

**BOARD OF COMMISSIONERS
TOWN OF REDINGTON SHORES
REGULAR MEETING
WEDNESDAY, JANUARY 13, 2010
MINUTES**

Present upon roll call: Commissioner Wojcik, Commissioner Kapper, Commissioner Holmes, Vice Mayor Adams, Mayor Adams and Attorney Denhardt.

David Healey – PPC Executive Director – Updated Determination of Consistency

Mayor Adams introduced David Healey and Chris Mettler of the Pinellas Planning Council. Mr. Healey addressed the Commission thanking the Commission and staff in reaching the requirement of being consistent with the Pinellas County Plan. The process is an ongoing process with changes made, and the Planning Council will work with the town along the way to continue to be consistent. One item that needs to be completed is for the town to decide if they want to use Transfer Development Rights in the code.

APPROVAL OF MINUTES – Regular Meeting, December 9, 2009; Special Meeting, December 15, 2009

Commissioner Holmes moved to approve the minutes as stated, seconded by Vice Mayor Branch. Roll call: all yes.

APPROVAL OF BILLS – January 2010

Commissioner Holmes moved to approve the January 2010 bills, seconded by Commissioner Kapper. Roll call: all yes.

COMMISSION REPORTS

Mayor Adams

Mayor Adams told the Commission the Town has received a letter from La Contessa Condominiums in Redington Beach thanking the town for cleaning and sodding our town owned lot that was used for a staging area for the stormwater quality project. Also Mayor Simons verbally gave his thanks.

Mayor Adams announced on Saturday, February 13th at noon – a there will be a human line of “Hands Across the Sand” to “Draw a Line in the Sand against oil drilling off our shores. Anyone who would like more information can contact town hall.

Vice Mayor Branch, Commissioner District No 2

Indian Shores Police Department – traffic citations, traffic warning and parking tickets are down.

Stormwater Quality Project – is now in District Three on 180th and 182nd area, the project has slowed down, due to the many breaks in the old water pipes. The town is working with Pinellas County trying to get the county to replace the pipes now not after the project is done, having to dig up the new paved roads and leaving patches.

Commissioner Kapper, Commissioner District No1

Parks - Installed lighting and electric at the pavilions at Del Bello Park. Parking spaces have been provided at Spitzer Park. The railing on the beach access between Sunset Reef and Redington Towers has been repaired.

Commissioner Wojcik, Commissioner District No 3

Flood Plain Management Plan – has been completed and is on the agenda for approval.

Emergency Management – Pinellas County is renewing all contact lists in preparation for the 2010 hurricane season. The town will work with Indian Shores for preparation. Commissioner Wojcik reported he will be attending the Governor’s Annual Hurricane Conference.

Policies and Procedure Manual – work has started to review the manual.

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Commissioner Holmes, Commissioner District No 4

Building Department – 32 permits were issued, total revenue \$4,688.00.

Fire/Ems – 20 fire calls with an average time of six minutes, 12 seconds and 15 EMS call with an average time of three minutes and 24 seconds.

OLD BUSINESS

None

NEW BUSINESS

Approval of Flood Plain Management Plan

Commissioner Wojcik reported the plan has been revised by the committee. The biggest change has been the action plan, adding possible purchase of properties for open space and educate the public through a television broadcast system integrated with Pinellas County. Commissioner Wojcik moved to adopt and approve the 2010 Town of Redington Shores Flood Plain Management Plan, seconded by Commissioner Kapper. Roll call: all yes.

Planning and Zoning Recommendation – 18323 Sunset Blvd - Suncoast Seabird Sanctuary

Mayor Adams explained to the Commission and audience the procedure in which all of the Planning and Zoning recommendations on the agenda will follow; Attorney Denhardt will swear in all who want to speak for or against a recommendation. All persons will approach the podium stating their name and address when speaking. The applicant will have five to ten minutes to state their case; all others will have 3-minutes. The chair of Planning and Zoning will address the Commission, the applicant will speak, then questions by the Commission, then public comments will be allowed, the public comments will be closed, the Commission will discuss and vote.

Attorney Denhardt explained to the Commission site plan review procedures. The Commission when reviewing a site plan consider location of the site, structures on site, determine if the site plan is harmonious with the area, in keeping with the zoning, parking adequate, etc., basically that code conditions are met, referring to section 90-110 of the code. Attorney Denhardt swore in all persons who speak.

Bonnie Stein, Chairperson of the Planning and Zoning Board addressed the Commission, explaining the Board voted to approve the variance, with Ms. Stein being the only member voting no. Mrs. Stein wanted to address the Commission on why she voted against this particular variance and site plan. It was not a judgment regarding the work of the Seabird Sanctuary; in fact Mrs. Stein has favorable feeling toward the Sanctuary. As a board member she does not let personal feelings or thoughts sway her job as a member which is to uphold the code of ordinances. The board does not have the authority to substitute personal judgment when making decisions. Attorney Denhardt reminded the Commission the issue before you tonight is the site plan, not a variance, the Planning and Zoning Board has the authority to grant variances.

Michelle Simoneau, Marketing and Public Relations Manager for the Sanctuary and representative for Helen Heath, addressed the Commission giving an overview of the request. Ms. Simoneau resides at 6455 29th Street North, St. Petersburg, Fl. Ms. Simoneau explained the reason for the site plan approval is the nature of work has changed, meaning the type of birds are changing coming to the sanctuary. The amount of birds of prey has doubled in the last decade. The aviary will allow the birds to exercise their wings before release, now they are being shipped to other counties for this exercise. If the building permit allows they can put a fence up to block the view of the cage. The birds of prey do not have the odor the seabirds have, they do believe the aviary is an accessory structure. The Sanctuary believes they are grandfathered in for the non-conforming use and ask the Commission to allow the request. Mayor Adams mentioned he did not see a fence on the site plan, Steve Andrews confirmed the fence was not placed on the site plan. Commissioner

Comm Mtg.

Wojcik commented that he thought the site plan did not show enough information. Mayor Adams referred to minutes from 1999 when the Seabird Sanctuary requested to turn the garage of the home on the lot in question into a hospital and at that time the Commission granted the request, on the basis they were told by Mr. Heath no other expansions, improvements, etc., would be requested. Mayor Adams asked if there are any requirements to have electric, water, etc., in the structure. Ms. Simoneau stated no there is not.

Attorney Denhardt reminded those who are going to speak to the Commission the issues are not whether the Sanctuary is doing a good job, or nice to have in town, etc., but site plan issues as stated previously in the meeting.

At this time Dr. Harrell Alberz, 1072 56th Ave. South, St. Petersburg; Ruth Ramsey, Manager of San Remo, 8566 Robing Road, Largo; Matt Spector, 18304 Gulf Blvd., Redington Shores, and Barbara Suto, 11340 110th Terrace, Largo, addressed the Commission and spoke in favor of the site plan. Jim Whiting, 18304 Gulf Blvd, Redington Shores, Jody Armstrong, 18012 3rd St. East, Redington Shores; Ron Stein, 209 176th Ave. East, Redington Shores, addressed the Commission and spoke against the site plan. There being no further discussion from the public, public discussion was closed.

Mayor Adams opened discussion for the Commission. Commission Wojcik – referred to the 1999 minutes where a “deal was made” and that he has a problem with deals changing. Commissioner Kapper commented that things change constantly – a non conforming property does not necessarily mean it is bad for Redington Shores. Vice Mayor Branch commented that the Commission needs to go by the rules and regulations. Commissioner Holmes stated he has responsibility to assist the other Commissioners to govern the community in what we believe is the best interest of the community and in accordance with regulations of the town. The sanctuary started in 1972 in a small way, zoning changed and the property became non-conforming as other properties did. Based upon the presentations and evidence we have heard in the matter Commissioner Holmes request that the board of commissioners approve the following facts and pass the motion:

“That the Suncoast Seabird Sanctuary has performed a valuable service our area.

The Seabird sanctuary has expanded its operations to the point they have outgrown their location in the town of Redington Shores and need to find a larger area to continue their mission.

That the town hall staff and town commissioners have received numerous complaints over the years concerning the smell and in some cases the noises from the birds.

In all probability adding the aviary will not alleviate the noise and smell problems.

Increasing the footprint of the current site plan would be in violation of the town code pertaining to properties in non conforming use categories. It is the towns’ desire that current non conforming properties will eventually come into compliance and grandfather status will be a thing of the past.

Increase in operations would only add to an already over expanded mission and would further overtax the areas ability to handle an influx of visitors, volunteers and employees. The streets are narrow; there is no traffic flow pattern available; there is no parking except for 8 spaces in Indian Shores.

Simply put the design of the site is not in harmony with the neighborhood and does not have the routes of communication necessary to support the current mission of the sanctuary. It does not appear that the sanctuary would be able to have a site plan that would be able to comply with the code requirements to buffer the area so that is would eliminate the odor and noises and provide for a smooth traffic flow.

The design, type of use and location of the sanctuary does not enhance the town of Redington Shores. Basically it is dirty, not attractive to passers by and not a desirable attraction for our community.

That approval of the site plan would not be in the best interests of the other residents of the zoning district or other zoning districts and is not in the best interests of the town of Redington Shores.

Based on these facts, I make a motion that the approval of the site plan be denied”, seconded by Vice Mayor Branch. Roll call: Commissioner Wojcik, yes; Commissioner Kapper, no; Commissioner Holmes, yes; Vice Mayor Branch, yes and Mayor Adams, yes.

Planning and Zoning Recommendation – 17814 Gulf Blvd. – Lobster Pot Restaurant

Andy Delman, 1487 Ruth Road, Dunedin, addressed the Commission explaining the request is for an open deck in front of the restaurant, with a low wall facing Gulf Blvd and an eight foot wall on the south side of the building to block view of the hotel, to expand to the 10’ setback and utilize the Gulf Boulevard Overlay District. Much discussion ensued in regard to the parking and allowing the use of the town’s public lot for designated spaces. After much discussion Commissioner Holmes moved to refer the applicant to table the plan at this time, to include the additions as talked about back to the Planning and Zoning Board, with the fee waived, and for the applicant to have a complete site plan adding the following, the dumpster area screened, and that the applicant must roll the dumpster out to Gulf Blvd. for pick-up, the dumpster is not to be picked up on the side road, show a 10’ easement to the town at the valet parking lot, and the parking lot to show the legal parking spaces with the correct dimensions and maneuvering per the town code and to beautify the lot and to add more landscaping at the lot and restaurant, seconded by Vice Mayor Branch. Roll call: all yes.

Planning and Zoning Recommendation – 47 181st Ave. West

No applicant was present tonight to speak to the Commission. Commissioner Kapper moved to approve the Planning and Zoning Board recommendation, seconded by Vice Mayor Branch. Commissioner Holmes moved to amend the motion to approve the Planning and Zoning recommendation subject to the following conditions, no solid surface or closure beneath the decking and never be able to cover or enclose the deck, seconded by Commissioner Kapper. Roll call on the amended motion, all yes. Roll call on the motion as amended, all yes.

Planning and Zoning Recommendation – Transfer of Development Rights (TDR’s)

Commissioner Wojcik asked the Commission to seriously consider eliminating TDR’s from codebook completely. In his opinion it opens it up to a very aggressive developer to manipulate the code. Two thirds of the cities do not have TDR’s. Commissioner Wojcik moved to deny the P&Z recommendation, motion died for lack of second. Attorney Denhardt stated the motion would be not to pass the ordinance. Commissioner Kapper moved to table the Ordinance until the next meeting on February 10, 2010, seconded by Commissioner Wojcik. Roll call: Commissioner Wojcik, yes; Commissioner Kapper, yes; Commissioner Holmes, no; Vice Mayor Branch, yes; Mayor Adams, no.

Ordinance 10-01 - First Reading and Advertised Public Hearing (TDR’s)

Tabled until February 10, 2010.

Resolution 01-10 – Cancelling the March 9, 2010 Municipal Election

Commissioner Wojcik moved to approve Resolution 01-10, seconded by Vice Mayor Branch. Roll call: all yes.

Appointments/Reappointments to the Planning and Zoning Board

A meeting will be held on January 27, 2010 with the Planning and Zoning Board and the Commission to discuss procedures of the Planning and Zoning. Commissioner Kapper moved to reappoint Jeanette DeMarco and Bob Phillips for 90-days, seconded by Commissioner Holmes. Roll call: all yes.

Resolution 02-10 – Opposing Amendment 4

Commissioner Holmes moved to approve Resolution 02-10, seconded by Commissioner Wojcik. Roll call: all yes.

Comm Mtg.

PUBLIC COMMENTS

None

MISCELLANEOUS

Mayor Adams announced the following dates:

Workshop Meeting – Wednesday, January 27, 2010 – 7:00 p.m.

Regular Meeting – Wednesday, February 10, 2010- 7:00 p.m.

Respectfully submitted,

Mary F. Palmer, MMC
Town Clerk