

# City of Clearwater

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



## Meeting Minutes

**Wednesday, August 20, 2014**

**6:00 PM**

**Council Chambers**

**City Council**

## Roll Call

**Present:** 5 - Mayor George N. Cretekos, Vice Mayor Doreen Hock-DiPolito, Councilmember Bill Jonson, Councilmember Hoyt Hamilton and Councilmember Jay E. Polglaze

**Also Present:** William B. Horne II - City Manager, Jill S. Silverboard - Assistant City Manager, Pamela K. Akin - City Attorney, Rosemarie Call - City Clerk, 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 - Dave Kovar from Sun Coast Humanists**

### **3. Pledge of Allegiance - Councilmember Hamilton**

### **4. Special recognitions and awards (Proclamations, service awards, or other special recognitions) - Given.**

#### **4.1 The Honorable David Jolly, U.S. House of Representatives, District 13**

*Representative Jolly thanked Council for their leadership and introduced his Legislative Director, Jenifer Nawrocki.*

#### **4.2 Clearwater High School Update - Principal Keith Mastorides**

*Mr. Mastorides thanked Council and staff for their continued support and interest in partnering with the school to assign key staff to school advisory boards to further career development efforts.*

#### **4.3 Habitat for Humanity - Mr. Sutton, CEO, and Mr. Ron Spoor, Ex VP.**

*Messrs. Sutton and Spoor reviewed recent accomplishments and provided an update on the Stevenson Creek Community. Hammers and Heels is a new program initiative involving women; the first home will be constructed in April*

2015.

## **5. Approval of Minutes**

- 5.1 Approve the minutes of the August 7, 2014 City Council Meeting as submitted in written summary by the City Clerk.

**Councilmember Jonson moved to approve the minutes of the August 7, 2014 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**

*Meg Petersen requested Council to research a multi-use facility at the Rockaway parking lot location as suggested at the Monday Worksession.*

*Tom Petersen requested an evaluation of the results of City projects over the past 15 years, including the construction of Memorial Causeway and its impact on the downtown area, the construction of Clearwater Harbor Marina, landscaping on Cleveland St., traffic pattern changes on Ft. Harrison Ave., and the use of the Harborview Center, and a review of the situation at the time the decision was made, and the underlying assumptions made about the future potential then compare what actually happened with what was assumed would happen.*

*Jana Wiggins and Tom Nocera expressed concerns with the Clearwater Marine Aquarium moving from a rescue, release and rehab facility to a captive animal show facility; and opposed the proposed expansion.*

*Joseph Corvino said the trend for dolphin exhibits are in a downward trend.*

*The City Manager said during the last council meeting, a concern was raised regarding the church-related noise impacting residential neighbors. Staff researched the issue and reports the following:*

*Police Chief Slaughter said a protocol has been established with the church located at 1366 Lakeview Road; there will be no basketball activities after 10:00 p.m. The Department has been enforcing street parking along Browning Street; four citations have been issued. The Church has agreed to inform their patrons that parking along Browning Street is not permitted. Planning and Development Director Michael Delk said there is a minor issue with exterior surfaces and canopies that will be removed. Staff is contacting the Pastor to address the lighting concerns to ensure the lights are not creating a glare*

*burden on neighboring properties. Mr. Delk said the City does not permit basketball goals.*

*In response to questions, Mr. Delk said the parking lot on the property is non-conforming and retrofitted. The parking lot striping appear to remain in place. Outlines have been painted for patrons to play basketball. Police Chief Slaughter said the basketball games are occurring more than a couple of times a week. The next basketball series will go to 9:00 p.m.*

## **7. Consent Agenda - Approved as submitted.**

- 7.1** Approve a Right-of-Way (ROW) Beautification Revocable License Agreement Form to be used with various neighborhood and association groups for the purposes of maintaining landscaping and improvements within City ROW's and the City of Clearwater and authorize the City Manager, or designee, to approve such agreements. (consent)
- 7.2** Award a construction contract to Kloote Contracting, Inc. of Palm Harbor, FL for Lift Station 29, 46, and 50 (13-0047-UT) improvements in the amount of \$374,788, which is the lowest responsible bid received in accordance with plans and specifications, and authorize the appropriate officials to execute same. (consent)
- 7.3** Approve a work order to Engineer of Record (EOR) URS Corporation in the amount of \$199,876, approve a Cooperative Funding Agreement with Southwest Florida Water Management District (SWFWMD) in the amount of \$750,000.00 for the Reclaimed Water Expansion per 2014 Resident Requests (13-0052-UT) and authorize the appropriate officials to execute same. (consent)
- 7.4** Approve the final plat for Majestic Oaks Replat, 3030 Union Street, located on the north side of Union Street approximately 1,000 feet east of McMullen Booth Road. (consent)
- 7.5** Approve a Scope of Services and Performance Agreement for a three-year term, October 1, 2014 through September 30, 2017, to include two optional additional one-year renewals with Data Ticket Inc., Newport Beach, CA, for parking violation processing services at a cost of \$1.29 per citation processed and for collection agency services at a fee of 23% of total delinquent fines collected and authorize the appropriate officials to execute same; and approve addition of one new FTE to the Parking Enforcement Division (consent).
- 7.6** Approve a two year extension to existing contract to Carl Eric Johnson, of Lawrenceville, GA (BPO BR506957) for the purchase of Moyno Progressive Cavity Pumps and replacement parts for the contract period November 1, 2014 through October 31, 2016, and authorize the appropriate officials to execute same. (consent)
- 7.7** Award a contract (purchase order) to Pinellas County Solid Waste for an operating

expenditure of \$3,900,000 for the disposal of solid waste at the Pinellas County waste-to-energy plant/landfill for the period October 1, 2014 through September 30, 2015 as provided in the city's Code of Ordinances, Section 2.564 (1) (d), Services provided by Other Governmental Entities, and authorize the appropriate officials to execute same. (consent)

- 7.8** Award a contract (purchase order) to Angelo's Recycled Materials, for operating expenditures in the amount of \$400,000 for the disposal of solid waste at their site for the period October 1, 2014 through September 30, 2015 as provided in the City's Code of Ordinances, Section 2.561 and authorize the appropriate officials to execute the same. (consent)
- 7.9** Appoint Paul A. Doric to fill the remainder of an unexpired term on the Airpark Advisory Board through April 30, 2017. (consent)

**Vice Mayor Hock-DiPolito 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** Approve of a Development Agreement between PV-Pelican Walk, LLC (Paradise) and the City of Clearwater, to allow for a parking garage with 642 parking spaces (including 11,482 square feet of retail sales and service space) in the Tourist (T) District as per Community Development Code Section 4-606; adopt Resolution 14-23, and authorize the appropriate officials to execute same. (DVA2014-06001)

The proposal consists of two parcels of land which have an overall acreage of 1.68 acres. One parcel is 0.74 acres and consists of the Pelican Walk shopping center. The other parcel is 0.94 acres and consists of a surface parking lot that supports the shopping center. The property is located within the Tourist (T) District and the Resort Facilities High (RFH) Future Land Use Plan category. It is located in the Retail/Restaurant District in *Beach by Design*.

The proposal is to construct a seven-level parking garage with 11,482 square feet of retail sales and service space on the 0.94 acres behind the Pelican Walk shopping center. The garage will support the shopping center as well as the businesses within the overall Retail/Restaurant district in *Beach by Design*. This district encompasses the area bounded by Memorial Causeway, Mandalay Avenue, Baymont Street, and Poinsettia Avenue.

There will be a total of 642 parking spaces. The first 89 shall be apportioned as the developer chooses between leased and hourly parking, subject to a parking management plan acceptable to the City as a condition of closing. The next 450 spaces will be purchased by the City to be used as a public parking garage. The remaining 103 spaces on the top floor will be utilized in the same manner as the first 89 spaces.

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* and includes the following main provision:

- The development agreement will be in effect for ten years which complies with the duration of a general development agreement set forth in CDC Section 4-606.B.1.

On July 15, 2014, the Community Development Board approved a Flexible Development application (FLD2014-05013) to permit a parking garage with 642 parking spaces (including 11,482 square feet of retail sales and service space) in the Tourist (T) District with a lot area of 73,363 square feet, a lot width of 350 feet, a front (east) setback of zero feet (to building), a side (north) setback of zero feet (to concrete walkway) and 5.2 feet (to building), a side (south) setback of zero feet (to concrete walkway) and 5.2 feet (to building), a building height of 64.3 feet (from BFE) to top of flat roof and 85.11 feet (to elevator and other mechanical equipment from BFE), as a Comprehensive Infill Redevelopment Project under the provisions of CDC Section 2-803.D.; and a reduction to the foundation landscape buffer from five feet wide to zero feet as part of a Comprehensive Landscape Program under the provisions of 3-1202.G.

The development proposal will not degrade the Level of Service (LOS C or better) on surrounding transportation facilities nor adversely affect the nearby the nearby signalized intersection which is consistent with the Metropolitan Planning Organization concurrency management for transportation facilities.

The Community Development Board will review the development agreement at its meeting on August 19, 2014.

The Planning and Development Department is recommending approval of this Development Agreement under CDC Section 4-606.

*In response to questions, Planning and Development Director Michael Delk said the applicant proposes street landscaping, such as palm trees, along Poinsettia Avenue. Developer consultant Greg Roth said there will be a 3-ft. strip of green space behind the curb along Poinsettia. To the west of the*

strip, there will be 14-ft. sidewalk that will be fronting along the new structure. Mr. Delk said the picture template in Beach by Design (BBD) shows a 4-story garage. The height limit for a Level 1 approval is 50 ft. BBD states that for private-public partnership, the garage will be of a size and type that is economically viable. Consultant Jane Caldera said the traffic study she prepared followed procedures based on city code.

Applicant representative Brian Aungst said the proposed project will be a catalyst to redevelop North Clearwater Beach for businesses and economic generator for years to come. The project will provide patrons and employees with needed parking. Based on the parking demand study undertaken by the City, the proposed garage will pay for itself and derives an immediate return on investment for the City.

Three individuals spoke in support and one individual spoke in opposition.

One individual supported dedicating spaces for employee parking from the City's portion of the garage that can be leased.

In response to questions, Engineering Director Michael Quillen said a review of the study conducted by the City's parking consultant commented on the high dollar per space revenue based on historical data. The City's parking consultant used a different calculation method for the financial analysis. Assistant City Manager Rod Irwin said in comparison, the price per space for the Surfstyle garage and the 5<sup>th</sup> Street garage were in excess of \$30,000.

**Councilmember Polglaze moved to Approve a Development Agreement between PV-Pelican Walk, LLC (Paradise) and the City of Clearwater, to allow for a parking garage with 642 parking spaces (including 11,482 square feet of retail sales and service space) in the Tourist (T) District as per Community Development Code Section 4-606. The motion was duly seconded and carried unanimously.**

**Councilmember Jonson moved to adopt Resolution 14-23. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

**8.2** Approve the request from the owner of property addressed at 1355 Union Street to

vacate a series of platted utility easements; and pass Ordinance 8579-14 on first reading (VAC2014-02).

The owner of property located at 1355 Union Street is planning to construct new improvements on a portion of his property encumbered by several five-foot wide utility easements that were dedicated to the public when the subdivision was platted. A survey of the property revealed that existing improvements also encroach into these easements. The easement vacation, as proposed, would eliminate these encroachments.

The City's Engineering, Public Utilities and Gas System departments have no plans to use these easements. Staff has no objection to the request. Duke Energy, Verizon, Bright House and WOW! (formally Knology) each have no objections to the request.

**Vice Mayor Hock-DiPolito moved to approve the request from the owner of property addressed at 1355 Union Street to vacate a series of platted utility easements. The motion was duly seconded and carried unanimously.**

**Ordinance 8579-14 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 8579-14 on first reading. The motion was duly seconded upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

- 8.3** Approve a Future Land Use Map Amendment from the Residential Urban (RU) classification to the Institutional (I) classification and a Zoning Atlas Amendment from the Low Medium Density Residential (LMDR) District to the Institutional (I) District for properties located at 3049 and 3053 Cleveland Street and 3048 and 3054 Cherry Lane (consisting of a portion of the South ½ of the Southeast ¼ of the Northwest ¼ of the Northwest ¼ of Section 16, Township 29 South, Range 16 East); and pass Ordinances 8574-14 and 8573-14 on first reading. (LUP2014-04001 and REZ2014-04001)

This Future Land Use Map amendment and rezoning application involves 0.62 acres of property comprised of four parcels, located on Cleveland Street and Cherry Lane, generally west of North McMullen Booth Road approximately 1/5 mile south of Drew Street. The request is to change the property's Future Land Use Map designation of Residential Urban (RU) classification to the Institutional (I) classification and a Zoning Atlas Amendment from the Low Medium Density Residential (LMDR) District to the Institutional (I) District. This property has a Future Land Use Map classification of Residential Urban (RU) and Zoning Atlas designation of Low Medium Density Residential

(LMDR). The applicant is requesting to amend the Future Land Use Map classification to the Institutional (I) classification and the Zoning Atlas to the Institutional (I) District.

Three of the four parcels are improved with single family houses, all of which are currently vacant. The fourth parcel is unimproved. The parcels are owned by Calvary Baptist Church, which is located on the southwest corner of Drew Street and McMullen Booth Road. The church has been purchasing parcels adjacent to and in the vicinity of the subject property over the last several years in order to accommodate growth of the church, associated school campus and athletic facilities. Abutting properties to the north and west are owned by Calvary Baptist. The applicant has indicated that the properties will be used for an athletic building and parking. However, no site plans have been submitted at this time.

The Planning and Development Department has determined that the proposed Future Land Use Map amendment and Zoning Atlas amendment is consistent with the Community Development Code as specified below:

- The proposed amendments are consistent with the Comprehensive Plan, the Countywide Plan Rules, and the Community Development Code.
- The proposed amendments are compatible with the surrounding property and character of the neighborhood.
- Sufficient public facilities are available to serve the property.
- The proposed amendments will not have an adverse impact on the natural environment.
- The proposed amendments will not have an adverse impact on the use of property in the immediate area.
- The available uses in the Institutional (I) District are compatible with the surrounding area.

In accordance with the Countywide Plan Rules, the land use plan amendment is subject to the approval of the Pinellas Planning Council and the Board of County Commissioners acting as the Countywide Planning Authority. The application is a small-scale amendment so review and approval by the Florida Department of Economic Opportunity (Division of Community Planning) is not required.

The Community Development Board reviewed these applications at its July 15, 2014 public hearing and unanimously recommended approval of the Future Land Use Plan amendment and Zoning Atlas amendment.

**Councilmember Hamilton move to approve a Future Land Use Map Amendment from the Residential Urban (RU) classification to the**

**Institutional (I) classification and a Zoning Atlas Amendment from the Low Medium Density Residential (LMDR) District to the Institutional (I) District for properties located at 3049 and 3053 Cleveland Street and 3048 and 3054 Cherry Lane (consisting of a portion of the South ½ of the Southeast ¼ of the Northwest ¼ of the Northwest ¼ of Section 16, Township 29 South, Range 16 East). The motion was duly seconded and carried unanimously.**

**Ordinance 8573-14 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 8573-14 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

**Ordinance 8574-14 was presented and read by title only. Vice Mayor Hock-DiPolito moved to pass Ordinance 8574-14 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

- 8.4** Approve the annexation, initial Future Land Use Map designations of Residential Low (RL), Residential Medium (RM), and Preservation (P), and Drainage Feature Overlay and initial Zoning Atlas designations of Low Medium Density Residential (LMDR), Medium Density Residential (MDR), and Preservation (P) districts for 1813 Carlton Drive; 1752 Evans Drive; 2700 and 2715 Morningside Drive; 2709 and 2738 Woodring Drive; 2718 Terrace Drive North; 2723/2725 South Drive and 2741 South Drive (all parcels are located in Section 5, Township 29 South, Range 16 East); together with certain rights of way of South Drive, Woodring Drive, Morningside Drive, Evans Drive and Terrace Drive; and pass Ordinances 8576-14, 8577-14 and 8578-14 on first reading. (ATA2014-05002)

The City of Clearwater Planning and Development Department identified an area within the Clearwater Planning Area with a large concentration of properties with Agreements to Annex (ATAs) that are eligible for annexation. These properties are located east of U.S. Highway 19, north of State Road 590, south of South Drive, and west of El Trinidad Drive. Subdivisions in this area include Virginia Grove Terrace, Carlton Terrace, and Pinellas Terrace. The Department identified a total of 189 properties in this area that could be annexed through a phased approach over several years, and to date 171 properties have been annexed.

This application, which has been identified as Phase G of the overall annexation project, includes 9 properties. Current or previous owners of these properties entered into ATAs between 1983 and 2008 to obtain sanitary sewer service. The Planning and Development Department is initiating this project to bring the properties into the City's jurisdiction in compliance with the terms and conditions set forth in the agreements. The Phase G properties are occupied by 8 detached dwellings and 1 attached dwelling (2 units) on 1.77 acres of land. It is proposed that approximately 1.05 acres of right-of-way throughout this area on South Drive, Woodring Drive, Morningside Drive, Evans Drive and Terrace Drive North right-of-way not currently within the city limits also be annexed. It is proposed that 7 properties be assigned a Future Land Use Map designation of Residential Low (RL), and 2 properties be assigned a Future Land Use Map designation of Residential Medium (RM). A drainage ditch traverses 3 of these properties (2715 Morningside Drive, 2718 Terrace Drive North and 1752 Evans Drive) for which the Preservation (P) and Drainage Feature Overlay designations are proposed consistent with the ditch boundaries. It is proposed that 8 parcels be assigned the zoning designation of Low Medium Density Residential (LMDR) District with the exception of the 2723/2725 South Drive property where it is proposed that the parcel be assigned a zoning designation of Medium Density Residential (MDR). In addition, it is proposed that the aforementioned properties with the drainage ditch also be assigned the Preservation (P) zoning category. The Planning and Development Department has determined that the proposed annexation is consistent with the provisions of Community Development Code Section 4-604.E as follows:

- The properties currently receive sanitary sewer service from the City and water service from Pinellas County. Collection of solid waste will be provided by the City. The properties are 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 these properties by Station 48 located at 1700 Belcher Road. The City has adequate capacity to serve the properties with solid waste, police, fire and EMS service. Water service will continue to be provided by Pinellas County. The proposed annexations will not have an adverse effect on public facility levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:  
Policy A.7.1.3: Invoke agreements to annex where properties located within enclaves meet the contiguity requirements of Florida Statutes Chapter 171.  
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.

- The proposed Residential Low (RL), Residential Medium (RM), Preservation (P), and Drainage Feature Overlay Future Land Use Map categories are consistent with the current Countywide Plan designation of the properties. The Residential Low (RL) designation primarily permits residential uses at a density of 5 units per acre while the Residential Medium (RM) designation primarily permits residential uses at a density of 15 units per acre. The Preservation (P) and Drainage Feature Overlay categories proposed to be applied to three properties recognize the watershed and drainage features on the properties. The proposed zoning districts to be assigned to the properties are the Low Medium Density Residential (LMDR), Medium Density Residential (MDR), and Preservation (P) Districts. The uses of the subject properties are consistent with the uses allowed in the Low Medium Density Residential (LMDR) and Medium Density Residential (MDR) Districts. However, the property located at 2723/2725 South Drive is an existing duplex, and although the use is allowed within the Medium Density Residential (MDR) District, the property does not meet the minimum lot width requirement and the lot size does not support the development of two units on the site based on the MDR District. The provisions of Community Development Code Article 6 Nonconformity Provisions will apply to this property once annexed into the City. All other properties meet the minimum dimensional requirements of the Low Medium Density Residential (LMDR) District; therefore, the proposed annexation is consistent with the Countywide Plan, Clearwater Comprehensive Plan, and Clearwater Community Development Code; and

The properties proposed for annexation are contiguous to existing City boundaries along at least one property boundary; therefore, the annexations are consistent with Florida Statutes Chapter 171.044.

**Councilmember Polglaze moved to Approve the annexation, initial Future Land Use Map designations of Residential Low (RL), Residential Medium (RM), and Preservation (P), and Drainage Feature Overlay and initial Zoning Atlas designations of Low Medium Density Residential (LMDR), Medium Density Residential (MDR), and Preservation (P) districts for 1813 Carlton Drive; 1752 Evans Drive; 2700 and 2715 Morningside Drive; 2709 and 2738 Woodring Drive; 2718 Terrace Drive North; 2723/2725 South Drive and 2741 South Drive (all parcels are located in Section 5, Township 29 South, Range 16 East); together with certain rights of way of South Drive, Woodring Drive, Morningside Drive, Evans Drive and Terrace Drive. The motion was duly seconded and carried unanimously.**

**Ordinance 8576-14 was presented and read by title only.**

**Councilmember Hamilton moved to pass Ordinance 8576-14 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes: 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember**

Jonson, Councilmember Hamilton and Councilmember Polglaze

**Ordinance 8577-14 was presented and read by title only.**

**Councilmember Jonson moved to pass Ordinance 8577-14 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

**Ordinance 8578-14 was presented and read by title only. Vice Mayor Hock-DiPolito moved to pass Ordinance 8578-14 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

*The Council recessed from 7:51 p.m. to 7:55 p.m.*

## **9. City Manager Reports**

### **9.1 Appoint eleven members to the Affordable Housing Advisory Committee and adopt Resolution 14-26.**

Florida Statute Section 420.9076 states that counties and cities receiving State Housing Initiatives Partnership (SHIP) program funds are required to re-establish an Affordable Housing Advisory Committee (AHAC) and prepare a Local Housing Incentive Strategy (LHIS). The statute further provides that the committee be made up of eleven members and that the City appoint the eleven members by resolution. The eleven members must represent a specific industry or a specific group.

The required groups and recommended individuals are listed below:

- Residential home building: Michael Potts
- Banking industry/mortgage: Linda Kemp
- Area of labor engaged in home building: Ronald Spoor
- Advocate for low-income person: Lisa Hughes
- For-profit provider of affordable housing: Peter Leach
- Not-for-profit provider of affordable housing: Jacqueline Rivera
- Real estate professional engaged in affordable housing: Peggy Cutcomb
- Member of the local planning agency: Michael Boutzoukas
- Clearwater resident: Vicki Adelson
- Employers representative: Kristin Dailey
- Essential Services representative: Bob Clifford

The duties of the Affordable Housing Advisory Committee shall include

reviewing policies and procedures, ordinances, land development regulations and the City's adopted comprehensive plan and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing, or the adoption of the new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend local government comprehensive plan and corresponding regulations, ordinances, and other policies. The report must be submitted to the City Council by December 31, 2014. The reports are due triennially on December 31 of the year preceding the submission of the Local Housing Assistance Plan. The report shall evaluate the implementation of affordable housing incentives in several areas including the processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects and the modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

**Councilmember Hamilton moved to Appoint eleven members to the Affordable Housing Advisory Committee. The motion was duly seconded and unanimously.**

**Resolution 14-26 was presented and read by title only. Councilmember Jonson moved to adopt Resolution 14-26. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

- 9.2** Amend Appendix A relating to Parks, Beaches, and Recreation Schedule of Fees, Rates and Charges Section XI, to establish definitions for purposes of applying park facility user fees including amending the definition of family to include domestic partnerships as registered with the City of Clearwater or Pinellas County and pass Ordinance 8575-14 on first reading.

In order to serve the public in a fair and equitable way in terms of establishing fee structures for recreation cards and play passes the Parks and Recreation Department has for the past 40 years established department policies to define and regulate these fees. These definitions appear in all City promotional materials most notably the "My Clearwater" magazine.

To provide consistence with Council action of June 7, 2012 with inclusion of Domestic Partnership Registry staff recommends the following change to the

classification definitions:

Youth: 18 years of age or younger or a full-time college student less than 23 years of age.

Senior: 55 years of age or older.

Adult: 19 years of age or older.

Adult Plus One: Two family members living in the same household.

Family: Husband and wife or two persons with a Registered Domestic Partnership with the City of Clearwater or Pinellas County, Florida, or a legal guardian and their children who live in the same household, who are 18 years of age or under, or less than 23 years of age and a full-time college student.

The codification of these definitions as well as adding language that states "verification of any age or family status may be required" will help staff in administering the fee structures necessary to meet the needs of the community.

**Vice Mayor Hock-DiPolito moved to amend Appendix A, Code of Ordinances, relating to Parks, Beaches, and Recreation Schedule of Fees, Rates and Charges Section XI, to establish definitions for purposes of applying park facility user fees including amending the definition of family to include domestic partnerships as registered with the City of Clearwater or Pinellas County. The motion was duly seconded and carried unanimously.**

**Ordinance 8575-14 was presented and read by title only.**

**Councilmember Polglaze moved to pass Ordinance 8575-14 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

**9.3 Amend Section 22.35 of the City of Clearwater Code of Ordinances, to clarify areas where fishing on public beaches is restricted and pass Ordinance 8580-14 on first reading.**

The intent of the original language in Section 22.35 was to prohibit fishing from public beaches in a specific area of Clearwater Beach as described in section 33.114.

The current language restricts far more area than originally intended and in essence includes any area where persons are allowed to swim.

Approval of this ordinance will clarify and restrict fishing within only those areas specified in Section 33.114.

This ordinance is necessary to protect the public from an inherent safety conflict between fishing and swimming in the same public beach areas.

**Councilmember Hamilton moved to amend Section 22.35 of the City of Clearwater Code of Ordinances, to clarify areas where fishing on public beaches is restricted. The motion was duly seconded and carried unanimously.**

**Ordinance 8580-14 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 8580-14 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretokos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

## **10. City Manager Verbal Reports**

### **10.1 Extended Pool / Library Hours**

*The City Manager said staff is seeking formal direction regarding the request to extend pool and library operating hours.*

**Councilmember Jonson moved to ask the City Manager to adjust the proposed budget with relation to the pool hours, to include hours in the four outdoor pools on Saturday and Sunday, from middle of August to the end of September to be effective in Fiscal Year 2014/2015. The motion was duly seconded.**

*One individual spoke in support.*

**Upon the vote being taken, the motion carried unanimously.**

*The City Manager said a question was raised regarding variation of library operating hours. Library Director Barbara Pickell said to add morning hours three days a week would cost an additional \$16,380 for one part-time employee. This would allow for the Beach Library to be open for an additional 29 hours, 10:00 a.m. to 5:00 p.m., Monday through Wednesday; 1:00 p.m. to 5:00 p.m. on Thursday and Friday.*

*In response to questions, Ms. Pickell said the Beach Recreation Center is*

*open 9:00 a.m. to 7:00 p.m. on Monday and Wednesday; 9:00 a.m. to 5:00 p.m. on Tuesday and Thursday.*

**Vice Mayor Hock-DiPolito moved to extend the Beach Library hours Monday through Wednesday from 10:00 a.m. to 5:00 p.m. and Thursday and Friday from 1:00 p.m. to 5:00 p.m. for Fiscal Year 2014/2015. The motion was duly seconded and carried unanimously.**

## **11. City Attorney Reports**

**11.1** Schedule an Attorney-Client session at 5:00 p.m. on September 4, 2014, to discuss the settlement offer received in the case of Bair v. City.

On or about April 2001, the Plaintiffs submitted a building application to Planning and Development to remodel their property in Island Estates. Because the property is below the 100-year flood elevation and is located in a "V" flood zone, the Community Development Code requires any "substantial improvements" to existing structures to comply with the flood damage-resistance provisions, including that the structure be elevated. "Substantial Improvement" is defined as the reconstruction, rehabilitation, addition or other improvement of a structure during a one-year period, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of the construction of the improvement.

The Building Official required the Plaintiffs to submit a non-substantial improvement application and related materials demonstrating that the work was not a substantial improvement. The City initially issued a building permit in July 2011 and Plaintiffs began work in August of that year. The City then placed a Stop Work Order on the property because Building determined that in fact the work constituted a substantial improvement. The Plaintiffs appealed this determination to the Building/Flood Board of Adjustment and Appeals; the Board ruled in favor of the City. The Plaintiffs did not further appeal the Board's decision to Circuit Court, but instead began the process, which resulted in the filing of this lawsuit.

The Plaintiffs' suit has two counts, one under the Bert J. Harris, Jr. Private Property Rights Protection Act and a second for Equitable Estoppel. The Plaintiffs claim that they have lost market value on their property due to their partial demolition of the structure in alleged reliance on the issuance of the permit and due to their alleged inability to complete the renovations.

The City has pleaded a number of defenses to the action. The Plaintiff has recently made a settlement offer to the City, and the City Attorney is requesting an attorney-client session to discuss this settlement offer.

**Councilmember Jonson moved to schedule an Attorney-Client session at 5:00 p.m. on September 4, 2014, to discuss the settlement offer received in the case of Bair v. City. The motion was duly seconded and carried unanimously.**

## **12. Other Council Action**

### **12.1 Appointment of a subcommittee to discuss Downtown Issues - Councilmember Jonson**

*Councilmember Jonson requested consideration to appoint him and Councilmember Polglaze to a subcommittee to discuss Downtown issues.*

*Councilmember Polglaze said he would love to share the information he has gained through conversations with private sector.*

*The City Attorney said that since Councilmembers Jonson and Polglaze are ex-officio members of the Downtown Development Board (DDB), the subcommittee will be contingent upon the DDB establishing the subcommittee.*

*Discussion ensued with concerns expressed regarding redundancy of efforts, as the DDB may address issues. It was suggested Councilmembers Jonson and Polglaze meet to establish meeting frequency and topics, subject to DDB establishing the subcommittee.*

**Vice Mayor Hock-DiPolito moved to approve appointing Councilmembers Jonson and Polglaze to a subcommittee for two months, pursuant to the DDB appointing ex-officio Members Jonson and Polglaze to the subcommittee. The motion was duly seconded and carried unanimously.**

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

*Councilmember Hamilton reminded all that school is back in session and urged drivers to be careful.*

**14. Closing Comments by Mayor**

*Mayor Cretelos reviewed recent and upcoming events and encouraged all to vote on August 26, Primary Election.*

**15. Adjourn**

*The meeting adjourned at 8:33 p.m.*

Attest

\_\_\_\_\_  
Mayor  
City of Clearwater

\_\_\_\_\_  
City Clerk