

**CITY OF PINELLAS PARK, FLORIDA
CITY COUNCIL AGENDA
OCTOBER 23, 2008**

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE**

I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS

PROCLAMATIONS

SERVICE AWARDS (City Employees)

SPECIAL PRESENTATION — DO THE RIGHT THING

II. PUBLIC COMMENT AND CORRESPONDENCE

CITIZENS COMMENTS ARE INVITED ON ITEMS OR CONCERNS NOT ALREADY SCHEDULED ON TONIGHT'S AGENDA. PLEASE LIMIT COMMENTS TO THREE MINUTES.

AT THIS TIME STAFF MEMBERS WILL BE SWORN IN IF THERE ARE ITEMS THAT ARE QUASI-JUDICIAL

III. APPROVAL OF MINUTES

Approval of Regular Council Minutes of October 9, 2008.

IV. PUBLIC HEARINGS

◆ COMMUNITY DEVELOPMENT

P1 ORDINANCE NO. 3644. ANNEXING INTO THE CITY OF PINELLAS PARK RIGHT-OF-WAY GENERALLY LOCATED ON 90TH AVENUE FROM THE EASTERN RIGHT-OF-WAY LINE OF BELCHER ROAD TO THE WESTERN RIGHT-OF-WAY LINE OF 66TH STREET – (90TH AVENUE RIGHT OF WAY – AX08-19)

CONTINUED SECOND PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 2.25 acres MOL of contiguous right-of-way property. The Streets and Drainage Division has requested taking over the maintenance of this area of right-of-way from Pinellas County Highway

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- P1** Department. By doing so it would be in the best interest of both agencies. A majority of the right-of-way in this area is already within the City of Pinellas Park jurisdiction.

(reference material — ordinance, letter from Streets and Drainage Division to Pinellas County Highway Department, letter of no objection from Pinellas County Highway Department, map, Attorney approval letter, *P9 on 9/25/2008 Council agenda, P1 on 10/9/2008 Council agenda - tabled*)

- P2** **ORDINANCE NO. 3646. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6176 109TH AVENUE NORTH - (Robert and Leila Firman – AX08-22)**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owners' single family home is located on the site in the Northfield Manor Subdivision.

(reference material — ordinance, petition, map, Attorney approval letter, *C4 on 10/9/2008 Council agenda*)

- P3** **ORDINANCE NO. 3647. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6120 109TH TERRACE NORTH - (Evelyn E. Jones – AX08-21)**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner's single family home is located on the site in the Northfield Manor Subdivision.

(reference material — ordinance, petition, map, Attorney approval letter, *C6 on 10/9/2008 Council agenda*)

- P4 ORDINANCE NO. 3648. AN ORDINANCE AMENDING AN ADOPTED MASTER PLAN CONTROLLING DEVELOPMENT IN AN EXISTING "IPUD" INDUSTRIAL PLANNED UNIT DEVELOPMENT FOR PROPERTY GENERALLY LOCATED AT 12900 34TH STREET AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; IMPOSING CERTAIN CONDITIONS OF DEVELOPMENT; CERTIFYING CONSISTENCY WITH THE CITY'S ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (PUD 2007-4(R), Barcelona Equipment LLC, Knology of Florida, Inc., Owner/Northside Engineering Service, Inc., Agent)**

**PUBLIC HEARING, SECOND AND FINAL READING
(QUASI JUDICIAL)**

NOTE: The applicant is requesting consideration of the adoption of a revised Master Plan for an existing "IPUD" Industrial Planned Unit Development with underlying "IH" Heavy Industrial Zoning on a 4.74 acre parcel of land generally located at 12900 34th Street to allow a change of use to a crane and equipment rental business. The applicant is requesting waivers and/or variances to the following: shielding requirements for outdoor storage to allow a six-foot-high, chain link fence in lieu of a solid wall along 34th Street, landscape requirements to reduce the interior green space from 8% to 0.7%, lot coverage from 75% to 77% and drive aisle width for two-way traffic from 24 feet to 23.1 feet. Subject to any matters that may be discussed at the hearing, staff has not identified any inconsistencies with the Comprehensive Plan. The proposal should have no adverse effect on adopted levels of service for City infrastructure. Surrounding businesses are: to the north, E and E Services (heavy equipment repair and storage); to the south, Fleet Products; to the east, Alliant Techsystems; and to the west, Glasbrenner Concrete Recycling. At its meeting on September 4, 2008, the Planning and Zoning Commission recommended APPROVAL of the above request subject to conditions;

1. Minimum setbacks shall be as illustrated on the "IPUD" Industrial Planned Unit Development Master Plan (Exhibit "B") dated August 26, 2008.
2. Criteria assigned to subdivision in notes on the attached Master Site Plan, last revised September 17, 2008, shall be accepted as governing regulations for the development. All regulations not addressed therein shall revert to Code in effect at the time of "IPUD" Industrial Planned Unit Development adoption.
3. The applicant shall be required to provide payment for 41 trees; 10 canopy, 12 intermediate and 19 understory, and the waiver shall not be in

- P4** effect until such monies are deposited into the City's "Tree Bank" account.
4. The grant of the variance to outdoor storage shielding requirements is based upon the developers/owners commitment that a structure will be erected within five years that will serve to screen outdoor storage areas as depicted in EXHIBIT "B". Therefore, in the event such structure has not been completed and a Certificate of Occupancy issued for such structure by August 28, 2012, this variance shall become null and void. The property owner may request, in writing, an extension of this date to the City Manager at least 90 days prior to the expiration date of this variance and the City Manager may approve an extension upon a showing of good cause.
 5. This Ordinance, including all exhibits and attachments, shall be recorded in the Official Records of Pinellas County, Florida, at the expense of the developers/owners.

(reference material — ordinance, Attorney approval letter, excerpts of P & Z minutes of 9/4/08, staff report, application, map, master site plan, *C7 on 10/9/2008 Council agenda*)

◆ **NEIGHBORHOOD SERVICES**

P5 RESOLUTION NO. 08-28. LOT MOWING LIENS, PROGRAM #219.

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This Resolution is pursuant to the City of Pinellas Park lot mowing/land clearing program. The properties listed on Exhibit "A" have been cleared by the City after due notice to the owners went unheeded. The owners are being billed for the work done, and this Resolution authorizes the City Clerk to record a lien against the properties whose owners have failed to pay.

(reference material — Resolution, Exhibit "A", Attorney approval letter, *C8 on 10/9/2008 Council agenda*)

V. CONSENT AGENDA

◆ **NEIGHBORHOOD SERVICES**

C1 RESOLUTION NO. 08-29. LOT MOWING LIENS, PROGRAM #220.

FIRST READING PRIOR TO PUBLIC HEARING

- C1** NOTE: This Resolution is pursuant to the City of Pinellas Park lot mowing/land clearing program. The properties listed on Exhibit "A" have been cleared by the City after due notice to the owners went unheeded. The owners are being billed for the work done, and this Resolution authorizes the City Clerk to record a lien against the properties whose owners have failed to pay.

(reference material — Resolution, Exhibit "A", Attorney approval letter)

◆ **PUBLIC WORKS**

- C2** **AUTHORIZATION FOR MAYOR TO SIGN AN AMENDMENT #06-2008 TO THE CONTRACT FOR TRAFFIC CONSULTANT SERVICES WITH TBE GROUP, INC. — (06-014 RFP) — (Parking lot design at Performing Arts Center)**

NOTE: This work is to design a parking lot for approximately 180 vehicles at the Performing Arts Center utilizing Low Impact Development techniques. The amount of \$49,700 will be charged to account number 301-701-5-744-83. The budgeted amount for design and construction of this project is \$500,000.00, which can be found on page 375 of the 08/09 budget.

ACTION: (Approve-Deny) Authorization for Mayor to sign Amendment 06/014 RFP to the Agreement for Traffic Consultant Services, TBE Group, Inc., Clearwater, FL, for design of a parking lot for a total cost of \$49,700 to be charged to the appropriate account.

(reference material — amendment #06-2008)

◆ **COMMUNITY DEVELOPMENT**

- C3** **ORDINANCE NO. 3649. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 4143 118TH AVENUE NORTH – (TRYGVE AND ROGER JOHNSON - AX08-24)**

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: This is a voluntary annexation of 0.61 acres MOL of contiguous commercial property. The Owners' business, The Wood Company, is located on this site in the Pinellas Groves Subdivision.

(reference material — ordinance, petition, map, Attorney approval letter)

C4 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY TRYGVE AND ROGER JOHNSON (AX08-24 — Annexation of 0.61 acres MOL located at 4143 118th Avenue North

NOTE: This is a voluntary annexation of 0.61 acres MOL of contiguous commercial property located at 4143 118th Avenue North. The Wood Company is located on this site in the Pinellas Groves Subdivision.

Trygve and Roger Johnson 4143 118 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$4,783.32	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

ACTION: (Approve - Deny) The voluntary annexation of 0.61 acres MOL of contiguous commercial property owned by Trygve and Roger Johnson and located at 4143 118th Avenue North

(reference material — petition, data sheet, comment sheet, revenue sheet, map)

C5 ORDINANCE NO. 3650. AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE) ARTICLE 9, “TECHNICAL CODES” OF THE CITY OF PINELLAS PARK, FLORIDA.

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: An ordinance amending Chapter 18 (Land Development Code) Article 9, “Technical Codes” of the Code of Ordinances of the City of Pinellas Park, Florida, by amending Section 18-915 “Designation of Dangerous Structures and Legal Procedure for Condemnation” by amending Subsection (C) Form of Notice and Subsection (E) Condemnation Procedure. This proposed amendment would allow the City not to reconnect the Utility Service until all costs incurred by the City are paid in full.

(reference material — ordinance, City Attorney’s approval letter)

◆ FINANCE

C6 RESOLUTION NO. 08-30. A RESOLUTION AUTHORIZING A REFUND TO RESIDENTIAL RECYCLING CUSTOMERS EFFECTIVE NOVEMBER 1, 2008.

FIRST AND FINAL READING

- C6** NOTE: The City began a curbside recycling program in October 1989 for residential customers. Due to the efforts of the community, the avoided disposal fee savings has resulted in a twelve-month credit of approximately \$72,873.79. This amount is to be refunded to residential recycling customers as a credit of approximately \$5.00 per customer, which is to be applied to their utility account. This refund will be charged to account number 001-259911.

(reference material — Resolution and Recycling Credit History exhibit)

VI. REGULAR AGENDA

◆ **NEIGHBORHOOD SERVICES**

R1 REQUEST FOR REDUCTION OR ELIMINATION OF SPECIAL MAGISTRATE (SM) LIEN NO. 08-07-5069 – 9221 55th Street (Marcus Sain)

NOTE: Marcus Sain, owner of the property located at 9221 55th Street has requested a reduction or elimination of the \$16,250.00 Special Magistrate (SM) Lien No. 08-07-5069 on his property. On September 24, 2008, the Special Magistrate recommended that SM Lien No. 08-07-5069 be reduced to the amount of \$3,000.00, provided the reduced amount is paid by a date determined by City Council. The City's estimated cost in handling this case is \$366.01.

ACTION: (Approve-Deny) The request for a reduction of SM Lien No. 08-07-5069, against Marcus Sain and the property located at 9221 55th Street, to the reduced amount of \$3,000.00, provided this reduced amount is paid by November 24, 2008, otherwise the lien will automatically revert back to the original amount of \$16,250.00.

(reference material — 10.06.08 recommendation letter from Special Magistrate; 9.24.08 excerpt from Special Magistrate Minutes; 9.18.08 File Information memo; application; History of Events)

◆ **CITY COUNCIL**

R2 REAPPOINTMENT TO PINELLAS PLANNING COUNCIL (PPC)

NOTE: The appointment of Councilwoman Sandra L. Bradbury, to the Pinellas Planning Council expires December 31, 2008. The Pinellas Planning Council appointment is for a two-year period. Councilwoman Bradbury has served on the Pinellas Planning Council since April 2002.

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- R2** ACTION: (Approve - Deny) The re-appointment of Sandra L. Bradbury to represent the City of Pinellas Park on the Pinellas Planning Council for a term from January 1, 2009 through December 31, 2010.

(reference material — 9/24/2008 letter from David Healey, Executive Director, Pinellas Planning Council)

- R3** **DESIGNATION OF CITY'S VOTING DELEGATE — At the National League of Cities Annual Conference in Orlando, FL, November 10-15, 2008**

NOTE: As a direct member City, a voting delegate and alternate must be officially designated to cast a vote at the Annual Business Meeting on Saturday, November 15, 2008 during the National League of Cities Annual conference.

ACTION: (Approve-Deny) Designation of _____ to serve as the Voting Delegate and _____ as the Alternate at the National League of Cities Annual Conference in Orlando, FL.

(reference material — letter from NLC and Credentials Form)

◆ **COMMUNITY DEVELOPMENT**

- R4** **AUTHORIZATION FOR MAYOR TO SIGN A RESTRICTIVE COVENANT WITH PALL AEROPOWER CORPORATION — 47th Street right-of-way**

NOTE: In years past, the Pall Aeropower Corporation, a.k.a. Aircraft Porous Media, caused groundwater contamination on and off their site located at 6301 49th Street North. They have been in the process of mitigating that contamination for years. The Florida Department of Environmental Protection now feels that the contamination has been mitigated to an acceptable level provided that no excavation occurs and that no wells are drilled in the area.

Pall Aeropower Corporation is now asking that the City execute a Restrictive Covenant which would prohibit, in perpetuity, the City performing any activities of that type in the 47th Street right-of-way immediately east of the Aircraft Porous Media building.

ACTION: (Approve – Deny) Authorization for Mayor to sign a Restrictive Covenant with Pall Aeropower Corporation.

(reference material — Restrictive Covenant, map)

VII. COMMENTS BY COUNCIL MEMBERS AND QUESTIONS – COUNCIL TO COUNCIL

VIII. ADJOURNMENT

PLEASE NOTE that if a person decides to appeal any decision made by City Council with respect to any matter considered at the above-cited meeting, the person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City maintains a tape recording of all public hearings. In the event that you wish to appeal a decision, the tape may or may not adequately insure a verbatim record of the proceedings; therefore, you may wish to provide a court reporter at your own expense (Section 286.0105, Florida Statutes).

FOR PERSONS WITH HEARING IMPAIRMENT — An interpreter for persons with hearing impairment will be made available upon requests made at least 72 hours in advance. Also, an Assistive Hearing Device (amplifier) is available from the City Clerk for use in Council Chambers and all meeting rooms throughout the City. This agenda document is available in the following accessible formats: Braille, Large Print, Audio Tape, and Electronic File on Computer Disks.

October 2008

See Inside Back Cover
for Frequently Called Telephone Numbers
City Council Workshops are Subject to Cancellation

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<p>SEPTEMBER 2008</p> <p>S M T W T F S</p> <p>1 2 3 4 5 6</p> <p>7 8 9 10 11 12 13</p> <p>14 15 16 17 18 19 20</p> <p>21 22 23 24 25 26 27</p> <p>28 29 30</p>	<p>NOVEMBER 2008</p> <p>S M T W T F S</p> <p>1</p> <p>2 3 4 5 6 7 8</p> <p>9 10 11 12 13 14 15</p> <p>16 17 18 19 20 21 22</p> <p>23 24 25 26 27 28 29</p> <p>30</p>		1	2	3	4
5	6	7 NFL Punt, Pass & Kick Sectionals	8 Rosh Hashanah Ends	9 Eid-Al-Fitr	10	11 Children's Safety Festival England Bros. Band Shell
12	13 Columbus Day (obsvd) City Offices OPEN	14 Succoth Begins	15 Pancake Breakfast Senior Center - 9 AM 7625 59th St.	16 Yom Kippur	17 7:00 PM Agenda Session *7:30 PM City Council Meeting	18
19 Puerto Rican Patron Saints Festival NOON - 9 PM England Bros. Band Shell	20	21 7:30 PM City Council Workshop	22 Succoth Ends	23 7:00 PM Agenda Session *7:30 PM City Council Meeting	24 National Boss Day	25 United Nations Day
26	27	28	29	30	31 Hallowe'en	Treats You Can Trust Halloween Treat Trail 6 - 10 PM England Bros. Band Shell

Halloween Safety Month
www.preventblindness.org

National Crime Prevention Month
www.ncpc.org

Positive Attitude Month
www.springboardtraining.com

Patent Issued For First Adding Machine:
October 11, 1887

Televised LIVE on Channel 15



Keep up with Pinellas Park events on Bright House Channel 15

November 2008

See Inside Back Cover
for Frequently Called Telephone Numbers
City Council Workshops are Subject to Cancellation

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
OCTOBER 2008 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	DECEMBER 2008 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31					1
2	3	4	5	6	7	8
Daylight Saving Time Ends		General Election Day			AACA Car Show & Swap Meet England Bros. Band Shell	AACA Car Show & Swap Meet England Bros. Band Shell
9	10	11	12	13	14	15
		Veteran's Day City Offices & Library Closed	Pancake Breakfast Senior Center - 9 AM 7625 59th St.	7:00 PM Agenda Session *7:30 PM City Council Meeting		International Family Festival England Bros. Band Shell
16	17	18	19	20	21	22
		*7:00 PM "Meet Your Mayor & Council"				Tell-A-Bration Pinellas Park Library
23	24	25	26	27	28	29
30		7:00 PM Agenda Session *7:30 PM City Council Meeting		No Trash Pick-Up Today Brush Site Closed Thanksgiving Day City Offices & Library Closed	City Offices & Library Closed	
First Sunday in Advent						

American Diabetes Month
www.diabetes.org

National Alzheimer's Disease Month
www.alz.org

National Pomegranate Month
www.pomwonderful.com

Prime Meridian Set
November 1, 1884

Televised LIVE on Channel 15



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