

**WORKSHOP MEETING
BOARD OF COMMISSIONERS
TOWN OF REDINGTON SHORES
WEDNESDAY, OCTOBER 28, 2020 – FOLLOWING SPECIAL MEETING
MINUTES**

Present upon roll call: Commissioner Blackburn, Commissioner Krajewski, Commissioner Neal, Vice Mayor Robinson, Mayor Henderson, and Attorney Rubenstein

OLD BUSINESS

Discussion – 70.51 Mediation/Hearing

Attorney Rubenstein addressed the Commission reporting to them the process of the 70.51 Mediation/Hearing. The petitioner had applied for variance to the rear setback at 17822 Lee Ave., which was denied by the Special Magistrate. The petitioner appealed to the Commission, who upheld the decision of the Special Magistrate. The town then received a petition for relief under 70.51, which provides an avenue that tolls the time to file a lawsuit. This is a nonbinding mediation/hearing and provides a recommendation only. Vice Mayor Robinson was appointed to represent the town at the hearing, which was held last Monday. At the hearing, the town was presented with a site plan from the petitioner depicting a residential structure in conformance with the setbacks for the actual building. There were questions about the balconies, but Building Official Cooper confirmed that as long as they were cantilever balconies it was fine. Another item discussed was the possibility of constructing a pool and the setbacks involved in that. We then went into break out session, where we spoke with Building Official Cooper and came back with a recommendation of (1) the possibly of changing the land development code altering the setbacks from the CCCL for construction of items such as a pool and (2) to consider granting a variance to the property for a pool, with the condition that an engineering report is provided that the construction will not affect the existing seawall.

Vice Mayor Robinson stated because of some of the information presented at the hearing, we asked Building Official Cooper to join us. The result of the mediation recommendation regarding changing the possibility of changing the code or granting a variance was based upon Building Official Coopers representation of facts provided. Since that time, I became aware of other information and looked at the Pinellas County Coastal Construction Code and now question if Redington Shores Commission can even follow these recommendations. Building Official Neal Mazzei and Kahn Bouphe, with Jones Edmunds are present and would like them to address the Commission on the concerns. Vice Mayor Robinson stated his purpose at the hearing was just to listen to what was being presented and try come up with a solution that protected the town and at the same time gave some ability for the property owner to accomplish what they wanted and to see if we could find something that would work. Vice Mayor Robinson stated the mediation was set and scheduled only for the structure itself, (the home) and what was presented was in compliance with the current code and the property owner will submit a final site plan for approval.

Discussion – Building Official Mazzei, does recall the issue from last year and the discussion on those pools that were permitted in the past, right or wrong. The goal of the town’s Flood Plain Ordinance is to protect the beach communities, does not think granting something that close would be prudent in the long run, as far as the 6-foot distance is concerned. I would stand by the Special Magistrates and the Commission decisions. Commissioner Neal stated he disagrees and stated one, two or three more pools sitting that far from the CCCL would not hurt. Commissioner Neal stated the original construction of the seawalls was designed to keep the soil in because the beach was three or feet lower than it is now. He does agree engineering is needed. Mayor Henderson ask Mr. Bouphe to address the Commission. Mr. Bouphe stated as an engineer he evaluates a lot of the flood plain management activities in this area and throughout this region. Here in Redington Shores you are highly susceptible to surge, the BFE is 11-13 feet above sea level, which is high. Looking at historical ariel

imaging from 1926 they show the beach has moved in and out at times 100 – 200 feet at times. You can see how close the water has gotten to the structures, which is something to take into consideration along with the fact the regulations are regional, not just pertaining to the town.

Vice Mayor Robinson stated his concern is with the county code Section 3109.2.3.1, states - The local permitting, inspection, and enforcement authorities of the jurisdictions listed in section 3109.2.3.2, (which includes Redington Shores) shall be empowered to issue permits, conduct inspections, and take enforcement action in a manner consistent with this Coastal Code and the Agreement between the PCCLB and the Florida Department of Environmental Protection. Vice Mayor Robinson stated, he does not think the town can adopt anything less stringent. Commissioner Blackburn stated basically it appears the town is losing beach, and the pools that are already in were done prior to losing some of the beach. Commissioner Blackburn shared a picture that was sent to the town from a former Commissioner showing the area in question and the amount of sand washed out from Hurricane Elena, which is very frightening to her. Allowing building closer to the CCCL and the seawalls Mayor Henderson stated the town cannot grant the variance without changing the land development code. Vice Mayor Robinson stated the purpose of this meeting is not to vote. In accordance with mediation/hearing, at our next meeting we will have to take a vote on changing or not changing the land development code. If the Commission does vote to change the land development code, they would need to vote on allowing a variance to the property so the property owner can move forward with their project. Commissioner Neal stated a swimming pool is not going to make that much difference. Commissioner Blackburn stated it could be the tipping point and we would be setting a precedence. Commissioner Neal stated he is looking at what has been done and it is going to be interesting in how this is all going to work out. Commissioner Krajewski stated he was not here during Hurricane Elena but does know the pool at his complex at Shore Mariner, was lifted up and moved out of place. When repaired it was replaced 40 to 50 feet back from the position it was in. He stated concern about something like that happening again. Commissioner Neal asked maybe the town should have the pools removed; we have things already built, and now someone new comes in and cannot have the same things. Mayor Henderson stated the town's prior building official was in error giving misinformation to the Special Magistrate and recommending allowing these pools and rear setbacks variances. Our current building official when presented with this variance request presented to the Special Magistrate the code information and the Comprehensive Plan information. The Special Magistrate denied the rear setback request and stated he never would have allowed others had he known this information. Mayor Henderson and Commissioner Blackburn voiced that the town does not need to continue down the wrong path.

Mayor Henderson opened the discussion for public comment.

Joseph Kenny, attorney for Carol Muszik addressed the Commission stating along this street the seawall is about 12 to 13 feet seaward of the CCCL. When talking about this particular area where one would put a swimming pool, especially with the proposed change to land development code, this swimming pool could never be closer than 12 feet because it would be landward of the CCCL. When you take a look at the codes, up and down the beach, including Pinellas County, the set back from the CCCL, in Redington Shores is the most restrictive compared to the others and on this street the CCCL runs through some of these lots. Mayor Henderson stated for the record Redington Beach is 20-feet from the CCCL, Indian Shores, 18 and Belleair Beach is also 18-feet.

Carol Muszik, addressed the Commission stating the neighbors have pools, one being over the CCCL. We are asking for the same thing. You are going to lose in court, we are going to court. This is selective enforcement.

Jerry Muszik, - There are several pages in the Comprehensive Plan relating to this, not just one section.

NEW BUSINESS

Discussion – Proposed Amendment to Section 90-5 – Pertaining to Fences and Shrubs

Tabled until staff report is provided.

MISCELLANEOUS

Mayor Henderson announced the following meeting dates:

Regular Meeting – Wednesday, November 18, 2020 – 6:00 p.m.

Workshop Meeting – Wednesday, November 25, 2020 – 6:00 p.m.

Commissioner Neal asked Attorney Rubenstein to please investigate the appointment made to the Planning and Zoning Board at the last meeting, as the appointee is registered to vote in Hillsborough County and also has homestead in Hillsborough County.

Respectfully submitted,

Mary F. Palmer, MMC
Town Clerk