenue

Mayor Henderson stated she has signed a conflict of interest form and filed with it the town clerk, due to living next door to the site. Attorney Denhardt advised Mayor Henderson, she could participate in the discussion but could not vote. Attorney Taraski, representing Jerald and Carol Muscik, appealing the denial of the rear yard setback from section 90-96.C that requires a twenty-five (25) foot setback from the Coastal Construction Control Line (CCCL). Attorney Taraski stated that there are properties on Lee Avenue who have received variances for rear yard setbacks. Attorney Taraski asked the Commission to approve the appeal and the reverse the denial. Attorney Denhardt spoke about item in question is based on tertiary review, three items to review (1) was the applicant given due process, (2) did the Special Magistrate follow the essential requirements of law, and (3) was the Special Magistrates review based on substantial evidence. Mrs. Muscik raised the question to the commission about what special privileges does the eighteen (18) foot setback have on her property versus the others on Lee avenue. Attorney Taraski stated they were not asking to overturn the code but to overturn the variance denial.

Bruce Cooper, Building Official, stated he looks at both the comprehensive plan and the land development code. By overturning the appeal, it would be in violation of the comprehensive plan. However, the Town has the option to reduce or limit the setback requirement. The setback is not federally regulated, it is a town requirement. Based on what is presented it is suggested to uphold the denial.

Attorney Denhardt notified Commission that the items for review are: (1) if the commission believes the Special Magistrate provided due process and (2) was his opinion based on substantial evidence. If commission finds he did not do either of those items, then commission should grant the appeal. If commission finds that he did do both of those then they should deny the appeal. Commissioner Neal stated a precedence has already been set and questioned how to pick and choose who receives the variance. Vice Mayor Kapper was in favor of granting the appeal due to the other homes on the street being granted their variances. Commissioner Robinson and Commissioner Drumm stated about the affects of not following the comprehensive plan in regard to granting the variance. Commissioner Robinson suggested to alter the Comprehensive plan to allow eighteen (18) feet. Building Official Cooper stated that the amendment would be to the land development code not the Comprehensive Plan. Attorney Denhardt stated the options are to grant, deny, or table. Vice Mayor Kapper motioned to table, motion seconded by Commissioner Neal. Roll: all yes, except Mayor for conflict of interest.

NEW BUSINESS

Award Bids for Demo and New Fence – Spitzer Park

Commissioner Neal moved to approve staff recommendation to award the bid for the fencing to Allied Fence in the amount of \$15,987.00 and Finke Brothers, LLC to demo the existing fence and concrete columns in the amount of \$6,400.00, seconded by Commissioner Drumm. Roll: all yes

PROCLAMATION – Proclaiming October 2019 Domestic Violence Awareness Month

Mayor Henderson proclaimed that October 2019 is Domestic Violence Awareness Month.

PUBLIC COMMENTS

Attorney Denhardt and Attorney Rubenstein in conjunction with Mary Palmer, created a revised fee schedule for variance and site plan application fees. Research was done that shows the fees being charged are low compared to other municipalities. The raise in fees should be done to help compensate time for the personnel reviewing the applications. A suggested resolution for The Town of Redington Shores adopting a revised fee schedule for certain applications made to the Town's Planning and Zoning Boards, Special Magistrate, Resolution 09-19. Commissioner Neal made a motion to pass Resolution 09-19, motioned seconded by Commissioner Drumm. Roll: all yes

MISCELLANEOUS

Mayor Henderson announced the following meeting date:

Workshop Meeting – Wednesday, October 30, 2019 – 6:00 p.m.

Regular Meeting – Wednesday, November 13, 2019 – 6:00 p.m.

Respectfully submitted,

Sarah Mauter
Deputy Town Clerk