

TOWN OF REDINGTON BEACH, FLORIDA
WORKSHOP & REGULAR MEETING MINUTES
April 04, 2006

Having been duly advertised as required by law, the **WORKSHOP MEETING** and the **REGULAR COMMISSION MEETING** of the Board of Commissioners of the Town of Redington Beach, Florida, was held on Tuesday, April 04, 2006, at 7:00 PM, in the Redington Beach Town Hall at 105 – 164TH Avenue, Redington Beach, Florida.

Call to Order – Mayor Wilson called the Workshop Meeting to Order at 7:00 p.m.

Pledge of Allegiance

Mayor Wilson reminded the audience that anyone wishing to make comments could fill out the blue speaker form and be heard during the Public Forum portion of the meeting. She also asked that everyone put cell phones on vibrate so the meeting is not interrupted by them.

Roll Call:

Commissioner Yadevia	-	Present
Commissioner Bradbeer	-	Present
Commissioner Maniotes	-	Absent-Excused
Vice Mayor Peck-Epstein	-	Present
Mayor Wilson	-	Present

Also present were Town Attorney Dominic Amadio and Town Clerk Beverly Brown.

1. Approval of Agenda

Mayor Wilson requested that items 6 and 7 be taken off the Agenda, due to Commissioner Maniotes excused absence, and put on the Agenda for the next meeting. Vice Mayor Peck-Epstein asked about the User Permit item, and a sketch mentioned in the permit form. Mayor Wilson stated that there is no sketch available for this item; the permit refers to permits as they are submitted with sketches. There were no further corrections or changes to the Agenda. The Agenda was approved as amended.

2. Public Forum

NOTE: A Three-minute time limit applies to all comments from the public regardless of subject matter. If a person wishes to address the Board of Commissioners, please fill out a “Speakers Card” and give it to the Town Clerk prior to the start of the meeting

1.) Bill Ardoff – 16021 Redington Drive;

Gave copies of his statement to the Mayor for the Commission and the record. He read the following statement into the record:

“At the last Commission meeting, the lawyers for Ms. Beverly Brown and Mr. Sam Maniotes danced around in an effort to make peace. Finally, we witnessed their ultimate “kiss to make up.” Apparently, all is forgiven; however, there is still no proof of any of the charges. Mr. Maniotes left with a smirk on his face. Ms. Brown, who was not present, was left with no apology and her reputation is scarred for the rest of her public service career.”

Vice Mayor Peck-Epstein interrupted Mr. Ardoff to reference Resolution 2004-28 or 29 that states that Public Forum is not to be used as a vehicle to attack a public official. Mr. Ardoff responded he is reading a letter to the Mayor expressing his feelings. Vice Mayor Peck-Epstein asked the Commission pause and get a copy of the Resolution. The Attorney did not have a copy of the Resolution in question; Mayor Wilson asked if the Resolution was for the format of the meetings and rules of order. The Vice Mayor said that was the Resolution she was referring to and pointed out that Commissioner Maniotes was not present. The Mayor stated that anyone has the right to three minutes to say anything they wish to during this part of the meeting even if the Commissioners object to what is being said, and then the Attorney agreed that this was the case. Vice Mayor asked that the record show her question of the Rules being followed.

Mr. Ardoff asked if he could continue. He started to read again:

“Be it so, it is over. At the same meeting, Commissioner Bradbeer asked about the cost of this fiasco. Those present heard the response, approximately \$7,000 in salary to keep Ms. Brown home, plus her health insurance plus pension contributions as well as the cost of hiring a temporary Town Clerk (approximate total \$15,000). Since that meeting, I asked myself many times “What’s wrong with this picture?” Mr. Maniotes started this folly. He instigated the charges, yet still can’t prove any. It appears this was his personal vendetta directed towards Ms. Brown. Now, my question is – “Why are we residents, the taxpayers, stuck with an approximate \$15,000 bill?” We had nothing to do with the situation. And after serious consideration, I now turn to our bright young Mayor and our new Commissioners and ask that they take a firm stand tonight. Stop this kind of folly at our expense. Tonight, under New Business (Regular Meeting), I ask you to propose a motion that Mr. Maniotes reimburse this town for the wasted \$15,000. Give him 10, 30 or 90 days to repay the town. If he fails to do so, direct the Town’s Attorney to place a lien on his property. I know you three have the integrity and I believe the courage and conviction to take this necessary action.

Politics makes for strange bedfellows; but again, I do believe you three have the best interest of this community at heart. I encourage you to be strong. Take a position. Stop this disgraceful debacle now and encourage responsible actions in the future.

Finally, those of us with white hair (those of us with no hair) recall the mid-1950s and Senator Joseph McCarthy who ruined the lives of more than 250 people. He made accusations, had no proof and claimed he had immunity because he was a public official. It did not work for him and it should not work in Redington Beach. McCarthy and his infamous witch hunt which followed have no place in America and certainly not here. If this is not stopped now, who will be next? Thank you very much.”

2.) Dawn DeSantis – 16203 Third Street East;

Reminded everyone that Turtle Season starts on May 1st and that last year she drew up letters to the residents about this issue, and asked if the Commission would like her to do so again. Mayor Wilson asked if there were changes to the letter, and asked Ms. DeSantis to make the changes and coordinate with the Town Clerk getting the new letters out to the residents.

Ms. DeSantis reported on the beach re-nourishment projects underway on the area’s beaches, and stated that a lot of the nests will be relocated to our beach. She also stated that everyone needed to be aware of the lights-out rules and stick to them for the Turtles. She also mentioned that volunteers are

needed to patrol the beaches to look for and report on Turtle nesting sites, and watch the nests between 10pm and 1am. Commissioner Yadevia asked the Town Clerk to have Commissioner Maniotes post the information and call for volunteers on the website. Ms. DeSantis stated that she would contact Mr. Maniotes.

3.) **Linda McIlroy – 16217 Second Street East;**

Stated she is a ten year resident of the Town, and finds it hard to believe that if she wishes to sell her home, she can not put a sign out advertising her Open House. She is a realtor and knows how hard it is to hold an Open House without signs. She wanted to go on the record as being against not being able to advertise Open Houses with signs. She also stated that if the Town wants control, to Permit the signs, not prohibit the signs.

Mayor Wilson clarified that the Commission is reviewing the existing Ordinance tonight, due to the number of calls received on this issue. She stated that the Commission is not proposing any changes tonight; they are just reviewing what is currently on the books.

4.) **Denise Stonik – 15535 Redington Drive;**

Stated she is a 14 year resident and heard last Sunday that the Commission is considering taking away some of her property rights. She explained that her property is large enough to split the lots and still be larger than the current requirements, and have two single family homes on them. She felt this was unfair since she had this right when she purchased the land, and stated this would financially impact her, since her property was appraised at \$1.2 million, and this would take away over \$600,000 from her. She stated there were many residents, over 42, who were in the same situation, and asked that the Commission either not pass this Ordinance, or continue it to give the affected residents time to explore other options including seeking legal council on this issue.

5.) **Michael Brown – 15843 Redington Drive;**

Reported to the Commission that his property currently has a 42 foot frontage, and that he would not be able to rebuild if a hurricane destroyed his home. He and his neighbors, who have the same small frontages, would not have the option of lot splitting. He had not thought about doing so, but felt the option should not be taken from him.

6.) **Mark Deighton – 15928 Redington Drive;**

Used the zoning map to point out to the Commission and residents what the lot splitting Ordinance was about and what lots would be affected by this Ordinance. The lots in yellow would be affected by this new Ordinance; the ones in pink are currently double lots and would be grandfathered in. Redington Beach along Gulf Boulevard has 22 homes, of which three are 100 foot lots, three are 90 foot lots, one is 85 foot, five lots are 80 foot, seven are 75 foot, two are 70 foot, and one is 65 foot. The lot splitting at 100 foot, if split into 50 foot lots would allow a 35 foot house, a ninety foot lot when split would allow a 30 foot house, etc. The majority of lots under 80 foot if split would only allow homes of 25 foot in width, like a double wide, and would be limited to two stories over a garage. The cost of such a home would be over two million in order to make a profit on them, and he doubted if many people would buy such a small home at that price. He stated the real issue along Gulf Boulevard was

over those sizes of six lots. The interior of the Town there were several lots of 180 to 130 feet which would also be affected. He stated that if all the lots were split and houses built there would be no effect on the quality of life in the Town. Since there would be zero effect the Commission would be taking away property rights and options with no benefits to anyone in the Town.

7.) **Maureen O'Connor – 15800 Gulf Boulevard;**

Wished to address the same issue on lot splitting, she lives a few doors away from a lot that was split into two 45 foot lots and two thirty foot houses are being built. The rest of the area has beautiful larger homes. This type of lot splitting will happen all along Gulf Boulevard, if there is not a front footage limit in the Code. All the other towns on the beach and in the county have front footage requirements, we have none. Our lots sizes are limited only by size, if we don't get our act together the developers will move in and build three houses and small roads into them along the Boulevard and other areas of the town that have lots big enough to allow splitting. We should preserve the heritage of the town and not leave it unprotected by having no street frontage limits. We need to put a limit on and stop developers from taking over our beautiful town. She encouraged the Commission to approve the proposed Ordinance to limit frontage lot size, and to stand firm to put through a minimum front footage. She quoted several size limits from surrounding towns and stated that Redington Beach is wide open for development.

8.) **Melody Brown – 15843 Redington Drive;**

Stated she understood where everyone is coming from. She has been in this community all her life, her lot size is 40 foot frontage, and she wanted to be assured that she can rebuild if necessary. She asked for a letter stating that they could rebuild from the Town. Commissioner Bradbeer stated this would not affect property on rebuilding.

3. Reports

A. Public Safety Commissioner

Vice Mayor Peck-Epstein reported on a conversation with Deb Kennaugh from DOT concerning signage. The completion of the project is running behind schedule, will be completed in about two weeks. The speed change to 35 mph will become permanent if there are no changes along Gulf Boulevard. Also discussed other devices to assist pedestrians safety in crossing Gulf Boulevard that might be funded by DOT, she will work with North Redington Beach and Redington Shores to check if working together would allow greater community funding for that type of project. There have also been reports of breaking and entering into unlocked cars. Due to numerous visitors, it is important to lock your vehicles. Public Safety will be scheduling another workshop in the future.

Vice Mayor Peck-Epstein reported that Mahnke Consulting has interviewed three candidates and there are ten other resumes being reviewed for possible interviews for the Deputy Town Clerk position. She has asked Mahnke Consulting to follow-up on the 42 resumes submitted, and to follow-up with one other candidate regarding her financial skill-sets.

B. Building Commissioner

Commissioner Bradbeer had nothing to report.

C. Public Works / Parks & Rec. Commissioner

Commissioner Yadevia reported on a meeting with Mark Davis, Public Works Director, where the gas line permitting procedures were discussed. They have designed a draft permit for review that will allow permitting for gas to the residents in Town.

She also spoke with Mr. Davis concerning short-term rentals in Town and gave him a list from a resident of online sites to locate the short-term rentals. The first step is to notify the owners, and this is being worked on. She is working on interviewing the neighbors to track down short-term rentals so the owners can be contacted. The Vice Mayor asked if the code violations were tickets that would be issued to the owners. The Town Attorney stated the issue could be handled with code violations or the Special Master. Commissioner Yadevia reported she will continue to track the short-term rentals and make sure the owners are contacted and made aware of the code.

Commissioner Yadevia reported that Pinellas County Utilities will be working on the three pump stations in Town. There is a pump station at 157th, 161st and 164th. They will be rehabbing them and removing the one on 161st. The construction should be starting in about two weeks. If anyone has questions on the project they can contact Mark Davis or her.

The drains have been cleaned out, and the project is under budget. So, they should be ready for the rainy season.

D. Finance Commissioner

Commissioner Maniotes has an excused absence. There is no report.

E. Mayor

Mayor Wilson introduced Mr. Weber, the attorney representing the Town in the dispute with Pinellas County. She reported a Special Meeting with the County has been scheduled for April 13, 2006 at 6:00pm at the County Courthouse in Clearwater, and Mr. Weber would be addressing this meeting with the Commissioners.

Mr. Weber stated the purpose of his attendance this evening, was to discuss a possible settlement with the County on this issue. The County Commission meets this Thursday, and he wanted to present the possible settlement to our Board of Commissioners, so he could speak at the County Commission meeting on our behalf. He spoke with the County attorneys about the possibility of a settlement prior to the scheduled Special Meeting.

He gave the Commission a brief overview of the issue concerning the three pump stations and the sewers. The rehab of the pump stations is the last of the contracted work to be completed. The County is about five years behind in performing the work. This leaves two issues to consider; one a breach of promise to perform the work within the specified period, which was June 2001. The

options are; #1 to proceed against the County for damages and option #2 is to seek a settlement of this issue using a compromise. The sewer system was sold to the County who promised to repair the system and initiate improvements before June 2001. This was not done.

The Town's claim is for the lost revenues to the Town, who would have been collected the money if it had not sold the system to the County. After considering past revenues, the claim was made for damages on behalf of the Town.

The County retorts that the system was not making money and the system depreciation was not factored into the damage equation. The system was going down in value and repairs were needed, and if they were made the Town would not have made any money from the sewer system.

There have been several ongoing negotiations for settlement. Mr. Weber recommended to the Commission to approve an offer for the County to complete the project and pay the Town \$10,000.00 for damages. This is a compromise of the \$5,000.00 offered by the County and the \$14,000.00 sought for by the Town. He felt this is a reasonable solution to the issues, without going to further meetings and expenses. He felt getting ten politicians into a room was not the best way to settle a lawsuit, and a settlement would be the best way. He asked the Commissioners to make a formal offer tonight to settle the issue.

Mayor Wilson stated after researching this issue she felt the County did not live up to their end of the agreement. She briefly went into details on the issue and history of the project and what has been done to date. She outlined the costs to the Town and asked if the Commission wanted to go forward and fight the County on this issue next week, or if they want to make an offer to settle the issue tonight.

A brief discussion followed between Mr. Weber and the Commissioners on the issues, costs, and settlement offer, also discussed was the sewer fees past and future. Mr. Weber reported that without the settlement the option would be to continue with the dispute and possible lawsuit against the County. The discussion continued concerning the wording of a possible settlement and dates for completion of the contract. Attorney Amadio read the current sewer contract with Kloote Contracting and pointed out the completion dates of October 2006 for the project. The discussion continued with Mr. Weber answering several questions on accounting issues from the Commissioners and the Town Attorney on the history and options concerning the sewer project, the costs to the Town and the options to settle this issue. Mayor Wilson stated there is a Resolution that allows her to work with legal council and negotiate a settlement on this issue if that was the wish of the Commission. The discussion followed on the issue in detail.

The summation of the discussion was that the Commissioners make a formal offer to the County to settle the dispute for the completion of the promised work and \$10,000.00 for damages to be paid to the Town. He felt that to continue with the dispute would cost the Town more money in attorney fees and take a court case to settle. Mr. Weber went over several options for settlement or damage lawsuits and other types of litigations with the Commissioners and answered questions from both the Commissioners and members of the audience.

This item will be placed on the regular meeting agenda for a motion and vote. A letter will be furnished on any formal offer to Mr. Weber by the Town Attorney tomorrow.

F. Town Attorney

Reported concerning the short-term rentals. He has furnished the Commission a legal opinion based on the Key West case, concerning short-term rentals for review by the Commissioners. He explained how the opinion can be used for a model to use for the Town's issues concerning the short-term rentals.

G. DPW Director / Code Enforcement Officer

Nothing to report this meeting.

H. Town Clerk

Town Clerk Beverly Brown reported on the resignation of Tim Gregson from the Park Board. The opening has been posted on the bulletin boards.

She also reported she has invoiced SWFWMD for reimbursement of design fees for the amount of \$53,500.00.

I. Boards & Committees

Dawn DeSantis the program Chairperson for the Neighborhood Watch Program. She reported that the Neighborhood Watch Program is in the initial phase of setup, and will hold a kick-off event soon. She stated there is a signup sheet for the program. She reminded residents of the problem with car break-ins, and reminded them to keep doors locked, etc. to avoid problems. The police are keeping an eye out for trouble during Spring Break. Vice Mayor Peck-Epstein reminded residents to report problems immediately to the Sheriff's Office, if you see something unusual please report it. Neighborhood Watch is all about "Neighbors helping Neighbors", do not approach people about incidents, and just report them to the authorities. She will keep the resident's posted on the kick-off event and date when it is scheduled.

Mayor Wilson reported that there is a new registered sexual offender in Town, bringing the total to three. She mentioned the GIS website address and reported that the predators are posted on the Town's Bulletin Board in the Community Room.

OLD BUSINESS:

4. Gas User Permit – Mayor Wilson

- **Draft Permit**

Mayor Wilson reported on the Clearwater Gas request for a permit for installing gas to residents of the Town. Mark Davis and Commissioner Yadevia have worked on designing a permit, and a copy has been furnished to the Commissioners for review. Attorney Amadio made one change after reviewing the draft, he would change the Ordinance to read "ordinance of Town of Redington Beach", instead of Town.

Commissioner Bradbeer asked if #6 and #12 contradict each other, and that #12 should be moved up to the #6 position. She stated they have no right to break into our streets, and Section 19 of our

code should be attached to the permit. A short discussion followed on the wording of the draft and position of the points. The #6 and #12 should be reversed for clarity.

Vice Mayor Peck-Epstein pointed out a typing error in #1 should read “shall not interfere”, and asked in #4 who the Town Engineer or Town Official was, since we have no engineers she wanted to know if we needed to outsource for an engineer. It was decided to strike out engineer and use the Authorized Town Official instead, and send it to Jack Tipton, the County Building Official for review.

This item will be on the next Agenda after the changes are made, for further review.

5. Signs – Mayor Wilson

- **Discussion of Code of Ordinances – Chapter 17 Signs**

At the last meeting Mayor Wilson asked everyone to review Chapter 17 of the Code of Ordinances, specifically “Real Estate Signs” on page 969 #4. She read that part of the current Ordinance. She also reported that Mark and Terry come out on weekends when people are trying to sell their houses using “Open House” and directional signage, and these signs are being removed by them.

Mayor Wilson reported that they are allowed one sign on an additional piece of property, not on public property. She is bringing this issue to the Commission because it was brought to her.

After a brief discussion by the Commissioners on the issues of Open House signs, what other area Towns are doing, the rights of people to sell their property, and a possible letter to all area real estate brokers asking them to respect the Town’s Ordinances there was no consensus for any changes. The complaints have been from both homeowners wanting to sell their homes and advertise them with Open House signs, and also from realtors that have had signs removed. Since there is no consensus to change this it will not be on the regular meeting Agenda.

6. Infolutions Termination of Services – Commissioner Maniotes

- **Discussion**

Commissioner Maniotes has an excused absence. This item has been struck from the Agenda.

7. Five-Year Financial Plan – Commissioner Maniotes

- **Discussion**

Commissioner Maniotes has an excused absence. This item has been struck from the Agenda.

8. April Special Meeting Schedule – Calendar of Events – Mayor Wilson

- **April 11, 2006 – Attorney Tim Weber**

This meeting is not official and is pending the outcome of the County Commission Meeting on Thursday.

- **April 13, 2006 - Board of County Commissioners**

This meeting is not official and is pending the outcome of the County Commission Meeting on Thursday.

- **April 24, 2006 - County Commissioner Stewart**

This meeting is scheduled to discuss the Gulf Boulevard Beautification Project, and County Commissioner Stewart will attend to present the plans and answer questions on the project.

9. Deputy Town Clerk – Vice Mayor Peck-Epstein

Vice Mayor Peck-Epstein reported that Ms. Mahnke is reviewing the resumes and assessing the aptitude of the last candidate, to determine if she has an aptitude for accounting and recommend what training is needed. She is also looking into training options, schedules and costs; and will follow-up next week. There are ten more resumes that have not been reviewed, and Ms. Mahnke will review them and recommend whether or not the Commission should schedule more interviews, for these candidates. Town Clerk, Beverly Brown, reported that there is a two day QuickBooks course being offered in May. The Vice Mayor stated she would check into this option after speaking with Ms. Mahnke, this week and will call a Special Meeting to move forward if possible. Mayor Wilson asked if we are still comfortable with Linda Mahnke interviewing the candidates, from an HR prospective. Vice Mayor Peck-Epstein stated that Ms. Mahnke is strong on governmental financial skills, and the Commissioners' interview could determine other governmental and office skills. A short discussion followed on the three candidate skill sets. It was her feeling that the Commissioners wanted to explore all their options before choosing a candidate. This item will be on the next meeting Agenda.

NEW BUSINESS:

10. Proclamation – Mayor Wilson

- **Code Enforcement Officers' Appreciation Week**

Mayor Wilson stated that each Commission had a copy of the proposed Proclamation. Commission Bradbeer asked if the date of the Proclamation could be changed to allow our Code Enforcement Officer to be present. This item will be tabled until the meeting in May.

11. Agreement for Polling Place with Supervisor of Elections – Town Clerk Beverly Brown

- **Tuesday – September 5, 2006**
- **Tuesday – November 7, 2006**

Town Clerk Beverly Brown briefly described that the Assembly Hall is normally used as a Polling Place for Town residents for Elections, and stated the only problem would be on the Tuesday in September and November are scheduled for the Board of Commissioner's Regular Meetings. Mayor Wilson suggested that the Commission Meetings be moved. A short discussion followed about the dates schedules and key requirements needed to set up for this requirement. This item will be on the Regular Agenda for approval.

12. Resolution 2006-03 – Bank of America Signature Authorizations

Mayor Wilson reported the need for this Resolution due to the new Mayor and Commissioners and the bank requirements for signatures. This item will be on the Regular Meeting Agenda for reading and approval.

ADJOURNMENT:

Motion to Adjourn.

- **Adjournment & Recess**

REGULAR MEETING AGENDA

Call to Order (Regular Meeting)

Roll Call

Commissioner Yadevia	-	Present
Commissioner Bradbeer	-	Present
Commissioner Maniotes	-	Absent-Excused
Vice Mayor Peck-Epstein	-	Present
Mayor Wilson	-	Present

Also present were Town Attorney Dominic Amadio and Town Clerk Beverly Brown.

1. Approval of Agenda

Mayor Wilson reported that the only change to the Agenda is on Item #7, an Agreement with Pinellas County to settle the utilities dispute. The Agenda was approved as amended.

2. Public Forum

NOTE: A Three-minute time limit applies to all comments from the public regardless of subject matter. If a person wishes to address the Board of Commissioners, please fill out a “Speakers Card” and give it to the Town Clerk prior to the start of the meeting.

1.) **Paul Warren – 16007 Gulf Boulevard;**

Spoke to the Commission about proposed Ordinance 2006-02. He purchased his property with the concept of being able to sub-divide the oversized lot at a later date if he desired to do so. This was part of his incentive to purchase the larger property. This proposed Ordinance would take away these property rights and partly devalue his property. He suggested as an alternative that the Commission restrict the Ordinance to the West side of Gulf Boulevard, since this seemed to be the main area of contention; or table action on the Ordinance for 180 days to create a moratorium to allow owners to explore other options for their properties. He is also concerned that this could lead to potential lawsuits from property owners over infringement of their rights and he was also concerned about the timing of the discussion on this issue.

2.) **James Hoffman – 15910 Redington Drive;**

Mr. Hoffman addressed the Board concerning the proposed Ordinance 2006-02, on the limits to frontage sizes. His understanding that the right to subdivide is not a part of property rights when property is sold, and he hopes the Board will not be intimidated by this issue. He gave his phone number a # 394-7173 and stated he would volunteer to search the county tax

records to determine which properties would be affected by this Ordinance and note any losses in value; he will give this information to any callers.

Mr. Hoffman stated he had attended the interviews for the Deputy Town Clerk position and they were very positive. He is concerned about the qualifications of Ms. Mahnke as far as her HR skills, and that the new job description for this position is very onerous and burdensome.

Mr. Hoffman also mentioned the Town should just move on and settle the lawsuit and not encumber the Town further. He also mentioned the Senator from Wisconsin and the aspects of political affiliations and job performance questions that need to be answered for reviews.

3.) **Mark Deighton – 15928 Redington Drive;**

Mr. Deighton agreed with the suggestion to limit the Ordinance frontage requirements to part of Gulf Boulevard, and used the map to show which properties would be affected in this case. He went over several properties showing sizes and locations affected. To use this limit would preserve the rights of the other owners affected.

4.) **Maureen O'Connor – 15800 Gulf Boulevard;**

Ms. O'Connor brought to the Commission attention that this week R.B. Coates had died. He had been the Town's Building Official for many years, and thought the Town might want to send something to his family.

Ms. O'Connor went on to state that she did not feel that lot splitting was part of anyone's property rights. That when you brought property you needed to know that the house next door was not going to change lot size and that the Town was not going to go down the drain. She did not feel that the heritage of the Town should be sacrificed to the developers and she felt the limits should be the same throughout the Town.

3. Approval of Minutes: - Motion & Vote

A. Workshop – Regular Meeting – 12/06/05

Mayor Wilson called for a Motion, Vice Mayor Peck-Epstein stated that due to a legal issue, she would like more time to review the minutes and confer with the Town Attorney concerning the minutes of the meetings of December 6, 2005; December 20, 2005 and January 30, 2006. She stated she will have this matter resolved by the next regular meeting. Mayor Wilson asked that approval for these minutes be removed from this Agenda and placed on the next Regular Meeting Agenda.

B. Workshop – Regular Meeting - 12/08/05

Motion: Vice Mayor Peck-Epstein moved to approve the minutes of December 8, 2006.

Second: The motion was seconded by Commissioner Yadevia.

Vice Mayor Peck-Epstein reported that in the discussion about the time the meeting was called, Town Attorney Amadio's comment about meetings being held during business hours was not an issue was not included in the minutes. Mr. Amadio stated that he remembered making a statement to that effect. The Vice Mayor asked that the Town Clerk review the minutes and amend them to reflect this correction. She felt this would help residents to understand that the Commission can hold meetings during business

hours. Commissioner Bradbeer stated she would like to see the correction before approving the minutes due to the number of minutes waiting approval. Mayor Wilson pointed out that there was a motion and second on the table for a vote.

Vote:

Commissioner Yadevia	-	Yes
Commissioner Bradbeer	-	No
Commissioner Maniotes	-	Absent-Excused
Vice Mayor Peck-Epstein	-	No
Mayor Wilson	-	Yes

Due to the tie vote, this item will be placed on the next Agenda. Mayor Wilson also reminded the Commission that even though the minutes were not approved, they are still a public record.

C. Workshop – Regular Meeting – 03/21/06

Motion: Vice Mayor Peck-Epstein moved to approve the minutes of March 21, 2006.

Second: The motion was seconded by Commissioner Yadevia.

Vice Mayor Peck-Epstein stated that on Page 3 of 16, last paragraph, she remembered stating that Ken Burke of the court had sent a letter stating they would no longer process parking tickets for our Town and it would be effective on January 2007. Mayor Wilson asked if there were any other corrections or comments on the minutes, and called for a vote.

Vote:

Commissioner Yadevia	-	Yes
Commissioner Bradbeer	-	Yes
Commissioner Maniotes	-	Absent-Excused
Vice Mayor Peck-Epstein	-	Yes
Mayor Wilson	-	Yes

D. Special Meeting – 3/27/06

Motion: Vice Mayor Peck-Epstein moved to approve the minutes of March 27, 2006.

Second: Commissioner Bradbeer seconded the motion.

Mayor Wilson stated that there were additional comments made following the interviews that were not included in the minutes, since the tape had been turned off. She had taken notes and has turned them into the Town Clerk to be included in the minutes. She recommended that the motion be withdrawn, or voted on.

Vote:

Commissioner Yadevia	-	No
Commissioner Bradbeer	-	No
Commissioner Maniotes	-	Absent-Excused
Vice Mayor Peck-Epstein	-	No
Mayor Wilson	-	No

The minutes will be corrected and given to the Board for review and be placed on the next meeting Agenda for approval.

E. Special Meeting – 3/30/06

Motion: Vice Mayor Peck-Epstein moved to approve the minutes from March 30, 2006.

Second: Commissioner Bradbeer seconded the motion.

Vote:

Commissioner Yadevia	-	Yes
Commissioner Bradbeer	-	Yes
Commissioner Maniotes	-	Absent-Excused
Vice Mayor Peck-Epstein	-	Yes
Mayor Wilson	-	No

OLD BUSINESS:

4. Second Reading - Ordinance No. 2006-01 - Minimum Lot Size – Minimum Frontage Requirements - Motion & Vote

Town Attorney Amadio read the following Ordinance into the record;
AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA AMENDING APPENDIX A – ZONING; SECTION 15 DEFINITIONS, REDINGTON BEACH CODE OF ORDINANCES BY ADDING LANGUAGE THERETO UNDER THE HEADING “LOT OF RECORD” AND CHANGES THE MINIMUM LOT SIZE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Bradbeer moved that Ordinance 2006-02 be approved.

Second: Vice Mayor Peck-Epstein seconded the motion.

Commissioner Bradbeer stated that she has a modification and that she agrees with Ms. O’Connor and that she has spent a great deal of time researching this issue and how other Town’s handle this issue. She went into detail on the issue and the history of how the town was originally laid out and platted for one car small homes, and now homes are getting bigger. She feels this Ordinance is in the best interests of the Town, and she reviewed the steps taken to limit the footage for lots and the frontage size. She stated that she has taken care to protect the rights of the residents.

Attorney Amadio asked about the change she wished to make to the Ordinance language, it currently reads; “For all those lots in residential districts; street frontage shall be a minimum of 60 foot frontage, and no platted lot shall be reduced in size from that currently platted”. The change is to add the words “newly created” to the above sentence, making it read; “For all those newly created lots in...”

Attorney Amadio pointed out that residents can apply for a variance to this ordinance if they wish to. Vice Mayor Peck-Epstein commented on areas where the lot frontage is smaller and the boat docks are very crowded, she also stated that if residents felt strongly this could be placed on the ballot, as an option. Commissioner Bradbeer discussed the setbacks and other building restrictions, and Attorney Amadio

commented that this also meets the density requirements in the Comprehensive Plan. Mayor Wilson commented on new types of homes that could be built and modular homes that could be elevated and placed on the smaller lots. Commissioner Yadevia asked if this had anything to do with the height of a structure. Attorney Amadio stated there was another Ordinance that covered height. Commissioner Bradbeer read the portion of the Ordinance that covered rebuilding on existing platted lots. The Mayor stated that this is a Public Forum and the Board would hear any additional comments that the residents wished to make.

Denise Stonik – 15535 Redington Drive;

Strongly urged that the Board table this Ordinance for an additional 60, 90, or 180 days to allow residents to comment on this issue and explore their other options since it could affect people economically. The Mayor stated that by tabling the Ordinance, it would allow everyone to split their lots if they were large enough, she explained that there was no option for the Board to put a stop to all lot splitting, since there is nothing in the code addressing the issue; and the only other alternative for the Board would be to put a moratorium on all building. This is the only legal option available. Commissioner Yadevia reminded everyone that if a home is destroyed by a storm or other means, that by the code it would have to be elevated.

Melody Brown – 15843 Redington Drive;

Stated she does not have a problem with the Ordinance since she has been reassured that she can rebuild her home in case of a storm. She also stated what when people purchased the lots they knew it was one house per lot, and if they wished to split them, they should have done so when they purchased the lots.

Maureen O'Connor – 15800 Gulf Boulevard;

Asked the Board to make sure to get the word out to everyone that the lot sizes are not changing, and what you already have you can rebuild on, the Ordinance is to stop the rush to smaller lots.

Mark Deighton – 15928 Redington Drive;

Spoke in detail about the setback requirements and that no one would be “closed in” by buildings on lots that had been split; and that most houses are 15 feet apart. He used the zoning map to point out how properties would be affected and that there would not be crowding in the dock areas. He also spoke about the Board of Adjustment and the appeal process with them, and how they are bound by the laws. He stated that this Ordinance would take away a right that the owner currently has to split his lots, and force him to go and appeal for a right he already has now. The Board would only have the law to guide them, and would refuse any variance to split the lots. He also asked where the lots are that the developers are lining up to split, since the Town has only had two lots split to date.

Paul Warren – 16007 Gulf Boulevard;

Reported that the procedure of splitting lots could potentially add to the Town’s revenue in terms of property taxes, etc.

Mayor Wilson asked if anyone favoring the Ordinance wished to speak.

James Hoffman – 15910 Redington Drive;

Pointed out that delay is folly and would allow more lot splitting to take place. He felt the issue had been handled in a straight forward way. He asked Commissioner Bradbeer to quote some of the other towns in the area require, so people could understand what was a normal requirement.

Commissioner Bradbeer stated that Belleair Beach is one town that does not allow lot splitting, and suggested that people go online to the websites to look up the other town's building requirements. She stated that several other towns have much stricter minimum footage requirements, and that the Redington Beach code is extremely liberal. She felt that what you brought is what you brought.

Denise Stonik – 15535 Redington Drive;

Stated you research the issues when you buy, and now the rules are changing. Commissioner Bradbeer stated that any community can change the rules. The Ordinances that are being cited in Belleair Beach have been in place for a long time, and this lot splitting is a recent thing.

Commissioner Yadevia suggested researching the dates of the other Town's Ordinances.

Maureen O'Connor – 15800 Gulf Boulevard;

Stated that North Redington Beach has a rule that the width must be 90 feet and the depth must be 100 feet and 50% must be green-space. She suggested that possibly this is something that we need to think about, more green-space. She went on to report that Treasure Island requires minimums of 70 feet and 75 feet for corner lots, and that St. Pete Beach has minimums of 70, 60 and 50 feet depending on the areas. She also stated that you could access information on all the town's building codes by going online to municode.com.

Mary Warren – 16007 Gulf Boulevard;

Told the Board she must have missed the discussions at the meetings since October and she has attended most meetings but did not hear it discussed. She stated that she would like to understand in detail what the other town's square footages are, because they did purchase their property with the intention of splitting the lot. Commissioner Bradbeer explained that anyone has the right to split their parcel, but it does not mean it would be buildable. Ms. Warren felt that they are within their rights and that everyone's investment should be protected and that their lot is big enough to split under the current Ordinance. Attorney Amadio stated that it could still be split, but to build it would have to meet the Town's requirements on square footage and frontage, that the current Ordinance just did not have the frontage requirement. Ms. Warren stated that under the current Ordinance, they could split their lot. Mr. Amadio told Ms. Warren to go ahead and split, but they would have to have the biggest big parcel to do so, that's all. Ms. Warren went on to say that basically the Commission should afford the residents who are affected by this Ordinance the specific information so they could understand how the Board came to that analysis.

Charlotte Martin 16315 Second Street East;

Stated she did not have a lot to split and asked if the people wanting to split lots were going to do it and move out of town, or if they planned to split their lots build a new home and have another neighbor. She

wanted to know why all of a sudden after thirteen years they suddenly wanted to get the big buck by splitting their lots now. Ms. Warren answered that they had not brought their property thirteen years ago and had paid a bigger buck with the intention of splitting it.

After a short discussion concerning a letter faxed to Town Hall by Mr. Capp Taylor who had called and requested that it be read into the record at the meeting. The following letter was read into the record by the Town Attorney;

“Dear Mayor and Commissioners:

I am the property owner of 15533 Redington Drive. This is a single family home with a single residential lot. It is my understanding that there is a proposed resolution which would prevent owners of double residential lots from subdividing their parcels such that they would have two separate residential lots. Obviously, such resolution would not affect me directly nor do I have an economic stake in the matter. However, I do have concerns.

When the double lot property owners purchase their properties, I am sure that the double residential lots were considered in the negotiation of the purchase price. It seems patently unfair to take away this property right that these individuals have paid for.

If these 42 property owners were to subdivide their double lots such that two residential lots were created for construction of residential homes; the property would still be utilized as zoned and for its intended purpose. They would still not be able to construct anything but single family dwellings on either lot. This would not alter the density requirements or restrictions. Furthermore, even if each of the owners of those double lots were to sell off one of the lots for the construction of a new single family dwelling, that addition of such residences would not have an adverse significant impact on the community. In fact, in all likelihood, the construction of new residential homes as permitted by the Town would create a greater tax base. It can also be speculated that eventually some of the 42 properties owners involved would rebuild their current residences, thereby replacing older homes of lesser value with new homes of greater value which in turn would increase the tax base.

Finally, although I do not have a financial interest in the issue nor do I represent a client in this matter, I have concerns as to potential class action litigation against the Town should the proposal pass. Such concerns involve taking of property rights without adequate consideration and due process. I would not want to see the Town waste assets in lengthy litigation as I believe that the Town has adequate zoning and building regulations to safeguard the interests of the community.

Thank you for your consideration and for the fine job you are doing.

Respectfully,

Capp P. Taylor”

There was a brief discussion following the reading of the letter about several lots and if they were affected by the proposed Ordinance. Mayor Wilson called for the vote, the Town Attorney read the Ordinance with the additional wording to the Commission.

Vote:

- Commissioner Yadevia - Yes
- Commissioner Bradbeer - Yes
- Commissioner Maniotes - Absent-Excused
- Vice Mayor Peck-Epstein - Yes
- Mayor Wilson - Yes

Attorney Amadio announced per the Town Charter there was ten days before this Ordinance became a law.

NEW BUSINESS:

5. Agreement for Polling Place – Motion & Vote

- **Tuesday – September 5, 2006**
- **Tuesday – November 7, 2006**

Motion: Vice Mayor Peck-Epstein moved to adopt the Polling Place Agreement.

Second: Commissioner Yadevia seconded the motion.

A brief discussion followed on the changes to add the Town Clerk, cell phone, and the Mayor’s cell phone on the Agreement. The Agreement and updates are required by the County for the general elections. Commissioner Bradbeer commented that if there was an emergency and Bev could not be reached for access, they could call the Mayor. There was no further discussion, the Mayor called for the vote.

Vote:

- Commissioner Yadevia - Yes
- Commissioner Bradbeer - Yes
- Commissioner Maniotes - Absent-Excused
- Vice Mayor Peck-Epstein - Yes
- Mayor Wilson - Yes

6. Resolution No. 2006-03 – Bank of America Signature Authorization – Motion & Vote

- **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF REDINGTON BEACH, FLORIDA, AUTHORIZING MAYOR LINDA J. WILSON, VICE MAYOR LESLIE PECK-EPSTEIN; COMMISSIONER DEBORAH BRADBEER; COMMISSIONER SAM MANIOTES; COMMISSIONER ANNA M. YADEVIA; AND TOWN CLERK BEVERLY M. BROWN; TO BE ABLE TO TRANSMIT OR WITHDRAW FUNDS ON BEHALF OF THE TOWN OF REDINGTON BEACH TO AND FROM ITS ACCOUNTS WITH BANK OF AMERICA, N.T.S.A.; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR REPEAL OF ANY RESOLUTION I N CONFLICT HEREWITH.**

Town Attorney Amadio read the Resolution to the Board.

Motion: Vice Mayor Peck-Epstein moved to adopt Resolution 2006-03.

Second: Commissioner Yadevia seconded the motion.

Vote:

Commissioner Yadevia	-	Yes
Commissioner Bradbeer	-	No
Commissioner Maniotes	-	Absent-Excused
Vice Mayor Peck-Epstein	-	Yes
Mayor Wilson	-	Yes

Vice Mayor Peck-Epstein pointed out that the first names were not on the Resolution for Commissioner Maniotes and Commissioner Yadevia, and asked if we needed to be consistent on that. Town Clerk Beverly Brown explained the omission was only on the Agenda and that the Resolution itself has the names correct.

7. Pinellas County Utilities Dispute –Authorization for Settlement– Motion & Vote

- **To authorize Attorney Tim Weber to negotiate a settlement of the Town’s dispute with Pinellas County for an amount on not less than \$10,000.00 with the agreement to complete the contracted work.**

Motion: Vice Mayor Peck-Epstein moved to authorize Attorney Tim Weber to negotiate a settlement of the Town’s dispute with Pinellas County for an amount of not less than \$10,000.00 with the agreement to complete the contracted work.

Second: Commissioner Bradbeer seconded the motion.

Vote:

Commissioner Yadevia	-	Yes
Commissioner Bradbeer	-	Yes
Commissioner Maniotes	-	Absent-Excused
Vice Mayor Peck-Epstein	-	Yes
Mayor Wilson	-	Yes

Attorney Amadio will call Mr. Weber in the morning to authorize him to proceed with the negotiations.

8. Infolutions Contract – Motion & Vote

- **To authorize final payment of Infolutions contract.**

Attorney Amadio stated that an itemized copy of the charges was sent upon his request, and Infolutions is requesting payment and withholding information pending payment. Commissioner Maniotes has a copy and has not approved all the charges to date. Vice Mayor Peck-Epstein asked if all sorts of thing we need as a Town to do business are being withheld at this point in time. Attorney Amadio answered that was correct. Vice Mayor Peck-Epstein went on to state that the Town has established a reputation and history of paying its bills and has every intention of doing so. She felt that we do not have what we need to move forward in the way we have looked to. Attorney Amadio explained that there are two issues; “the question was did they properly bill us, and if they properly billed us then we should pay them and there is no issue on that. If they didn’t properly bill us and they are withholding...they don’t have the right to withhold the passwords, if we pay them or not. That’s my opinion, because of the fact they asked to have the contract disengaged.” He also stated “At the same time I don’t know if we have the right to not pay them either.” Vice Mayor Peck-Epstein stated that the Town has established a long history of paying our bills with them. She also pointed out that there was an issue on whether the contract was dissolved and

we were going month-to-month, and that this is being reviewed; and that certainly we would pay our bills. She felt that the withholding of passwords was an issue that needed to be resolved ASAP, she asked the attorney what he could do to help resolve the matter. Mayor Wilson asked Mr. Bob Fountaine if he would come up and comment on this.

Mr. Fountaine stated they have sent invoices in last week immediately when they were requested, he felt that there has been ample time to review them. "The stance regarding passwords is very simple, we don't provide additional work without being made current. So, once we're made current, all those things will be sent to you. It's not withholding anything for you." He went on to state that he had let Attorney Amadio and Mayor Wilson know that the Town's history of payment is spotted and that if the Town does not receive payment this week then Infolutions will take action on Monday.

Vice Mayor Peck-Epstein asked Attorney Amadio if there was anything the Commission could do as an action to go forward. The issue has come forward that there were some charges that were being looked at to determine if they were a part of that agreement and she understood that Commissioner Maniotes has been traveling. She stated she has just received the documents, and has had a conversation with Attorney Amadio, to review them. She felt that Infolutions can do whatever they do as far as business practice for themselves. Attorney Amadio stated there was nothing in the contract that says they can keep the passwords once the contract is terminated. There is nothing that says if the Town never paid that they could keep it. Vice Mayor Peck-Epstein stated for the record the Town has every intention of paying its bills. Attorney Amadio stated that we are just justifying what was worked to date. The Vice Mayor asked what the Town can do, since they have hired another company a month ago and was assured that Infolutions would help with the smooth transfer of that information. She was surprised to hear that it had not taken place. She reiterated that Infolutions has done a great job for the Town, and the Town has every intention of paying its bills, but the decision was made over a month ago and this needs to happen now. She asked what legal action the Town could take, or what the Commission could do to insure that this happens. Attorney Amadio clarified that the passwords were what was needed; then stated that the Town should first contact an attorney that specializes in IT contracts, and he knows one that does. He will call her in the morning to get an answer to that, since he is sure it is IT Law, which is not his specialty. He asked if Commissioner Maniotes had the copy of the invoices, and that possibly he has already completed his review. He asked if there was any way to contact him. Mayor Wilson asked what the amount of the charges were. They are for approximately \$2,200.00. The invoices have been itemized from the day that Infolutions asked to terminate the contract and forward to date. There followed a detailed discussion on the types of charges and it was decided to ask Commissioner Maniotes to explain them. Mr. Fountaine did not believe that the Town's intentions were to pay the charges. Attorney Amadio stated there would be no charges to the Town for the IT legal advice to him on this matter. Commissioner Bradbeer asked Attorney Amadio if he had reviewed the contract. Attorney Amadio responded that he has reviewed the contract, and there is nothing in it that says they can withhold anything if the bill is not paid, that it can only be terminated, which it was. Commissioner Yadevia asked the Town Clerk to provide her with the last check reconciliation report this week.

Commissioner Bradbeer asked if the Town Clerk had the email address for the Neighborhood Watch chairperson and members. Town Clerk Beverly Brown stated that she has the address for Dawn DeSantis, and she will get the information for her. Commissioner Bradbeer felt the owners of the cars that had been broken into should also have that information. Commission Yadevia reported that she is in the process of assisting with rebuilding the Neighborhood Watch and is working with the Deputy Sheriffs on that issue.

9. Adjournment

Commissioner Bradbeer moved to adjourn. The meeting was adjourned at 10 p.m.

Linda J. Wilson, Mayor

ATTEST:

Beverly M. Brown, MMC
Town Clerk

Transcribed – Marie Hamilton