

City of Clearwater

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



Meeting Minutes

Wednesday, August 17, 2016

6:00 PM

Council Chambers

City Council

Roll Call

Present: 4 - Mayor George N. Cretekos, Vice Mayor Bill Jonson, Councilmember Doreen Caudell and Councilmember Hoyt Hamilton

Absent: 1 - Councilmember Bob Cundiff

Also Present: William B. Horne II – 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 – Father Andrew Pavlakos from Holy Trinity Greek Orthodox Church

3. Pledge of Allegiance – Councilmember Hamilton

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 End of Session Report - The Honorable Larry Ahern, Florida House of Representatives
- 4.2 End of Session Report - The Honorable Chris Sprowls, Florida House of Representatives
- 4.3 APGA Safety Management Excellence Award - Chuck Warrington, Clearwater Gas System Director

Clearwater Gas System received the prestigious 2016 Safety Management Excellence Award from the American Public Gas Association at the APGA Annual Convention in Newport, RI.

APGA represents over 1,000 public gas systems throughout the U.S.

5. Approval of Minutes

- 5.1 Approve the minutes of the August 4, 2016 City Council Meeting as submitted in written summation by the City Clerk.

Vice Mayor Jonson moved to approve the minutes of the August 4, 2016 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

Joseph Morgan expressed concerns regarding the accessibility of Medicaid by individuals with limited resources and the number of school-aged children in Pinellas County receiving free lunches and breakfasts. He also expressed concerns regarding the noise levels residents near the Clearwater Airpark must tolerate.

Lisa Lanza expressed concerns that her friend, a Clearwater Citizens Academy graduate, was not appointed to the Charter Review Committee, but three residents from the Coachman Ridge neighborhood were appointed. She questioned why three Clearwater Regional Chamber of Commerce members were appointed to the Stakeholders Committee. She stated memberships to both committees could have been more diverse.

7. Consent Agenda – Approved as submitted.

- 7.1 Approve a contract in the amount of \$489,671.00 with the Pinellas County Sheriff's Office, Largo, Florida for latent fingerprint, crime scene processing, evidence and property storage and Pinellas Juvenile Assessment Center services, plus an additional \$40,000.00 contingency for any excess services provided by the Sheriff, during the one-year contract period commencing October 1, 2016 through September 30, 2017 and authorize the appropriate officials to execute same. (consent)
- 7.2 Approve a Clearwater Beach Route Funding Agreement between Pinellas Suncoast Transit Authority (PSTA) and the City of Clearwater for an amount not to exceed \$215,092.75 and authorize the appropriate officials to execute same. (consent)
- 7.3 Approve a Water Main Easement over Block 2 and 3 of J.H. Rouse's Subdivision, conveyed to the City by the Property Owner; and authorize the appropriate officials to execute same. (consent)

- 7.4 Approve the Pinellas County Technical Rescue Team Agreement with the City of Clearwater effective October 1, 2015 through September 30, 2020, and authorize the appropriate officials to execute same. (consent)
- 7.5 *Item Withdrawn.*
- 7.6 Approve an annual contract (blanket purchase order) with Wastequip, LLC, Statesville, NC, in the amount of \$175,000 for the purchase of compactors and compactor parts and authorize the appropriate officials to execute same. (consent)
- 7.7 Approve a subordination agreement in favor of Branch Banking and Trust Company (BB and T) on the Clearwater Marine Aquarium Property and authorize the appropriate officials to execute same. (consent)
- 7.8 Request for authority to file a proposal for settlement in the case of City of Clearwater v. B.R.W. Contracting, Inc. (Case No.: 13- 7292-CI). (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 Approve the request from the owner of property addressed 3009 Gulf to Bay Boulevard to vacate a portion of Right-of-Way of Meadow Lark Lane that abuts their property; and pass Ordinance 8942-16 on first reading. (VAC2016-05)

Meadow Lark Lane is a platted, undeveloped road that runs along the west side of Bayside Park. The property owner of 3009 Gulf to Bay Boulevard has requested the vacation of a portion of Meadow Lark Lane that abuts his property, to meet landscaping and green space requirements necessary for planned improvements on his property.

The City of Clearwater does not have any utilities in this right-of-way. All city departments have reviewed and do not object. The applicant has received all required "Letters of No Objection" from private utility companies.

Councilmember Hamilton moved to approve the request from the owner of property addressed 3009 Gulf to Bay Boulevard to vacate a portion of Right-of-Way of Meadow Lark Lane that abuts their property. The motion was duly seconded and carried unanimously.

Ordinance 8942-16 was presented and read by title only. Vice Mayor Jonson moved to pass Ordinance 8942-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

- 8.2 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 2160 Bell Cheer Drive; and pass Ordinances 8914-16, 8915-16 and 8916-16 on first reading. (ATA2016-05007)**

This application involves a 0.236 acre property consisting of one parcel of land which is occupied by a single family dwelling. It is located on the north side of Bell Cheer Drive, approximately 470 feet west of South Belcher Road. The property is contiguous to existing city boundaries to the north and east. The City is annexing this property pursuant to the Agreement to Annex (ATA) signed by Michael Lee Powell, W. Michael Bloomfield and Andrea M. Bloomfield on September 24, 2014. 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:

- The property currently receives water service from Pinellas County. Solid waste service is provided by the City. The applicant has paid the City's sewer impact fee in full and will be connected to the city sanitary sewer system by the contractor soon as part of the Belcher Area Sanitary Sewer System Extension Project. The property is located within Police District III and service will be administered through the district headquarters located at 2851 North 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, police, fire and EMS service. Water service will continue to be provided by the 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.

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.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) Future Land Use Map category is consistent with the current Countywide Plan designation of these properties. 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 Caudell 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 2160 Bell Cheer Drive. The motion was duly seconded and carried unanimously.

Ordinance 8914-16 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 8914-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8915-16 was presented and read by title only. Vice Mayor Jonson moved to pass Ordinance 8915-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8916-16 was presented and read by title only. Councilmember Caudell moved to pass Ordinance 8916-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

8.3 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 1608 Levern Street; together with certain right-of-way of Levern Street; and pass Ordinances 8917-16, 8918-16 and 8919-16 on first reading. (ANX2016-05017)

This voluntary annexation petition involves a 0.215-acre property consisting of one parcel of land occupied by a single family dwelling. It is located on the north side of Levern Street approximately 95 feet west of Ridge Avenue. The applicant is requesting annexation in order to receive solid waste service from the City. The property is not contiguous to existing city limits; however, it is in an enclave surrounded by city property on all sides (Type A) and is eligible for annexation pursuant to the Interlocal Service Boundary Agreement with Pinellas County. The Development Review Committee is proposing that the 0.193-acres of abutting Levern Street right-of-way not currently within the City limits also be annexed. 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:

- The property currently receives water service from the City. The closest sanitary sewer line is located in the Bonair Street right-of-way one block south, and is therefore not readily available to the property. Collection of solid waste will be provided to the property by the City. 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 the property with 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 Low Medium Density Residential (LMDR) 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 not contiguous to City boundaries but is located in a Type A Enclave; therefore, the annexation is consistent with the Interlocal Service Boundary Agreement authorized by Florida Statutes Chapter 171.204.

Councilmember Hamilton 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 1608 Levern Street; together with certain right-of-way of Levern Street. The motion was duly seconded and carried unanimously.

Ordinance 8917-16 was presented and read by title only. Vice Mayor Jonson moved to pass Ordinance 8917-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8918-16 was presented and read by title only. Councilmember Caudell moved to pass Ordinance 8918-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8919-16 was presented and read by title only.

Councilmember Hamilton moved to pass Ordinance 8919-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

- 8.4** 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 2112, 2138, and 2196/2198 Bell Cheer Drive; and pass Ordinances 8920-16, 8921-16 and 8922-16 on first reading. (ANX2016-05018)

These voluntary annexation petitions involve three parcels of land totaling 0.824 acres. The parcels are occupied by two single family dwellings and one duplex and are located generally south of Druid Road, east of South Hercules Avenue, west of South Belcher Road and north of Lakeview Road. The applicants are requesting annexation in order to receive solid waste service from the City and will be connected to the city sanitary sewer as part of the Belcher Area Sanitary Sewer System Extension Project. The properties are contiguous to existing city limits along at least one property boundary. It is proposed that the properties 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 annexations are consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The properties currently receive water service from Pinellas County. Collection of solid waste will be provided to the properties by the City. The applicants have paid the City's sewer impact fee in full. The property at 2138 Bell Cheer has been connected to the city sanitary sewer system, and the remaining properties will soon be connected to the city sanitary sewer system by the contractor. The properties are 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 49 located at 565 Sky Harbor Drive. The City has adequate capacity to serve these properties with sanitary sewer, solid waste, police, fire and EMS service. Water service will continue to be provided by the County. The proposed annexations will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexations are consistent with and promote 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 these properties. This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the properties is Low Medium Density Residential (LMDR). The uses of the subject properties are consistent with the uses allowed in the District. However, the property located at 2196/2198 Bell Cheer Drive is an existing duplex, and although the use is allowed within the Low Medium Density Residential (LMDR) District, the property exceeds the number of units allowed on the parcel based on the underlying Residential Low (RL) Future Land Use Designation. The requirements of Article 6, Nonconformity Provisions of the Community Development Code will apply to this property once annexed into the City. The properties located at 2112 and 2138 Bell Cheer Drive exceed the District's minimum dimensional requirements. The proposed annexations are therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The properties proposed for annexation are contiguous to existing City limits along at least one property boundary. Therefore, the annexations are consistent with Florida Statutes Chapter 171.044.

Vice Mayor 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 2112, 2138, and 2196/2198 Bell Cheer Drive. The motion was duly seconded and carried unanimously.

Ordinance 8920-16 was presented and read by title only.

Councilmember Caudell moved to pass Ordinance 8920-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8921-16 was presented and read by title only.

Councilmember Hamilton moved to pass Ordinance 8921-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8922-16 was presented and read by title only. Vice Mayor Jonson moved to pass Ordinance 8922-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

- 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 2155 Bell Cheer Drive and an unaddressed parcel on Bell Cheer Drive; and pass Ordinances 8926-16, 8927-16 and 8928-16 on first reading. (ANX2016-06019)

These voluntary annexation petitions involve two parcels of land totaling 0.470 acres. One parcel is occupied by a single-family dwelling and the second parcel is currently undeveloped. The parcels are located generally south of Druid Road, east of South Hercules Avenue, west of South Belcher Road and north of Lakeview Road. The applicants are requesting annexation in order to receive solid waste service from the City and will be connected to the city sanitary sewer as part of the Belcher Area Sanitary Sewer System Extension Project.

The property at 2155 Bell Cheer Drive is contiguous to existing city limits to the west. The unaddressed Bell Cheer property is not contiguous to existing city limits; however, it is in an enclave surrounded by city property on all sides (Type A) and is eligible for annexation pursuant to the Interlocal Service Boundary Agreement with Pinellas County. It is proposed that the properties 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 annexations are consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The properties currently receive water service from Pinellas County. Collection of solid waste will be provided to the properties by the City. The applicant at 2155 Bell Cheer Drive has paid the sewer impact fee in full and will be connected to the City's sewer system by the contractor soon. The property owner of the undeveloped property will be required to pay the sewer impact fee in order to be connected to the City's sewer system at the time of development. The properties are 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 49 located at 565 Sky Harbor Drive. The City has adequate capacity to serve these properties with sanitary sewer, solid waste, police, fire and EMS

service. Water service will continue to be provided by the County. The proposed annexations will not have an adverse effect on public facilities and their levels of service; and

- The proposed annexations are consistent with and promote 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 these properties. This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the properties is Low Medium Density Residential (LMDR). The uses of the subject properties are consistent with the uses allowed in the District and the properties exceed the District's minimum dimensional requirements. The proposed annexations are therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The property proposed for annexation at 2155 Bell Cheer Drive is contiguous to existing City limits along at least one property boundary. Therefore, the annexation is consistent with Florida Statutes Chapter 171.044. The unaddressed Bell Cheer property proposed for annexation is not contiguous to City limits but is located in a Type A Enclave; therefore, the annexation is consistent with the Interlocal Service Boundary Agreement authorized by Florida Statutes Chapter 171.204.

Councilmember Caudell 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 2155 Bell Cheer Drive and an unaddressed parcel on Bell Cheer Drive. The motion was duly seconded and carried unanimously.

Ordinance 8926-16 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 8926-16 on first reading. The motion was duly seconded and upon roll call, the

vote was:

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

Ordinance 8927-16 was presented and read by title only. Vice Mayor Jonson moved to pass Ordinance 8927-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8928-16 was presented and read by title only. Councilmember Caudell moved to pass Ordinance 8928-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

- 8.6** Approve amendments to the Clearwater Code of Ordinances and Clearwater Community Development Code regarding numerous provisions, including: stormwater systems; museums; outdoor retail sales, display and/or storage; outdoor storage; accessory uses/structures; erosion and sedimentation; waterfront sight visibility triangles; outdoor cafés; low impact development techniques; grass parking; subdivision design standards; hearing officer appeals; the comprehensive sign program; the final plat fee; and providing for and modifying various definitions; and pass Ordinance 8931-16 on first reading. (TA2016-06001)

The proposed text amendment contains some minor changes to the Code of Ordinances and numerous revisions to the Community Development Code. The most substantial topics are those concerning museums, accessory uses/structures, low impact development techniques, and the final plat review fee.

Museums:

Museums are presently considered part of the indoor recreation/entertainment use category. This prevents museums from being a permissible use in the Institutional (I) District, where the intent and purpose of the District is to “establish areas where public and private organizations can establish and operate institutions with a public interest in support of the quality of life of the citizens of the City of Clearwater.” As a result, staff is proposing the creation of the museum use within the Tourist (T), Downtown (D) and I Districts with appropriate development standards and flexibility criteria. In addition, staff proposes that museums be added to the list of uses that may have an outdoor café. A museum would presently be permitted to have an outdoor café under the indoor recreation/entertainment use category.

Accessory Uses/Structures:

The current Accessory Uses/Structures Division will be replaced in its entirety. The new version will retain several of the existing standards and exemptions of the current version; however it will utilize an updated framework to make the Division easier to use. Some elements of the Division will be changed and new standards added. For example, accessory structures are presently allowed up to a cumulative maximum of 10% of the principle structure with 25% possible through the Flexible Standard Development application process. The 10% threshold has consistently been found to be overly limiting to smaller properties, and on numerous occasions exceeding this threshold has been supported based upon pre-existing neighborhood conditions. The amendment removes the 10% threshold and allows the 25% maximum by right. It is noted that this change will still result in all accessory structures being incidental to the principal structure.

Under the current code provisions, garden centers require a specific approval as "outdoor retail sales, display and/or storage." This requirement will be eliminated and these uses will be able to exist as they truly are - the accessory outdoor retail sales of plant material, garden tools, fertilizers, potting soil, mulch, rock and other garden supplies. The standards proposed will ensure adequate and acceptable methods of screening inventory, while also providing quality aesthetics. It is noted that existing garden centers such as those found at Home Depot, Lowes, and Wal-Mart will not be made non-conforming as a result of these changes.

The outdoor retail sales, display and/or storage use and the outdoor storage use will be deleted from their respective zoning districts and the CDC as a whole. These will be treated as accessory uses moving forward.

Low Impact Development Techniques:

The Engineering Department recently contracted with an outside consultant to identify necessary changes to the CDC in order to implement low impact development techniques. These amendments will begin that implementation by allowing for more substantial planting of stormwater retention areas, thereby resulting in their improved functionality, and by reorganizing the interior landscape provisions to accommodate new language concerning central landscape islands and provisions for bioswales. In conjunction with the above, excess parking spaces will be able to be surfaced with reinforced grass or another permeable surface in-lieu of being paved.

A couple of items should be noted concerning the above. First, neither the provision of a central landscape island, nor the utilization of low impact development techniques is required. These amendments simply provide standards for when these elements are proposed. Second, the reorganization of the interior landscaping provisions is being done in order to accommodate the language concerning central landscape islands, and a majority of the existing language is being retained.

Final Plat Review Fee:

The fee associated with final plat applications is proposed to be increased from \$300 to \$600. Changing the fee would cover the cost of having a consultant review the final plat application if staff time is not available. Plats are required

to be signed and sealed by the Florida licensed surveyor, and the city has only one licensed surveyor on staff. If this individual was unavailable for review, then the review could be outsourced without a deficit being incurred.

The Engineering Department, which proposed this change, has indicated that Pinellas County charges \$2,185 for a final plat, plus \$18 per lot, and that the City of St. Petersburg charges \$650 for a final plat with no variances, or \$1,000 for a final plat with variances.

In addition to the above, staff is also proposing the following:

- Clarification and correction of stormwater management and stormwater systems provisions of the Code of Ordinances;
- Clarification of several erosion and sedimentation related issues and updating terminology;
- Clarification that an at-grade structure, such as a swimming pool or deck, is permissible to encroach into required waterfront sight visibility triangles;
- Clarification that the Community Development Board (CDB), and by proxy the Board attorney, may provide oral argument before a hearing office as part of an appeal;
- Correction of three erroneous references within the Comprehensive Sign Program provisions; and,
- Defining or modifying the existing definition of the following terms: bioswale, garden center, low impact development, museums, problematic uses, retail sales and services, and tattoo parlor.

The Planning and Development Department has determined that the proposed text amendment to the Code of Ordinances and Community Development Code is consistent with and furthers the goals, objectives and policies of the Comprehensive Plan and the Community Development Code as outlined in the staff report. The CDB reviewed the proposed text amendment at its meeting of

July 19, 2016, and unanimously recommended approval of the amendment.

In response to a question, Planning Manager Robert Tefft said, relating to outdoor storage, it is possible for a smaller storefront to go through the process for a separate use as outdoor retail sales display. Most of the storefronts on the beach are built to the property line; the item before Council does not allow the storefronts to encroach onto the right-of-way. Mr. Tefft said sidewalk sales are temporary uses and are regulated separately in the code. Planning and Development Director Michael Delk said the item before Council does not preclude specific use regulations, such as vehicle sales or sidewalk sales.

Councilmember Hamilton moved to approve amendments to the Clearwater Code of Ordinances and Clearwater Community Development Code regarding numerous provisions, including: stormwater systems; museums; outdoor retail sales, display and/or storage; outdoor storage; accessory uses/structures; erosion and

sedimentation; waterfront sight visibility triangles; outdoor cafés; low impact development techniques; grass parking; subdivision design standards; hearing officer appeals; the comprehensive sign program; the final plat fee; and providing for and modifying various definitions. The motion was duly seconded and carried unanimously.

Ordinance 8931-16 was presented and read by title only. Vice Mayor Jonson moved to pass Ordinance 8931-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 8929-16 on second reading, amending Appendix A, Article XXIV Public Works - Fees, Rates and Charges, Section (3)(a) Water Rates, Section (3)(b) Wastewater Collection Utility Rates and (3)(f) Reclaimed Water Rates.

Ordinance 8929-16 was presented and read by title only. Councilmember Caudell moved to adopt Ordinance 8929-16 on second and final reading. The motion was duly seconded.

One individual requested consideration to have individuals on a fixed income, over 70 years of age or with a disability to pay a true meter reading water usage fee.

In response to a question, Customer Service Director Cynthia Boyd said individuals 62 and older on a fixed income can request to have their utilities due date be postponed for a few days. The We Care Fund and other social service agencies provide assistance with utility payments.

Upon roll call, the vote was:

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

- 9.2** Adopt Ordinance 8930-16 on second reading, vacating a drainage and utility easement along the west ten feet of Lot 10 of Countryside Tract 6 Replat, as recorded in Plat Book 78, Pages 11 and 12, Public Records of Pinellas County, Florida.

Ordinance 8930-16 was presented and read by title only. Councilmember Caudell moved to adopt Ordinance 8930-16 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

10. City Manager Reports

10.1 Approve policy and procedural guidance for staff to operate the variable lighting of the Clearwater Monument, located at 3350 Gulf to Bay Boulevard, Clearwater, FL 33759, and approve funds in the amount of \$25,000 to provide remote controls for the lighting display.

The City Council requested that staff develop a policy and procedural guidance for the operation of the variable lighting system on the Clearwater Monument, located at 3350 Gulf to Bay Boulevard.

Staff has developed this new policy and procedural guidelines which include the following:

- The Monument shall be lit on a nightly basis, commencing two hours prior to sundown and lasting until two hours after sunrise. The colors of the Monument shall remain as static shades of blue and green as dictated by the City's logo and branding campaign.
- Staff members of the Parks & Recreation department shall be responsible for programming changes to the Monument colors. All maintenance requests and repairs will be handled by Parks & Recreation staff and appropriate contractors.
- On occasion, the Monument lighting shall be altered to the colors of red, white, and blue to coincide with patriotic Federal holidays. The change in colors shall take effect no more than two days before the holiday and shall cease no more than two days after the holiday. These holidays are as follows:
 - Birthday of Martin Luther King, Jr.
 - Presidents Day
 - Memorial Day
 - Independence Day
 - Labor Day
 - Columbus Day
 - Veterans Day
- Allow the City Manager or designee to approve additional lighting changes for specific holidays, and/or local celebrations.

Currently, in order to change the lighting display at the Monument, it must be altered on site from the Monument internal control panel. Staff is recommending that a project be established to connect the Monument through

fiber optic cabling to the city network, thus allowing staff to make changes from any city-networked computer.

APPROPRIATION CODE AND AMOUNT:

A third quarter budget amendment will provide a transfer of \$25,000 from General Fund reserves to capital improvement project 315-92844, Centennial Monument, to fund this contract.

At midyear, unspent project funding of \$32,236.36 was returned to the General Fund (reserve) from capital program project 315-92844, Centennial Monument due to completion of the construction. This amendment at third quarter will return funds to that project to account for this unplanned expenditure.

USE OF RESERVE FUNDS:

Funding for this contract will be provided by a third quarter budget amendment allocating General Fund reserves in the amount of \$25,000 to capital improvement project 315-92844, Centennial Monument. Inclusive of this item if approved, a net total of \$2,354,880 of General Fund reserves has been appropriated by Council to fund expenditures in the 2015/16 operating budget. The remaining balance in General Fund reserves is approximately \$29.4, or 23.6% of the current General Fund operating budget.

Councilmember Hamilton moved to approve policy and procedural guidance for staff to operate the variable lighting of the Clearwater Monument, located at 3350 Gulf to Bay Boulevard, Clearwater, FL 33759, and approve funds in the amount of \$25,000 to provide remote controls for the lighting display. The motion was duly seconded and carried unanimously.

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

10.2 Amend Council Rule 8, Debate of Motions, Tie Votes, to clarify the result of a 2-1 vote in the absence of two voting councilmembers and adopt Resolution 16-21

The City Charter, Section 2.08, provides that a majority of council constitutes a quorum, however except under certain specific circumstances, no action is binding or valid unless adopted by the affirmative vote of the majority of all council members.

From time to time, a quorum of three may result in a 2-1 vote the effect of

which is not currently addressed in the council rules. Therefore, the City Council desires to amend the Council Rules to address this issue

Vice Mayor Jonson moved to amend Council Rule 8, Debate of Motions, Tie Votes, to clarify the result of a 2-1 vote in the absence of two voting councilmembers. The motion was duly seconded and carried unanimously.

Resolution 16-21 was presented and read by title only. Councilmember Caudell moved to adopt Resolution 16-21. The motion was duly seconded and upon roll call, the vote was:

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

10.3 Pinellas Suncoast Transit Authority (PSTA) Central Avenue BRT (Bus Rapid Transit) Vote

The City Manager said the Vice Mayor had indicated, during his weekly meeting, that there would be two upcoming PSTA votes: BRT site and millage rate increase. Council discussion has been scheduled for the next work session.

Vice Mayor Jonson said the first vote will address the St. Petersburg Central Avenue to the Beaches BRT. There are three potential sites: Madeira Beach, Treasure Island, or St. Pete Beach. The technical study recommends St. Pete Beach as preferred site. St. Pete Beach is not a member of PSTA and does not provide ad valorem taxes to PSTA. St. Pete Beach pays a service charge for the Suncoast Trolley. The Vice Mayor said if St. Pete Beach pays a similar service charge for the BRT, it would be substantially less than the ad valorem taxes. The Vice Mayor said he would like to share the technical analysis and request council guidance at the next work session. The other vote addresses a staff proposal to increase the PSTA millage to pay for extended Saturday and Sunday extended service. The proposed millage increase is 0.0195.

11. City Attorney Reports – None.

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

Councilmember Caudell said that each councilmember sits on different boards and has the responsibility of voting on different issues. Minutes of each board are distributed to Council.

Vice Mayor Jonson said he heard an announcement this morning related to regional transit; a fare phone app will be rolled out on September 6, 2016 allowing the purchase of a 3-day pass for \$11.00 that will be honored in Hillsborough and Pinellas Counties. A family of 4-pass will be available for purchase as well. This is the first step for technology improvement, regionally. He said he saw a press release stating the county commission is considering making a contribution to the Florida Veteran's Memorial out of their BP settlement funding.

In response to questions, the City Clerk said the Charter Review Committee was appointed two years ago and has been disbanded. There were no citizen comments when Council appointed the members.

13. Closing Comments by Mayor

Mayor Cretokos reviewed recent and upcoming events and expressed condolences to city employee Stephanie Stutz for the passing of her husband Joe and Deputy City Manager Jill Silverboard for the passing of her father-in-law.

14. Adjourn

The meeting adjourned at 7:27 p.m.

Attest

Mayor
City of Clearwater

City Clerk