



**BOARD OF COMMISSIONERS
TOWN OF REDINGTON SHORES
WORKSHOP MEETING
WEDNESDAY, SEPTEMBER 25, 2024 - 6:00 P.M.**

AGENDA

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. APPEARANCES AND PRESENTATIONS

E. OLD BUSINESS

F. NEW BUSINESS

1. Updates to BOC Policy and Procedures Manual – Discussion
2. Variance Discussion

G. MISCELLANEOUS

Regular Meeting- Wednesday, October 9, 2024 – 6:00 P.M.

Workshop Meeting- Wednesday, October 30, 2024 – 6:00 P.M.

H. ADJOURNMENT

Pursuant to Florida Statutes § 286.0105, if any person or entity decides to appeal any decision made on any matter considered at any meeting or hearing of any Redington Shores Board or Commission, he, she or it will need a record of the proceedings and, for such purpose, he, she or it may need to ensure that a verbatim record of the proceedings is made, which record includes the legal arguments, testimony, and evidence upon which the appeal is to be based.



Town of
Redington Shores
Nature's Beach

Date: September 25, 2024
To: Board of Commissioners
From: Margaret Carey, Town Clerk
Re: Updates to Board of Commissioners Policy & Procedures Manual

This is a discussion item for the Commissioners to review sections of the Policy & Procedures Manual that may require updating.

Topics:

- Town Newsletters – content, frequency/schedule
 - Attorney Eschenfelder drafted a Resolution related to this topic
- Excused Absences – to be defined
- Include Public Comment on Workshop agendas?
 - Currently public comment is only included on Regular meeting agendas – Sec. 5.3.2
- Procedure for Commissioners to bring items to the agenda (Should process for both workshop and regular meetings be same?) – Sec. 4.3.3
- Attorney fees – when to contact the attorney
- Other

Documents attached:

- Policy and Procedures Manual for the Redington Shores Board of Commissioners and Town Officials (Rev. 6-12-2024)
- Draft Resolution regarding Town publications
- Social Media Policy (this is referenced in the draft resolution and will be considered for formal approval at the October 9, 2024 Regular meeting)

ITEM F.1.

**POLICY &
PROCEDURES
MANUAL**

**POLICY AND PROCEDURES MANUAL FOR THE
REDINGTON SHORES BOARD OF COMMISSIONERS
AND TOWN OFFICIALS**

ADOPTED BY RESOLUTION 01-23

Revised February 8th 2023

Revised April 12th 2023

Revised June 12th 2024

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**PROCEDURES FOR THE REDINGTON SHORES BOARD OF
COMMISSIONERS' MEETINGS AND TOWN OPERATIONS**

PREAMBLE AND STATEMENT OF INTENT

Consistent with the requirements of Chapters 166, 163 and 286, Florida Statutes, and other applicable law, the Redington Shores Board of Commissioners has adopted these rules (hereinafter, the Commission Procedures) to govern its meetings, hearings, and workshops, and to address the workflow of Town administrative officials. As to meetings of the Board of Commissioners, while encouraging appropriate public participation and an informal and civil atmosphere, the Board of Commissioners intends to maintain the structure and decorum required for the orderly, efficient, and professional conduct of its business.

1. APPLICABILITY.

These Commission Procedures shall govern and be applicable to the meetings, hearings, and workshops of the Redington Shores Board of Commissioners, and in accordance with Town Code § 5-6(b), to any subordinate boards, commissions or advisory committees created by the Commission. If any such subordinate bodies adopt their own additional procedures, such procedures shall not be materially inconsistent with these Procedures, and shall first be reviewed by the Town Attorney to ensure legality. These Procedures shall also be applicable to the Town Administrator and the administrative functions of the Town to the extent provided for herein.

2. OFFICIAL COMMISSION ACTION.

2.1 APPLICABILITY; MATTERS FOR BOARD CONSIDERATION. Any matters that relate to the Commission's duties, authority or powers under the Town Charter, Florida Statutes Chapter 166, or other applicable law, or which relate to the Town's property, legal or financial interests, or to the public health, safety or welfare of the Town and its residents, may be brought before the Commission for appropriate consideration or action.

2.2 DELEGATION OF AUTHORITY. The Town of Redington Shores acts through its Board of Commissioners and the authorized actions of its employees, agents, and legal representatives. To the extent permitted by law, the Commission may delegate its authority to perform action on behalf of the Town. In delegating authority, the Commission shall provide sufficient guidelines and expression of its objectives to enable efficient performance of the action for which the authority has been delegated.

2.3 DESIGNEES. Wherever these Commission Procedures delegate authority or responsibility to the Town Clerk (the Clerk) or the Town Administrator, such authority or responsibility is understood to extend to his or her respective designee. However, this delegation of duties does not relieve the delegating officer for ultimate responsibility for said delegation.

3. ADMINISTRATIVE OFFICERS.

3.1 CLERK OF THE COMMISSION. Pursuant to § 11B of the Town Charter, the Town Clerk/Treasurer shall ensure meetings of the Commission are noticed as required by law, keep the official minutes of the Commission's meetings, and authenticate by his or her signature and record in full in a book kept for the purpose all ordinances and resolutions. Pursuant to § 17 of the Town Charter, the Town Clerk shall also be the Town Treasurer and, as such, shall be custodian of all moneys, including depositing funds and moneys into appropriate depositories or accounts, and shall keep the same in such manner and place as provided by the Town Commission.

3.2 ADMINISTRATOR. Pursuant to § 1-20 of the Town Code, the Town Administrator shall serve as the chief administrative officer of the town and shall be responsible for directing, coordinating and managing the administration of the town's business, as performed through the town's employees and contractors. Pursuant to § 1-20(H), the Board of Commissioners will conduct an annual review of the Administrator's performance, and may conduct such additional evaluations at any other times it determines, using such method of review as the Commission establishes.

3.3 QUORUM AND OFFICERS.

3.3.1 A quorum exists when a majority of the Commissioners are present, physically or electronically. Unless otherwise provided by law, Charter or Town Code, a majority vote, where a quorum is present, constitutes action of the Commission.

3.3.2 In the absence of the Mayor-Commissioner, the Vice Mayor-Commissioner shall have all the duties and authority of the Mayor-Commissioner until the arrival of the Mayor-Commissioner. In the absence of the Mayor-Commissioner and Vice Mayor-Commissioner at the time scheduled for the opening of a public meeting or workshop, the remaining three Commissioners shall select a Commissioner to preside over the meeting until the Mayor-Commissioner or Vice Mayor-Commissioner becomes present, physically or electronically. In the absence of a required quorum, those Commissioners assembled, including a single Commissioner, if only one is present, may take measures to obtain a quorum, fix the time to which to adjourn or take a recess, and open and continue a public hearing on any scheduled matter to a time and date certain, but shall take no testimony and conduct no other business. Nothing in this Section 3.3 shall limit any procedure, rules, statutes, or other lawful authority governing the conduct of business in the event of a disaster or emergency.

3.3.3 A Commissioner seeking to attend all or any portion of a meeting via electronic means shall inform the Clerk with as much advance notice as possible. The Clerk shall inform the other Commissioners of the

Commissioner's intent to appear electronically. The Clerk and Administrator shall ensure the chambers is appropriately equipped to permit any audio/video interaction needed. The term "appropriately equipped" shall mean that level of equipment allowing Commissioners attending electronically to hear fellow Commissioners and any person presenting at the microphone; allowing all other Commissioners and all persons attending in the Chambers to hear Commissioners attending electronically; and for matters expected to include video or graphic presentations, the ability of Commissioners attending electronically to view via a video feed the same images seen by Commissioners physically attending.

3.3.4 It is generally expected that Commissioners will attend meetings in person whenever possible, and that Commissioners should not seek to attend remotely based solely on convenience. While electronic attendance is permitted where necessary, including when a Commissioner is incapacitated due to illness or injury or hindered by logistical circumstances from physically attending, a remotely-appearing Commissioner must otherwise be able to concentrate and give his/her attention to the business of the Commission

3.3.5 Given the importance of a Commissioner's ability to assess witness credibility, and to review documents, videos, photographs, and other exhibits admitted into evidence when the Commission is sitting in a quasi-judicial setting, Commissioners should make every effort to attend in person meetings at which a quasi-judicial matter is on the agenda.

3.4 APPOINTMENT OF COMMISSION MEMBERS TO OTHER BOARDS.

The Commission may appoint individual Commissioners to serve on any county, state or federal board, commission, committee or workgroup either when a Town appointment is required by law or interlocal agreement, or where the governmental entity at issue has invited the Town to appoint a representative, unless accepting such appointment would constitute dual office holding. While individual members of the Board of Commissioners may elect privately to serve on non-governmental boards or committees (such as non-profits or homeowner association boards), such service shall be a private matter, the Commission will not make such appointments, and the serving Commissioner's actions on such private boards or committees shall not constitute Town action for any purpose.

3.5 DEPARTMENTAL OVERSIGHT.

The Town anticipates handling its various tasks by paid staff, volunteers, and outside contractors. To ensure consistency and for the preservation of institutional knowledge, daily oversight of the Town's operations and supervision of the Town's employees is established by a chief administrative officer. The Commission shall provide the chief administrative officer with the vision and strategic goals of the Town. As such, the chief administrative officer shall provide the Commission with

periodic reports, as determined by the Commission, to ensure the Town's objectives are being met.

COMMISSION DEPARTMENTAL RESPONSIBILITIES

To represent the Town, Commissioners shall be assigned to serve on Boards and Committees, such as:

Mayors' Council
Chamber of Commerce Activities
Barrier Island Governmental Council
Florida League of Cities
Suncoast League of Cities
Library Contract
PSTA
Forward Pinellas
Beaches & Shores

4. MEETINGS.

4.1 TYPES OF PUBLIC MEETINGS. The Commission shall have the authority to hold the types of meetings set forth below:

4.1.1 Regular Meetings. The Commission may establish and announce a regular meeting schedule. The schedule may include regular and special meetings, including meetings primarily focused on items considered under or specifically related to the Town's Comprehensive Plan or Land Development Code which may also be designated Land Use Meetings. All regular meetings shall ordinarily commence on the second Wednesday of the month at 6 p.m. in the Town Hall Chambers. Any noticed regular meeting may be commenced earlier or later, postponed or canceled, or held in a different location pursuant to a motion adopted at a regular meeting, except that no quasi-judicial proceeding shall be conducted on a date or at a time different than the date and time which had been noticed for that matter to be heard.

4.1.2 Special Meetings. A special meeting of the Commission may be called by the Mayor-Commissioner, the Vice Mayor-Commissioner, or may be set by a majority of the Commissioners present at a meeting of the Commission. Whenever a special meeting is called, it shall be posted on the Town's website and notice shall be given by the Clerk to Commissioners, the Town Attorney, and any persons entitled to notice as a matter of law, stating the date, hour and place of the meeting, and the purpose(s) for which the meeting is called. At least twenty-four (24) hours must elapse between the time the meeting is noticed and the time the meeting is to be held. While the Commission's discussion of topics need not be confined to the matters noticed for a special meeting, the Commission may not take any action on a matter not included in the noticed special meeting agenda.

4.1.3 **Emergency Meetings.** An emergency meeting may be called by the Mayor-Commissioner or the Vice Mayor-Commissioner. An emergency meeting may be called only when the official calling the meeting believes that circumstances exist that may involve serious legal, financial or safety consequences for the Town or its residents requiring immediate consideration or action by the Commission. Whenever such emergency meeting is called, the Clerk, or if she or he is unavailable, the Town Administrator, or if he or she is unavailable the official calling the meeting, shall make a diligent and good faith attempt to telephonically or by email notify each Commissioner, the Clerk, the Town Administrator, the Town Attorney, members of the local news media, and any persons entitled to notice as a matter of law, informing them of the date, hour, and place of the meeting, the nature of the emergency, and the purpose(s) for which the meeting is being called. No other business shall be transacted at the meeting other than Commission actions required to respond to the emergency, and the minutes of each emergency meeting shall include the nature of the emergency and shall set forth the efforts made to provide notice.

4.1.4 **Workshops.** The Commission may hold workshops from time to time for consideration of matters that are not ready for Commission action or for mere information gathering purposes. Regular workshops normally occur on the last Wednesday of the month at 6 p.m. No final vote or other approval action may be taken at workshops.

4.1.5 **Public Notice.** The Clerk shall provide public notice of all meetings and workshops in accordance with law. The minutes of all meetings shall include the Clerk's confirmation that the meetings were noticed as provided for by law.

4.2 CLOSED SESSIONS.

4.2.1 **Litigation Meetings.** The Town Attorney and other attorneys representing the Town may meet in private session with the Commission to discuss pending litigation to which the Town is a party before a court or administrative agency so long as such meetings are noticed, held and reported, and the records thereof preserved and made available to the public upon conclusion of the litigation in compliance with Florida Statutes § 286.011(8).

4.2.2 **Risk Management Meetings.** Portions of the Commission's meetings and proceedings that are conducted pursuant to the Town's risk management program and that relate solely to the evaluation of claims filed with the risk management program, or that relate solely to offers of compromise of such claims, may be held in private session, so long as such meetings or portions of meetings are held and a record thereof is preserved in compliance with Florida Statutes §

768.28(16). In accordance with Florida Statutes § 768.28(16)(d), the minutes of risk management meetings and other records thereof are exempt from public disclosure until termination of all litigation and settlement of all claims arising out of the same incident.

- 4.2.3 **Collective Bargaining Meetings.** As provided in Florida Statutes § 447.605, all discussions between the Commission and the Town Attorney relative to collective bargaining shall be closed and exempt from the provisions of Florida Statutes § 286.011.

4.3 PREPARATION OF AGENDA.

- 4.3.1 **Administrator and Clerk.** The Town Administrator shall confer with the Clerk prior to all scheduled Commission meetings and workshops to set an agenda. Once set, the Clerk shall prepare and publish the agenda, and assemble the accompanying agenda materials for posting on the Town website and distribution to Town officials. Commissioners must receive copies of the agenda materials (in either paper or electronic form as each Commissioner requests) by noon on the Friday before all regular Commission meetings and workshops.
- 4.3.2 **Town Attorney.** The Town Attorney will notify the Administrator if she or he requests an item be placed on the agenda, and may add supplemental items to the agenda whenever, in the discretion of the Town Attorney, such items require Commission attention at that meeting to preserve the Town's legal interests or position.
- 4.3.3 **Commissioner.** Any Commissioner may request an item be placed on the agenda of a regular meeting. Unless adding the item to the agenda would violate any applicable legal notice requirements, the Administrator shall add the item. If a Commissioner adds an agenda item, the Commissioner must submit any supporting materials to the Clerk for publication by noon on the Wednesday before the meeting.
- 4.3.4 **Items Not on Agenda.** Matters that do not require separate public or other legal notice may, with the consent of the majority of the Commissioners present, be added to the agenda of any regular (but not special or emergency) meeting, and may thereafter be considered and acted upon.
- 4.3.5 **Adoption Not Required.** The Commission is not required to adopt or approve the agenda for any meeting. The Commission reserves the right, once a meeting has been convened, to add, remove, or relocate any agenda items as it deems necessary or advisable, except that quasi-judicial matters may not be begun prior to the time set forth in the notice.

4.4 CONTINUANCE OF MEETINGS DUE TO EMERGENCY.

Where necessary to continue a public meeting due to an emergency and where the full Commission is not assembled, the Mayor-Commissioner, Vice Mayor-Commissioner, a Commissioner, the Clerk, the Administrator, or the Town Attorney are hereby delegated authority to continue the meeting to a date certain or indefinitely. The continuance shall be announced at the time and place where the meeting was scheduled to begin and, where possible, shall be publicly announced prior thereto to provide reasonable public notice thereof.

For purposes of this rule, an “emergency” means an emergency as defined in Florida Statutes § 252.34(3), or as declared by the Governor of Florida, the Board of County Commissioners, or the Town Commission, or a natural or manmade disaster or threat thereof that in the reasonable judgment of the Mayor-Commissioner or the Town’s chief law enforcement officer renders the meeting environment unduly dangerous to the Commission, staff or the public.

5. CONDUCT OF MEETINGS.

5.1 GENERALLY. On the day and at the hour set for each meeting, members of the Commission, the Clerk, the Administrator, and the Town Attorney shall be seated and the business of the Commission shall be taken up in accordance with the agenda advertised for the meeting. The Administrator, at his or her discretion and in light of the anticipated agenda items, may require that either the designated Town Planner or Town Building Official also be in attendance. The presiding officer may, with the assent of the Commission, take business out of order if she or he determines that such a change will expedite the business of the Commission, will accommodate a large group of residents present to address a particular item, will accommodate recognition of a public official present to make a presentation, or will otherwise be in the Town’s best interest.

5.2 RULES OF DEBATE.

5.2.1 Questions Under Consideration. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to recess, to end debate, to ‘lay on the table’ (i.e., to postpone indefinitely), to continue or defer to a date uncertain (i.e., to postpone until the occurrence of an independent event which will definitely occur at an unknown time), to continue or defer to a date certain, or to amend a motion currently on the floor. These types of motions shall have precedence in the order in which they are mentioned, and motions to adjourn, recess, or to end debate shall be decided without debate. Upon the request of the Town Administrator or Town Attorney, made prior to final action on any matter, that the matter be deferred or continued to a future Commission agenda, the Commission shall vote on whether to defer or continue the matter as requested prior to continuing to consider the matter.

5.2.2 **Motions/Seconds by the Mayor-Commissioner.** The Mayor-Commissioner may second any motion. As the presiding officer, the Mayor-Commissioner may not make any motion unless she/he relinquishes the gavel to the Vice Mayor-Commissioner. The Mayor-Commissioner shall not recover the gavel and resume presiding over the meeting until the motion is withdrawn or acted upon.

5.2.3 **Discussion.** Every Commissioner desiring to speak shall notify the presiding officer and, upon being recognized, shall confine him or herself to the question under debate. At her or his discretion, the presiding officer may allow two members to dialogue with each other to obtain information or clarification on an issue under discussion. Otherwise, all comments should be directed to the presiding officer.

5.2.4 **Interruption.** A Commissioner, once recognized, shall not be interrupted when speaking unless it is to call that Commissioner to order or as herein otherwise provided. If a Commissioner, while speaking, is called to order (a “point of order” is used to object to point out an approved procedure is not being followed or to point out a personal affront), or if a question of personal privilege is raised (a “point of personal privilege” is an opportunity to raise issues such as disruptive noise, inadequate ventilation, or introduction of a legally confidential subject in the presence of those not entitled to knowledge thereof), the Commissioner who had the floor shall cease speaking until the question of order or privilege is addressed or ruled upon by the presiding officer. If ruled in order, the challenged Commissioner shall thereafter be permitted to proceed. A ruling of the presiding officer on a point of order may be overturned by a majority vote of the Commission.

5.3 ADDRESSING THE COMMISSION. A member of Town staff who addresses the Commission shall be identified and shall use a microphone to allow her or his comments to be heard by those in attendance and properly recorded by the Clerk. All residents or other persons addressing the Commission shall do so from the speaker’s lectern facing the Commission unless a disability requires a different location and use of a portable microphone. Time limits on members of the public addressing the Commission shall be as set forth below or as otherwise established by the Mayor-Commissioner or the Commission, and shall be monitored and enforced by the Clerk or Administrator.

5.3.1 **Public Comments as to Consent Agenda Items.** Subject to sections 5.4.2 and 5.4.3, before voting on the consent agenda at any regular or special meeting, the Commission shall allow individual members of the public to address the Commission as to any consent agenda items. Persons commenting on the consent agenda shall be limited to three (3) minutes for each such item, but shall be limited to a total of ten (10) minutes to address all consent agenda items she or he desires to address. Public comment prior to approval of the consent agenda items is not

permitted to the extent the comment is directed at the adoption of minutes or ceremonial proclamations, or other similar ministerial acts.

- 5.3.2 **Public Forum.** Subject to § 5.4.2 and § 5.4.3, the Commission will provide on its agenda for regular (but not special or emergency) meetings, a period for public comments on matters which are *not* on the agenda, *and* which address matters which may be appropriate for the Town Commission to act on at a future meeting. This portion of the meeting will occur at the end of the meeting agenda, after the Commission has acted on all other agenda items. Each person speaking during the public forum shall be limited to three (3) minutes. At any special meeting or Commission workshop, the Commission may, in its sole discretion, permit members of the public in attendance to provide comments of no longer than three (3) minutes, but such comments must only address the subject being discussed at the meeting or workshop.
- 5.3.3 **Speaker Cards.** Persons wishing to speak on any matter on the agenda, including public forum, are required to complete the speaker information cards available from the Town Clerk before the meeting. Cards are to be returned to the Town Clerk who will organize them by agenda matter and provide them to the presiding officer so each person desiring to speak can be called when the appropriate point during the meeting occurs. The presiding officer may, with the assent of the Commission, allow persons who did not fill out speaker cards to speak on a matter, but such persons will also be required to provide their name and address for the record and complete a speaker card after the fact. Persons refusing to provide their name and address will not be permitted to provide comments.
- 5.3.4 **Matters not on the agenda.** While Florida law does not require a matter to appear on a published agenda before it is acted on, the Commission always desires to provide notice to Town residents in advance of a vote. Therefore, as to matters not on the published agenda but which are added to the agenda at the meeting, the Commission will not ordinarily take action at the same meeting wherein a matter is first raised, but may direct that the item be placed on a future agenda. However, the Commission reserves the right to vote on matters added to the agenda where the matter is either minor in nature, addresses a matter of internal Town operations or staffing, or where a deadline (such as a grant application deadline) would not provide enough time for the item to wait to the next agenda.
- 5.3.5 **Public Forum not created.** Nothing in this section 5.3 is intended to create a general public forum for discussion, debate or comment on any matter an individual desires to discuss. Town Commission meetings occur so as to conduct the pending Town business and, to that end, must proceed as efficiently as possible.
- 5.3.6 **Right to Speak.** Pursuant to Florida Statutes § 286.0114, subject to the Commission's right to maintain orderly conduct and proper decorum,

members of the public shall be given a reasonable opportunity during the decision-making process to be heard on a proposition before the Commission. However, the statute also provides that an invitation for comment need not be afforded where: (a) an official act must be taken to deal with an emergency situation affecting the public health, welfare, or safety, where providing for comments would cause an unreasonable delay in the ability of the Commission to act, (b) the act involves no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations, (c) the meeting is exempt from the Sunshine pursuant to law, or (d) the meeting is one in which the Commission is acting in a quasi-judicial capacity.

5.4 ORDERLY MEETINGS.

5.4.1 The presiding officer shall preside at the meetings, shall ensure order is maintained, that the procedural rules are followed, and shall initially rule upon all procedural questions. In making a ruling, the presiding officer may consult with the Town Attorney, as parliamentarian, as to the applicable rules of order. The ruling of the presiding officer on a procedural issue can only be overturned by a Commission majority vote.

5.4.2 All persons in attendance at a Commission meeting, hearing, or workshop shall conduct themselves in a civil manner and refrain from actions that disrupt the meeting or hinders the Commission in performing its duties. To these ends, such persons are prohibited from:

- committing acts of violence toward any person;
- making threats of violence or speaking "fighting words" that are likely to provoke violence;
- disrupting the proceedings with excessive commotion or excessively loud shouting or other noise or use of obscene or crude language;
- interfering with the rights of others to speak, hear, see, or attend the proceedings;
- being unduly repetitious or presenting matters not relevant to the agenda item under consideration;
- speaking on a subject about which the Commission has already taken a position or about which the Commission has voted not to receive further comment;
- making ad hominem (in a way that is directed against a person rather than the position they are maintaining) attacks or insults against any person;

- continuing to speak after the allotted time has expired or after having been ruled out of order; or
- speaking on a subject that is clearly outside the purview of section 2.1

5.4.3 The presiding officer shall rule out of order any person(s) violating these provisions for orderly meetings. In appropriate situations (e.g., if such person(s) refuse to cease such violations), the presiding officer may have such person(s) removed from the meeting, hearing, or workshop by law enforcement personnel, or take such other actions as may be reasonably necessary to maintain order and enforce these requirements.

5.5 PUBLIC HEARINGS.

5.5.1 **Explanation of Terms.** For purposes of these Commission Procedures, unless the context requires otherwise, the following terms have the definitions set forth or the usages explained below:

"Public Hearing" - refers to a hearing where the public is both invited and entitled to be heard on a matter pending before the Commission, typically requiring an advertisement on the Town website or in a local newspaper of the matter to be considered. Some examples are hearings to consider adoption, repeal, or amendment of ordinances, or in some cases, resolutions.

"Quasi-Judicial Hearing" - refers to a type of public hearing in which the Commission is required to assume a more adjudicatory role, as distinguished from a legislative role. In quasi-judicial hearings, certain procedural requirements are imposed by law. The following types of public hearings shall be conducted as quasi-judicial hearings: individual parcel zoning atlas amendments; development agreements if accompanied by a quasi-judicial development application; developments of regional impacts ("DRI"); consideration of a general development plan or site plan application; an appeal to the Commission of an administrative determination if provided for by Town Code; and such other hearings as may be required by law to be treated as quasi-judicial.

"Applicant(s)" - means person(s) who has/have duly made formal application for Commission action or approval in a quasi-judicial context of an item affecting their legal or property rights.

"Proponent(s)" - in a quasi-judicial setting, means person(s) other than an applicant, who support an applicant's position; or, in other

settings, means person(s) who favor adoption of an ordinance or resolution or an affirmative decision on a matter under consideration by the Commission.

"Opponent(s)" - in a quasi-judicial setting, means person(s) who oppose an applicant's position; or, in other settings means persons who oppose adoption of an ordinance or resolution or an affirmative decision on a matter under consideration by the Commission.

"Affected Persons" - means an applicant in a quasi-judicial hearing or an opponent or proponent whose interest and involvement in a public hearing matter is such that he or she would have legal standing under Florida law as a party in court or administrative litigation challenging Commission action in the matter.

5.5.2 **Conduct of Public Hearings (Non-Quasi-Judicial).** Public hearings involving (a) non-quasi-judicial matter(s) shall ordinarily proceed in the following manner:

5.5.2.1 **Initial Presentation by Staff.** Town staff or attorney shall make the initial presentation to the Commission regarding any item under consideration.

5.5.2.2 **Public Comment.** After presentation by staff or attorney, the presiding officer shall open the public comment portion of the public hearing for the purpose of hearing persons who want to be heard on the item under consideration.

5.5.2.3 **Closing of Public Comment.** The presiding officer shall close the public comment portion of the public hearing upon the conclusion of the comments of the last appropriate speaker or the expiration of the speaking times allowed under the procedures. Thereafter, unless time for public comment is extended or public comment is re-opened in accordance with these procedures, no additional public comments shall be allowed except in specific response to questions by staff or Commissioners.

5.5.2.4 **Staff Response and Summary.** After public comment is closed, staff shall be allowed an opportunity to respond, to summarize, or to further explain staff's position and to advise of changes in staff's position, if any.

5.5.2.5 **Inquiry, Clarification and Comments During Presentations.** It is the intent of the Commission that its public hearings be orderly and to that end interruption of presentations is

ordinarily to be avoided. It is also the intent of the Commission that a complete record of relevant facts be established and a complete understanding of the matters under consideration be obtained. Accordingly, the presiding officer, at any time during a public hearing, may allow Commissioners to comment or make inquiry of persons addressing the Commission, or of staff or other persons in attendance, or may allow staff, Town consultants, or the Town Attorney to comment or make such inquiries.

5.5.3 Conduct of Quasi-Judicial Public Hearings.

- 5.5.3.1 Oath or Affirmation. Prior to addressing the Commission at a quasi-judicial public hearing, each person who intends to provide testimony to the Commission (including citizens not affiliated with the applicant) shall declare, pursuant to oath or affirmation administered by the Clerk, or other duly authorized person, that the factual statements or representations that he or she will present shall be truthful and accurate. The form of oath or affirmation shall be substantially similar to: “Do you swear, or affirm, that the factual statements and factual representations which you are about to give or present before or to this Commission during this public hearing will be truthful and accurate?” Any person who knowingly makes a false statement or representation under oath or affirmation shall be subject to criminal and other sanctions as provided by law, in addition to any consequences provided for under the Commission Procedures or any Town ordinance.
- 5.5.3.2 Introduction by Attorney and Staff. The Town Attorney will provide a brief overview of the steps in the hearing. The Town staff will then introduce the quasi-judicial matter to the Commission so as to provide an overview of the proposed matter, and identify issues the Commission will be considering.
- 5.5.3.3 Ex Parte Communications. Commission members may enter into the record factual matters which are not already contained in the record, when such Commission members have personal knowledge pertaining to the physical characteristics of a site, its surroundings, or other communications relevant to the matter being heard.
- 5.5.3.4 Applicant's Presentation. After staff presentation, the applicant(s) shall be allowed to make a presentation to the Commission. The applicant has the burden of proving that the proposal is consistent with the comprehensive plan and

complies with the standards for approval in the Land Development Code.

5.5.3.5 Staffs Presentation. After the applicant's(s') presentation, staff shall present the staffs report and recommendation.

5.5.3.6 Public Comment. After presentation by the applicant(s) and staff, the presiding officer shall open the public comment portion of the quasi-judicial hearing for the purpose of hearing persons who want to be heard on the item under consideration.

- 5.5.3.7 Closing of Public Comment. The presiding officer shall close the public comment portion of the public hearing upon the conclusion of the comments of the last appropriate speaker or the expiration of the speaking times allowed under these procedures. Thereafter, unless time for public comment is extended or public comment is re-opened in accordance with these procedures, no additional public comments shall be allowed except in specific response to questions by staff or Commissioners.
- 5.5.3.8 Staff Response and Summary. After public comment is closed, staff shall be allowed an opportunity to respond, to summarize, or further explain staff's position and to advise of changes in staff's position, if any.
- 5.5.3.9 Applicant's(s)' Rebuttal Presentation. After staff response, Applicant's(s)' rebuttal shall be allowed in quasi-judicial matters. Rebuttal shall only address comments made in the previous presentations.
- 5.5.3.10 Factual Errors. Any person(s) who believe that the rebuttal presentation includes an error of fact may be allowed an opportunity to point out such error of fact. This relates to a demonstrable falsehood or misstatement of objective fact. It is not an opportunity to argue the merits of a proposal.
- 5.5.3.11 Commission and Staff Inquiry. After staff and applicant(s) have made presentations as outlined above and the public comments portion of the hearing is closed, the Commission shall have a final opportunity to comment or ask questions of any applicant(s), staff member or other persons who provided testimony. The presiding officer may allow staff to respond to comments of an applicant(s) or Citizen at this time.
- 5.5.3.12 Inquiry, Clarification and Comments During the Quasi-Judicial Presentations. It is the intent of the Commission that its quasi-judicial public hearings be orderly and to that end interruption of presentations is ordinarily to be avoided. It is also the intent of the Commission that a complete record of relevant facts be established and a complete understanding of the matters under consideration be obtained. Accordingly, the presiding officer, at any time during a public hearing, may allow Commissioners to comment or make inquiry of persons addressing the Commission, or of staff or other persons in attendance or may allow Town staff or the Town Attorney to comment or make such inquiries. In quasi-judicial hearings, affected parties may ask questions, through the

presiding officer, of the person(s) who make a presentation to the Commission. The presiding officer may allow the affected parties' question(s) to be posed during the presentation or may require the question(s) to await the conclusion of the presentation, in accordance with the above stated intent of the Commission.

5.5.4 Time Periods for Public Hearing Matters. The following time limits shall apply to presentations in public hearings:

- 5.5.4.1 an applicant in a quasi-judicial matter shall be entitled to a total of fifteen (15) minutes without interruption;
- 5.5.4.2 persons who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons shall be entitled to speak ten (10) minutes without interruption;
- 5.5.4.3 all other persons shall be entitled to speak three (3) minutes each without interruption;
- 5.5.4.4 an applicant's rebuttal shall be limited to five (5) minutes, unless otherwise set by the presiding officer; and
- 5.5.4.5 pointing out factual errors shall be limited to one (1) minute, unless otherwise set by the presiding officer.

5.5.5 Other Procedural Guidelines.

- 5.5.5.1 Registration of Speakers. Persons who desire to make presentations at a public hearing shall, prior to the time at which the item is to be heard, register with the designated staff on the forms provided, and shall provide such information as required to organize the agenda and order of presentation. Five (5) or more persons associated together as Proponents or opponents of an item may be required to select a spokesperson.
- 5.5.5.2 Limit on Presentations. No person who has made a presentation for or against an item at a given meeting shall be allowed to make additional comments as of right except where due process requires it.
- 5.5.5.3 Authorization of Group Representatives. Before a person representing an organization or group speaks, that person shall state whom he or she represents and establish how he or she received authorization to speak on behalf of such organization or group of persons, which must include submission of a written authorization. In quasi-judicial hearing matters, anyone representing an organization

must present written evidence of their authority to speak on behalf of the organization in regard to the matter under consideration, unless the presiding officer waives this requirement. The Commission may make further inquiry into the representative authority of such person. Only one ten-minute time allotment per hearing is allowed for each organization or group of persons represented at the hearing.

5.5.5.4 Interruption of Presentations. Notwithstanding any provisions herein, the presiding officer, a Commissioner, the Town Planner as to Land Use items, or the Town Attorney may interrupt and request termination or other appropriate limitation of any presentation or discussion of matters that should not appropriately or legally be considered by the Commission under applicable Florida Statutes, decisions of Florida or federal courts, or Town code provisions in deciding the item then under consideration.

5.5.5.5 Experts. In quasi-judicial proceedings, persons purporting to offer expert testimony shall identify any educational, occupational, and other expertise that they possess that is relevant to their qualifications to speak regarding the matter under consideration. Persons purporting to offer expert testimony in other contexts, such as legislative proceedings, may likewise be required to identify their expertise. Any Commissioner, the Town Planner, or the Town Attorney may inquire further as to such expertise.

5.5.5.6 Additional Time for Presentations. The presiding officer or Commission may allow more than the allotted time for presentations by an Applicant, Proponent, or an Opponent, or other speaker regarding an item, if the additional time is requested. To conserve time and facilitate an orderly meeting, preference shall be given to such requests when they are made in advance of the meeting to the Town Clerk, or in the case of land use items, to the Town Planner. If more than a total of one-half (½) hour is requested by an applicant, proponent, or opponent, the request must be submitted in writing not later than the day before the meeting at which the item is to be heard; provided, however, that even in the absence of a timely request for additional time to make a presentation, the presiding officer, without objection, or the Commission may grant such extension where, in its discretion, it determines it is necessary to do so because of the considerations of law, equity, or fairness.

5.5.5.7 Continued Public Hearings.

5.5.5.7.1 GENERALLY. In any matter where it is known that a scheduled public hearing will be continued to a future date certain, the staff report may be postponed or abbreviated and public comment may be limited to those persons who state that they believe they cannot

be available to speak on the date to which the public hearing is being continued. Such persons shall be allowed to make their comments at the then current meeting if there is a quorum; provided, however, that upon making their comments, such persons shall waive the right to repeat or make substantially the same presentation at any subsequent meeting on the same subject. This waiver shall not preclude such persons from making different presentations based on new information or from offering response to other persons' presentations, if otherwise allowable, at any subsequent meeting.

5.5.5.7.2 **REQUEST FOR A FULL COMMISSION.** Not more than one continuance of a public hearing shall be granted on the grounds of a desire to obtain attendance by the entire membership of the Commission. Once a request to continue has been granted on those grounds, further continuances may be granted only for other grounds and where good cause is shown.

5.5.5.8 **Termination of Presentations.** At any Commission proceeding, the presiding officer, unless overruled by a majority of the Commissioners present, may restrict or terminate presentations which in the presiding officer's judgment are irrelevant, frivolous, unduly repetitive, out of order, or in violation of these Commission Procedures.

5.5.5.9 **Written Comments.** Applicant(s) Proponent(s), and Opponent(s) of any matter under consideration by the Commission shall be entitled to submit timely written comments for consideration by the Commission. Relevant and admissible written comments submitted shall be considered and entered into the record of the meeting as provided elsewhere in the Commission Procedures. Written comments received by Commissioners regarding a matter that is the subject of a quasi-judicial public hearing shall be distributed to all Commissioners, the Town Planner and the Town Attorney and shall be made available for review by the applicant and the public in a project reading file maintained by the Town Planner (land use matters) and by the Town Clerk (for all other matters).

5.5.5.10 **Officials and Dignitaries.** Notwithstanding other provisions hereof, the presiding officer may allow any elected or appointed public official, or representative thereof, or other dignitary to appear and make presentations at any time with regard to matters under consideration.

5.5.6 Voting, Motions, and Reconsideration.

- 5.5.6.1 Voting. Unless otherwise provided by law, when the Commission has finished discussion and is ready to vote on a question, the presiding officer shall call for the vote. Upon request, the Clerk shall read back or restate a motion before a vote is taken. Each Commissioner shall vote “yes” or “no” or abstain from voting (but only when legally required by Florida Statutes § 112.3143 or § 286.012). Immediately prior to, or after the vote, the presiding officer may allow any Commissioner to give a brief statement to explain his or her vote, which shall not be used to further argue in favor of or against the motion. A Commissioner shall have the privilege of filing with the Clerk a written explanation of his or her vote which shall become part of the record of the proceeding, but this privilege shall not be available in quasi-judicial matters. The vote upon any question shall be by voice vote unless any Commissioner requests that a roll call vote or show of hands be taken. However, when necessary for the purpose of accurately ascertaining the outcome of a vote or for compliance with legal requirements, the Clerk may require a roll call vote, paper vote, or show of hands.
- 5.5.6.2 Form of Motions. A motion may be made to either “approve” a question, proposition, or application, or to “deny” a question, proposition, or application.
- 5.5.6.3 Preparation or Modification of Motions. Prior to a vote on any matter, a Commissioner may request that staff prepare or modify the motion during a recess called for that purpose. Alternatively, if advisable in the Commission’s discretion, staff may be instructed to prepare wording to be brought back to the Commission later for motion and vote at that meeting or a subsequent meeting of the Commission. The Town Attorney, the Town Administrator, or Town Planner may request that a motion and vote be delayed to allow preparation or revision of a motion, as provided hereunder.
- 5.5.6.4 Tie Votes. When the vote of the Commission is equally divided, the status quo ante shall be maintained. In such an event, a person who sought a change in status quo shall be considered to have had the request denied and shall have available the same remedies or rights of review that one would have had if the request had been denied by a majority vote of the Commission, unless, at the same meeting, the Commission votes to approve it with conditions or stipulations attached, or to table, defer, or continue the matter in an attempt to obtain action by a majority vote.

- 5.5.6.5 Routine Reconsideration. When a question has been decided by the Commission, a Commissioner voting on the prevailing side may move for reconsideration of the question at the same meeting or the next regular meeting of the Commission. If the question was decided by a tie vote, any Commissioner may move for reconsideration of the question at the same meeting or at the next regular meeting of the Commission or at the next meeting of the Commission where a full Commission is present. In no event shall the motion to reconsider be made later than (30) days after a vote on a quasi-judicial matter.
- 5.5.6.6 Reconsideration Due to Vote Based on Mistake. Upon a finding by a majority of the Commission at any time that there is reason to believe that a vote of the Commission within the previous one year was based upon material mistake of fact or erroneous information, the matter may be brought up for reconsideration. Upon a finding by a majority of the Commission at any time that the material mistake of fact or erroneous information was intentionally caused or allowed by the person or entity in whose favor the previous vote was cast, the vote may be rescinded and all rights, duties, or liabilities thereunder modified or rendered null and void ab initio. Prior to rescinding such a vote, the Commission shall, where necessary to insure due process of law, grant notice and opportunity to be heard to all persons who would be affected by such action.
- 5.5.6.7 Corrections of Clerical Errors. Any Commissioner may move at any time for correction of clerical or typographical errors inadvertently included in any matter previously passed by the Commission.
- 5.5.6.8 Effect of Approvals and Denials of Motions. When a matter is brought forward to a vote based on a motion to approve it or approve it with modifications, and such motion fails, the status quo ante shall be maintained and the matter shall be considered to have been denied. A denial shall not preclude a subsequent motion to approve with different modifications at the same meeting. When a matter is brought to a vote based upon a motion to deny it, and said motion fails, the matter shall not be considered granted and shall be treated as if no action has been taken on the matter. Such a vote shall not preclude a subsequent motion at the same meeting to approve or approve with modifications.
- 5.5.6.9 Reconsideration of Item(s) on Consent Agenda. Where the Commission votes to reconsider one or more items that were previously approved on the consent agenda, the Commission may specify which item(s) shall be reconsidered and reconsider

same without affecting the previous approval of the remaining items on the consent agenda or presentations upon request agenda.

5.5.6.10 Reconsideration to Resolve a Legal Dispute. The Commission may reconsider a prior decision, regardless of the time elapsed, when advised to do so by the Town Attorney for the purpose of resolving a legal dispute arising from the decision.

5.6 **ADJOURNMENT.** At the conclusion of business, the presiding officer shall call for a motion to adjourn the meeting. Alternatively, the presiding officer may inquire whether there is any further business to come before the Commission and if no one speaks, may adjourn the meeting without motion or vote.

6. CERTAIN FUNCTION OF TOWN OFFICIALS

Generally. The Commission shall have oversight of the work of the Town Administrator and Town Attorney. The Town Administrator shall have oversight of the work of Town employees.

Town Planner. Those persons assigned by contract to provide the Town with professional planning services shall have primary responsibility for assisting the Town in the development, updating, and administration of the Town's comprehensive plan, planning code, zoning code, concurrency management code, and floodplain management code.

If the Town Planner determines, in her or his professional judgment, that developments in the law or in planning and zoning best practices, requires the creation or amendment of the Town's comprehensive plan or Town Code, the Town Planner shall first advise the Commission in writing of the matter and obtain authorization to proceed before beginning work on any such project.

Unless otherwise authorized by the Administrator, the Town Planner shall have no involvement in the administration of the Town's building code, including review of construction permits.

Town Attorney. The Town Attorney will undertake any work assignment directed by the Administrator or the Commission consistent with applicable law, Town Code, and the contract between the Town and the law firm. No attorney in the Town Attorney's office will be required to render legal services where to do so would violate applicable ethical standards or create a conflict of interest.

The role of the Town Attorney includes routine handling of legal issues that are the subject of requests for legal services from the Commission or Town Administrator pertaining to Town business. Where requests for legal services come from someone other than the Administrator or a majority of the Commission (e.g., an individual Commissioner, the Town Clerk, the Town Planner, the Building Official, or the Code Enforcement Deputy), the Town Attorney will use the following guidelines in responding:

A. Town Commissioners are charter officers and are entitled to legal advice regarding issues related to the performance of their duties as Commissioners. Therefore, unless precluded by other considerations, a Town Commissioner is entitled to a complete response

to a request for legal services regarding such issues without further Commission action.

B. The Town Attorney will follow normal legal/ethical principles in determining the priority to be given to work assignments, such as the approach of deadlines, the significance of the matter at issue, the consequences of delay in responding, etc. Other things being equal, requests from the Commission, Administrator, or Town Clerk acting at the behest or direction of the Commission or Administrator, shall have priority over other requests.

C. The Town Attorney's office will not undertake legal work on a project that entails an inordinate commitment of time or other resources in the absence of direction from the Commission or Administrator.

D. The Town Attorney's office will not undertake to draft an ordinance, resolution, or other formal expression of Town policy if, based on prior Commission discussion of the same or similar issues, there is reason to believe Commission majority does not support it. In such cases, the individual Commissioner seeking the drafting assistance may ask her or his Commission colleagues to approve of the drafting work which, if approved, will then be performed by the Town Attorney.

E. The Town Attorney does not review the propriety or legality of proposed future actions or inactions of a Commissioner in the absence of a request to do so from the involved Commissioner. Such review would only be confined to the Commissioner's actions as a Commissioner (for instance, taking a vote on an ordinance).

F. When legal service has been undertaken on a matter, whether or not pursuant to Commission request, and it appears that completion of the service may demand considerably more resources than anticipated at the outset of service, the Town Attorney shall request Commission direction on whether to continue the service.

G. The Town Attorney's office will not review past decisions of prior iterations of the Commission for legality in the absence of a request from a majority of the current Commission, unless there is reason to believe that the past decision could result in serious future loss or damage to the Commission or the Town, and that legal review could lead to corrective action that would prevent or mitigate the loss or damage.

H. The Town Attorney ordinarily will not undertake legal service regarding matters outside the scope of the Commission's powers and duties, (e.g., review of actions of federal, state, county or constitutional officers), unless said action appears to pose a serious impact or concern affecting the Town's interests, or unless directed to do so by a majority of the Commission and the work can be done within the Rules Regulating The Florida Bar.

I. The Town Attorney does not represent and does not furnish legal advice to Commissioners or other Town employees or contractors regarding their personal business or legal problems encountered outside the scope of their duties as Town officials or employees. Thus, the Town Attorney will not, absent contrary direction of the Commission, represent an individual Commissioner before the Florida Commission on Ethics. The Town Attorney may, however, defend the Town and individual Town officials or employees against public records or Sunshine Law claims where the Town Attorney and Town Commission believe the

relevant Town officials acted lawfully. In the event the Town Attorney is unable to represent an individual Town official or employee due to a disunity of interest between the Town and such official or employee, the Town Attorney shall inform the Commission that the official or employee will require separate representation. These decisions will be guided by the provisions of Florida Statutes § 111.07 and § 111.071, and the Rules Regulating The Florida Bar.

J. Matters that ordinarily would not be addressed may be reviewed if it appears that failure to undertake such review and advise the Commission could adversely affect the interests of the Commission or the Town, or that the review deals with issues which the Commission will likely be required to consider in the future.

Town Building Official. The Town's Building Official is primarily responsible for the administration of the Town's Building Code and all applicable state laws and administrative regulations associated with construction occurring in the Town. To the extent that any given construction permit application requires a zoning site plan review in addition to plans review, the Building Official shall coordinate with the Town Planner to obtain that review. The Building Official is the Town's sole legal authority regarding the application of the Town's Building Codes, and is the Town's sole flood plane manager. No Town official is authorized to provide any order or instruction to the Building Official as to how she or he interprets or administers the Building Code, including the permitting and inspection functions provided for therein.

Coordination Among Professionals. The Board of Commissioners expects and requires its contracted and employed professional staff to work together professionally and efficiently to ensure the best interests of the Town and its citizens and businesses are addressed. To that end, such professionals shall consult with each other at any time when the work of one has an impact on the work of another. By example, if the Town Attorney is working on the Town Code's chapter on building codes, he or she shall consult with the Building Official to ensure her or his views and input are obtained and incorporated.

Ordinances and Resolutions. The Commission wishes to obtain consistency in quality and format of the ordinances and resolutions it considers. Therefore, the substantive business or policy content of any ordinance or resolution shall be provided to the Town Attorney, who will develop a draft resolution or ordinance for placement on the Commission's workshop or meeting agenda.

Code Enforcement. The Town's Code Enforcement Deputies, who are contracted through the Pinellas County Sheriff's Office, are not under the supervisory control of the Town or its officials. Rather, the Town Clerk, assisted as needed by the Town Attorney, will ensure that the appropriate officials with the PCSO have access to the Town Code, including all new ordinances not yet codified online with MuniCode. Code Enforcement Deputies have the authorization to receive complaints of alleged code violations, to investigate alleged or suspected code violations, and to take all such enforcement actions as are provided for in Town Code and Florida law. No Town official, including elected officials, are authorized to order or direct a Code Enforcement Deputy to take, or not take, any particular action. Complaints of alleged violations received by Town officials, including potential violations observed by such officials themselves, shall be directed to the Town's Code Enforcement Deputies. While the Town Attorney is authorized to interface with the Sheriff's General Counsel as to how a given provision of Town Code is interpreted, and will work with the Code Enforcement Deputies in the development of individual case files in advance of Magistrate hearings, the Town

Attorney does not provide legal advice to the Town's Code Enforcement Deputies.

Record Requests of Contracted Service Providers. From time to time, those companies or entities the Town contracts with to provide Town Planner services or Town Building Official services may directly receive public records requests or subpoenas for records of Town business. In such cases, the Town Planner or Building Official shall immediately provide a copy of such requests to the Town Clerk who, assisted as needed by the Town Attorney, will facilitate the response to the request to ensure all requirements of the Public Records Act are being followed.

7. CONFLICTS; USE OF OTHER RULES.

7.1 CONFLICT WITH LAWS. In any instance where a procedure established by this procedures manual violates or is in conflict with federal or state law, Town Code, or a final order of a court or administrative agency binding on the Town, the procedures established hereunder shall be inoperative to the extent of such conflict. If any portion of this procedures manual is finally held by a court of competent jurisdiction to be invalid, such portion shall be deemed severable from the remainder and, to the extent possible, the remainder shall be operative without the invalid portion.

7.2 ROBERT'S RULES OF ORDER. In all cases not covered by these Commission Procedures, the most current edition of Robert's Rules of Order shall be used as a general guide and may be followed by the presiding officer, unless the Commission overrules the presiding officer.

8. PUBLICATION.

Upon adoption of these Commission Procedures and any amendments to same, the Town Clerk shall cause same to be published on the Commission page of the Town's website, shall note on all future agendas that these Procedures may be reviewed on the Town website, and that persons attending Commission meetings will be expected to conduct themselves in accordance with the Procedures. Copies shall be provided by the Town Clerk via email as a PDF to all persons who request them. A copy shall be available for review by the public in Town Hall and at all meetings of the Commission.

**DRAFT
RESOLUTION**

RESOLUTION **-24

A RESOLUTION OF THE TOWN OF REDINGTON SHORES, FLORIDA, CREATING STANDARDS RELATED TO TOWN PUBLICATIONS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Redington Shores (the Town) has, from time to time, created and maintained various forms of publications to communicate to various persons or groups, including its employees, visitors to the Town, and Town residents; and

WHEREAS, such publications have been, and are expected in the future to be, in formats such as pages on the Town’s website, Town-controlled social media accounts, messages pushed out to subscribers via electronic formats, and newsletters distributed via paper or electronic format; and

WHEREAS, such publications are not open and available to the public to engage in speech, and have been, and are to remain, non-public forums; and

WHEREAS, with the exception of the adoption of a separate social media policy, the Town has not, heretofore, established formal rules related to the content of these forms of Town communications but the Town Commission has determined that such formal rules (in addition to the current social media policy) would be beneficial to help Town officials as they develop content to be published in Town publications; and

WHEREAS, the Commission recognizes that the First Amendment protects most forms of speech from content-based regulation by the government; but

WHEREAS, the Commission also is aware that “even protected speech is not equally permissible in all places and at all times,” and “the extent to which the Government can control access [to a forum for speech] depends on the nature of the relevant forum”, *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 799–800 (1985); and

WHEREAS, the Commission is also aware that, “on government property that has not been made a public forum, not all speech is equally situated, and the state may draw distinctions which relate to the special purpose for which the property is used”, *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 55, 103 S.Ct. 948, 960, 74 L.Ed.2d 794 (1983); and

WHEREAS, therefore, in a nonpublic forum, a municipality “may properly restrict exercise of expression that is inconsistent with the intended use or function of that property through reasonable, viewpoint-neutral regulations”, *Atlanta Journal and Constitution v. City of Atlanta Dept. of Aviation*, 322 F.3d 1298, 1306 (11th Cir. 2003); and

WHEREAS, Florida Statutes § 106.113, entitled *Expenditures by local governments*, provides that a local government or a person acting on behalf of local government may not expend or authorize the expenditure of, and a person or group may not accept, public funds for a political

advertisement or any other communication sent to electors concerning an issue, referendum, or amendment that is subject to a vote of the electors, whether the communication is initiated by a local government or a person acting on behalf of a local government, irrespective of whether the communication is limited to factual information or advocates for the passage or defeat of an issue, referendum, or amendment; but

WHEREAS, the statute further provides that it does not preclude a local government or a person acting on behalf of a local government from reporting on official actions of the local government's governing body in an accurate, fair, and impartial manner; posting factual information on a government website or in printed materials; hosting and providing information at a public forum; providing factual information in response to an inquiry; or providing information as otherwise authorized or required by law; and

WHEREAS, when the Town acts to publish a publication in the name of the Town, it is engaging in government speech; and

WHEREAS, “[a] government entity has the right to speak for itself. It is entitled to say what it wishes and to select the views that it wants to express.” *Pleasant Grove City, Utah v. Summum*, 555 U.S. 460, 129 S.Ct. 1125, 1131, 172 L.Ed.2d 853 (2009); and

WHEREAS, except as may be set forth in the Town's separate Social Media Policy, Town publications shall function solely as an expression of the Town's government related speech and viewpoint and such speech shall relate to the Town's preservation of the ability to promote itself and Town-related news and events, to share governmental related messages and opinions that the Town and its Commission desires to communicate; and

WHEREAS, the Town Commission finds that the adoption of this Resolution is in the best interests of the Town.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Redington Shores, Florida, that:

Section 1: Town social media accounts

- (a) The Town shall continue to adhere to the Social Media Policy approved by the Commission on October 25th 2023.
- (b) The Town Administrator shall ensure the Social Media Policy is posted in the appropriate location on the Town's website.

Section 2: Town Newsletter

- (a) The Town Commission has historically authorized a periodic newsletter which has published in varying frequencies over time. The Commission may continue to support the development and publication of a Town newsletter from time to time, which newsletter shall have, as its purpose, the expression of the Town's speech and

viewpoint, and newsletter content shall relate to the Town's preservation of the ability to promote itself, educate residents and visitors about the Town's history, culture, neighborhoods, natural resources, and relevant regulations. Content may also include information on Town-related news and events. While not an exhaustive list, the following are examples of appropriate newsletter content:

- Town or Town-sponsored event details (beach cleanups, holiday ceremonies, Town picnics)
- Government meeting or event dates (Commission meeting and workshop dates and agendas, election dates and times)
- Town services information (solid waste collection schedules, code enforcement complaint procedure, utility rate changes, library hours and programs)
- Public safety information (water safety tips from Fire Department, Police Department updates on criminal activities within the Town, upcoming road closures, information regarding planning for and responding to severe weather events)
- Government program resources (state, county or regional programs such as beach renourishment projects, food banks, FEMA disaster relief resources)
- Town regulatory matters (how to interact with Town regulators such as submission of building permit applications, variance requests and sidewalk maintenance requests)
- Legal changes (updates on changes to state or federal laws, or Town Codes, which may have impacts on Town residents, businesses or properties)
- Quality of life initiatives (information on programs or initiatives in the Town to improve resident quality of life such as recycling initiatives, protection of turtles and other wildlife in the Town, litter reduction, light intrusion reduction)
- Recognition of a Town resident for an exceptional achievement (highlighting a resident who has turned 100, has received Eagle Scout status, has been elected to Congress, has received a major award, has given exceptional service over time to the Town). As to this category, however, care should be taken to not feature a resident who is a declared candidate for office, or who is commonly known to be preparing to run for office. To ensure the newsletter is not inappropriately used for political promotion, no current Town official should be recognized for exceptional achievements unless the Commission first considers the matter and votes to approve such recognition.
- Recognizing business events (noting a new business which has opened in the Town, informing residents of a business closing, noting a significant milestone of a Town

business such as being in existence for 50 continuous years). However, as to this category, to ensure the newsletter does not appear to favor one business over another, or to provide free advertising, care should be taken to not feature a business outside of these kinds of significant events. No business may be featured which is owned by a Town official or her or his relative, or at which the official or relative works.

- (b) Articles in the Town newsletter shall be developed by, or at the direction of, the Town Administrator.
- (c) In addition to administratively-developed content, the Town Commission may determine that individual members of the Commission may have an allocation of space within the newsletter to publish an article to be written by that Commissioner. Unless revised in the future by vote of the Commission, each Commissioner shall be entitled (but not required) to publish an article in the Town newsletter of no longer than ***** words. A Commissioner is prohibited from ‘handing off’ her or his article space to any other person or entity. Commissioner articles must be written by the Commissioner submitting the article, and not by a political consultant, friend, neighbor, spouse, business, or any other person or entity.
- (d) The Town Clerk is authorized to establish an article due date to allow for adequate time to finalize formatting and publishing the newsletter. Articles not submitted by the deadline established by the Clerk are subject to non-publication. If an article is submitted which exceeds the word count set forth in subsection (c) above, the Clerk shall return the article to the author and ask the author to edit the article to fit within the word limitation.
- (e) To avoid the potential of ethical conflicts or any appearance of favoritism, no advertising from any private person or entity may be accepted or published in a Town newsletter or other publication. This includes but is not limited to business and campaign advertising.
- (f) Newsletter articles (whether administratively-developed or Commissioner-written) shall confine themselves to the content categories set forth in subsection (a) above. Articles shall not support or oppose the election of any person to office, and articles shall not be used as campaign advertisements. Therefore, while the newsletter may inform residents that a Town election is scheduled for a given day, contain information as to how and where residents may cast their ballots, and may state the names of persons qualified to run in each Commission seat once qualifying has closed, no article may reference the views, positions, biography, endorsements, or accomplishments of a qualified candidate for office.
- (g) Articles shall contain truthful content. Authors shall take care to verify the facts that are stated in an article. If facts are not fully known (for instance where a criminal investigation is ongoing, or where the Town is still researching the cause of a failed stormwater pipe), the author should take care to note that the facts presented are as

known at that time, but that additional or contrary facts may be found when investigation is complete).

- (h) Opinions limited: Administratively-developed articles shall be informative only, and shall avoid the insertion of any opinion. Articles submitted by a Commissioner may contain that Commissioner's opinion, but the Commissioner shall take care to state that the opinion is only that of the Commissioner, and not of the Town Commission (unless the Commission has voted to adopt a given position).
- (i) 'Calls for action' for residents or voters to vote in a certain way, or to appear at a meeting to support or oppose a given question, shall not be included in articles. Articles may, however, factually inform readers that a meeting of the Commission of some other Town board or committee will occur on a given day and time, and that a matter will be discussed at that meeting.
- (j) Content appearing in a Town newsletter or other publication may not contain any of the following:
 - Profane language or obscene content, as defined by Florida Statutes § 847.001(10)
 - Personal or character attacks against one or more named persons
 - Content that promotes, fosters or perpetuates discrimination based on race, gender, color, national origin, or religion
 - Sexual content or links to sexual content
 - Advertisements as prohibited by subsection (e) above
 - Photographs of minor children where a parent has not granted consent for the photo's publication
 - Content related to or referencing political parties (Republicans, Democrats, Greens, etc.) or party platforms or events
 - Hyperlinks to third party websites or advertisements regarding third party products or events unless the Town has, by vote of the Commission, become an official co-sponsor of the event
 - Illegal conduct or encouragement of illegal activity
 - Information that may compromise the safety or security of the public or public systems
 - Personal information related to any Town official or employee, including health information, home addresses or other contact information
 - Content that violates a legal ownership interest of any other party (including pictures which are copyrighted)
 - Content related to a political campaign including, but not limited to content pertaining to fundraising activities promoting or opposing any person campaigning for election to a political office
- (k) Content concerning an issue, referendum, or amendment that is subject to a vote of the electors shall not be featured in a Town newsletter or other publication unless the

content is reporting on official actions of the Town Commission in an accurate, fair, and impartial manner

- (l) The Town Clerk shall develop a standard format for Town newsletters which uses a consistent font, font size, typesetting, layout, and organization, such that the newsletter will have a consistent and professional look and feel from issue to issue over time. The Clerk may confer with the Commission from time to time on such style choices to ensure the Commission approves.
- (m) The Town Administrator shall be responsible for ensuring administratively-created articles are compliant with this policy.
- (n) Each Commissioner shall be responsible for ensuring that she or he reviews, understands, and complies with this policy when developing their newsletter articles. The Commission expects and assumes that each Commissioner will use professional discretion and ‘self-police’ themselves with respect to compliance.
- (o) While Town staff do not have the authority to refuse the publication of a Commissioner’s submitted article, if the Clerk or Administrator receives a Commissioner article which appears to be a clear and direct violation of a provision of this policy, prior to publishing the newsletter, the submitted article shall be presented to the Commission which will determine if the article complies with the policy and should be published.

Section 3: Town “push” notification services

- (a) Town-created or operated push notification services shall only contain the content (such as emergency evacuation notices) for which the service was created or acquired.
- (b) Phone or email data collected by the Town from persons registering to use Town push notification services shall not be used for any purpose other than to facilitate the person’s participation in the push notification program, and shall be kept and maintained securely, and shall only be disclosed as may be required by the Public Records Act.

Section 4: Individual Commissioner Publications

- (a) Nothing in this Resolution shall be construed as prohibiting any individual member of the Commission from creating and operating her or his own social media or other accounts, and to create and publish such content on those accounts as the Commissioner sees fit. No such account shall be created in such a way as to represent that the account is an official account of the Town of Redington Shores, and no Commissioner is authorized to use the Town’s Seal on the account.
- (b) Where an individual Commissioner creates and operates her or his own social media or other content, and the account identifies or refers to the account holder as a Town

Commissioner, the Commissioner should take care to clarify that the content, opinions, recommendations, or calls to action contained in the content are those of the Commissioner and not of the Town (unless the Commission has expressly voted to adopt the opinion or recommendation at issue).

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, provision or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Board of Commissioners would have adopted the Resolution even absent the invalid part.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting this 11th day of September, 2024.

Lisa Hendrickson, Mayor

Attest:

Margaret Carey, Town Clerk

SOCIAL MEDIA POLICY

Redington Shores Social Media Policy

Objectives/Purposes

The Town of Redington Shores (“Town”) Policy Governing Town Use of Social Media (“Policy”) functions to provide policies and procedures for Town utilization of social media services to ensure consistency with the Town’s brand and message. This Policy is narrowly tailored in recognition of the Town’s compelling and significant interests, which includes but are not limited to, ensuring compliance with federal, state, and local law, Florida’s public records law and the Florida Sunshine Law, to promote and maintain an efficient workplace and work environment for Town business, and in the Town’s interests of providing services that benefit the public health, safety, and welfare. Adequate and ample alternative channels to convey various Town-related commercial or personal messages exists that are not limited or affected by this Policy, including but not limited to, speaking during public comment portions of Town meetings, posting, or creating content on websites or social media services that are not Town social media accounts, or using alternative means of communication that do not involve Town websites or social media services. Such alternative methods are reasonable for the affected speaker to communicate directly to his or her intended audience.

This Policy is also intended to function as a guide and clear communication to users of the Town’s social media services of the best lawful practice and operational realities in utilizing Town social media services when used for purposes relating to or perpetuating Town business. The Town intends to operate its social media applications in two different formats relating to the government speech doctrine versus the creation of a designated or limited public forum. For Town-utilized social media services where the Town has disabled the ability of the public to comment or post, alternatively, in the event such disabling is unavailable, removed or deleted public postings or comments, or the Town has otherwise communicated or posted a statement that the Town is not seeking or soliciting public comment or postings, then the Town-utilized social media services shall function solely as an expression of the Town’s government related speech and viewpoint. Such government speech shall relate to the Town’s preservation of the ability to promote itself and Town-related news and events, to share governmental related messages and opinions that the Town and its Commission desires to communicate, and to otherwise craft and limit the content and views of the speech of the Town in order to convey information for the purposes set forth herein as the Town desires in its sole discretion as selected by the Town Administrator (subject to the direction and control of the Town Commission). At its core, the Town’s government speech shall be justified based upon the premise that, in order to function, the Town must have the ability to express certain points of view on most issues, including control over that expression, without providing for the expression of contrary views.

In contrast, in circumstances where the Town actively solicits or encourages public comments or postings from the public and has not otherwise disabled (or deleted public comments from a Town-utilized social media service where disabling comments is unavailable), then the Town-utilized social media services shall be construed as creating a designated or limited public forum in accordance with the topical and expressive parameters provided in this Policy. The Town retains the exclusive right to treat Town-utilized social media services as designated or limited public forum, or alternatively, as a forum for the sole expression of the Town’s government speech alone

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at any time and without notice. Such conversion or modification of a traditional or limited public forum to a forum only allowing the Town's government speech may occur through disabling all comments on the particular social media service, or if the ability to disable comments is unavailable, through the Town's clear communication that public comments or posts are not solicited, will no longer be accepted, and will be deleted as soon as practicable under the circumstances. At all times, however, utilization of Town social media services is intended primarily as a means for the Town to express its own content and viewpoint consistent with the government speech doctrine, to inform and educate the public, to efficiently and timely perform Town-related tasks, and to otherwise provide an alternative avenue for the Town itself to directly communicate to the public.

Responsibilities:

The Town Administrator is ultimately responsible for the maintenance and monitoring of all Town social media accounts in accordance with this policy. The Town Administrator's Office is the primary point of contact for each Town department/operating unit and will provide an overview and training of this social media policy and its implementation.

The Town Clerk's Office will oversee the records management program with support from the Town Administrator's Office. The Town's Information Technology consultant will provide the necessary technology services, security, guidance, and technical assistance for effective social media usage. Authorized users are responsible for actively engaging in social media by posting pertinent information on behalf of the Town on a consistent basis and in compliance with this social media policy.

Policy:

It is the policy of the Town to adopt a procedure to guide all interaction with social media platforms and its accompanying guidelines that provides a standard approach to the collaboration and sharing of information on and in various public domains to provide consistent communication across all media.

Social Media Usage

- While social media platforms provide an effective forum for building relationships and for conveying small "bites" of information, these platforms do not serve as the Town's sole or even primary means of communication with residents, businesses, and others. The Town's social media accounts are intended to be used for secondary informational purposes only.
- Social media is a particularly ineffective tool for communicating about complex issues. The Town will use more appropriate means to communicate detailed information about complex issues and to discuss concerns with citizens and others.
- Practical and legal considerations may sometimes constrain, prevent, or prohibit discussion of certain topics, such as court cases, through this medium.

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- Comments that offer thoughtful criticism of the organization (not individuals) and Town initiatives shall not be removed or altered (where the Town has chosen to create a limited public forum) except as provided for in this policy.
- The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. The Town's social media articles, posts or comments containing any of the following forms of content shall not be allowed and shall be removed as soon as possible:
 - ▶ Profane language or content
 - ▶ Comments not topically related to the post being commented upon
 - ▶ Personal or character attacks
 - ▶ Content that promotes, fosters, or perpetuates discrimination
 - ▶ Sexual content or links to sexual content
 - ▶ Advertisements not authorized by the Town
 - ▶ Hyperlinks to third party websites or advertisements regarding third party events unless the Town has become a co-sponsor of the event
 - ▶ Illegal conduct or encouragement of illegal activity
 - ▶ Information that may compromise the safety or security of the public or public systems
 - ▶ Content that violates a legal ownership interest of any other party
 - ▶ Content related to a political campaign including, but not limited to content pertaining to fundraising activities promoting or opposing any person campaigning for election to a political office
- Users shall be informed that by posting to the Town's social media sites the Town relinquishes any and all responsibility and liability for any materials that the Town deems inappropriate for posting, which cannot be removed in an expeditious and otherwise timely manner.
- These guidelines must be readily available for review to residents and community groups by hyperlink on the Town's website. Any content removed based on these guidelines must be retained, including the time, date, and identity of the poster when available, in accordance with the Town's policy on the retention of such information.

General Procedures and Maintenance of Town-owned Accounts

- The Town will utilize one central account with desired social media networks (e.g., Facebook, Instagram, X, and others). Individual Town departments, units and employees must, with authorization of the Town Administrator, only utilize the central account to convey desired Town communications.
- An introductory statement that clearly specifies the purpose and topical scope of the Town's social media presence will be included on all platforms used.
- Management of social media accounts and initiatives shall lie primarily within the Town Administrator.

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- The Administrator may give a limited number of staff members access to social media accounts and passwords, and permission to post as “the Town of Redington Shores.”
- Town staff members who are not Authorized Users may request that the Town Administrator or designee post a message from the Town on their behalf.
- The Town Administrator’s Office will provide training on social media usage for authorized users in the Town.
- The Town shall not post purposefully inaccurate information. If an inadvertent inaccuracy is posted, a correction will be published as soon as possible.
- Designated Town staff members may post comments/replies without advance review or permission of Town management. However, if staff members have concerns or desire advance review, they may request such from the Town Administrator or designee.
- Pursuant to Florida Statutes § 106.113(2), the Town, or a person acting on behalf of the Town shall not expend or authorize the expenditure of public funds for a political advertisement, or any other communication sent to electors concerning an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors. This prohibition applies to a communication initiated by the Town or a person acting on behalf of the Town, irrespective of whether the communication is limited to factual information or advocates for the passage or defeat of an issue, referendum, or amendment. This prohibition does not preclude the Town or a person acting on behalf of the Town from reporting on official actions of the Town Commission in an accurate, fair, and impartial manner; posting factual information on the Town’s website or in printed materials; hosting and providing information at a public forum; providing factual information in response to an inquiry; or providing information as otherwise authorized or required by law.
- The Town will not edit others’ comments. However, if others’ comments are not in compliance with the standards for content listed above, the comments will be removed.
- Any content removed based on this guideline will be retained, including the time, date and identity of the poster when available, in accordance with public records laws.

Guidelines for Authorized Users

- Social media posts made by the Town must pertain to Town news or Town-sponsored/partnered events only.
- As part of the interactive approach to using social media, the Town Administrator or designee may follow, message, like, tag, share and repost posts that contain content that is relevant to the Town’s mission. However, in no circumstance may the Town follow,

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message, like, tag, share, or re-post content of any candidate for Town Commission or other political office.

- The Town’s authorized users will approach the use of social media tools as consistently as possible.
- At all times, authorized users shall use good judgment when posting.
- Employees must refrain from posts that may be interpreted as offensive, obscene, demeaning, or inflammatory.
- Documents or information made confidential under Florida’s Public Records Act shall not be posted.
- At times, authorized users may determine other means/tools are more appropriate ways to respond to citizen comment or may determine that it is best not to respond to a comment at all.
- In general, individual complaints, concerns, or service requests will not be addressed via social media.
- Authorized users shall not engage in back-and-forth conversation regarding topics that are complex, controversial, or otherwise sensitive.
- Authorized users, in consultation with the Town Administrator, will determine when an issue raised by others has reached a “critical mass” that requires a Town response on the account.
- A standard reply may be used to direct users with concerns related to sensitive or complex issues. This standard reply shall read something like:

The Town of Redington Shores is very interested in insights, concerns expressed here. However, complex topics typically are not effectively discussed in forums such as this. If you wish to voice your concerns further or obtain additional information, please complete a comment card or attend a Town Commission meeting to address your concern.

Guidelines and Limitations for all Users

- All Town employees, including authorized users of the Town’s social media accounts, and Town officials shall govern themselves in a professional manner that reflects positively on the Town when using social media. Users should always focus on providing high-quality customer service and worthwhile information in a timely manner.
- The conversation shall always remain civil and respectful, and all authorized users, employees, and Town officials must refrain from using content in violation of this policy.

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- Inaccurate information posted by non-employees may be addressed and corrected, on a factual basis only.
- Repeated violations of this policy shall result in removal of access to the service and be grounds for disciplinary action for Town employees.
- This social media policy shall be revised by the Town Commission as needed. Posts/comments to the Town's social media accounts shall constitute acceptance of this policy.

Last revised: October 24, 2023

ITEM F.2.



Town of
Redington Shores
Nature's Beach

Date: September 25, 2024
To: Board of Commissioners
From: Margaret Carey, Town Clerk
Re: Variance Fee Discussion

A Commissioner requested that this topic be revisited.

Background:

At the April 24, 2024 Board of Commissioners Workshop meeting, the Board directed staff to begin tracking all costs related to each variance application. This way, a more detailed evaluation of fee versus cost could be completed. Since that date, no variance applications have been received by the Town. According to Administrator McGlothlin, a couple of residents were interested in submitting an application but decided to pursue other avenues instead.

Discussion:

The primary concern regarding the fee established for a variance request is the Town covering its costs. The Building Official noted that costs to process one commercial variance request could quickly exceed the fee collected. That is a concern. For non-commercial requests, however, would it be feasible to establish a fee schedule that identifies different cost categories (e.g., "1 and 2 unit, residential" versus "3 or more units & non-residential")?

Documents attached:

- Variance Fee research documentation – an exhaustive search of past fee increases and justification was completed by the Clerk's Office and a summary of the results are attached.



Town of
Redington Shores

Date: April 24, 2024
To: Board of Commissioners
From: Mike McGlothlin, Town Administrator
Re: Variance Cost Review Discussion

At the February 28, 2024, workshop meeting the attached Variance Cost Analysis document was provided and discussed as it related to the rate of \$1,500 that Redington Shores charges for the variance process in contrast to other communities on the barrier island. In summary and as a reminder, of the eight other municipalities that responded to our survey, Maderia Beach is the only community where higher variance costs can be found.

At the conclusion of the February 28th meeting, I was tasked with conducting a comprehensive review to make the determination of whether the current price of a variance within Redington Shores adequately covers all costs associated with the variance process.

To that end, please find the attached document titled “Variance History” which depicts historical events during the evolution of the variance process for the Town of Redington Shores; starting in 2010 where the rate was set at \$500.00, in 2017 where it was raised to \$1,000.00 as “the Town was not covering their costs” and ending with the last update to this fee in 2019 where it was raised to \$1,500.00 with the reasoning for the increase was listed as “Fees were low compared to other municipalities”. Also contained within the “Variance History” document is an annual breakdown of the number of variances conducted, from 2019 – 2023, where the Town of Redington Shores averages 4.6 variances annually.

As variance costs are not currently categorized by line item within the Town’s current financial management system, accurately reporting now as to the amount being charged for a variance being such that it adequately covers the cost of the process is practically impossible through the current financial management system. Additionally, historical research and conversation with staff has disclosed that while most variance requests would be adequately covered under our current \$1,500.00 fee, a single factor within a variance request can quickly cause prices to rise with the inclusion of additional support via our contracted specialists. For example, with both legal and planning support services, if they were needed during a variance request process the costs to the Town would increase in comparison to one that did not require their services. In essence, the answer to the question of whether the fee amount adequately captures the cost

associated with a variance request remains that it is dependent upon the factor(s) involved specific to each request.

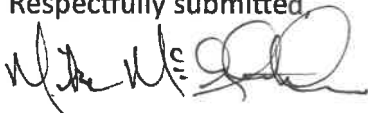
RECOMMENDATION

Given the previously outline factors, and to ensure that the Town can adequately cover the costs associated with a variance request, while also providing an equitable fee for citizens, I propose, pending legal review, that the Town of Redington Shores Board of Commissioners approve a variance cost fee model where a reasonable deposit, along with an Agreement to Meet Costs signed and notarized document, is secured at the time a variance application is submitted.

This process will ensure that variance costs are adequately recovered by the Town based solely on the amount of service required to fulfill the variance request. It would entail the tracking of services, time, and costs for the variance in a spreadsheet format where at the end of the process the applicant would either receive a refund for not using the entire deposited amount or would be invoiced for any amount over the deposit. The applicant would also receive a copy of the itemized spreadsheet that captured the services, time, and costs for their particular variance.

Solely as an illustrative example, I have also attached a copy of a variance application as well as an agreement to meet costs document that I used at my last place of employment. Should the Board of Commissioners approve this recommendation, Redington Shores specific forms will be drafted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mike McGlothlin", written over a horizontal line.

Mike McGlothlin

Variance Cost Analysis

Belleair Beach- The fee is \$500 for a hearing with the BOA with an additional \$500 deposit in case a magistrate is used (otherwise refunded after).

Belleair Shore- fee is \$150.00, non-refundable.

Indian Rocks Beach- Existing, nonconforming conditions \$250. New projects or existing, conforming conditions \$400. Accessory uses \$200. Flood variances \$100. Other Variances \$400. The City has a Planning and Zoning Consultant- Hetty Harmon/ Civilsurv Design. She works with Pinellas County Building Department who represents the City.

Indian Shores- Our variance filing fee is \$250. Our Board of Adjustments and Appeals Members are compensated \$20 each per meeting they attend. We are also required to advertise in the newspapers 15 days and then 5 days before the hearing. When establishing the fee, I would consider adding the cost of member compensation and advertising fees to the total variance fee. (Freddie's opinion only).

North Redington Beach- fee is \$400. We have a Special Magistrate that hears the cases which the fee doesn't come close to covering. However, we have very few variance requests. Bruce Cooper, our Building Official with Safebuilt, attends the hearing as the Town's representative.

Redington Shores- Variance fee- \$1,500 non-refundable

Redington Beach- \$250 per application- processed by the town staff.

Madeira Beach- Zoning variances for residential dwelling units (per variance, up to three units)- \$1,800. Zoning variances for multifamily, tourist dwellings, or commercial- \$2,000. A partner with the firm charges \$190/ hour for their time.

Treasure Island- Filing fee for variance- \$350. Each additional variance request- \$100. Variance request –ii. Multifamily, Commercial, and Institutional - Base fee (one variance) \$500 with each additional variance requested \$100.

VARIANCE HISTORY

CURRENT FEE SCHEDULE (2019)

- ADOPTED BY RESOLUTION 09-19
- ADOPTED AT 10-9-2019 MEETING
- REVISED FROM 2017 RESOLUTION
- REASON FOR INCREASE: Fees were low compared to other municipalities

2017 FEE SCHEDULE

- ADOPTED BY RESOLUTION 10-17
- ADOPTED AT 9-13-2017 MEETING
- REVISED FROM 2010 RESOLUTION
- REASON FOR INCREASE: The Town was not covering their cost

2010 FEE SCHEDULE (FEE SCHEDULE NOT AVAILABLE)

- ADOPTED BY RESOLUTION 07-10
- ADOPTED AT 8-11-2010 MEETING

NUMBER OF VARIANCE CASES

- 2023: 5
- 2022: 5
- 2021: 6
- 2020: 3
- 2019: 4

RESOLUTION NO. 09-19

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF REDINGTON SHORES, FLORIDA, ADOPTING A REVISED FEE SCHEDULE FOR CERTAIN APPLICATIONS MADE TO THE TOWN'S PLANNING AND ZONING BOARD, SPECIAL MAGISTRATE OR TOWN COMMISSION, PROVIDING AN EFFECTIVE DATE.

WHEREAS, recent past experience has shown that the fees established in the Town's Fee Schedule do not adequately cover the costs of processing such applications; and

WHEREAS, the Town Commission finds that the fees for certain applications made to the Town's Planning and Zoning Board, Special Magistrate or Town Commission should be revised to more accurately reflect the actual costs involved in the processing of such applications, including the cost of the Town's Special Magistrate to hear some of such applications, and consultants.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF REDINGTON SHORES, FLORIDA:

1. That the Fee Schedule attached hereto is hereby adopted as the Town's current Fee Schedule for the applications reflected therein within the Town of Redington Shores.

2. That this Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was offered during Regular Session of the Town Commission of the Town of Redington Shores, Florida, on the 9th day of October, 2019, by Commissioner Neal, who moved its adoption, and said motion was seconded by Commissioner Drumm; and upon roll call, the vote was:

AYES: 5

NAYS: 0

ABSENT: 0

ABSTAINING: 0

MAYOR/COMMISSIONER

ATTEST:

TOWN CLERK

**Town of Redington Shores
 Planning and Zoning, Special Magistrate and Town Commission Fee
 Schedule**

<u>Action</u>	<u>Fee</u>
Variance	\$1,500.00 ∞
Site Plan (single family residential)	\$1,000.00
Site Plan (other than single family residential)	\$1,500.00
Special Exception or Use Application	\$750.00 ∞
Amendment to the Land Development Code not involving a change in zoning classification or land use district (such as setbacks, permitted or conditional uses, etc.)	\$250.00
Application for Subdivision/Plat Review	\$2,500.00
Application for Rezoning	\$2,500.00∞
Application for amendment of Comprehensive Plan (one section)	\$5,000.00*∞
<i>* plus \$1,000.00 for each additional section to be amended</i>	
Application for Development Agreement	\$2,500.00∞
Transfer of Development Rights	\$5,000.00
Appeal of a decision of an Administrative Official	\$250.00
Appeals as may be allowed to the Town Commission	\$250.00

∞ Note: Added to the above fees will be the actual costs for any additional advertising necessitated by any request or action of the applicant (such as postponement or continuances of an application); and for consultants or other charges incurred by the Town for any of the above-referenced submittals.

Adopted on October 9, 2019 by Resolution No. 09-19.

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

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 adopt 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

**BOARD OF COMMISSIONERS
TOWN OF REDINGTON SHORES
WORKSHOP MEETING
WEDNESDAY, AUGUST 30, 2017 – 6:00 P.M.
MINUTES**

Present upon roll call: Commissioner Henderson, Commissioner Drumm, Commissioner Neal, Vice Mayor Kapper, Mayor Adams and Town's Building Official Steve Andrews.

OLD BUSINESS

1. Review of Pinellas County 2016 Local Mitigation Strategy Annual Report
Mr. Andrews stated that the Commission had voted on a resolution to adopt the Mitigation Strategy so he had brought the entire annual report for them to review. Mr. Andrews explained that they were working on the 2017 update.
2. Review of Town of Redington Shores PPI Annual Report
Mr. Andrews stated that the PPI had presented him with a revised report that he had also brought for the Commission to review. The report was updated with the new projects going on and a new target audience.

NEW BUSINESS

1. Discussion – Unified Refuse Cans
Mr. Ian Boyle, Government Affairs Manager, and Mr. William Krimmel, Operations Manager, of Progressive Waste Solutions spoke to the Commission about going to uniformed garbage/recycle cans and they had one at the meeting for Commission to see. Vice Mayor Kapper asked if there was additional trash that wouldn't fit in the can would they still pick it up? Mr. Boyle said that they would pick up extra trash, but it might be by a different driver. Commissioner Henderson asked if a pilot area could be tested and if there would still be back door pick up. Mr. Boyle said that they could do a pilot program, but it would be up to the Town to pick the pilot area. Mr. Krimmel said that there would still be back door pick up. Mr. Boyle explained that the main complaints with the containers are the lack of storage room and the heaviness of the containers. Commissioner Henderson asked if everyone would have to go to the containers and Mr. Boyle stated that the town's contract would be one way or another. Mayor Adams asked that the container be left at the Town Hall and that the Beach Beacon advertise that the container is here for the residents to come and view it to get some feedback from the community. Mr. Krimmel assured the Commissioners that he would make sure that people that needed help with the containers received help. Commissioner Henderson stated that uniformity would be a lot more attractive then what the Town residents are doing now.
2. Discussion – Structures on Roofs
Mayor Adams stated that Mr. Lee Holmes had sent in an e-mail suggesting that the Board of Commissioners establish a temporary moratorium to prohibit any building permits to be issued for the purpose of building a structure on top of the roof. Mr. Holmes stated that he would be able to assist on a committee, should the Town decide to put a committee together to discuss the issue. Commissioner Drumm stated that he had talked to a few that where okay with it and some didn't like it because it invaded their privacy. Commissioner Drumm said that he was more concerned with the

FEMA impact during high winds because there was a lot of material up there that could be flying
Discussion – Structures on Roofs (cont.)

around. Mayor Adams stated that the work was permissible, but not very aesthetic to the community. Commissioner Neal stated that he would be willing to sit on a committee with Mr. Holmes. When asked if he was against the structure, Commissioner Neal said the construction of the structure looked good, but it shouldn't be on top of a roof where when it starts deteriorating it's pieces start falling down. Vice Mayor Kapper agreed with Commissioner Neal and Mayor Adams. He said that it was a nice structure but that it's not very aesthetic and should not be up on a roof. Commissioner Henderson agreed that she didn't particularly like it but would like to hear from the people around it to get their opinions. Residents present at the meeting expressed that the Town should not be dictating aesthetics. Mr. Holmes stated that the structures shouldn't be allowed in Town. Vice Mayor Kapper said that if it wasn't against the code the Town has to approve the permit or get sued. Mayor Adams instructed Mr. Andrews to issue the permits that complied with the Town's code. Mayor Adams stated that the issue would be carried over to the next workshop meeting, giving him time to ask the Town's Attorney about options and to give the Commissioners time to reach out to the community for their feedback.

3. Discussion – Fencing Around Property

Mayor Adam stated that after research he would like to change the verbiage of the Towns fence code Sec. 90-5 B, 5: to add a definition of a fence and to remove some of the confusing verbiage in Sec. 90-5 b, 3 and Sec. 90-5 B, 5. After reading the suggested changes the Commission agreed the changes were appropriate.

4. Discussion – Fees for Variances and Zoning Hearings

Commissioner Henderson explained that the town was not covering their cost when variances were being applied for. Commissioner Henderson suggested the Town change the Variance Fee to a flat fee of \$1,000.00 and after discussion Commission agreed the changes were appropriate.

Commissioner Neal talked about the cost of relining of sewer lines verses complete reconstruction of the lines.

PUBLIC COMMENT

MISCELLANEOUS

Special Meeting – Monday, September 11, 2017 – 5:15 p.m. – Adopt Proposed Millage and Ad Valorem and FY 2017/2018 Proposed Budget

Regular Meeting – Wednesday, September 13, 2017 – 6:00 p.m.

Special Meeting – Monday, September 18, 2017 – 5:15 p.m. – Adopt Final Millage and Ad Valorem and FY 2017/2018 Final Budget

Workshop Meeting – Wednesday, September 27, 2017 – 6:00 p.m.

Adjourned: 7:00 P.M.

Respectfully submitted,

Tracey Cain, CMC
Town Deputy Clerk

**BOARD OF COMMISSIONERS
TOWN OF REDINGTON SHORES
REGULAR MEETING
WEDNESDAY, AUGUST 11, 2010 – 7:00 P.M.
MINUTES**

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

APPROVAL OF MINUTES – Regular Meeting, July 14, 2010; Workshop Meeting, July 28, 2010

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

APPROVAL OF BILLS – August 2010

Commissioner Holmes moved to approve the list of bills, seconded by Vice Mayor Branch. Roll call: all yes.

COMMISSION REPORTS

Mayor Adams

Mayor Adams reported that due to budget constraints Pinellas County will be closing Station 26 at the north end of town. The County will station a first responder Sunstar ambulance on the beaches, and it appears the location will be at the substation in North Redington Beach.

Mayor Adams pointed out a line item on the bills in regard to the litigation between Gulf Mariner and the town. Attorney Denhardt will brief the Commission on the status at the end of the meeting.

Vice Mayor Branch, Commissioner District No 2

Vice Mayor Branch reported the generator has been repaired and has been placed back in position.

Indian Shores Police Department – Criminal reports and physical arrest are down. There are six cases being investigated.

Commissioner Wojcik, Commissioner District No 3

Emergency Management – Commissioner Wojcik reported he will be meeting with a representative from Collabria Software for portable communication services. The Town of Indian Shores is also looking at this software.

Commissioner Holmes, Commissioner District No 4

Building Department – 36 permits were issued in the month of July, with an income of \$6,557.10

Fire Services – four calls with an average response time of six minutes and three seconds

EMS – twenty two calls with an average response time of three minutes and four seconds

Attorney Denhardt explained the town has been sued by the Gulf Mariner Association for the use of the easement that was dedicated to the town when the condominium was built. The developer dedicated the easement to the town; in return the town vacated a portion of Lee Avenue so the building could be built. The Association now is challenging the usage of the easement. A mediation meeting was held, no resolution was agreed upon. The next step will probably be going to trial. The position of the town is when the easement was granted to the town there was no limited use stipulated. Attorney Denhardt has discussed with Mayor Adams the prospect of the town filing a counter claim against Gulf Mariner Association asking for the entire title to the property. Their fears seem to be the town will be closing the easement by the Misty Isle Apartments. The Town has no desire to close any easements, pursuant to the Comprehensive Plan and beach renourishment it is encouraged to keep the beach easements. Mayor Adam stated that 90% of the time the town uses another

easement to go out onto the beach to collect garbage and to rake the beach. Garbage is collected twice a week and the beach is raked once a week, he does not understand what has upset the Association.

OLD BUSINESS

First Reading Ordinance 10-04 - Variances and Special Magistrate

Attorney Denhardt read Ordinance 10-04 by title. Commissioner Holmes moved to adopt Ordinance 10-04 on first reading, seconded by Vice Mayor Branch. Commissioner Wojcik explained he supports having a Special Magistrate, but is concerned the ordinance does not address a definition of substantial construction. Commissioner Wojcik stated he is concerned that it puts a burden on the employees of the town to decide what is substantial construction. Commissioner Holmes stated he thinks the building official should be the one to determine substantial construction should the question come up. Commissioner Holmes does not feel there are any rights being taken away from anyone, and also anyone can appeal to the Commission on any decision. There being no further discussion, roll call on the motion and second. Commissioner Wojcik, no; Commissioner Holmes, yes; Vice Mayor Branch, yes; Mayor Adams, yes.

Resolution 08-10 – Investments

Attorney Denhardt read Resolution 08-10 by title. Commissioner Holmes moved to adopt Resolution 08-10, seconded by Vice Mayor Branch. Discussion – Attorney Denhardt explained this is a change to the last resolution. Commissioner Holmes asked if there should be a cap on the percentage of monies to be put into CD's. Attorney Denhardt stated that if the Commission wishes to add to the resolution they may do so. Mayor Adams stated the CD's would be laddered three months apart. Roll call on the motion and second: all yes.

NEW BUSINESS

Resolution 07-10 - Amending Building Fee Schedule (Radon Fees)

Attorney Denhardt read Resolution 07-10 by title. Commissioner Holmes moved to adopt Resolution 07-10, seconded by Vice Mayor Branch. Roll call: all yes.

Approval of FY 2008/2009 Annual Audit

Mayor Adams explained the auditors had three recommendations in the Management Memorandum. The due to other funds and credit card statements have been taken care of. Mayor Adams stated he would like to recommend and have a motion to set the Town's capitalization threshold at \$5,000 level, instead of the current \$200.00 level. Commissioner Holmes moved to set the capitalization threshold at \$5,000.00 and to maintain the current inventory list, seconded by Vice Mayor Branch. Roll call: all yes.

Commissioner Holmes moved to approve the FY 2008/2009 Comprehensive Annual Financial Report, seconded by Vice Mayor Branch. Roll call: all yes.

Approval of Sewer Pipeline Repair

Vice Mayor Branch explained there is a line item in the budget under restricted expenditures for this repair in the amount of \$38,300.00. Vice Mayor Branch moved to approve the bid from Insituform of not to exceed \$45,000.00 and to amend the budget line item to \$45,000.00, seconded by Commissioner Holmes. Roll call: all yes. This bid was a piggyback bid from Manatee County.

PUBLIC COMMENTS

None

Bob Lasher, representative from PSTA addressed the Commission and reviewed with them upcoming fare increases and route changes.

MISCELLANEOUS

Mayor Adams announced the following dates:

Workshop Meeting – Wednesday, August, 25, 2010 – 7:00 p.m.

Regular Meeting – Wednesday, September 8, 2010 – 7:00 p.m.

Special Meeting – First Public Hearing FY 2010/2011 Budget, Thursday, September 9, 2010 – **5:15 p.m.**

Commissioner Holmes reviewed with the Commission and Attorney Denhardt a list of code violations and their status. Commissioner Holmes asked Attorney Denhardt if there is anything else the town should be doing. Attorney Denhardt explained he would need time to review the list, as the status of the property would come into play on what could be done. It would need to be determined if the property is lived in, homesteaded, or a foreclosure property.

Respectfully submitted,

Mary F. Palmer, MMC
Town Clerk