

City of Clearwater

*Main Library - Council Chambers
100 N. Osceola Avenue
Clearwater, FL 33755*



Meeting Minutes

Thursday, October 21, 2021

6:00 PM

Main Library - Council Chambers

City Council

Rollcall

Present: 5 - Mayor Frank Hibbard, Vice Mayor Hoyt Hamilton, Councilmember David Allbritton, Councilmember Mark Bunker and Councilmember Kathleen Beckman

Also Present: Micah Maxwell – Interim City Manager, Michael Delk – Assistant City Manager, Pamela K. Akin - City Attorney, Rosemarie Call – City Clerk, and Nicole Sprague – Deputy City Clerk.

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

Unapproved

1. Call to Order – Mayor Hibbard

2. Invocation – Father Bob Swick from St. Francis of Assisi Old catholic Church

3. Pledge of Allegiance

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 October Service Awards

Two service awards were presented to city employees.

The September 2021 Employee of the Month Award was presented to Jevon Graham, Fire.

4.2 Keeping The Lights On After School Day Proclamation, October 28, 2021 - Judy Patrick R'Club, Program Services Director and Sherrie Ried, R'ClubSchool Age Services Director

4.3 Red Ribbon Week Proclamation, October 23-31, 2021 - Michele Edwards, Clearwater Neighborhood Family Center

Pinellas County Economic Development Update

Economic Development and Housing Director Denise Sanderson said she invited newly appointed Pinellas County Economic Development Director Dr. Cynthia Johnson to introduce herself to

Council.

Dr. Cynthia Johnson said she came by to say hello and stress that Pinellas County is committed to be a partner with the City of Clearwater. The office will support city economic development initiatives. She said the office will be more intentional with services as programs are expanded.

5. Approval of Minutes

- 5.1** Approve the minutes of the October 7, 2021 City Council Meeting as submitted in written summation by the City Clerk.

Vice Mayor Hamilton moved to approve the minutes of the October 7, 2021 City Council Meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

- 5.2** Approve the minutes of the August 24, 2021 Special Council Meeting and the September 30, 2021 Special Council Meeting.

Councilmember Allbritton moved to approve the minutes of the August 24, 2021 Special Council Meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

Councilmember Beckman moved to approve the minutes of the September 30, 2021 Special 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

Bill Jonson thanked City Attorney Pam Akin for her years of service and shared pictures of the Clearwater Beach Marina featured in a recent newspaper article and questioned what was being done to beautify the medians in N. Greenwood.

Michael Phoutrides expressed concerns with comments made at the last council meeting stressing the importance of diversifying City Council. He said it was more important to judge councilmembers by their competence rather than skin color.

Glenn Doten said he lives near Crest Lake Park and troubled by the constant noise created by drones flown at the high-power setting. He requested city code be amended to prohibit drones in city parks.

7. Consent Agenda – Approved as submitted, less Item 7.1.

- 7.1** Approve a proposal by Construction Manager at Risk Khors Construction, Inc. of Pinellas Park, Florida in the amount of \$116,195.46 for the demolition and replacement of the existing deck at the Clearwater Beach Recreation Center located at 69 Bay Esplanade and authorize the appropriate officials to execute same. (consent)

See Below

- 7.2** Approve acceptance of Tampa Bay Regional Planning Council Stormwater Outreach and Education Grant Award in the amount of \$9,100 for Anti-Littering Campaign marketing materials and vehicle wraps and authorize the appropriate officials to execute same. (consent)
- 7.3** Approve a work order to Halff Associates, Inc. of Tampa, FL for the design of utility relocations associated with Lakeview at Keene Drainage Rd. Improvements, project 20-0038-UT, in the amount of \$132,361.00 pursuant to Request for Qualifications (RFQ) 26-19, Engineer of Record Consulting Services (EOR), and authorize the appropriate officials to execute same. (consent)
- 7.4** Approve a proposal from Biltmore Construction Co., Inc. of Belleair, FL for the 2021 Bridges Repair Project (20-0027-EN) in an amount of \$3,900,259.00 pursuant to Request for Qualifications (RFQ) 40-20, Construction Manager at Risk for Continuing Contracts and authorize the appropriate officials to execute same. (consent)
- 7.5** Approve a renewable 5-year term Interlocal Agreement between Pinellas County Government and City of Clearwater to provide Ross Norton Recreational Complex as a Public Disaster Shelter during times of emergency and authorize the Clearwater Emergency Manager to execute same. (consent)
- 7.6** Approve a purchase order to Communications International of Vero Beach, FL for the maintenance and repair of the citywide two-way radio communication system and equipment in the amount of \$165,564.00 for term October 1, 2021 through September 30, 2022 pursuant to Clearwater Code of Ordinances Section 2.563(1) (a), Single Source, and authorize the appropriate officials to execute same. (consent)
- 7.7** Approve a Legal Services Agreement with Unice Salzman Jensen for representation for the Municipal Code Enforcement Board and authorize the appropriate officials to execute same. (consent)
- 7.8** Approve a Legal Services Agreement with Trask Daigneault, LLP for representation for the Civil Service Board and authorize the appropriate officials to execute same. (consent)

Councilmember Bunker moved to approve the Consent Agenda as submitted, less Item 7.1, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

7.1 Approve a proposal by Construction Manager at Risk Khors Construction, Inc. of Pinellas Park, Florida in the amount of \$116,195.46 for the demolition and replacement of the existing deck at the Clearwater Beach Recreation Center located at 69 Bay Esplanade and authorize the appropriate officials to execute same. (consent)

On September 17, 2020, Council approved the award of RFQ 40-20, Construction Manager at Risk (CMAR) Services for Continuing Contracts to thirteen firms with Khors Construction, Inc., being one of the thirteen firms selected.

The Clearwater Beach Recreation Center provides recreational opportunities for residents and visitors of Clearwater. The outdoor deck attached to the Center offers waterfront views of the surrounding intercoastal waterway and is a frequented venue for special events such as receptions and weddings. The current condition of the deck both structurally and in appearance requires extensive renovations.

This proposal includes the removal of the existing deck and the design/build of a new deck. The design will incorporate additional structural components that will make the deck and railings stronger.

This is a 90-day contract which will begin in June 2022 and will be completed by September 2022.

APPROPRIATION CODE AND AMOUNT:

Funds are available in CIP 93604 "Boardwalk & Docks Repair & Replacement" to fund this contract.

Parks and Recreation Director Jim Halios said staff is requesting the item be continued since the pricing on the cable rail system that was requested at the work session was not obtained in time.

One individual spoke in support.

Vice Mayor Hamilton moved to continue Item 7.1 to November 4,

2021. The motion was duly seconded and carried unanimously.

Public Hearings - Not before 6:00 PM

8. Administrative Public Hearings

- 8.1** Approve amendments to the Clearwater Community Development Code Chapter 51, Flood Damage Prevention, to allow for the use of best available data when establishing flood hazard areas, including Pinellas County's Vulnerability Assessment (2021), to address accessory structures used for parking and storage, to modify provisions for manufactured homes, to modify or delete various definitions, and to make other administrative amendments and pass Ordinance 9508-21 on first reading. (TA2021-08003)

The City manages and regulates activities and development in its floodplains through provisions in Community Development Code Chapter 51. Flood Damage Prevention, the City's Floodplain Management Ordinance, which was repealed and replaced with new regulations in 2018. Planning and Development, working closely with Engineering, has prepared Ordinance 9508-21, proposing amendments to the Floodplain Management Ordinance to address changes to the FEMA Flood Insurance Rate Map (FIRM) and Community Rating System (CRS), in addition to making other administrative changes.

The new FIRM was automatically adopted on August 24, 2021, and the effective FIRM includes a significant decrease in base flood elevation (BFE) on Clearwater Beach, Sand Key, and Island Estates. Engineering Department staff and the Pinellas County Floodplain Administrator provided information about Pinellas County's Sea Level Rise and Storm Surge Vulnerability Assessment [also known as the RESTORE Act Vulnerability Assessment (2021)], to City Council at its August 30, 2021 Work Session. The County's Vulnerability Assessment utilizes additional and newer data, and projects that flood levels will not decrease as is suggested by the new FIRM and therefore the BFE should not be reduced in these areas. The proposed amendments would adopt the Vulnerability Assessment by reference and allow the City to utilize it to establish the flood hazard area and applicable BFE where it is more restrictive than the FIRM (i.e., for properties on Clearwater Beach, Sand Key, and Island Estates). Also, this year the Community Rating System 2021 Update was released which implements a Class 8 prerequisite to require manufactured homes to be elevated the same as other residential properties. All manufactured homes that are placed, replaced, or substantially improved in the Special Flood Hazard Area shall be elevated to at least the elevation required in the Florida Building Code, Residential Section. This means manufactured homes need to be elevated to the BFE plus 2 feet of freeboard. The proposed ordinance

addresses this CRS prerequisite.

Staff is also proposing several amendments identified by FEMA and the Florida Department of Emergency Management which were suggested for consistency with model ordinance language as well as other administrative amendments, including standards for accessory uses below BFE, modifying certain definitions and updating terminology.

The Planning & Development Department has determined that the proposed text amendments to the Community Development Code are consistent with and further the goals, objectives and policies of the Comprehensive Plan and the Community Development Code as outlined in the staff report. The Community Development Board (CDB) will consider the proposed amendments at its regularly scheduled meeting on October 19, 2021, and the Planning and Development Department will report its recommendation at the October 21, 2021 City Council meeting.

In response to questions, Lead Environmental Specialist Sarah Kessler said the exceptions depicted on Island Estates are elevations FEMA believed were high enough and were not included in the special flood hazard area. The homes that were not included in the special flood hazard area do not need to be rebuilt to a certain height level if ever razed. Pinellas County used a consultant and additional staff time to identify items that could lower the county CRS rating. Ms. Kessler said the City would need to adopt the same approach and hire additional staff in order to continue efforts needed to lower the City's CRS rating.

Councilmember Allbritton moved to approve amendments to the Clearwater Community Development Code Chapter 51, Flood Damage Prevention, to allow for the use of best available data when establishing flood hazard areas, including Pinellas County's Vulnerability Assessment (2021), to address accessory structures used for parking and storage, to modify provisions for manufactured homes, to modify or delete various definitions, and to make other administrative amendments. The motion was duly seconded and carried unanimously.

Ordinance 9508-21 was presented and read by title only.

Councilmember Beckman moved to pass Ordinance 9508-21 on first reading. The motion was duly seconded and upon on roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Vice Mayor Hamilton, Councilmember Allbritton,

Councilmember Bunker and Councilmember Beckman

8.2 Continue to a date uncertain: 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 2322 Anna Avenue, and pass Ordinances 9503-21, 9504-21, and 9505-21 on first reading. (ANX2021-08014)

This voluntary annexation petition involves a 0.180-acre property consisting of one parcel of land occupied by a single-family dwelling. The property is located on the north side of Anna Avenue approximately 1,150 feet north of Drew Street. The applicant is requesting annexation in order to receive sanitary sewer and solid waste service from the City. The property is located in an enclave and is contiguous to existing city boundaries to the north 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 Community Development Code Section 4-604.E as follows:

- The property currently receives water service from Pinellas County. The closest sanitary sewer line is located in the adjacent Sharkey Road right-of-way to the north of the subject property. The applicant is aware that the City's sewer impact and assessment fees must be paid in full prior to connection and of the additional costs to extend City sewer service to this property. Collection of solid waste will be provided by the City of Clearwater. The property is located within Police District III and service will be administered through the district headquarters located at 2851 McMullen Booth Road. Fire and emergency medical services will be provided to this property by Station #48 located at 1700 North Belcher Road. The City has adequate capacity to serve this property with sanitary sewer, solid waste, police, fire and EMS service. The property will continue to receive water service from Pinellas County. 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 the 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 to the north and east; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

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

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 9507-21 on second reading, vacating public right-of-way described as that certain portion of Rogers Street lying west of the east boundaries of lots 2 and 17, Wm. Brown's Subdivision of Bayview, Florida, per map or plat thereof as recorded in plat book 1, page 13, of the public records of Hillsborough County, Florida, of which Pinellas County was formerly a part; and east of that portion of said Rogers Street vacated per Resolution No.69-18 as recorded in Official Records Book 3095, Page 79, of the public records of Pinellas County, Florida, and that portion of Rogers Street conveyed to the City Of Clearwater by deed recorded in Official Records Book 6302, Page 1729 of the public records of Pinellas County, Florida.

Ordinance 9507-21 was presented and read by title only. Vice Mayor Hamilton moved to adopt Ordinance 9507-21 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Vice Mayor Hamilton, Councilmember Allbritton, Councilmember Bunker and Councilmember Beckman

10. City Manager Reports – None.

11. City Attorney Reports

The Mayor and Councilmembers thanked City Attorney Pam Akin for her dedicated years of service and wished her a happy retirement.

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

Councilmember Bunker thanked the City Attorney for the reminder that diversity is a good thing.

Councilmember Beckman said the Big Cleanup was successful and there were so many activities planned. She recognized Recreation Specialist Samantha Moullet and Sheri Heilman for their work in coordinating the event.

Councilmember Allbritton said there were tons of trash collected during the Big Cleanup event with more still to be counted. He thanked the volunteers that participated and said everyone should do their part to pick up trash and throw it away.

Vice Mayor Hamilton congratulated all the winners from the Amplify award event held last night; they were all qualified and deserving. He congratulated Jazz Holiday who made lemonade out of a bunch of lemons with Coachman Park not being available and moving the show to Baycare Ballpark; they did an incredible job considering all the issues they had to deal with.

13. Closing Comments by Mayor

The Mayor said he had the opportunity to go to Pirate Camp at the Sand Key Sailing Center. Pirate Camp is open to children who were born without limbs or have lost limbs. He said this year the Camp served 45 families from all over the country. The Sailing Center has specially equipped sailboats for children with disabilities. There were 15 counselors who were also amputees, a majority of them performed in the Paralympics in Japan this year. It is a hidden gem in the city that is great for residents and visitors. He congratulated Ruth Eckerd Hall who raised a lot of money for education at their gala; kids are not turned away from Ruth Eckerd Arts programs because of the generosity of people. He congratulated the East Gateway Neighborhood Association for their first meeting. He congratulated Countryside High School who put on a college fair for the entire north county. He said Jazz Holiday was good and the Cleanup was dynamite. The Farmer's Market is starting back up again and it was fun to have the Stanley Cup in Clearwater again.

14. Adjourn

The meeting adjourned at 7:09 p.m.

Attest

Mayor
City of Clearwater

City Clerk