

City of Clearwater

*City Hall
112 S. Osceola Avenue
Clearwater, FL 33756*



Meeting Minutes

Wednesday, June 14, 2017

6:00 PM

Council Chambers

City Council

Roll Call

Present: 5 - Mayor George N. Cretekos, Vice Mayor Hoyt Hamilton, Councilmember Doreen Caudell, Councilmember Bob Cundiff and Councilmember Bill Jonson

Also Present: William B. Horne II – City Manager, Jill Silverboard – Deputy City Manager, Micah Maxwell – Assistant City Manager, Pamela K. Akin - City Attorney, Rosemarie Call - City Clerk and Nicole Sprague – Official Records and Legislative Services Coordinator

To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.

Unapproved

1. Call to Order – Mayor Cretekos

The meeting was called to order at 6:00 p.m. at City Hall.

2. Invocation – Pastor Steve Kreloff from Lakeside Community Chapel

3. Pledge of Allegiance – Councilmember Jonson

4. Special recognitions and Presentations (Proclamations, service awards, or other special recognitions. Presentations by governmental agencies or groups providing formal updates to Council will be limited to ten minutes.) – Given.

4.1 Clearwater Police Department Volunteers Check Presentation - Rob Shaw

Clearwater Police Department volunteers perform a wide variety of services for the agency. Those services free up police officers for other purposes and result in a large savings to the city. In 2016, 45 volunteers worked a total of 10,348 hours, resulting in a savings to the city of \$287,467.

4.2 Sky Tran Update - Tom Nocera

Mr. Nocera provided a PowerPoint presentation and updated Council on SkyTran's recent activities.

5. Approval of Minutes

5.1 Approve the minutes of the June 1, 2017 City Council Meeting as submitted in written summation by the City Clerk.

Councilmember Jonson moved to approve the minutes of the June 1, 2017 City Council Meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

6. Citizens to be heard re items not on the agenda – None.

7. Consent Agenda – Approved as submitted.

- 7.1** Approve two agreements between USA Softball, Inc, of Oklahoma City, Oklahoma, and the City of Clearwater, for hosting the 2017 USA Softball GOLD 18U and 16 U Fast-Pitch tournaments, July 16-22, 2017 and authorize the appropriate officials to execute same. (consent)
- 7.2** Award a contract (purchase order) to Caladesi Construction Company (Caladesi) of Largo Fl., Bid 16-0035-PR for the construction of the Morningside Recreation Center Building located at 2400 Harn Blvd. in the amount of \$5,702,809.73, including 10% contingency; transfer \$385,000 of Gas revenues and \$815,000 of general fund reserves at third quarter to the Morningside Recreation Center (CIP 315-93251) and authorize the appropriate officials to execute same. (consent)
- 7.3** Approve Williamson Dacar Associates of Clearwater, Florida as the Architect of Record (AOR) to complete a feasibility study to enhance and/or repurpose areas of the Main Library to coordinate with modifications to Coachman Park as an element of Imagine Clearwater. (consent)
- 7.4** Approve Amendment 1 to an agreement between the City of Clearwater (the City) and the Florida Department of Economic Opportunity, for a Community Planning Technical Assistance Grant to prepare Comprehensive Plan amendments to address the Peril of Flood requirements in Florida Statutes, to amend Deliverable 2 within the Scope of Work to establish that the City will present proposed comprehensive plan amendments to the Community Development Board (local planning agency) for recommendation by June 23, 2017, and authorize the appropriate officials to execute same. (consent)
- 7.5** Approve License and Services Agreements to Microsoft, Inc. of Redmond, WA, and Planet Technologies, Inc. of Germantown, MD for an amount not to exceed \$1,670,000.00 for cloud based office management software licensing, software maintenance, and professional services, and authorize the appropriate officials to execute same. (consent)
- 7.6** Approve a proposal from Construction Manager at Risk Cathey Construction and Development, LLC of Mexico Beach, FL, in the amount of \$165,396.45 for improvements to Municipal Services Building - Security Upgrades (CC-1704) and

authorize the appropriate officials to execute same. (consent)

- 7.7** Approve a contract (purchase order) with Kubra Data Transfer Ltd (Kubra), Mississauga, ON, to provide electronic bill presentment and payment services for the City of Clearwater and authorize the appropriate officials to execute same. (consent)
- 7.8** Appoint Thomas Hinson, Jr. as the business owner or representative and Laura Canary as the agency or government representative to the Brownfields Advisory Board with terms expiring June 30, 2021. (consent)
- 7.9** Appoint Rosemarie Kibitlewski to the Library Board with a term to expire June 30, 2021. (consent)
- 7.10** Appoint Ronald D. Mason to the Airpark Advisory Board with a term to expire April 30, 2021. (consent)
- 7.11** Designate Mayor George N. Cretekos to serve as the City's official voting delegate at the Florida League of Cities' Annual Conference, August 17-19, 2017. (consent)

Councilmember Caudell moved to approve the Consent Agenda as submitted and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Public Hearings - Not before 6:00 PM

8. Administrative Public Hearings

- 8.1** Declare surplus for the purpose of a land swap, three parcels of certain real property in Section 16, Township 29 South, Range 15 East, formerly used respectively as right-of-way, a meeting facility as a part of old Fire Station 45, and a parking lot consisting of 9 parking spaces adjacent to the North Garden Avenue Parking Garage; exchange the three surplus lots for a strategic parcel in the downtown, which is of greater value, by the Church of Scientology Flag Service Organization, Inc. (COS) and authorize the appropriate officials to execute same.

The City is the owner of three parcels of land more particularly described as:

- 600 Franklin Street - The South 60' of Lot 1, Block 7, Gould & Ewing's 1st and 2nd Addition to Clearwater-Harbor Fla, Plat Book 1, Page 52, Public Records of Hillsborough County, of which Pinellas County was formerly a part.
- Dedicated Right-of-Way - a portion of Lot 34 and a portion of the vacated Haven Street, Court Square Subdivision, Plat Book 5, Page 53,

Public Records of Pinellas County, Florida.

- The North 37' of the West 121' of the South half of Lot 1, Block 5, of Gould & Ewing's 1st and 2nd Addition to Clearwater-Harbor Fla., Plat Book 1, Page 52, of the Public Records of Hillsborough County, Florida, of which Pinellas County was formerly a part.

The Right-of-Way parcel is located on the north side of Court Street, in-between S Garden Avenue and S Fort Harrison Avenue, and contains right-of-way dedicated as Haven Street by plat and right-of-way dedicated by ordinance over city-owned property.

The Haven Street portion of the Right-of-way parcel was dedicated by plat in Plat Book 5, Page 53, Official Records of Pinellas County, Florida in 1922, and will join the adjacent fee-owned lots by operation of law upon vacation. The right-of-way dedicated over city-owned Lots 34 and 45 of Court Square Subdivision by Resolution No. 79-50 in Official Records Book 4867, Page 1478, will remain in city ownership to be conveyed as part of the swap. Following the vacation of the Right-of-way parcel, the remaining city-owned property will be approximately 4,750 S.F. The appraised value of said land has been determined by James Millspaugh & Associates, Inc, to be \$200,000. The second city-owned parcel is located at 600 Franklin Street, and formerly housed a building that was used as a fire hall meeting/headquarters for Clearwater Fire Department as a part of old Fire Station 45. The property is approximately 3,660 S.F. and the appraised value of the parcel has been determined by James Millspaugh & Associates, Inc, to be \$155,000. The third parcel is located at 28 North Garden Avenue and is known as the City of Clearwater's North Garden Avenue Parking Lot. This lot abuts Watterson Avenue to the west, and is in between Cleveland Street and Hendricks Street. This parking lot is roughly 4,500 S.F. and includes 9 parking spaces, open to the public. The rate at this lot is \$0.50 an hour with a maximum time limit of 2 hours. The appraised value of this property, as determined by James Millspaugh & Associates, Inc, is \$70,000. The property owned by COS, to be exchanged to the city is a paved parking lot in disrepair at the southwest corner of Martin Luther King Jr Avenue and Cleveland Street, Parcel ID# 15-29-15-53928-0005-0011. The COS parcel is currently owned by 1133 Cleveland Properties, LLC. The Church of Scientology Flag Services Organization, Inc. is under contract to purchase this property as a pre-requisite to the land swap. The appraised value of this property, as determined by James Millspaugh & Associates, Inc, is \$600,000. With the Nolen apartment complex and accompanying amenities in the finishing stages, the COS property is a strategic parcel that will provide parking in the immediate area.

Per City Charter Section 2.01(d)(5)(iv), real property declared surplus may be exchanged for other real property having a comparable appraised value.

In response to questions, Engineering Director Mike Quillen said the entrance sign for Downtown Clearwater would be located at the triangle property on Court Street.

On individual spoke in support.

One individual spoke in opposition.

A comment was made that the parcel adjacent to the old fire station site may hold redevelopment value.

Vice Mayor Hamilton moved to continue Item 8.1 to a date uncertain. The motion was duly seconded and carried with the following vote:

Ayes: 4 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell and Councilmember Jonson

Nays: 1 - Councilmember Cundiff

8.2 Approve the request from City of Clearwater staff to vacate a portion of Public Right-of-Way of Haven Street and real property dedicated as Right-of-Way in Official Records 4867, Page 1478; pass Ordinance 9049-17 on first reading and authorize the appropriate officials to execute same. (VAC2017-07)

As a pre-requisite to a land swap between the City of Clearwater and the Church of Scientology Flag Service Organization, Inc. (COS), it is necessary to vacate Haven Street and real property that was dedicated as Right-of-Way in Official Records 4867, Page 1478.

This land swap, which is outlined in more depth in the contract's agenda item, will exchange three city owned and surplus properties for a strategic property owned by the COS.

In order to support existing utilities, the City will retain a blanket general utility, drainage and gas easement over the entire premises to be vacated. Easements will need to be retained by private utility companies, to sustain their current utilities, as well.

All city departments have reviewed this vacation and have no objection.

Assistant City Attorney Laura Mahony said there are four conditions to the vacation, one of which is the declaration of surplus. If the property is not going to be declared surplus, the vacation would not become effective. If the declaration of surplus was continued, it would be logical

to continue the vacation.

One individual spoke in support.

In response to a question, Engineering Director Mike Quillen said the City would not be able to use the existing parking spaces if the City proceeded with the vacation.

Councilmember Jonson moved to continue Item 8.2 to a date uncertain. The motion was duly seconded and carried unanimously.

- 8.3** Approve an extension on the temporary moratorium for medical marijuana dispensing organizations established by Ordinance 8995-17 and pass Ordinance 9050-17 on first reading.

On November 8, 2016, Florida voters approved an amendment to the Florida Constitution, titled "Use of Marijuana for Debilitating Medical Conditions" (Amendment 2). Amendment 2 became effective on January 3, 2017. Amendment 2 has legalized under state law throughout the State of Florida the medical use of cannabis for a "Debilitating Medical Condition," which is defined to mean "cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient."

Amendment 2 has also legalized under state law throughout the State of Florida the operation of a "Medical Marijuana Treatment Center" (MMTC), which is defined to mean "an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department [of Health]."

Amendment 2 required the Florida Department of Health to adopt specified regulations pertaining to MMTCs within 6 months from the effective date of the amendment, such as procedures for the registration of MMTCs that include procedures pertaining to the issuance, renewal, suspension and revocation of registration, and standards ensuring proper security, record keeping, testing, labeling, inspection, and safety, as well as regulations defining the amount of marijuana that could reasonably be presumed to be an adequate supply for

qualifying patients' medical use, based on the best available evidence. Amendment 2 also authorized the Florida legislature to enact laws consistent with the Department of Health's constitutional duties.

In order to promote effective land use planning, the City Council imposed a temporary moratorium in Ordinance 8775-17 until July 2, 2017 on the operation of MMTCs or the operation of any additional "Dispensing Organizations within the City of Clearwater to preserve the status quo while awaiting the promulgation of regulations by the Florida Department of Health and the possible adoption of laws by the Florida legislature pertaining to MMTCs so that the Department of Planning and Development for the City of Clearwater would have an opportunity to review such rules and laws and to research, study and analyze the potential impact of MMTCs and "Dispensing Organizations" upon adjacent uses and the surrounding area and the effect of MMTCs and "Dispensing Organizations" on the general welfare.

The Florida legislature, however, ended its 2017 regular session without enacting any laws regulating MMTCs, leaving it to the Florida Department of

Health to adopt specified regulations pertaining to MMTCs. Moreover, the Florida Department of Health as of May 9, 2017 has not yet adopted specified regulations and has until July 2, 2017 to do so.

Due to the historical prohibition of cannabis, the City of Clearwater does not currently have any land development regulations governing the use of real property for purposes of cultivating, processing, distributing, or selling cannabis. In fact, one dispensary of cannabis is already operating within the City of Clearwater pursuant to Section 381.986, Florida Statutes.

Without knowing what regulations the Florida Department of Health may adopt, the Department of Planning and Development for the City of Clearwater is unable to adequately formulate land development regulations that appropriately govern the use of real property for purposes of cultivating, processing, distributing, or selling marijuana or for related activities.

An extension of the temporary moratorium imposed by Ordinance 8775-17 for an additional ninety days will enable the City of Clearwater a sufficient period of time to analyze the regulations adopted by the Florida Department of Health and then formulate and adopt land development regulations that appropriately govern the use of real property for purposes of cultivating, processing, distributing, or selling marijuana or for related activities

In response to a question, Police Chief Daniel Slaughter said the dispensary located within city limits will continue to operate.

Councilmember Cundiff moved to approve an extension on the temporary moratorium for medical marijuana dispensing organizations established by Ordinance 8995-17. The motion was duly seconded and carried unanimously.

Ordinance 9050-17 was presented and read by title only. Vice Mayor Hamilton moved to pass Ordinance 9050-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 8.4** Approve the annexation, initial Future Land Use Map designation of Residential Urban (RU) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 3059 Cherry Lane and pass Ordinances 9033-17, 9034-17 and 9035-17 on first reading. (ANX2017-04007)

This voluntary annexation petition involves a 0.23-acre property consisting of one parcel of land occupied by a single family home. The parcel is located on the south side of Cherry Lane approximately 275 feet west of McMullen Booth Road. The applicants are requesting annexation in order to receive solid waste and sanitary sewer service from the City. The property is located within an enclave and is contiguous to existing city limits to the north, west, and south. It is proposed that the property be assigned a Future Land Use Map designation of Residential Urban (RU) and a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The property currently receives water service from the City. Collection of solid waste will be provided to the property by the City. The closest sanitary sewer line is located in the adjacent Cherry Lane right-of-way. The applicants understand that the sewer impact and assessment fees must be paid in full prior to connection and are aware of the additional costs to extend city sewer service to this property. The property is located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen Booth Road. Fire and emergency medical services will be provided to this property by Station 49 located at 565 Sky Harbor Drive. The City has adequate capacity to serve this property with sanitary sewer, solid waste, police, fire and EMS service. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Urban (RU) Future Land Use Map category is consistent with the current Countywide Plan designation of this property. This designation primarily permits residential uses at a density of 7.5 units per acre. The proposed zoning district to be assigned to the property is Low Medium Density Residential (LMDR). The use of the subject property is consistent with the uses allowed in the District and the property exceeds the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The property proposed for annexation is contiguous to existing city limits to the north, west, and south; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

Councilmember Jonson moved to approve the annexation, initial Future Land Use Map designation of Residential Urban (RU) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 3059 Cherry Lane. The motion was duly seconded and carried unanimously.

Ordinance 9033-17 was presented and read by title only.

Councilmember Caudell moved to pass Ordinance 9033-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

Ordinance 9034-17 was presented and read by title only.

Councilmember Cundiff moved to pass Ordinance 9034-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell,

Councilmember Cundiff and Councilmember Jonson

Ordinance 9035-17 was presented and read by title only. Vice Mayor Hamilton moved to pass Ordinance 9035-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretokos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 8.5** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for an unaddressed parcel located on the south side of Otten Street, approximately 330 feet west of North Highland Avenue, and pass Ordinances 9036-17, 9037-17 and 9038-17 on first reading. (ANX2017-04008)

This voluntary annexation petition involves a 0.163-acre property consisting of one parcel of land which is currently vacant. The parcel is located on the south side of Otten Street, approximately 330 feet west of Highland Avenue. The applicant is requesting annexation in order to receive solid waste, sanitary sewer, and water service from the City. The applicant intends to build a single family home on the property; however, no site plans have been submitted. The property is located within an enclave and is contiguous to existing city limits to the north, west, and east. It is proposed that the property be assigned a Future Land Use Map designation of Residential Low (RL) and a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- Collection of solid waste will be provided to the property by the City. The closest sanitary sewer and potable water lines are located in the adjacent Otten Street right-of-way. The applicant understands that the sewer and water impact and assessment fees must be paid in full prior to connection, and is aware of the additional costs to extend City sewer and water service to this property. The property is located within Police District II and service will be administered through the district headquarters located at 645 Pierce Street. Fire and emergency medical services will be provided to this property by Station 51 located at 1720 Overbrook Avenue. The City has adequate capacity to serve this property with sanitary sewer, solid waste, water, police, fire and EMS service. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban

service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Low (RL) Future Land Use Map category is consistent with the current Countywide Plan designation of this property. This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the property is Low Medium Density Residential (LMDR). The use of the subject property is consistent with the uses allowed in the District and the property exceeds the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The property proposed for annexation is contiguous to existing city limits to the north, west, and east; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

Councilmember Jonson moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for an unaddressed parcel located on the south side of Otten Street, approximately 330 feet west of North Highland Avenue. The motion was duly seconded and carried unanimously.

Ordinance 9036-17 was presented and read by title only. Councilmember Caudell moved to pass Ordinance 9036-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

Ordinance 9037-17 was presented and read by title only. Councilmember Cundiff moved to pass Ordinance 9037-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

Ordinance 9038-17 was presented and read by title only. Vice Mayor Hamilton moved to pass Ordinance 9038-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 8.6** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 3035 Hoyt Avenue and pass Ordinances 9039-17, 9040-17, and 9041-17 on first reading. (ANX2017-04009)

This voluntary annexation petition involves a 0.21-acre property consisting of one parcel of land occupied by a single-family dwelling. The property is located on the southeast corner of Hoyt Avenue and Moss Avenue approximately 650 feet west of N McMullen Booth Road. The applicants are requesting annexation in order to receive sanitary sewer and solid waste service from the City and will be connected to the city sanitary sewer as part of the Kapok Terrace Sanitary Sewer System Extension Project. The property is located within an enclave and is contiguous to existing city boundaries on the south and west. It is proposed that the property be assigned a Future Land Use Map designation of Residential Low (RL) and a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Community Development Code Section 4-604.E as follows:

- The property currently receives water service from the City of Clearwater. Collection of solid waste will be provided to the property by the City. The applicants will connect to the City's sanitary sewer service when it is available, and are aware of the fee that must be paid in order to connect and the financial incentives available. The property is located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen Booth Road. Fire and emergency medical services will be provided to the property by Station 49 located at 565 Sky Harbor Drive. The City has adequate capacity to serve the property with sanitary sewer, solid waste, police, fire and EMS service. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:
 - Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the

Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Low (RL) Future Land Use Map category is consistent with the current Countywide Plan designation of this property. This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the property is the Low Medium Density Residential (LMDR) District. The use of the subject property is consistent with the uses allowed in the District and the property exceeds the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The property proposed for annexation is contiguous to existing city boundaries on the south and west; therefore the annexation is consistent with Florida Statutes Chapter 171.044.

Councilmember Jonson moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 3035 Hoyt Avenue. The motion was duly seconded and carried unanimously.

Ordinance 9039-17 was presented and read by title only.

Councilmember Caudell moved to pass Ordinance 9039-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

Ordinance 9040-17 was presented and read by title only.

Councilmember Cundiff moved to pass Ordinance 9040-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

Ordinance 9041-17 was presented and read by title only. Vice Mayor Hamilton moved to pass Ordinance 9041-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretokos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 8.7** Provide direction on the proposed Development Agreement between Gulfview Lodging, LLP (the property owner) and the City of Clearwater, providing for the allocation of 59 units from the Hotel Density Reserve under Beach by Design and confirm a second public hearing in City Council Chambers before City Council on July 20, 2017 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2017-04001)

Site Location and Existing Conditions:

The 0.59-acre "L"-shaped site is located at the northeast corner of South Gulfview Boulevard and Fifth Street and wraps around the McDonald's parking lot and Frenchy's Beach Café to the west. The property is comprised of two parcels with a frontage of approximately 60 feet along South Gulfview Boulevard (Beach Walk), 210 feet along Fifth Street and 165 feet along Coronado Drive. The south parcel is 0.36 acres and is occupied by a five-story 32-unit hotel where the site would otherwise be permitted 18 units (the site is over-dense by 14 units). This lot area includes 2,195 square feet of the South Gulfview Boulevard right-of-way which would need to be vacated by the City. The north parcel is 0.23 acres and is occupied by a 3,220 sq. ft. Mixed Use with 2,240 sq. ft. of office space and 980 sq. ft. dedicated to a single dwelling unit. This parcel was the subject of a Level II Flexible Development application approved by the Community Development Board on November 19, 2013. The subject property is zoned Tourist (T) District with an underlying Future Land Use Plan (FLUP) category of Resort Facilities High (RFH). The subject property is also located within the Beach Walk District of *Beach by Design*.

Vehicular access to the site is provided via two curb cuts along Coronado Drive and a drop curb along most of the length of the south side of the site along Fifth Street. Parking for the hotel is currently provided under the hotel building and parking spaces which exist at least partially if not entirely within and back out into the Fifth Street right-of-way. A parking lot services the mixed use building on the north portion of the site.

The immediate area is characterized by a variety of uses including overnight accommodation, retail, outdoor recreation/entertainment, restaurant and attached dwelling uses. A portion of Beach Walk runs along the west side of the site adjacent to the existing hotel.

Development Proposal:

The current proposal is to demolish all structures on the site and build a single seven-floor hotel with 88 hotel rooms (150 units per acre). It is important to note that the proposed number of units (88) is dependent on the vacation of 2,195 sq. ft. of the South Gulfview Boulevard. This point is noted in Section 6.2.4 of the Development Agreement. This area is included in the total site area of 0.59 acres.

The applicant intends to request a Termination of Status of Nonconformity as

part of a Level II Flexible Development application. Approval of that application (not yet submitted) would render the 32 existing units on the hotel parcel (where 18 are otherwise permitted at 50 units per acre) conforming. The north parcel yields 11 hotel units. Assuming approval of a Termination of Status of Nonconformity request the total permitted number of permitted units would be 43. The 88 total proposed units include those 43 units and an additional 45 units from the Hotel Density Reserve through *Beach by Design*. The applicant is requesting 59 units from the Reserve in the event a Termination of Status of

Nonconformity is either not requested or denied in order to maintain the designed density of 150 units per acre or 88 units.

The building will be 95 feet (from Base Flood Elevation) to roof with the parking on the first two floors (Sheets A2_1 and 2). The proposal includes a tropical modern architecture, which is consistent with and complements the tropical vernacular envisioned in *Beach by Design*.

The site will be accessed via a two driveways from Fifth Street with one at the southwest corner of the site and a second driveway located at the southeast corner. The primary entrance and lobby of the building will be located at the southwest corner of the building on the third floor (Sheet A2_3).

As noted, the first (ground) and second floors of the building will contain all 106 required parking spaces as well as mechanical room and solid waste components. All of the provided parking spaces will be valet-only. The third floor will contain, assorted offices, meeting rooms and back-of-house uses as well as 10 hotel units. The fourth and fifth floors will contain 20 rooms each. The sixth and seventh floors will contain 19 rooms each. The roof will contain a small bar, pool and lounge area along the Fifth Street side of the building. The design takes advantage of the site's proximity to Beach Walk and includes an outdoor seating area/café along the west side of the site. A sheltered bicycle rack is also located along the west side of the building and a pedestrian entrance connects directly to Beach Walk.

Consistency with the Community Development Code (CDC):

Minimum Lot Area and Width:

The subject property is 25,700 sq. ft. in area and approximately 200 feet wide. The proposed lot area and width are consistent with Level I Flexible Standard Development parameters pursuant to CDC Section 2-802.

Minimum Setbacks:

The conceptual site plan depicts setbacks to building of zero feet along Beach Walk (west), 15 feet along the front (east) along Coronado Drive, 12 feet along the front (south) along Fifth Street, five feet along the side (north - along the south side of Frenchy's) and ten feet along all other remaining sides of the site. The conceptual site plan also shows setbacks of zero feet to paving along Fifth

Street and to paving along a portion of the north property line along the south side of Frenchy's. The proposed setbacks may be approved as part of a Level II Flexible Development application, subject to meeting the applicable flexibility criteria of the Community Development Code.

Maximum Height:

Section A.1.c of the Beach Walk District within *Beach by Design* specifically addresses height. The proposal provides for a building 95 feet in height as measured from BFE where a height of up to 100 feet is permitted for overnight accommodations. The proposed height is also permitted by the CDC subject to meeting the applicable flexibility criteria of the CDC and as approved as part of a Level II Flexible Development application and as otherwise limited by *Beach by Design*.

The height of the proposed building is consistent with the guidelines of *Beach by Design*.

Minimum Off-Street Parking:

The 88-room overnight accommodation use requires a minimum of 106 off-street parking spaces. A parking garage located on the first two levels of the building will provide a minimum of 106 valet-only spaces. This is consistent with the applicable Sections of the CDC.

Landscaping:

While a formal landscape plan is not required to be submitted for review at this time, the conceptual landscape areas depicted on the site plan show that adequate spaces for foundation landscaping will be provided along the street frontage. Since no perimeter landscape buffers are otherwise required in the Tourist (T) District, the proposed landscape areas meet or exceed what is required. It is noted, however, that flexibility may be requested/necessary as part of a Comprehensive Landscape Program which would be reviewed at time of formal site plan approval.

Consistency with *Beach by Design*:

Design Guidelines:

A review of the provided architectural elevations and massing study was conducted and the proposed building does appear to be generally consistent with the applicable Design Guidelines established in *Beach by Design*. It is noted, however, that a more formal review of these Guidelines will need to be conducted as part of the final site plan approval process.

Hotel Density Reserve:

The project has been reviewed for compliance with those criteria established within *Beach by Design* concerning the allocation of hotel rooms from the Reserve. The project appears to be generally consistent with those criteria, including that the development comply with the Metropolitan Planning Organization's (MPO) countywide approach to the application of traffic concurrency management for transportation facilities. The submitted Traffic Impact Study concludes that traffic operations at nearby intersections and on

adjacent roadways would continue at acceptable levels of service.

Standards for Development Agreements:

The proposal is in compliance with the standards for development agreements, is consistent with the Comprehensive Plan and furthers the vision of beach redevelopment set forth in *Beach by Design*. The proposed Development Agreement will be in effect for a period not to exceed ten years, meets the criteria for the allocation of rooms from the Hotel Density Reserve under *Beach by Design* and includes the following main provisions:

- Provides for the allocation of up to 59 units from the Hotel Density Reserve or a maximum density of 150 units per acre;
- Requires the developer to obtain building permits and certificates of occupancy in accordance with Community Development Code (CDC) Section 4-407;
- Requires the return of any hotel unit obtained from the Hotel Density Reserve that is not constructed;
- For units allocated from the Hotel Density Reserve, prohibits the conversion of any hotel unit to a residential use and requires the recording of a covenant restricting use of such hotel units to overnight accommodation usage; and
- Requires a legally enforceable mandatory evacuation/closure covenant that the hotel will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center.

Changes to Development Agreements:

Pursuant to Section 4-606.I, CDC, a Development Agreement may be amended by mutual consent of the parties, provided the notice and public hearing requirements of Section 4-206 are followed. Revisions to conceptual site plans and/or architectural elevations attached as exhibits to the Development Agreement shall be governed by the provisions of Section 4-406, CDC. Minor revisions to such plans may be approved by the Community Development Coordinator. Other revisions not specified as minor shall require an amendment to this Development Agreement.

In response to questions, Planner Mark Parry said the Applicant is requesting up to 59 units from the reserve. The Applicant intends to request a termination of status of non-conformity with regard to the existing density. The hotel is over-dense by 14 units. If the termination status is approved, not all of the 59 units will be needed; the excess units will return to the density pool reserve. Mr. Parry said the Applicant would need 45 units if the termination status is approved. There is approximately 3 ft. 6 in. of clearance on the property owner's side of the palm tree. The proposed sidewalk on 5th Street is 10-ft. wide. The applicant wishes to build 88 units. Planning and Development Director Michael Delk said the Applicant should be allowed to use the density reserve units so that the city could continue to

preserve the number of units remaining in the hotel density reserve pool. The incentive program is working as envisioned, attracting new modern facilities in the heart of the City's beach. The maximum density on the smallest properties for which density units may be requested is a maximum 150 units per acre. As the properties get larger, the density maximum goes down because the program dis-incentivizes larger resort facilities. The program incentivizes mid-size limited service products. Mr. Parry said the sidewalks from 5th Street north toward the Hyatt are 7 ft. wide.

Discussion ensued with support expressed for wider sidewalks. It was stated that the Surfstyle and Hyatt sidewalks are wider but have no landscaping.

Mr. Delk said the sidewalk pattern along Coronado Drive is 7 ft. wide. The City constructed the 7-ft. wide sidewalks when Coronado was reconstructed.

Applicant representative Brian Aungst reviewed the request. The proposed development fronts Beachwalk and will be less than 100 ft. tall. Most of the landscaped area is on the 7-ft. wide sidewalk. Mr. Aungst said the proposed project does not have a zero-ft. setback on any part of this project, except for on Beachwalk. The sidewalk on 5th Street is wider than 10 ft. The proposed project replaces the current hotel and office use with what the City wants, a mid-size limited service hotel.

In response to questions, Mr. Aungst said there is currently no sidewalk on 5th Street due to the back-out parking. The proposed project will offer valet-only parking via an ingress on 5th Street and access the lobby on the third floor. There will be no back-out parking. The comprehensive landscape program is available for flexibility related to the termination of non-conformity; the staff report notes that a full landscape plan is not required at this stage. Mr. Aungst said the Applicant does not have sufficient information regarding the landscape plan at this time. It was noted that landscape plan would be presented during the CDB site plan review. Mr. Aungst said page 55 of Beach by Design contemplates a termination of non-conformity in addition to the density reserve.

Councilmember Caudell moved to confirm a second public hearing in City Council Chambers before City Council on July 20, 2017 at 6:00 p.m., or as soon thereafter as may be heard. The motion was duly seconded and carried unanimously.

8.8 Approve amendments to the Community Development Code relating to signage and pass Ordinance 9029-17 on first reading. (TA2017-03005)

In 2015, the United States Supreme Court issued a decision in *Reed v. Town of Gilbert, Ariz.*, - U.S.-, 135 S. Ct. 2218 (2015), which requires temporary signs to be regulated in a content-neutral manner. This ruling requires amendments to the Clearwater Community Development Code as temporary signs are currently regulated by sign message. The Court also confirmed the decision in *Walker v. Texas Division, Sons of Confederate Veterans, Inc.* 135, S. Ct. 2239 (21015) which essentially exempts government speech from 1st Amendment scrutiny. Additionally, in 2016, City Council discussed their desires to consider expanding uses eligible for electronic changeable message signs.

Proposed Ordinance 9029-17 implements recommendations by the City's outside legal counsel regarding temporary signs, government signs and electronic changeable message signs, as well as limited amendments generated by the Planning and Development Department. Below is a summary of the substantive amendments included in the ordinance.

- Deletes existing temporary sign regulations and replaces them with two new tables in Section 3-1806 (one for sidewalks signs and one for all other temporary signs). Retains existing regulations for sidewalk signs but presents them in a new format and provides new standards (size, height, location, etc.) for the all other temporary signs.
- Exempts government signs from the sign regulations.
- Reorganizes existing provisions regulating electronic changeable message signs, allows schools and places of worship to incorporate them in freestanding signs and establishes design criteria for all such signs.
- Revises flag provisions.
- Creates limited flexibility for the required setback for freestanding signs.
- Adds requirement for street address signs.
- Adds general sign maintenance provisions.
- Increases allowable sign area for schools.

The Community Development Board (CDB) reviewed proposed Ordinance 9029-17 at its May 16, 2017 meeting and unanimously recommended approval.

Councilmember Cundiff moved to approve amendments to the Community Development Code relating to signage. The motion was duly seconded and carried unanimously.

Ordinance 9029-17 was presented and read by title only.

**Councilmember Jonson moved to amend page 23, Section 3-185.D - General provisions for signs, to read as follows:
"D. Flagpoles and Flags; Flag Brackets, Flag Stanchions, and Flags.**

1. Flagpoles and Flags. For each parcel and development site in residential use with one principal structure, one flagpole may be installed and up to two (2) flags may be displayed per flagpole. For each parcel and development site that is one-half (1/2) acre or less in size and is in residential use with more than one principal structure or nonresidential use, one flagpole may be installed and up to two (2) flags may be displayed per flagpole. For each parcel and development site that is over one-half (1/2) acre in size and is in residential use with more than one principal structure or in nonresidential use, up to three flagpoles may be installed and up to two (2) flags may be displayed per flagpole. A flag shall not exceed twenty-four (24) square feet in size." The motion was duly seconded and carried unanimously.

Vice Mayor Hamilton moved to amend page 39, Section 3-1807.B.5 - Permitted signs requiring development review, to read as follows:

"5. Certain changeable message and copy signs.

a. Electronic changeable message signs shall be permitted for venues or facilities that seat 2,000 or more people, fuel price signs, menu signs, schools and places of worship provided: (a) the electronic changeable messages are part of a freestanding sign; (b) the electronic message area shall be limited to no more than forty percent (40%) of the overall permitted freestanding sign face area, shall be located on the lower portion of the sign face and shall be contiguous to the other copy area of the sign face; (c) electronic message signs shall be architecturally integrated to the design of the freestanding sign face and (d) shall be consistent with the width and depth of the sign cabinet. The general message for electronic changeable message signs at schools, places of worship, venues/facilities that seat 2,000 or more people or on fuel price and menu signs may change no more frequently than once every ~~one hour~~ 10 minutes." The motion was duly seconded and carried with the following vote:

Ayes: 4 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell and Councilmember Cundiff

Nays: 1 - Councilmember Jonson

Vice Mayor Hamilton moved to approve Ordinance 9029-17 on first reading, as amended. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

9. Quasi-Judicial Public Hearings

- 9.1** Withdraw a Zoning Atlas Amendment from the Low Medium Density Residential (LMDR) District to the Medium Density Residential (MDR) District for 301, 302, 303, 309, 310 and 311 Cedar Street; and withdraw Ordinance 9028-17 on first reading. (REZ2017-02002)

At their May 16, 2017 meeting, the Community Development Board (CDB) continued the public hearing of this item to June 20, 2017 at the applicant's request. On May 22, 2017, the applicant withdrew the application for a Zoning Atlas amendment.

Councilmember Caudell moved to withdraw Item 9.1. The motion was duly seconded and carried unanimously.

10. Second Readings - Public Hearing

- 10.1** Continue 2nd reading of Ordinance 9029-17 to July 20, 2017: Approve amendments to the Clearwater Community Development Code relating to signage. (TA2017-03005)

Councilmember Cundiff moved to continue Item 10.1 to July 20, 2017. The motion was duly seconded and carried unanimously.

- 10.2** Continue 2nd reading of Ordinance 9042-17 to a date uncertain: Approve an amendment to the Community Development Code establishing a medical marijuana treatment use and applicable criteria. (TA2017-01001)

Vice Mayor Hamilton moved to continue Item 10.2 to a date uncertain. The motion was duly seconded and carried unanimously.

- 10.3** Continue 2nd reading of Ordinance 7049-17 to July 20, 2017: Approve the request from City of Clearwater staff to vacate a portion of Public Right-of-Way of Haven Street and real property dedicated as Right-of-Way in Official Records 4867, Page 1478.

Councilmember Caudell moved to amend Item 10.3 to read as follows: "Continue 2nd reading of Ordinance 7049-17 to July 20, 2017 a date uncertain: Approve the request from City of Clearwater staff to vacate a portion of Public Right-of-Way of Haven Street and real property dedicated as Right-of-Way in Official Records 4867, Page

1478.continued to a date uncertain." The motion was duly seconded and carried unanimously.

Councilmember Jonson moved to approve Item 10.3 as amended. The motion was duly seconded and carried unanimously.

11. City Manager Reports

11.1 Amend the City's fiscal year 2016/17 Operating and Capital Improvement Budgets at mid-year and pass Ordinances 9052-17 and 9053-17 on first reading.

The fiscal year 2016/17 Operating and Capital Improvement Budgets were adopted in September 2016 by Ordinances 8946-16 and 8947-16. Section 2.521 of the City's Code of Ordinances requires the City Manager to prepare a quarterly report detailing income, expenditure estimates, collections, the explanation of significant variances, as well as the financial status of all capital improvement projects. Staff has provided a memorandum outlining the issues at mid-year that require amendment.

Councilmember Cundiff moved to amend the City's fiscal year 2016/17 Operating and Capital Improvement Budgets at mid-year. The motion was duly seconded and carried unanimously.

Ordinance 9052-17 was presented and read by title only. Vice Mayor Hamilton moved to pass Ordinance 9052-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

Ordinance 9053-17 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 9053-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

11.2 Amend Exhibit A of Resolution 17-17 regarding the proposed extension of Penny for Pinellas to amend the proposed project list and adopt Resolution 17-22.

On April 25, 2017, Resolution 17-17 was approved in support of the proposed extension of the one-cent local government infrastructure surtax (Penny for Pinellas), which included a proposed project list and the Penny IV Interlocal Agreement with Pinellas County.

The proposed project list, Exhibit A, is amended to include the following changes:

- A new project, Public Safety Vehicle/Equipment Facility is being added to the list with a proposed budget of \$1.5 million;
- The Police District III (Countryside Sub Station) project is being increased by \$500,000 to a new total of \$6 million; and
- The Athletic Fields & Facilities Upgrades/Improvements project is being created with a proposed budget of \$14.5 million to combine three Parks and Recreation sports facility projects into one grouped project. (Major League Baseball Facilities, Youth Sports Fields Renovations, and McMullen Tennis Complex Expansion).
- The Sand Key Bridge Replacement Fund project is being reduced by \$2 million to a new total of \$28 million to fund the increases listed above.

In response to questions, the City Manager said the proposed Penny List does not include a line item for a specific area of the city. The City provides improvements to neighborhoods on an as needed basis; there are sufficient resources in other funding sources to address those needs.

A concern was expressed that the Penny extension would be stronger if it included investments in neighborhoods, such as improved sidewalks and curb cuts.

The City Manager said Penny funding has benefited all of Clearwater's communities; the proposed Penny 4 list will have the same impact and benefit to the City's lower income communities as previous Penny projects.

Councilmember Caudell moved to amend Exhibit A of Resolution 17-17 regarding the proposed extension of Penny for Pinellas to amend the proposed project list. The motion was duly seconded and carried with the following vote:

Ayes: 4 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell and Councilmember Cundiff

Nays: 1 - Councilmember Jonson

It was stated that neighborhoods throughout the city with aged infrastructure could benefit from Penny funding to enhance property values, such as replacing speed bumps with traffic calming.

Resolution 17-22 was presented and read by title only. Councilmember Caudell moved to adopt Resolution 17-22. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretelos, Vice Mayor Hamilton, Councilmember Caudell and Councilmember Cundiff, Councilmember Jonson

11.3 Ratify and confirm Change Order 1 to Waterfront Engineering Inc., of Tampa, Florida, for Emergency Seawall Repairs in the amount of \$8,765.58 and authorize the appropriate officials to execute same.

November 17, 2016, City Council approved emergency seawall repair proposals provided by Waterfront Engineering.

During repair to the Fuller Drive seawall along Stevenson Creek, Waterfront Engineering encountered buried debris, from an earlier seawall, which needed to be removed and caused the need for additional fill material and design modifications to the new wall panel depths for an increase of \$14,541.68.

The seawall repaired on Clearwater Beach North of Opal Sands was completed under the proposed value saving the City \$5,776.10 for a net increase to proposals of \$8,765.58.

APPROPRIATION CODE AND AMOUNT:

0315-93412-563800-539-000-0000 \$14,541.68 ST113359

0315-93412.563800-539-000-0000 (5,776.10) ST113358

Funds are available in capital improvement project 315-93412, City-wide Seawall Replacement, to fund this change order.

In response to questions, Environmental Manager Ed Chesney said there is no seawall behind the Mayor's Habitat for Humanity project home. The seawall that was recently installed is five blocks away and is the only section that has a seawall due to erosion.

Councilmember Cundiff moved to ratify and confirm Change Order 1 to Waterfront Engineering Inc., of Tampa, Florida, for Emergency Seawall Repairs in the amount of \$8,765.58 and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

11.4 Approve the Contract for Exchange of certain real property owned by the City of Clearwater for a parcel in downtown which is of greater value, by the Church of Scientology Flag Service Organization, Inc. (COS) and authorize the appropriate officials to execute same.

There will be need for public parking once the Nolen Project and accompanying amenities are completed in the near future. The property at the southwest corner of Cleveland Street and S Martin Luther King Jr. Avenue abuts this new construction and will provide the needed parking. This property is to be exchanged, to the City, by the COS. COS is under contract to purchase this property, as a pre-requisite to the land swap, from the current owner, 1133 Cleveland Street Properties, LLC. This property appraised at \$600,000 by James Millspaugh & Associates, Inc.

For this COS property, the City of Clearwater will exchange three parcels of land more particularly described as:

600 Franklin Street - The South 60' of Lot 1, Block 7, Gould & Ewing's 1st and 2nd Addition to Clearwater-Harbor Fla, Plat Book 1, Page 52, Public Records of Hillsborough County, of which Pinellas County was formerly a part.
Dedicated Right-of-Way - a portion of Lot 34 and a portion of the vacated Haven Street, Court Square Subdivision, Plat Book 5, Page 53, Public Records of Pinellas County, Florida.

The North 37' of the West 121' of the South half of Lot 1, Block 5, of Gould & Ewing's 1st and 2nd Addition to Clearwater-Harbor Fla., Plat Book 1, Page 52, of the Public Records of Hillsborough County, Florida, of which Pinellas County was formerly a part.

The Right-of-Way parcel is located on the north side of Court Street, between S Garden Avenue and S Fort Harrison Avenue, and contains Right-of-Way dedicated as Haven Street by plat and Right-of-Way dedicated by ordinance over City-owned property.

The Haven Street portion of the Right-of-Way parcel was dedicated by plat in Plat Book 5, Page 53, Official Records of Pinellas County, Florida in 1922, and will join the adjacent fee-owned lots by operation of law upon vacation. The Right-of-Way dedicated over City-owned Lots 34 and 45 of Court Square Subdivision by Resolution No. 79-50 in Official Records Book 4867, Page 1478, will remain in City ownership to be conveyed as part of the swap. Following the vacation of the Right-of-Way parcel, the remaining City-owned property will be approximately 4,750 S.F. The appraised value of said land has been determined by James Millspaugh & Associates, Inc, to be \$200,000. The second City-owned parcel is located at 600 Franklin Street, and is apart of old Fire Station 45. The property is approximately 3,660 S.F. and the appraised value of the parcel has been determined by James Millspaugh & Associates, Inc, to be \$155,000.

The third parcel is located at 28 North Garden Avenue and is known as the

City of Clearwater's North Garden Avenue Parking Lot. This lot abuts Watterson Avenue to the east, and is between Cleveland Street and Hendricks Street. This parking lot is roughly 4,500 S.F. and includes 9 parking spaces, open to the public. The rate at this lot is \$0.50 an hour with a maximum time limit of 2 hours. The appraised value of this property, as determined by James Millspaugh & Associates, Inc, is \$70,000.

This contract is contingent upon four pre-requisites. The first being the declaration of surplus of these three City owned parcels. The second pre-requisite is the vacation of Haven Street, along with real property dedicated as Right-of-Way in Official Records 4867, Page 1478, of the Public Records of Pinellas County, Florida. The third, being the acquisition of the COS Property by the COS, prior to closing. The fourth contingency is the City being granted adequate access to the COS Property in accordance with the timeframes contemplated for purposes of conducting inspections and investigations, including environmental investigations. If any of these pre-requisite items fail to come to fruition, this contract will be null and void.

One individual spoke in opposition.

In response to a question, the City Attorney said the values of the property sites were determined by an appraiser.

One individual spoke in support.

Councilmember Caudell moved to continue Item 11.4 to a date uncertain. The motion was duly seconded and carried unanimously.

12. City Attorney Reports – None.

13. Closing comments by Councilmembers (limited to 3 minutes)

Councilmember Caudell asked for all to take a moment and pray for the victims of the shooting in Virginia this morning.

Councilmember Cundiff wished all a happy Flag Day.

Vice Mayor Hamilton said there was a lot of activity last Saturday night in downtown with people here for the Third Eye Blind concert. He said he was reenergized to continue to move forward to try to create that type of atmosphere on a regular basis.

Councilmember Jonson said the landscaping on Missouri Ave. is looking great and thanked staff for their work on the project. He said he was thrilled that the CRA Board of Trustees approved the CRA incentive program on Monday. He congratulated Anthony Burney for assuming the presidency of the Martin Luther King Jr. Neighborhood Coalition Board.

14. Closing Comments by Mayor

Mayor Cretkos reviewed recent and upcoming events.

15. Adjourn

The meeting adjourned at 8:07 p.m.

Attest

Mayor
City of Clearwater

City Clerk