

CITY OF PINELLAS PARK, FLORIDA
REGULAR COUNCIL MEETING

MINUTES

January 12, 2006
Council Chambers

Meeting was called to order at 7:30 P.M.

PRESENT: Mayor, William F. Mischler
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor

ABSENT: Vice-Mayor, Patricia L. Bailey-Snook

Also present were: City Attorney, James Denhardt - Assistant City Attorney, Christopher Hammonds – City Manager, Michael Gustafson - Assistant City Manager/Community Development Administrator, Tom Shevlin - Finance Administrator, Ron Miller – Human Resources Administrator, John Moore - Community Activities Administrator, Barbara Ponce - Assistant Community Activities Administrator, Tim Caddell - Zoning Director, Dean Neal – MIS Administrator, Randy Linthicum - Public Works Administrator, Tom Nicholls – Police Chief, Dorene Thomas – Fire Chief, Doug Lewis – Office of Management and Budget Administrator, Dan Katsiyiannis – Economic Development Specialist, Shannon Coughlin – Traffic Director, Rick Eggers – City Engineer/ Utilities Design Director, Stan Emerson – Fire Administrative Services Director, Mary Ann Salch – Media and Public Events Specialist, Denise Re - Administrative Clerk, Pam Martin – City Clerk, Diane M. Corna, and Deputy City Clerk, Christine Gardner.

INVOCATION was given by Councilwoman Bradbury.

PLEDGE OF ALLEGIANCE was led by Council.

I. PRESENTATIONS

PROCLAMATION

Prosperity Campaign Awareness Days

SPECIAL PRESENTATION — EMPLOYEE OF THE QUARTER

Matthew Doucette - Auto Equipment Specialist

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of December 15, 2005.

MOTION was made by Councilman Butler, and **SECONDED** by Councilman Taylor to **APPROVE** the Regular Council Minutes of December 15, 2005, as on file in the City Clerk's Office.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

STAFF MEMBERS WERE SWORN IN FOR QUASI-JUDICIAL ITEMS

III. PUBLIC HEARINGS

◆ **COMMUNITY DEVELOPMENT**

P1 ORDINANCE NO. 3400. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6043 105TH TERRACE NORTH - (SHARON A. NOELL – AX06-17)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner's mobile home, with improvements, is located on the site.

The City Attorney read Ordinance No. 3400 by title only. Mayor Mischler opened the Public Hearing at 7:45 P.M.

There were no comments or objections.

Public Hearing was closed at 7:46 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3400.

Roll Call Vote:

Voting Yea: Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P2 ORDINANCE NO. 3401. ORDINANCE AMENDING CHAPTER 12 (HEALTH AND SANITATION), ARTICLE I “PROHIBITED CONDITIONS”, BY CREATING A NEW SECTION 12-110 “NUISANCES, INJURIOUS TO HEALTH”

PUBLIC HEARING, SECOND AND FINAL READING

The City is in need of an Ordinance addressing the elimination of pests and other insects from vacant properties and buildings not to be demolished and to provide for remedies for non-compliance.

The City Attorney read Ordinance No. 3401 by title only. Mayor Mischler opened the Public Hearing at 7:47 P.M.

Randy Heine, 7451 Park Boulevard, asked what is meant by insects?

City Attorney Denhardt explained the definition of insects within the ordinance.

City Manager Gustafson stated insects and pests are included as a tool for Community Compliance to address public complaints.

Discussion was held on enforcing the ordinance.

Public Hearing was closed at 7:55 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3401.

Roll Call Vote:

Voting Yea: Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P3

CONSIDERATION OF A CONDITIONAL USE TO ALLOW THE EXPANSION OF “JUNK YARDS, SCRAP AND SALVAGE YARDS” IN THE “IH” HEAVY INDUSTRIAL DISTRICT WITH WAIVER OF THE CONDITIONAL USE SPECIAL REQUIREMENTS FOR: LANDSCAPE BUFFERING, SHIELDING REQUIREMENTS FOR STORED MATERIALS, AND FOR THE HEIGHT OF STORED MATERIALS ON A CERTAIN PARCEL OF PROPERTY LOCATED AT 9380 67TH STREET(CU 2005-24 – David J Joseph Company/ URS Corporation)

**PUBLIC HEARING
(QUASI-JUDICIAL)**

The applicant is requesting approval to a Conditional Use for the expansion of an existing recycling center for a property generally located at 9380 67th Street. The applicant currently operates a recycling center (scrap and salvage yard), Trademark Metals, on the site. The site has recently been approved for annexation by City Council. The applicant proposes the construction of a new office building, paved parking areas, and a paved entry and exit drive. The applicant is also requesting waivers to the following Conditional Use requirements: landscape buffering, shielding requirements for stored materials, and for the height of stored materials. These waivers were negotiated during the annexation and will provide the applicant with the ability to operate in the manner it does currently. On November 3, 2005, the Planning and Zoning Commission recommended APPROVAL of the Conditional Use.

Mayor Mischler stated staff requested this item be tabled until the Regular Council Meeting of Thursday, January 26, 2006.

City Manager Gustafson stated staff has determined the annexation ordinance has not had a final reading so staff withdrew their request to table this item if Council would like to proceed with an additional condition added.

Mayor Mischler opened the Public Hearing at 7:59 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Ron Noble, 9380 67th Street, stated he is the owner of the property and provided information on this item and the annexation of the property.

Cecil Bradbury, 9400 50th Way, stated concern with vehicles backed up and blocking 66th Street to access this facility and suggested staff look into increasing the radius to allow vehicles access to this facility.

Public Hearing was closed at 8:05 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **APPROVE** an expansion to a Conditional Use for a property generally located at 9380 67th Street for a "Junk Yard, Scrap and Salvage Yards" in Section 18-1509.6 with a waiver of the Conditional Use special requirements of landscape buffering, shielding requirements for stored materials, and for the height of stored materials.

1. The conditional use will take affect upon approval of the Annexation Ordinance.

Roll Call Vote:

Voting Yea: Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Councilwoman Bradbury stated she is proud this facility is in Pinellas Park so people can recycle.

Mayor Mischler stated he thinks there has been remarkable improvement with this facility.

Councilman Taylor stated this facility is 100% better and all residential complaints are taken care of.

P4 RESOLUTION NO. 06-02 A RESOLUTION VACATING A PORTION OF THE 74TH AVENUE NORTH RIGHT-OF-WAY GENERALLY LOCATED AT 74TH AVENUE, BETWEEN GANDY BOULEVARD AND 34TH WAY NORTH. (V 2006-2 Friends of Strays)

PUBLIC HEARING, FIRST AND FINAL READING

The applicant is requesting the vacation of 2,451 square feet of 74th Avenue, a sixty-foot wide improved right-of-way, generally located between Gandy Boulevard and 34th Way. The applicant is proposing to fence off this area of the property to expand the drop-off and separation area of the thrift store use and to eliminate dumping and cut through traffic. The right-of-way is paved and is utilized for access to the business to the south of Gandy Boulevard by traffic traveling eastbound on the Gandy Boulevard Service Road. Teco (Peoples Gas) has a 2" steel gas main in the southwesterly portion of the right-of-way and requests an easement be kept for the maintenance of said line. Teco has also stated if relocation becomes necessary it will be at the applicant's sole expense. On December 1, 2005, the Planning and Zoning Commission recommended APPROVAL of the Vacation. The following Findings of Fact are pertinent to this request:

1. The vacation is inconsistent with the policies of the Comprehensive Plan, as the plan requires 60 feet of right-of-way for a local street.
2. The various utility agencies and City divisions have no objections provided the relocation of any utilities will be at the owner's sole expense.
3. The City will retain an easement for utilities over the entire vacated portion of the right-of-way.

Mayor Mischler opened the Public Hearing at 8:07 P.M.

Marshall Cook, 9300 54th Street, stated this is long overdue.

Randy Heine, 7451 Park Boulevard, recommends City Council approve this item.

Drew Raline, Friends of Strays Executive Director, stated there have been daily problems with dumping, health, safety and nuisance problems.

Public Hearing was closed at 8:13 P.M.

Councilman Butler asked if Beechwood Terrace is being vacated at all?

Zoning Director Neal stated this is part of the 60 foot right-of-way of Beechwood Terrace.

City Manager Gustafson stated there was a permit issued with an agreement in 1986 that allows the existing fence to be in the City right-of-way.

Councilwoman Bradbury asked if a portion of this was vacated, would it conflict with future City improvements to drainage and roadways?

Zoning Director Neal stated it will still be sitting within a utility easement and as long as this street remains two lanes there should be no problem.

Discussion was held on the size of the right-of-way, signs, utilities and fencing.

Ms. Raline stated trucks come up 34th Street and enter into this property and exit out Gandy Boulevard.

Marshall Cook, 9300 54th Street, asked where the lift station is?

Zoning Director Neal explained the location of the lift station that is not in the affected area.

Cecil Bradbury, 9300 50th Way, stated Florida Department of Transportation made the curb to try and channel traffic out east.

Councilwoman Bradbury asked if the applicant has the funds to pay the expenses if TECO requires them to move their facilities?

Ms. Raline stated yes, it would be done and she is aware of that stipulation.

Councilwoman Bradbury asked if the fence line could be modified to be less than 60 feet?

City Attorney Denhardt stated Council can modify it anyway they like, but it would have to be redrawn or Council would have to determine how much the City had the need for in order to justify the vacation.

Councilwoman Bradbury stated she would be more comfortable with the top portion being left alone so it would allow for future improvements.

City Attorney Denhardt stated the agreement for the fence can be terminated with 30 days notice and if the right-of-way is vacated then it eliminates liability concerns for the City with the fence in the right-of-way.

City Attorney Denhardt stated if Council wishes to only vacate a portion of the property then he would suggest they consider tabling this item until staff re-draws the description.

Mayor Mischler stated he considers this property to have outdoor storage and it is functionally abutting a residential area so it should be shielded.

Ms. Raline stated the intention is to put up a solid wood fence.

Councilwoman Bradbury requested an addendum be added to the motion for the corner area and the shielding.

Councilman Taylor stated he doesn't have a problem with the way the corner is and he believes City ordinances dictate the required fencing.

Assistant City Manager Shevlin stated he would like the additional shielding requirement to be added to the motion.

Ms. Raline stated she would like to put up an eight foot fence.

City Manager Gustafson stated the 1996 permit approved an eight foot fence.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilman Butler to **ADOPT** Resolution No. 06-02, with an additional condition:

4. There will be an eight foot high shielded or solid fence.

Roll Call Vote:

Voting Yea: Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler
Voting Nay: Councilwoman Sandra L. Bradbury
Absent: Vice-Mayor, Patricia L. Bailey-Snook
Abstaining: None

MOTION CARRIED

Ms. Raline stated she is the applicant and she agrees to the additional condition.

IV. CONSENT AGENDA

◆ CITY CLERK

- C1 RESOLUTION NO. 06-01. DESCRIBING THE FORM OF THE BALLOT TO BE USED IN THE FORTHCOMING GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 7, 2006.**

FIRST AND FINAL READING

This Resolution is for the purpose of electing a Mayor for a two (2) year term and one (1) Council Member to fill Seat #1 for a four (4) year term. City Council Seat #2 had no opposition and will not appear on the ballot.

◆ OFFICE OF MANAGEMENT AND BUDGET

- C2 ORDINANCE NO. 3403. AMENDING ORDINANCE 3369 ADOPTING THE BUDGET FOR FISCAL YEAR 2005/2006.**

FIRST READING PRIOR TO PUBLIC HEARING

In general, the ordinance amends this year's budget for several small, unanticipated items, re-appropriate funds for several CIP projects that carried forward from last fiscal year, and defers several Capital Improvement Projects to FY 06/07 (Water & Sewer).

Randy Heine, 7451 Park Boulevard, stated \$592,000 is not a small unanticipated item and questioned line items.

Office of Management and Budget Administrator Katsiyiannis provided information on the proposed budget amendment.

Mr. Heine stated he is mixed up about how many times the redevelopment district is studied.

Councilman Butler stated Council is looking to fine tune the original redevelopment plan and it is not unusual for municipal government to contract out for these services.

◆ PUBLIC WORKS

C3 CHANGE ORDER NO. 1 AND FINAL PAYMENT FOR PROJECT 03/030, 98TH AVENUE SANITARY SEWER PROJECT, PHASE II – Steve’s Excavating & Paving, Inc.

Change Order No. 1 is recommended for approval so that the final payment can be processed and the contract closed out. The final project cost exceeded the original contract amount by 13%. The increase was due to the realignment of the sewer line and addition of a manhole which was necessary to reduce the amount of trees removed in the rear of residences and to reduce the effect of construction on local businesses. The account to be charged will be 301-381-5-756-21.

Authorization for approval and acceptance of Change Order No. 1, Project 03/030, 98th Avenue Sanitary Sewer Project, Phase II an increase in the contract amount of \$17,226.81, for a total adjusted contract amount of \$149,896.81, and authorization for final payment of \$30,510.66 to Steve’s Excavating & Paving, Inc. to be charged to the appropriate account.

◆ COMMUNITY DEVELOPMENT

C4 ORDINANCE NO. 3405. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 11425 66TH STREET NORTH (GEFFON, RANDY AND MIRANDA - AX05-53)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 1.90 acres MOL of contiguous commercial property. Royal Rug and Tile is located on the site.

COUNCILMAN TAYLOR LEFT THE MEETING AT 8:38 P.M.

C5 ORDINANCE NO. 3406 . ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 11515 66TH STREET NORTH - (SNVB HOLDINGS, LLC – AX06-15)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 1.91 acres MOL of commercial property. SNVB Holdings, LLC is located on the site.

- C6 ORDINANCE NO. 3407 . ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6094 108TH AVENUE NORTH - (FRANK AND CAROL SAPUTO – AX06-18)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.15 acres MOL of residential property. The owners' new single family home will be located on the site.

- C7 ORDINANCE NO. 3408 . ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED ON THE WEST SIDE OF 67TH STREET NORTH, 3 PARCELS NORTH OF 70TH AVENUE NORTH - (CENTRAL REALTY, INC. – AX06-20)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.20 acres MOL of contiguous residential property. The Owner plans to construct a single family home on the site.

COUNCILMAN TAYLOR RETURNED TO THE MEETING AT 8:42 P.M.

- C8 ORDINANCE NO. 3409 . ANNEXING INTO THE CITY OF PINELLAS PARK CERTAIN PARCELS OF LAND GENERALLY LOCATED AT 6199 and 6193 108TH AVENUE NORTH (DANIEL I. GIPSON AND MARIE WILLIAMS - AX06-24)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.35 acres MOL of contiguous residential property. The Owner's plan to remove the existing mobile home located at 6193 108th Avenue North, and construct a single-family home on the site. The existing mobile home located at 6199 108th Avenue North will remain.

ITEMS C9 AND C10 WERE MOVE THE REGULAR AGENDA

C11 ORDINANCE NO. 3404, AN ORDINANCE ADOPTING AN AMENDED MASTER PLAN CONTROLLING DEVELOPMENT OF A "CPUD" COMMERCIAL PLANNED UNIT DEVELOPMENT, WITH UNDERLYING "B-1" GENERAL COMMERCIAL, ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED EAST OF 66TH STREET AND SOUTH OF 94TH AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART HEREOF. (PUD 2004-1(R) – Pinellas Properties Land Trust/R. E. Gregg)

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING - JANUARY 26, 2006 - QUASI JUDICIAL)**

The applicant is requesting approval for a major amendment to the existing Pinellas Properties “CPUD” Commercial Planned Unit Development generally located on the southeast corner of 66th Street and 94th Avenue, for approval to install a modular building for retail use and to expand the existing paved vehicular use area for the new retail use as well as to provide required parking for the existing restaurant. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding Land Uses are; to the north, vacant commercial land and a portion of a parking lot; to the south, commercial property with a boarded up single-family dwelling and a residential area with single-family homes; to the east, “Lake Forest Condominiums”; and to the west, County commercial property with “Trademark Metal” and a residential area “Palm Grove Mobile Home Park”. The Planning and Zoning Commission, at its meeting of December 1, 2005, recommended approval, subject to the following condition:

- i. All previous conditions of approval remain in full force and effect.

Marshall Cook, 9300 54th Street, stated he has no problems with this item as long as no one is changing the poison property.

MOTION was made by Councilwoman Bradbury to Pass, Approve or Adopt, whichever is appropriate, Items C1 thru C8 and Item C11 with Items C9 and C10 being sent back to the Planning and Zoning Commission for further review, with Items C1 being First and Final Reading and Items C2, C4 thru C8 and Item C11 being First Reading Prior to Public Hearing, and **SECONDED** by Councilman Taylor.

Councilwoman Bradbury stated items C9 and C10 were split votes for the Planning and Zoning (P&Z) Commission and the Commission is now interviewing for a seventh member.

Councilwoman Bradbury stated she has received calls for and against both items and she would like a closer vote from the P&Z Commission for their recommendation.

Assistant City Manager Shevlin stated the P&Z Commission has not recommended an appointment to the board so it will be a while before these items would come back to Council.

City Clerk Corna stated the position on the P&Z Commission has been re-advertised.

Councilman Butler asked if it would be appropriate to move Items C9 and C10 both items from the consent agenda to the regular agenda for an individual vote.

City Attorney Denhardt stated he thinks Council can pull the items from the Consent Agenda but can't discuss them and they can be voted on individually.

Mayor Mischler stated delaying this a month or two could have an effect on the purchaser of the property.

City Attorney Denhardt stated he thinks the motion is proper and is in order or Council can put these items on the Regular Agenda for individual vote.

Mayor Mischler stated he thinks these items need to be acted on in a reasonable amount of time

City Attorney Denhardt stated he has not heard anything that makes him feel if Council delays this or has the P&Z Commission look at it further, that it would be considered unreasonable because Council can always defer items that are quasi-judicial for further investigation, reports and information.

Attorney Valerie Williams-Hoeneisen of Ruden and McClosky requested Council reconsider their motion to send Items C9 and C10 back to the Planning and Zoning Commission because of the potential delay involved.

Attorney Hoeneisen-Williams stated this project is under contract and the applicant is prepared to address any concerns at the Regular Council Meeting of January 26, 2006.

Rocco Sarley, stated this is a family owned property and is costing his family about \$1,500 per day and requested these items not be delayed.

Councilman Butler requested items C9 and C10 be moved to the Regular Agenda.

Councilwoman Bradbury and Councilman Taylor concurred with the request to move Items C9 and C10 to the Regular Agenda.

MOTION was made by Councilwoman Bradbury to Pass, Approve or Adopt, whichever is appropriate, Items C1 thru C8 and C11, with Items C1 being First and Final Reading and Items C2, C4 thru C8 and C11 being First Reading Prior to Public Hearing, with Items C9 and C10 moved to the Regular Agenda and **SECONDED** by Councilman Taylor.

Roll Call Vote:

Voting Yea: Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

V. **REGULAR AGENDA**

R1A **ORDINANCE NO. 3410** AMENDING THE LAND USE PLAN MAP FOR THE CITY OF PINELLAS PARK BY PROVIDING FOR A CHANGE IN THE LAND USE FROM COMMERCIAL GENERAL (CG) TO RESIDENTIAL/OFFICE/RETAIL (R/O/R) USE ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 10001 66TH STREET. (LUPA 2006-1 – Rocco Sarley/Avid Engineering)

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING JANUARY 26, 2006 QUASI-JUDICIAL)**

The applicant seeks to amend the Future Land Use Plan Map on a 4.93 acres parcel of land generally located at 10001 66th Street from Commercial General (CG) to Retail/Office/Residential (R/O/R). The applicant is proposing to develop the property with 63 unit Multifamily Townhome Subdivision. The applicant has submitted a companion case to rezone the parcel from “B-1” General Commercial Zoning District to “R-5” Multifamily Residential Zoning District with an “RPUD” Residential Planned Unit Development overlay, along with a Conditional Use to allow a density between 12.5 units per acre to 15 units per acre. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, McDonalds, CVS Drugs, Pinellas Place Shopping Center and Kindercare Learning Center; to the south, Lang’s Custom Collision Center, Rising Sun Auto Repair, American Auto Interiors and Kim’s Hair and Nails; and to the east, single-family detached dwellings; and to the west, Platinum Car Wash, and Platinum Wrench Auto Repair. At their meeting of December 1, 2005, the Planning and Zoning Commission voted and the motion failed due to a tie vote.

MOTION was made by Councilman Butler, and **SECONDED** by Councilman Taylor to **PASS** Ordinance No. 3410.

Roll Call Vote:

Voting Yea: Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler
Voting Nay: Councilwoman, Sandra L. Bradbury
Absent: Vice-Mayor, Patricia L. Bailey-Snook
Abstaining: None

MOTION CARRIED

Councilman Butler stated his motion does not reflect how he feels about this project, it just moves the process forward.

Mayor Mischler stated the applicants have come forward and requested this item is not sent back so he will honor their request.

Councilwoman Bradbury stated the Planning and Zoning Commission is composed of citizens and she is not comfortable voting for something the citizens haven't agreed to.

Mayor Mischler stated there will be a Public Hearing January 26, 2006 and because it is quasi-judicial, Council will not be able to discuss anything pertinent to these items.

Randy Heine, 7451 Park Boulevard, asked when he can speak?

Mayor Mischler explained Mr. Heine can speak at the January 26, 2006 Public Hearing.

R1B **ORDINANCE NO. 3411. AMENDING CHAPTER 18, SECTION 18-1503.3, LAND**
C10 **DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF**
ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL
OF LAND GENERALLY LOCATED AT 10001 66th STREET AND MORE
PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED
HERETO AND MADE A PART THEREOF; FROM "B-1" GENERAL
COMMERCIAL DISTRICT TO "R-5" MULTI-FAMILY RESIDENTIAL DISTRICT
AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR
AN "RPUD" RESIDENTIAL PLANNED UNIT DEVELOPMENT OVERLAY FOR A
63 UNIT TOWNHOME SUBDIVISION WITH A CONDITIONAL USE TO ALLOW
DENSITY UP TO 15 UNITS PER ACRE. (PUD 2006-1/Z 2006-1/ BOA 2006-4/CU
2006-4 - Rocco Sarley/Avid Engineering).

FIRST READING PRIOR TO PUBLIC HEARING
PUBLIC HEARING JANUARY 26, 2006 (QUASI-JUDICIAL)

The applicant seeks approval to rezone a 4.93 acre parcel of land, generally located at 10001 66th Street, from "B-1" General Commercial Zoning District to "R-5" Multifamily Residential Zoning District with an "RPUD" Residential Planned Unit Development overlay, along with a Conditional Use to allow a density between 12.5 units per acre and 15 units per acre, in order to develop 63 townhomes (a density of 12.77 units per acre) with waivers and/or variances to the following: the creation of a substandard private right-of-way, sidewalks along both sides of a right-of-way, creation of double fronted lots, minimum lot frontage on a right-of-way, and right-of-way improvement requirements. The applicant has submitted a companion case to amend the Future Land Use Plan Map from Commercial General (CG) to Retail/Office/Residential (R/O/R). The property is currently developed with a bowling alley with retail shops, a skating rink, a dance studio and a lounge. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, McDonalds, CVS Drugs, Pinellas Place Shopping Center and Kindercare Learning Center; to the south, Lang's Custom Collision Center, Rising Sun Auto Repair, American Auto Interiors and Kim's Hair and Nails; and to the east, Single Family Detached Dwellings; and to the west, Platinum Car Wash, and Platinum Wrench Auto Repair. At their meeting of December 1, 2005, the Planning and Zoning Commission voted and the motion failed due to a tie vote.

MOTION was made by Councilman Butler, and **SECONDED** by Councilman Taylor to **PASS** Ordinance No. 3411.

Roll Call Vote:

Voting Yea: Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler
Voting Nay: Councilwoman, Sandra L. Bradbury
Absent: Vice-Mayor, Patricia L. Bailey-Snook
Abstaining: None

MOTION CARRIED

Councilman Butler stated his motion has no bearing on whether he approves of this item, it just moves the process forward.

◆ POLICE

R1 APPOINTMENT TO CODE ENFORCEMENT BOARD

There is a vacancy on the Code Enforcement Board to fill the expired term of Mrs. Sheila Bender. Mrs. Bender's term expired December 2005. The Board interviewed Mr. Edson Eugene Webb PhD, and Mr. Randy Heine on December 15, 2005, and unanimously recommended Mr. Webb to fill the position

MOTION was made by Councilman Butler, and **SECONDED** by Councilman Taylor to **APPROVE** the appointment to the Code Enforcement Board of Mr. Edson Eugene Webb, PhD with term to expire December 2006.

Roll Call Vote:

Voting Yea: Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Randy Heine, 7451 Park Boulevard, stated he is not opposed to Mr. Webb being appointed but he is concerned about the way it all occurred.

Mayor Mischler stated for the record Mr. Heine is a candidate for Mayor of the City of Pinellas Park and he does not wish to get into a political debate with Mr. Heine during the Council Meeting.

Marshall Cook, 9300 54th Street, stated he has a problem with the selection process.

Mayor Mischler stated this would have to be discussed with the individual boards making the selection.

Dr. Eugene Webb, PhD, 5884 100th Avenue, stated he thought the process went the way it should go and if he noticed anything out of order he would have brought it to somebody's attention.

Dr. Webb stated he is looking forward to an opportunity to be more of a part of his community and serve the citizens of Pinellas Park.

◆ PUBLIC WORKS

R2 SELECTION OF CITY COUNCIL MEMBER TO SERVE ON SELECTION BOARD FOR RETAINING/HIRING OF A GENERAL ENGINEERING CONSULTANT FOR TRANSPORTATION, DESIGN & CONSULTING – RFP 06/014

In accordance with Resolution 78-58 / 91-93 and Section 287.055 Florida Statutes (Consultant Competitive Negotiation Act), a selection board consisting of not more than seven members (one of whom is to be a City Council member) will be used to review proposals for consultant services and to make a recommendation to City Council and the City Manager. City Council will select the Council member who will serve on the selection board for review and evaluation of the proposals received in response to the Request for Proposals (RFP) for retaining/hiring of a General Engineering Consultant for Transportation, Design & Consulting.

MOTION was made by Councilman Butler, and **SECONDED** by Councilman Taylor to **APPROVE** selection of City Councilmember Sandra L. Bradbury to serve on the selection board for review and evaluation of proposals for retaining/hiring of a General Engineering Consultant for Transportation, Design & Consulting.

Roll Call Vote:

Voting Yea: Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler
Voting Nay: None
Absent: Vice-Mayor, Patricia L. Bailey-Snook
Abstaining: None

MOTION CARRIED UNANIMOUSLY

R3 AWARD OF BID 06/008 – 2005/2006 SIDEWALK/RAMP PROGRAM – Central Florida Contractors, Inc.

Bids were legally advertised and bid invitations were mailed to 327 prospective bidders. Six (6) bids were received with Central Florida Contractors, Inc. (P.O. Box 3987, Seminole, FL 33775) being the low bidder with a bid submittal of \$78,398.25. The amount budgeted for this project is \$80,000 (pg. 413 of the FY 05/06 adopted budget). This project will be charged to account 301-481-5-736-18.

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bradbury to **APPROVE** authorization to award Bid 06/008 for the 2005/2006 Sidewalk Construction Program to Central Florida Contractors, Inc., Seminole, FL, in the amount of \$78,398.25 to be charged to the appropriate account.

Roll Call Vote:

Voting Yea: Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ COMMUNITY DEVELOPMENT

R4 CONSIDERATION OF A REQUEST FOR A WAIVER TO ALLOW A SIX-FOOT-HIGH, CHAIN LINK FENCE TO SHIELD AN OUTDOOR STORAGE AREA FROM RIGHT-OF-WAYS, A SUBSTITUTE FOR A SOLID WALL AS REQUIRED BY CODE, FOR A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6351 49TH STREET. (MS 2006-1 Harold Singer)

QUASI-JUDICIAL

This site is currently utilized by the applicant for Used Auto Sales, Heavy Auto Repair and Outdoor Storage. The site is double fronted and abuts 49th Street to the west and 47th Street to the east (rear of property). The outdoor storage is essentially shielded from 49th Street by the building with a solid gate providing access to the rear of the property. The rear of the property is fenced with a six-foot-high, chain link fence. That portion of the fence abutting 47th Street is the portion required to be shielded by a solid wall. Site inspection reveals that the subject property is located in an industrial neighborhood. To the north, south, east and west are industrial zoned properties. Two other storage uses are located to the north of the parcel. One is shielded by a chain link fence and the other by a combination of PVC, wood and chain link fencing. The other outdoor storage uses are not as intense as the storage on this site. In determining whether or not to grant a request to allow a six foot high, chain link fence, City Council shall consider the following criteria: use of abutting properties, right-of-way classifications, extent of existing solid fencing within the surrounding area, fence or alternative shielding device materials proposed, length of proposed fence/wall, and type of materials being stored.

Mayor Mischler stated the applicant has requested this item is tabled until the Regular City Council Meeting of Thursday, January 26, 2006.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **TABLE** consideration of a request for a waiver to allow a six-foot high, chain link fence to shield an outdoor storage area from right-of-ways, a substitute for a solid wall as required by code, for a certain parcel of land generally located at 6351 49th Street, until the Thursday, January 26, 2006, Regular City Council Meeting.

Roll Call Vote:

Voting Yea: Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

R5 AUTHORIZATION FOR THE MAYOR TO SIGN A VOLUNTARY ANNEXATION AGREEMENT WITH RANDY AND MIRANDA GEFFON (AX05-53) — Annexation of 1.89 acres MOL located at 11425 66TH Street North

This is a voluntary annexation of 1.89 acres MOL of contiguous commercial property. Royal Rug and Tile is located on this site.

Randy and Miranda Geffon 11425 66 th Street North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$5,576.86	\$0.00	\$4,100.00
5-Year Projected Total	\$27,884.30	\$0.00	\$4,500.00
The voluntary Annexation Agreement special provisions are: Waive land development, permit and plans review fees for 60 months (\$4000.) Waive occupational license fees for 5 years (\$500.)			

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bradbury to **APPROVE** authorization for Mayor to sign a voluntary Annexation Agreement with Randy and Miranda Geffon for annexation of 1.89 acres MOL of contiguous commercial property located at 11425 66th Street North.

Roll Call Vote:

Voting Yea: Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Randy Heine, 7451 Park Boulevard, questioned City policy on waiving fees and the amount that is waived.

Attorney Denhardt clarified this annexation agreement waives fees not to exceed \$4,000.

Mayor Mischler stated the City is willing to waive City fees for the annexation of this property but this is not dollars being spent and the City’s projected annual revenue over those five years is \$27,884.30.

Discussion was held on the millage rate.

Mr. Heine stated this is where politicking is done, in Council Chambers.

City Attorney Denhardt stated Council's rules provide for Mr. Heine to comment on the item on the agenda but he is going further than that.

Mr. Heine stated he represents the people that want a tax break.

Mayor Mischler advised Mr. Heine he is out of order for going beyond Item R5.

City Manager Gustafson stated when somebody has a home on a piece of property fees aren't usually waived in an annexation agreement because they are living in that facility already.

R6 AUTHORIZATION FOR MAYOR TO SIGN A VOLUNTARY ANNEXATION AGREEMENT WITH SNVB HOLDINGS, LLC (AX06-15) — Annexation of 1.91 acres MOL located at 11515 66th Street North

This is a voluntary annexation of 1.91 acres MOL of contiguous commercial property. SNVB Holdings, LLC is located on this site. The Owner plans to do some interior remodeling and construct an additional parking area.

SNVB Holdings, LLC 11515 66 th Street North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$12,807.23	\$0.00	\$3,000.00
2-Year Projected Total	\$25,614.46	\$0.00	\$3,000.00
The voluntary Annexation Agreement special provision is:			
<ul style="list-style-type: none"> • Waive land development, permit and plans review fees for 24 months (\$3,000.) 			

MOTION was made by Councilman Butler, and **SECONDED** by Councilman Taylor to **APPROVE** authorization for Mayor to sign a voluntary Annexation Agreement with SNVB Holdings, LLC for annexation of 1.91 acres MOL of contiguous commercial property located at 11515 66th Street North.

Roll Call Vote:

Voting Yea: Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

R7 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY FRANK AND CAROL SAPUTO (AX06-18) — Annexation of 0.15 acres MOL located at 6094 108TH Avenue North

This is a voluntary annexation of 0.15 acres MOL of residential property that is eligible for annexation. The Owners’ single family home will be located on this site.

Frank and Carol Saputo 6094 108 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$1,503.09	\$0.00	\$0.00
There are no special provisions in this voluntary Annexation Agreement.			

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **APPROVE** the voluntary annexation of 0.15 acres MOL of residential property owned by Frank and Carol Saputo and located at 6094 108th Avenue North.

Roll Call Vote:

- Voting Yea: Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler
- Voting Nay: None
- Absent: Vice-Mayor, Patricia L. Bailey-Snook
- Abstaining: None

MOTION CARRIED UNANIMOUSLY

R8 AUTHORIZATION FOR MAYOR TO SIGN A VOLUNTARY ANNEXATION AGREEMENT WITH CENTRAL REALTY, INC. - (AX06-20) — Annexation of 0.20 acres MOL generally located on the west side of 67th Street North, 3 parcels north of 70TH Avenue North

This is a voluntary annexation of 0.20 acres MOL of contiguous residential property. The Owner plans to construct a single family home on the site.

Central Realty, Inc. The west side of 67 th Street North, 3 parcels north of 70 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$1,503.09	\$0.00	\$3,500.
2-Year Projected Total	\$3,006.18	\$0.00	\$3,500.
The voluntary Annexation Agreement special provision is: Waive City land development fees for 24 months (\$3,500.)			

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bradbury to **APPROVE** authorization for Mayor to sign a voluntary Annexation Agreement with Central Realty, Inc. for annexation of 0.20 acres MOL of contiguous residential property generally located on the west side of 67th Street North, 3 parcels north of 70th Avenue North.

Roll Call Vote:

Voting Yea: Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

R9 AUTHORIZATION FOR MAYOR TO SIGN ANNEXATION AGREEMENT WITH DANIEL I. GIPSON AND MARIE WILLIAMS (AX06-24) — Annexation of 0.28 acres MOL located at 6199 and 6193 108th Avenue North

This is a voluntary annexation of 0.28 acres MOL of contiguous residential property. The Owner plans to remove the existing mobile home located at 6193 108th Avenue North, and construct a single-family home on the site. The existing mobile home located at 6199 108th Avenue North will remain.

Daniel I. Gipson and Marie Williams 6199 and 6193 108 th Avenue N.	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$1,324.22	\$0.00	\$3,000.00
5-Year Projected Total	\$6,621.10	\$0.00	\$3,000.00
The Annexation Agreement special provisions are: For sixty (60) months from the date of execution of this Agreement, the City shall waive all City land development fees, applicable for the construction of a single-family home, and the demolition of the existing structure, located at 6193 108 th Avenue North. This waiver of fees is estimated to be, and not to exceed, the sum of Three Thousand Dollars (\$3,000.00).			

MOTION was made by Councilman Butler, and **SECONDED** by Councilman Taylor to **APPROVE** authorization for Mayor to sign an Annexation Agreement with Daniel I. Gipson and Marie Williams for annexation of 0.28 acres MOL located at 6199 and 6193 108th Avenue North.

Roll Call Vote:

- Voting Yea: Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler
- Voting Nay: None
- Absent: Vice-Mayor, Patricia L. Bailey-Snook
- Abstaining: None

MOTION CARRIED UNANIMOUSLY

R10 AUTHORIZATION FOR THE MAYOR TO SIGN AN ADDENDUM TO AN ANNEXATION AGREEMENT DATED MAY 12, 2005 BETWEEN THE CITY OF PINELLAS PARK AND TRADEMARK METALS RECYCLING, LLC --- For property located at 9380 67th Street North -- AX05-24

At the time the Property was annexed, Staff interpreted the day-to-day activities “secondary metals recycling (scrap yard)” at Trademark Metals to be a non-conforming use under the existing zoning and land use classifications. Further examination shows, however, that their activities are, in fact, a conditional use. If City Council does not approve the conditional use “secondary metals recycling (scrap yard)” Case CU2005-24, this annexation agreement AX05-24 shall be null and void at the option of the applicant.

MOTION was made by Councilman Butler, and **SECONDED** by Councilman Taylor to **APPROVE** authorization for the Mayor to sign an addendum to the annexation agreement dated May 12, 2005 between The City of Pinellas Park and Trademark Metals Recycling, LLC for property located at 9380 67th Street North.

Roll Call Vote:

Voting Yea: Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

M1 HUMAN RESOURCES ADMINISTRATOR

City Manager Gustafson introduced the new Human Resources Administrator, John Moore.

City Council congratulated Administrator Moore.

M2 HAPPY BIRTHDAY

City Council sang Happy Birthday to Fire Chief, Doug Lewis.

M3 BIBLE AND BOOK

Randy Heine, 7451 Park Boulevard, stated he was offended at the last Council Meeting when the bible was waived at him and the Constitution of the United States should be followed.

Mr. Heine stated Council should read a book by Former President Carter who says fundamentalism is dangerous in America.

M4 ASSISTANCE

Marshall Cook, 9300 54th Street, stated he is helping a lady who lives in United Cottages and needs more assistance.

M5 FAMILY VALUES

Peter White, 7197 120th Avenue, stated one of the problems with America is not following what is in the bible and the greatest threat in the nation is a breakdown of family values.

M6 CHRISTMAS DECORATIONS

Joe Shelley, 6035 86th Avenue, requested recognition be given to people doing a tremendous amount of work on the Christmas decorations and the flags on the 4th of July.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 9:40 p.m.

Attest:

Diane M. Corna
City Clerk

William F. Mischler
Mayor

/cgg

CITY OF PINELLAS PARK, FLORIDA
REGULAR COUNCIL MEETING

MINUTES

January 26, 2006
Council Chambers

Meeting was called to order at 7:33 P.M.

PRESENT: Mayor, William F. Mischler
Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor

ABSENT: None

Also present were: Assistant City Attorney, Christopher Hammonds – City Manager, Michael Gustafson - Assistant City Manager/Community Development Administrator, Tom Shevlin - Finance Administrator, Ron Miller – Human Resources Administrator, John Moore - Assistant Community Activities Administrator, Tim Caddell - Zoning Director, Dean Neal – MIS Administrator, Randy Linthicum - Public Works Administrator, Tom Nicholls – Police Chief, Dorene Thomas – Deputy Fire Chief, Sandy Sullivan – Office of Management and Budget Administrator, Dan Katsiyiannis – Economic Development Specialist, Chuck Webber – Community Planning Director, Robert Bray – Streets/Drainage Director, Randy Roberts – Fleet Maintenance Director, Chris Marinari – Business and Neighborhood Development Director, Susan Walker - Media and Public Events Specialist, Denise Re - Administrative Clerk, Pam Martin – City Clerk, Diane M. Corna, and Deputy City Clerk, Christine Gardner.

INVOCATION was given by Vice-Mayor Bailey-Snook.

PLEDGE OF ALLEGIANCE was led by Council.

I. PRESENTATIONS

CITY AMBASSADOR AWARDS

Mayor Mischler presented the following City Ambassador Awards:

Sue Grace
Eddie Kosinski
Ethel Mudd

MAYOR’S CHOICE AWARDS – Art Society Paintings

Mayor Mischler presented the following Mayor’s Choice Awards:

Ruth Lowry	“Sunset II”
Aleida Mehalko	“St. Augustine”
Grace Roth	“Spanish Moss”
Maryann Tucci	“Sunset Feeder”

SERVICE AWARD – 10 YEARS

Ron Hull - Principal Planner

PROCLAMATION

National 2-1-1 Day – February 11, 2006

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of January 12, 2006 as on file in the City Clerk’s Office.

MOTION was made by Vice-Mayor Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the Regular Council Minutes of January 12, 2006, as on file in the City Clerk’s Office.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

STAFF MEMBERS WERE SWORN IN FOR QUASI-JUDICIAL ITEMS

III. PUBLIC HEARINGS

◆ COMMUNITY DEVELOPMENT

- P1 ORDINANCE NO. 3402. AN ORDINANCE AMENDING ORDINANCE NO. 1617, AS AMENDED, BY AMENDING: SECTION ONE “FINDINGS OF FACT”, BY AMENDING PARAGRAPH NO. 9 BY ADDING ADDITIONAL RESIDENTIAL DEVELOPMENT IN PINELLAS PARK, BY AMENDING PARAGRAPH 5 “COMPATIBILITY”, PARAGRAPH C BY PROVIDING FOR ADDITIONAL RESIDENTIAL DEVELOPMENT; BY AMENDING SECTION FOUR “CONDITIONS OF DEVELOPMENT APPROVAL,” BY AMENDING PARAGRAPH 13 “INCREMENT SCHEDULE”, PARAGRAPH D BY PROVIDING FOR ADDITIONAL RESIDENTIAL DEVELOPMENT; BY AMENDING SECTION FOUR “CONDITIONS OF DEVELOPMENT APPROVAL” PARAGRAPH 19 “TRAFFIC CIRCULATION” BY PROVIDING FOR ADDITIONAL RESIDENTIAL DEVELOPMENT BY ADDING A NEW PARAGRAPH C AND ADOPTING A NEW EQUIVALENCY MATRIX; PROVIDING FOR A FINDING OF NO SUBSTANTIAL DEVIATION; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (MS 2005-40 Gateway Centre Development)**

PUBLIC HEARING, SECOND AND FINAL READING

The applicant is requesting an amendment to the DRI development order that, if approved, would allow the use of a trade-off mechanism to convert existing development entitlements to residential uses. This amendment would cap the conversion at 900 dwelling units, 200 of which could be single family detached units (includes existing 300 MF units already constructed). The developer has added a condition of approval requiring confirmation from the City that water, wastewater and solid waste capacities are available for the development of any residential uses. If the City Council approves the ordinance, it is with the finding that the proposed amendment is determined not to create a substantial deviation from the terms of the development order and shall not be subject to further DRI review; and, all previous DRI conditions of approval shall remain in full force and effect.

The City Attorney read Ordinance No. 3402 by title only. Mayor Mischler opened the Public Hearing at 8:05 P.M.

Grady Pridgen stated he is the applicant and is available to answer any questions.

Mayor Mischler stated this property is allocated to have 300 residential units and the request is to increase that by 600 units for this large area.

Public Hearing was closed at 8:07 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3402.

Roll Call Vote:

Voting Yea: Councilwoman Sandra L. Bradbury
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: Vice-Mayor, Patricia L. Bailey-Snook
Councilman, Rick Butler

Absent: None

Abstaining: None

MOTION CARRIED

P2 ORDINANCE NO. 3338. ANNEXING INTO THE CITY OF PINELLAS PARK CERTAIN PARCELS OF LAND GENERALLY LOCATED AT 9380 67TH STREET NORTH – (Trademark Metals Recycling LLC - AX05-24)

CONTINUED PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 11.47 acres MOL of commercial property. Trademark Metals recycling plant is located on the site.

The City Attorney read Ordinance No. 3338 by title only. Mayor Mischler opened the Public Hearing at 8:10.

Ron Noble, 9380 67th Street, stated he is the owner of the property and thanked Council and staff for their assistance with this process.

Public Hearing was closed at 8:11 P.M.

MOTION was made by Councilman Butler and **SECONDED** by Vice-Mayor Bailey-Snook to **PASS** Ordinance No. 3338.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Mayor Mischler stated there have been great improvements to this property.

P3 ORDINANCE NO. 3405. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 11425 66TH STREET NORTH (GEFFON, RANDY AND MIRANDA - AX05-53)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 1.90 acres MOL of contiguous commercial property. Royal Rug and Tile is located on the site.

The City Attorney read Ordinance No. 3405 by title only. Mayor Mischler opened the Public Hearing at 8:12 P.M.

There were no comments or objections.

Public Hearing was closed at 8:13 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3405.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P4 ORDINANCE NO. 3406. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 11515 66TH STREET NORTH - (SNVB HOLDINGS, LLC – AX06-15)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 1.91 acres MOL of commercial property. SNVB Holdings, LLC is located on the site.

The City Attorney read Ordinance No. 3406 by title only. Mayor Mischler opened the Public Hearing at 8:14 P.M.

There were no comments or objections.

Public Hearing was closed at 8:15 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3406.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P5 ORDINANCE NO. 3407. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6094 108TH AVENUE NORTH - (FRANK AND CAROL SAPUTO – AX06-18)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.15 acres MOL of residential property. The owners' new single family home will be located on the site.

The City Attorney read Ordinance No. 3407 by title only. Mayor Mischler opened the Public Hearing at 8:16 P.M.

There were no comments or objections.

Public Hearing was closed at 8:17 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3407.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P6 ORDINANCE NO. 3408. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED ON THE WEST SIDE OF 67TH STREET NORTH, 3 PARCELS NORTH OF 70TH AVENUE NORTH - (CENTRAL REALTY, INC. – AX06-20)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.20 acres MOL of contiguous residential property. The Owner plans to construct a single family home on the site.

The City Attorney read Ordinance No. 3408 by title only. Mayor Mischler opened the Public Hearing at 8:18 P.M.

There were no comments or objections.

Public Hearing was closed at 8:19 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **PASS** Ordinance No. 3408.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P7 ORDINANCE NO. 3409. ANNEXING INTO THE CITY OF PINELLAS PARK CERTAIN PARCELS OF LAND GENERALLY LOCATED AT 6199 and 6193 108TH AVENUE NORTH (DANIEL I. GIPSON AND MARIE WILLIAMS - AX06-24)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.35 acres MOL of contiguous residential property. The Owner's plan to remove the existing mobile home located at 6193 108th Avenue North, and construct a single-family home on the site. The existing mobile home located at 6199 108th Avenue North will remain.

The City Attorney read Ordinance No. 3409 by title only. Mayor Mischler opened the Public Hearing at 8:20 P.M.

There were no comments or objections.

Public Hearing was closed at 8:21 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **PASS** Ordinance No. 3409.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

P8

ORDINANCE NO. 3410. AMENDING THE LAND USE PLAN MAP FOR THE CITY OF PINELLAS PARK BY PROVIDING FOR A CHANGE IN THE LAND USE FROM COMMERCIAL GENERAL (CG) TO RESIDENTIAL/OFFICE/RETAIL (R/O/R) USE ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 10001 66TH STREET. (LUPA 2006-1 – Rocco Sarley/Avid Engineering)

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

The applicant seeks to amend the Future Land Use Plan Map on a 4.93 acres parcel of land generally located at 10001 66th Street from Commercial General (CG) to Retail/Office/Residential (R/O/R). The applicant is proposing to develop the property with a 63 unit Multifamily Townhome Subdivision. The applicant has submitted a companion case to rezone the parcel from “B-1” General Commercial Zoning District to “R-5” Multifamily Residential Zoning District with an “RPUD” Residential Planned Unit Development overlay, along with a Conditional Use to allow a density between 12.5 units per acre to 15 units per acre. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, McDonalds, CVS Drugs, Pinellas Place Shopping Center and Kindercare Learning Center; to the south, Lang’s Custom Collision Center, Rising Sun Auto Repair, American Auto Interiors and Kim’s Hair and Nails; and to the east, single-family detached dwellings; and to the west, Platinum Car Wash, and Platinum Wrench Auto Repair. At their meeting of December 1, 2005, the Planning and Zoning Commission voted and the motion failed due to a tie vote.

The City Attorney read Ordinance No. 3410 by title only. Mayor Mischler opened the Public Hearing at 8:22 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Attorney Valerie Williams-Hoeneisen of Ruden and McClosky, stated she is representing the applicant and provided information on this item.

Richard Tommell, Avid Engineering P.E., Project Manager, provided information on the design, green space, meetings held with adjacent homeowners, modifications to the design and drainage enhancements.

Discussion was held on the existing site and surrounding properties.

Pete Pensa, Avid Engineering AICP Planner, provided information on the proposed land use amendment.

Jane Caldera, Avid Engineering P.E., Director of Transportation Services, provided a summary of traffic and the access management plan for the project.

Rocco Sarley, the applicant, stated the intention is to stay in Pinellas Park and put a good complex on the property but he can't continue to operate the business as the land use is planned right now.

Councilwoman Bradbury asked if there will be an increase or decrease in traffic?

Ms. Caldera stated based on the vested rights of the project it is a projected decrease.

Chris Maganial, 1350 Jaimini Avenue, stated he owns Astroskate Center and Bus Service in Tarpon Springs and he is leasing the skating rink on this property and provided information on changes he has made to the rink.

Mr. Maganial stated he has made offers to purchase this property and he would like to stay in Pinellas Park.

The following people spoke in opposition to this item:

Vikki King	10106 64 th Lane
Darleen Feasel	6470 101 st Avenue
Linda Hughes	6480 101 st Avenue
Lois Jolly	6605 100 th Avenue
Tracey Vescovi	10776 57 th Street
Bob Jilek	11840 71 st Circle
Marshall Cook	9300 54 th Street
Joe Shelley	6035 86 th Avenue

City Clerk Corna stated she received an e-mail from Kathleen Karn-Wilson, 10114 64th Lane, in opposition to Items P8 and P9.

City Clerk Corna stated she received a petition signed by 27 residents in opposition to Items P8 and P9.

Attorney Williams-Hoeneisen stated this is a good project and explained revisions that have been made to accommodate neighbors' concerns.

Mr. Tommell presented pictures reflecting the status of the current property and explained changes and improvements proposed for the development.

Mr. Tommell stated a meeting was held with residents to try and address their concerns.

Discussion was held on the existing drainage system and code violations.

Mr. Pensa stated the current owner will not be maintaining the property because the homeowners association will be responsible for maintaining the property and provided information on lengths taken to address compatibility.

Councilman Butler stated this will only comply with Pinellas Park codes if the zoning and land use is changed.

Ms. Caldera provided information on traffic, driveways and parking.

Mr. Jilek asked how many vehicles can be parked in the driveways?

Mr. Tommell stated the driveways are designed to hold two parking spaces per unit in addition to a two car garage in each driveway.

Discussion was held on the number of cars there would be per unit.

Marshall Cook, 9300 54th Street, stated parking spaces on the property are not currently used but if these units are developed there is a big traffic difference.

Mr. Maganial provided information on charitable work he does in the community and reiterated he is willing to purchase this property.

Discussion was held on the current lease for the skating rink.

Public Hearing was closed at 9:29 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **DENY** Ordinance No. 3410.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Councilman Butler stated he has concerns with the proposed three story buildings and access to 102nd Avenue.

Councilman Butler stated he will support denying the item knowing it is a vast improvement over what the neighbors have and existing zoning that could make it worse.

Councilman Butler requested this item is denied without prejudice.

Councilwoman Bradbury stated concern with the proposed three story development and with placing residential development on 66th Street.

Councilman Taylor stated he will not be amending the motion but he thinks Avid Engineering provided a good proposed development.

Councilman Taylor clarified Council has nothing to do with the lease on the skating rink.

Mayor Mischler thanked everyone for their input on this item and he agrees with Councilman Taylor.

Mayor Mischler stated he does not think there should be residential properties on 66th Street so he does not feel the need to change the use of the property but he feels this item should be denied without prejudice.

P9

ORDINANCE NO. 3411. AMENDING CHAPTER 18, SECTION 18-1503.3, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 10001 66th STREET AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "B-1" GENERAL COMMERCIAL DISTRICT TO "R-5" MULTI-FAMILY RESIDENTIAL DISTRICT AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR AN "RPUD" RESIDENTIAL PLANNED UNIT DEVELOPMENT OVERLAY FOR A 63 UNIT TOWNHOME SUBDIVISION WITH A CONDITIONAL USE TO ALLOW DENSITY UP TO 15 UNITS PER ACRE. (PUD 2006-1/Z 2006-1/ BOA 2006-4/CU 2006-4 - Rocco Sarley/Avid Engineering).

PUBLIC HEARING, SECOND AND FINAL READING – (QUASI-JUDICIAL)

The applicant seeks approval to rezone a 4.93 acre parcel of land, generally located at 10001 66th Street, from "B-1" General Commercial Zoning District to "R-5" Multifamily Residential Zoning District with an "RPUD" Residential Planned Unit Development overlay, along with a Conditional Use to allow a density between 12.5 units per acre and 15 units per acre, in order to develop 63 townhomes (a density of 12.77 units per acre) with waivers and/or variances to the following: the creation of a substandard private right-of-way, sidewalks along both sides of a right-of-way, creation of double fronted lots, minimum lot frontage on a right-of-way, and right-of-way improvement requirements. The applicant has submitted a companion case to amend the Future Land Use Plan Map from Commercial General (CG) to Retail/Office/Residential (R/O/R). The property is currently developed with a bowling alley with retail shops, a skating rink, a dance studio and a lounge. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, McDonalds, CVS Drugs, Pinellas Place Shopping Center and Kindercare Learning Center; to the south, Lang's Custom Collision Center, Rising Sun Auto Repair, American Auto Interiors and Kim's Hair and Nails; and to the east, Single Family Detached Dwellings; and to the west, Platinum Car Wash, and Platinum Wrench Auto Repair. At their meeting of December 1, 2005, the Planning and Zoning Commission voted and the motion failed due to a tie vote.

The City Attorney read Ordinance No. 3411 by title only. Mayor Mischler opened the Public Hearing at 9:40 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Attorney Valerie Williams-Hoeneisen of Ruden and McClosky stated due to the denial of Item P8 she requests this item is withdrawn.

Marshall Cook, 9300 54th Street, stated there is concern in the handicap community with the Winn Dixie closing.

Mayor Mischler stated any questions must be relevant to the request for withdraw.

Assistant City Attorney Hammonds stated Council can address the request to withdraw but it would be irrelevant to address any testimony as to the rezoning.

Public Hearing was closed at 9:41 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **ACCEPT** the withdrawal from the applicant of Ordinance No. 3411.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P10 ORDINANCE NO. 3404. AN ORDINANCE ADOPTING AN AMENDED MASTER PLAN CONTROLLING DEVELOPMENT OF A "CPUD" COMMERCIAL PLANNED UNIT DEVELOPMENT, WITH UNDERLYING "B-1" GENERAL COMMERCIAL, ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED EAST OF 66TH STREET AND SOUTH OF 94TH AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART HEREOF. (PUD 2004-1(R) – Pinellas Properties Land Trust/R. E. Gregg)

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

The applicant is requesting approval for a major amendment to the existing Pinellas Properties “CPUD” Commercial Planned Unit Development generally located on the southeast corner of 66th Street and 94th Avenue, for approval to install a modular building for retail use and to expand the existing paved vehicular use area for the new retail use as well as to provide required parking for the existing restaurant. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding Land Uses are; to the north, vacant commercial land and a portion of a parking lot; to the south, commercial property with a boarded up single-family dwelling and a residential area with single-family homes; to the east, “Lake Forest Condominiums”; and to the west, County commercial property with “Trademark Metal” and a residential area “Palm Grove Mobile Home Park”. The Planning and Zoning Commission, at its meeting of December 1, 2005, recommended Approval, subject to the following condition:

1. All previous conditions of approval remain in full force and effect.

The City Attorney read Ordinance No. 3404 by title only. Mayor Mischler opened the Public Hearing at 9:42 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Robert Gregg, 630 Chestnut, Clearwater, stated the purpose is to get some relief because more parking needs to be created.

Public Hearing was closed at 9:50 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3404.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Councilman Butler asked what is going to happen with this property?

Mr. Gregg explained plans to develop the property.

P11 RESOLUTION NO. 06-05. VACATION OF THE SOUTH 1.2 FEET OF A FIVE- FEET-WIDE EASEMENT, GENERALLY LOCATED TO THE REAR (NORTH LOT LINE) OF 7413 119TH AVENUE NORTH. (V 2006-5 – Nuria Alvarez)

PUBLIC HEARING, FIRST AND FINAL READING

The applicant is requesting the vacation of the south 1.2 feet of a five-foot-wide drainage and utility easement located to the rear (north lot line) of the parcel in order to retain and add on to an existing shed. The following Findings of Fact are pertinent to this request:

1. The vacation is consistent with the policies of the Comprehensive Plan.
2. The various utility agencies and City divisions have no objection to the vacation.
3. The applicant will require a variance from rear and side yard setbacks to maintain shed.

The City Attorney read Resolution No. 06-05 by title only. Mayor Mischler opened the Public Hearing at 9:54 P.M.

Zoning Director Neal read an anonymous letter requesting denial of this item.

City Manager Gustafson stated the City does not interpret or enforce deed restrictions.

Assistant City Attorney Hammonds agreed with City Manager Gustafson that deed restrictions are not to be considered by Council but code allows this vacation.

Bob Jilek, 11840 71st Circle, stated he is representing the Pinebrook Estates Homeowner's Association, and spoke in opposition to this item.

Mr. Jilek stated the concern is that easements are put in place for utilities and access and he has concern with encroaching in the easement.

Cecil Bradbury, 9400 50th Way, stated when Pinebrook was developed a lot of the rear of the properties was allotted for drainage easements and allowing construction in easements may block drainage to someone else's home.

Nuria Alvarez, 7413 119th Avenue, stated the shed has been on the property for nineteen years and this request will allow her to replace the shed and add a little more to it.

Mayor Mischler asked about the request to add onto the shed.

Discussion was held on the size of the shed and regulations pertaining to the shed.

Mayor Mischler stated the applicant wants to put a new floor in the shed and would like to add a few more feet onto the shed.

Assistant City Attorney Hammonds stated Council should not be taking into account any additions or expansions to the shed or whether the shed even exists.

Assistant City Attorney Hammonds stated Council has specific criteria they look at and the decision on the vacation is based upon that, not whether the shed is there or whether it is going to be expanded.

Councilman Taylor stated Council is approving the vacation based upon the fact the shed is already sitting in it.

Assistant City Attorney Hammonds stated whether or not the utility easement is going to be used is deemed necessary for the City or whether Council feels that it can be vacated.

Mayor Mischler asked if this was denied would the owner have to remove the shed?

Assistant City Attorney Hammonds stated the shed does encroach into the easement so it would have to be removed from the easement.

Mr. Jilek explained the enforcement process for deed restrictions on sheds.

Joe Shelley, 6035 86th Avenue, asked about public access to easements.

Mayor Mischler explained an easement is for utility purposes only.

Public Hearing was closed at 10:09 P.M.

MOTION was made by Councilman Butler, and **SECONDED** by Vice-Mayor Bailey-Snook to **ADOPT** Resolution No. 06-05.

Councilman Butler stated he understands the concerns with hurricanes but the shed has been in place for nineteen years with no problems.

Mayor Mischler stated he has reservations about approving this request and creating a precedent but if Council denies it and he can't see the City removing the shed.

Councilwoman Bradbury stated minimal setbacks are approved all the time and she does not think it is right to do it for one homeowner and not another.

Councilwoman Bradbury stated if there is a major drainage problem she would support denying this.

Councilman Butler stated the property owner is trying to get the proper permitting which brought this to attention.

Discussion was held on the existing shed.

City Manager Gustafson stated if Council denies this request the City would not require the property owner to remove the shed.

MOTION was made by Councilman Butler and **SECONDED** by Vice-Mayor Bailey-Snook to **WITHDRAW** the motion to adopt Resolution No. 06-05.

MOTION was made by Councilman Butler, and **SECONDED** by Vice-Mayor Bailey-Snook to **DENY** Resolution No. 06-05.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler
Voting Nay: Councilwoman Sandra L. Bradbury
Absent: None
Abstaining: None

MOTION CARRIED

City Manager Gustafson stated this motion denies the vacation therefore not allowing a permit to be issued to expand the shed but the existing shed is allowed to stay.

P12 CONSIDERATION OF A CONDITIONAL USE FOR THE ESTABLISHMENT OF “LIGHT MANUFACTURING, WAREHOUSE, STORAGE, MINI-WAREHOUSE AND WHOLESALING ESTABLISHMENTS AND AUTOMOTIVE DEALERS – NEW CARS AND USED CARS” IN THE “CH” HEAVY COMMERCIAL ZONING DISTRICT, WITH A WAIVER TO “MEASUREMENT OF YARD SETBACKS ON LOTS ADJACENT TO RIGHTS-OF-WAY OF INSUFFICIENT WIDTH” ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 85TH AVENUE AND 65TH STREET. (CU 2006-1 Beckner Family Limited Partnership/ Housh Ghovae)

PUBLIC HEARING (QUASI-JUDICIAL)

The applicant is requesting consideration of the establishment of “Light Manufacturing, Warehouse, Storage, Mini-Warehouse and Wholesaling Establishments and Automotive Dealers – New Cars and Used Cars” a Conditional Use in the “CH” Heavy Commercial Zoning District on a 4.77 acre parcel of land generally located at the southeast corner of 85th Avenue and 65th Street, with a waiver to “measurement of yard setbacks on lots adjacent to rights-of-way of insufficient width”. The Zoning Division is currently processing a City initiated vacation of the right-of-way, 65th Street, Case No. V 2006-3, as it is unusable and serves no purpose. The Vacation process will take longer than the Conditional Use, therefore, the applicant is required to request the waiver. The site is currently developed with a communication tower in the northeast corner of the parcel. An existing ingress/egress easement for the Communication Tower will be relocated to the proposed internal drive aisle, along the north portion of the parking lot. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, All Natural Botanicals; to the south, single-family dwellings and drainage channel No. 1; to the west, a non-conforming single-family dwelling; and to the east, a Motor Cycle Repair Facility with a caretaker dwelling. On December 1, 2005, the Planning and Zoning Commission recommended APPROVAL of the Conditional Use.

Mayor Mischler opened the Public Hearing at 10:20 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Housh Ghovae, Northside Engineering, provided information on this item.

Councilwoman Bradbury asked what kind of new car dealership there will be?

Charles Flynt, stated he is Vice-President of a Corporation partnering with the Beckner Family, and is working to help develop this site because his company owns and manages multiple commercial properties.

Mr. Flynt explained he does not rent to repair, body or mechanical shops except on properties where there are pre-existing businesses. He stated the new/used vehicle dealers will keep their vehicles inside their building.

Mr. Flynt stated he will run a clean property that does not affect the neighbors and explained the layout of the building.

COUNCILMAN BUTLER LEFT THE MEETING AT 10:28 P.M.

Mayor Mischler asked about air conditioning and outdoor storage.

Mr. Flynt stated the units will not be air conditioned and there will be no outdoor storage.

Assistant City Manager Shevlin stated the site plan does not include outdoor storage, therefore, it is not allowed.

Discussion was held on similar properties Mr. Flynt manages.

COUNCILMAN BUTLER RETURNED TO THE MEETING AT 10:33 P.M.

Mr. Ghovae provided information on the location of the building on the property and plans for landscaping.

Mayor Mischler stated concern with noise affecting the surrounding neighbors.

COUNCILMAN TAYLOR LEFT THE MEETING AT 10:34 P.M.

Doug Mitchell, 6391 84th Avenue, stated he is the property owner immediately to the east of this property and he does not oppose this project.

Discussion was held on where the dumpsters will be placed.

Mr. Ghovae provided information on the proposed location of the dumpsters.

Public Hearing was closed at 10:37 P.M.

COUNCILMAN TAYLOR RETURNED TO THE MEETING AT 10:38 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **APPROVE** a Conditional Use Master Plan for the establishment of “Light Manufacturing, Warehouse, Storage, Mini-Warehouse and Wholesaling Establishments and Automotive Dealers – New Cars and Used Cars” in the “CH” Heavy Commercial Zoning District on a parcel of land generally located at the southeast corner of 85th Avenue and 65th Street, with a waiver to “measurement of yard setbacks on lots adjacent to rights-of-way of insufficient width” based on the factors identified in Sections 18-1509.4(B) of the Land Development Code with the following condition:

1. There will be no additional outdoor storage

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ OFFICE OF MANAGEMENT AND BUDGET

P13 ORDINANCE NO. 3403. AMENDING ORDINANCE 3369 ADOPTING THE BUDGET FOR FISCAL YEAR 2005/2006.

PUBLIC HEARING, SECOND AND FINAL READING

In general, the ordinance amends this year's budget for several small, unanticipated items, re-appropriate funds for several CIP projects that carried forward from last fiscal year, and defers several Capital Improvement Projects to FY 06/07 (Water & Sewer).

The City Attorney read Ordinance No. 3403 by title only. Mayor Mischler opened the Public Hearing at 10:39 P.M.

Office of Management and Budget Administrator Katsiyiannis stated this is the first budget amendment for the fiscal year and provided information on the amendment.

Public Hearing was closed at 10:40 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3403.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Vice-Bailey-Snook requested that citizens make sure every light post in the City is working because the City is paying for them whether or not they are working.

COUNCILMAN TAYLOR LEFT THE MEETING AT 10:45 P.M.

COUNCILMAN BUTLER LEFT THE MEETING AT 10:45 P.M.

IV CONSENT AGENDA

◆ CITY CLERK

- C1 **RESOLUTION NO. 06-04. APPROVING THE UTILIZATION OF THE COUNTY APPOINTED POLLING PLACES AND POLLWORKERS FOR THE GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 7, 2006.**

FIRST AND FINAL READING

This Resolution is for the purpose of approving the County appointed polling places and pollworkers for the General Election of the City of Pinellas Park, Florida to be held on Tuesday, March 7, 2006.

◆ COMMUNITY DEVELOPMENT

- C2 **RESOLUTION NO. 06-08. GRANTING CERTAIN PERMIT FEE WAIVERS TO OWNERS OF A SINGLE-FAMILY DWELLING DURING A THREE WEEK PERIOD BEGINNING MONDAY, MARCH 6, 2006 THROUGH FRIDAY, MARCH 24, 2006, IN CONJUNCTION WITH PRIDE IN THE PARK ACTIVITIES; PROVIDING PERMITS ISSUED WITHOUT CHARGE SHALL BE VALID PER SECTION 18-906 OF THE LAND DEVELOPMENT CODE; PROVIDING THAT PERMIT FEE WAIVERS SHALL ONLY BE GRANTED FOR SINGLE-FAMILY DWELLINGS.**

FIRST AND FINAL READING

This resolution provides a waiver of certain permit fees for the purpose of encouraging owners of a single-family dwelling to undertake renovation projects in conjunction with the community's Pride in the Park celebration.

- C3 **CONSIDERATION OF THE 2005 ANNUAL REPORT FOR THE GATEWAY DEVELOPMENT OF REGIONAL IMPACT (MS 2006-15 – TARPON RIDGE, INC.)**

The developer of Gateway DRI, Tarpon Ridge, Inc. (Grady Pridgen) has filed the 2005 Annual Report. The annual report is an instrument used to assess a developer's compliance with the approved development order and to monitor development progress. During the reporting year, October 2004-October 2005, the Hummer Sales Building was constructed next to Dew Cadillac, 50,000 square feet was added to the Hunter-Douglas Facility and Polypack added 5,000 square feet for its auto museum.

The Gateway Development of Regional Impact 2005 Annual Report with a finding that the project is in compliance with the DRI development order.

- C4** **ORDINANCE NO. 3413.** ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 7061 68TH STREET NORTH - (LORI JACKSON – AX06-16)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.21 acres MOL of contiguous residential property. The Owner's single family home is located on the site.

- C5** **ORDINANCE NO. 3414.** ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6153 105TH TERRACE NORTH. – (AMERICAN HOUSING CORPORATION – AX 06-21)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of residential property eligible for annexation. The Owner intends to construct a single family home on this site

- C6** **ORDINANCE NO. 3415.** ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6121 109TH TERRACE NORTH (Anne James - AX06-22)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner's new single family home will be located on the site.

- C7** **ORDINANCE NO. 3412.** ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 12345 62ND STREET NORTH - (PIDC2, LLC- AX06-14)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 4.32 acres MOL of commercial property. An industrial park is located on the site.

◆ FINANCE

- C8 RESOLUTION NO. 06-06, AMENDING RESOLUTION NO. 05-32 TO CORRECT A SCRIVENER'S ERROR IN THE SEWER CHARGES PERTAINING TO MINIMUM RATE WITHIN CITY LIMITS.**

FIRST AND FINAL READING

On August 25, 2005 Resolution 05-32 was adopted in accordance with the provisions of Chapter 10, Section 118(B) of the Code of Ordinances. Since that time, it was discovered that there was a transposition error in the minimum rate for sewer charges within City limits. This Resolution was prepared to correct that sewer charge as shown on Exhibit "T".

◆ PUBLIC WORKS

- C9 AUTHORIZATION TO PURCHASE UNDER FLORIDA SHERIFF'S ASSOCIATION, FLORIDA ASSOCIATION OF COUNTIES AND FLORIDA FIRE CHIEF'S ASSOCIATION, BID NO. 05-13-0822/04-12-0823-917872-803321 - One ¾ Ton Quad Cab Pick-Up Truck – For Police Department**

This 2006 Chevy ¾ Ton Quad Cab Pick-Up Truck is a replacement for asset 10982. This new truck will be used by the training section of the Police Department. The amount budgeted in account 501-212-5-661-09 for this expenditure is \$24,500 and can be found on page 422 of the 05/06 budget. The bid amount is slightly higher than the budgeted amount due to upgrading this truck from ½ Ton to ¾ Ton Pick-Up for more multi-purpose use.

Authorization to purchase under Florida Sheriff's Association, Florida Association of Counties and Florida Fire Chief's Association Bid No. 05-13-0822/04-12-0823-917872-803321 – One 2006 ¾ Ton Quad Cab Pick-Up Truck for Police Department from Garber Chevrolet, Inc., Green Cove Springs, Florida, at a total cost of \$26,696 to be charged to the appropriate account.

C10 AUTHORIZATION TO PURCHASE UNDER FLORIDA SHERIFF'S ASSOCIATION, FLORIDA ASSOCIATION OF COUNTIES AND FLORIDA FIRE CHIEF'S ASSOCIATION, BID NO. 04-12-0823-917872-803321 –One 2006 Chevrolet Silverado 1500 Extended Cab Hybrid Pick-Up Truck for – Engineering Services Division.

This 2006 Chevrolet Silverado Extended Cab Hybrid Pick-Up Truck is a replacement for asset 10732. This new truck will be used daily by the Engineering Services Division in performing daily inspections throughout the City. The amount budgeted in account 501-811-5-661-09 for this expenditure is \$22,500 and can be found in the 05/06 budget book on pages 423.

Authorization to purchase under Florida Sheriff's Association, Florida Association of Counties and Florida Fire Chief's Association Bid No. 04-12-0823-917872-803321 – One 2006 Chevrolet Silverado 1500 Extended Hybrid Pick-Up Truck for the Engineering Services Division from Alan Jay Chevrolet Cadillac, Inc., P.O. Box 9200, Sebring, FL 33871-9200 at a cost of \$22,499 to be charged to the appropriate account.

COUNCILMAN TAYLOR RETURNED TO THE MEETING AT 10:48

C11 AUTHORIZATION TO PURCHASE UNDER FLORIDA SHERIFF'S ASSOCIATION, FLORIDA ASSOCIATION OF COUNTIES AND FLORIDA FIRE CHIEF'S ASSOCIATION, BID NO. 04-12-0823-917872-803321 – Two (2) 2006 Chevrolet Silverado 1500 Extended Cab Hybrid Pick-Up Truck's for – Building Development Division.

One 2006 Chevrolet Silverado Extended Cab Hybrid Pick-Up Truck is a replacement for asset 10705 and one addition to the fleet. These new trucks will be used daily by the Building Development Division in performing daily inspections throughout the City. The amount budgeted in account 501-251-5-661-09 for this expenditure is \$45,000 and can be found in the 05/06 budget book on pages 421 and 422.

Authorization to purchase under Florida Sheriff's Association, Florida Association of Counties and Florida Fire Chief's Association Bid No. 04-12-0823-917872-803321 –Two (2) 2006 Chevrolet Silverado 1500 Extended Cab Hybrid Pick-Up Trucks for the Building Development Division from Alan Jay Chevrolet Cadillac, Inc., P.O. Box 9200, Sebring, FL 33871-9200 at a cost of \$22,499 per truck, for a total cost of \$44,998 to be charged to the appropriate account.

C12 AUTHORIZATION TO PURCHASE UNDER FLORIDA SHERIFF'S ASSOCIATION AND FLORIDA ASSOCIATION OF COUNTIES CONTRACT 04-12-0823-QE065-QE510 - One 2006 Ford F-350 One Ton Dump Truck - for Drainage Division.

This 2006 Ford F-350 One Ton Dump Truck is a replacement for asset 9761. This new dump truck will be used daily by the Drainage Division in performing daily duties throughout the City. The amount budgeted in account 501-414-5-661-09 for this expenditure is \$35,000 and can be found on page 422 of the 05/06 budget.

Authorization to purchase under Florida Sheriff's Association and Florida Association of Counties Contract 04-12-0823-QE065-QE510 from Garber Ford Mercury Inc., Green Cove Springs, Florida One 2006 Ford F-350 One Ton Dump Truck for the Drainage Division at a total cost of \$29,823 to be charged to the appropriate account.

C13 RESOLUTION NO. 06-07. AUTHORIZING THE MAYOR TO SIGN A CONTRACT RENEWAL FOR A MAINTENANCE AGREEMENT BETWEEN THE CITY OF PINELLAS PARK AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION.

FIRST AND FINAL READING

This is an authorization for the Mayor to sign a Contract Renewal to the Maintenance Agreement with the Florida Department of Transportation (FDOT) dated January 6, 2005 for the City of Pinellas Park to perform routine maintenance work on the state highway system, all of which is within the City's corporate limits with the exception of the area along Gandy Boulevard between 28th Street and the gore of the ramp onto I-275. FDOT agrees to pay the City an annual sum of \$109,269.11.

◆ CITY COUNCIL

C14 RESOLUTION NO. 06-03. A RESOLUTION OF THE CITY OF PINELLAS PARK, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2006 LEGISLATIVE SESSION; PROVIDING FOR AN EFFECTIVE DATE.

FIRST AND FINAL READING

Several years ago the Florida League of Cities Board of Directors adopted a new initiative to enhance the Legislature's awareness of the League's priority issues. This plan calls on each of Florida's cities to adopt a resolution that supports the League's key priority issues.

MOTION was made by Councilwoman Bradbury to Pass, Approve or Adopt, whichever is appropriate, Items C1 thru C14 inclusive, with Items C1, C2, C8, C13 and C14 being First and Final Ready with Items C4 thru C7 being First Reading Prior to Public Hearing and **SECONDED** by Councilman Taylor.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilman, Rick Butler

Abstaining: None

MOTION CARRIED

V. REGULAR AGENDA

◆ COMMUNITY ACTIVITIES

R1 RECEIPT OF 2005 LIBRARY ANNUAL REPORT

Section 2-504 of the City Code states that the Library Board is to make an annual report to the City Council each year.

MOTION was made by Councilman Taylor , and **SECONDED** by Councilwoman Bradbury to **TABLE** the 2005 Library Annual Report, as presented by the Library Board and Community Activities Administrator/Library Director in accordance with Section 2-504 of the City Code until the Regular Council Meeting of Thursday, February 9, 2006.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilman, Rick Butler

Abstaining: None

MOTION CARRIED

◆ COMMUNITY DEVELOPMENT

R2 AUTHORIZATION FOR MAYOR TO SIGN A VOLUNTARY ANNEXATION AGREEMENT WITH PIDC2, LLC (AX06-14) Annexation of 4.32 acres MOL located at 12345 62ND Street North

This is a voluntary annexation of 4.32 acres MOL of contiguous commercial property. An industrial park is located on this site.

PIDC2, LLC 12345 62 nd Street North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$17,555.84	*\$10,197.00	\$0.00
The voluntary Annexation Agreement special provision is: * Refund 55% of a previously paid sanitary sewer lien			
● It will take less than 7 months to recover the City funds expended in this annexation.			

MOTION was made by Councilman Taylor , and **SECONDED** by Councilwoman Bradbury to **APPROVE** authorization for Mayor to sign a voluntary Annexation Agreement with PIDC2, LLC for annexation of 4.32 acres MOL of contiguous commercial property located at 12345 62nd Street North.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilman, Rick Butler

Abstaining: None

MOTION CARRIED

COUNCILMAN BUTLER RETURNED TO THE MEETING AT 10:52 P.M.

R3 AUTHORIZATION FOR MAYOR TO SIGN A VOLUNTARY ANNEXATION AGREEMENT WITH LORI JACKSON (AX06-16) — Annexation of 0.17 acres MOL located at 7061 68th STREET North

This is a voluntary annexation of 0.17 acres MOL of contiguous residential property. The Owner’s single family home is located on this site.

Lori Jackson 7061 68 th Street North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$1,055.90	\$0.00	\$1,200.00
The voluntary Annexation Agreement special provision is: ◆ Waive City land development fees for 24 months			

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** authorization for Mayor to sign a voluntary Annexation Agreement with Lori Jackson for annexation of 0.17 acres MOL of contiguous residential property located at 7061 68th Street North.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler
Voting Nay: Vice-Mayor, Patricia L. Bailey-Snook
Absent: None
Abstaining: None

MOTION CARRIED

R4 AUTHORIZATION FOR MAYOR TO SIGN A VOLUNTARY ANNEXATION AGREEMENT WITH AMERICAN HOUSING CORPORATION (AX06-21) — Annexation of 0.14 acres MOL located at 6153 105th Terrace North

This is a voluntary annexation of 0.14 acres MOL of residential property eligible for annexation. The owner intends to construct a single family home on this site.

American Housing Corporation 6153 105 th Terrace North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$1,746.26	\$0.00	\$3,500.00
The voluntary Annexation Agreement special provision is: Waive City land development fees for 12 months – not to exceed (\$3,500.00).			

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **APPROVE** authorization for Mayor to sign a voluntary Annexation Agreement with American Housing Corporation for annexation of 0.14 acres MOL residential property eligible for annexation located at 6153 105th Terrace North.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler
 Voting Nay: Vice-Mayor, Patricia L. Bailey-Snook
 Absent: None
 Abstaining: None

MOTION CARRIED

R5 AUTHORIZATION FOR MAYOR TO SIGN A VOLUNTARY ANNEXATION AGREEMENT WITH ANNE JAMES (AX06-22) — Annexation of 0.14 acres MOL located at 6121 109TH Terrace North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s new single family home will be located on this site.

Anne James 6121 109 th Terrace North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$1,605.94	\$0.00	\$3,500.00
The voluntary Annexation Agreement special provision is: For a period of 12 months from the date of execution of this Agreement, CITY shall waive all City land development fees not to exceed \$3,500.			

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **APPROVE** authorization for Mayor to sign a voluntary Annexation Agreement with Anne James for annexation of 0.14 acres MOL of residential property eligible for annexation located at 6121 109th Terrace North.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler
 Voting Nay: Vice-Mayor, Patricia L. Bailey-Snook
 Absent: None
 Abstaining: None

MOTION CARRIED

ITEM R6 WAS DELETED FROM AGENDA AT THEIR REQUEST OF THE APPLICANT.

R7 CONSIDERATION OF AN AMENDMENT TO AN APPROVED PRELIMINARY SITE PLAN IN THE “M-1” LIGHT INDUSTRIAL ZONING DISTRICT TO ALLOW THE INSTALLATION OF AN ADDITIONAL ANTENNA AND RELATED EQUIPMENT ON AN EXISTING COMMUNICATION TOWER ON A PARCEL OF LAND THAT ABUTS RESIDENTIALLY ZONED PROPERTY. (MS 2006-16 – Bruce and Helen Hansen/Lisa Nail – Metro PCS)

QUASI-JUDICIAL

The applicant is requesting approval of an amendment to an existing Preliminary Site Plan for a parcel of land located in the “M-1” Light Industrial Zoning District generally located at 10161 49th Street for the installation of an additional antenna and related equipment on an existing communication tower. Section 18-1506.23 of the Land Development Code requires City Council approval of site plans for property located within the “M-1” Zoning District when abutting or functionally abutting residentially zoned property. The parcel abuts a residentially zoned and developed property to the east and functionally abuts a residentially zoned property to the north. A Public Hearing is required when waivers are requested. However, no waivers have been requested. City Council may require the installation of additional buffering in order to eliminate adverse impacts of the industrial use on the residentially zoned properties.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

MOTION was made by Councilman Taylor to **APPROVE** the Preliminary Site Plan to allow the installation of an additional antenna and related equipment on an existing communication tower on a parcel located in the “M-1” Light Industrial District that abuts and functionally abuts residentially zoned property.

MOTION DIED DUE TO LACK OF A SECOND

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Butler to **DENY** the Preliminary Site Plan to allow the installation of an additional antenna and related equipment on an existing communication tower on a parcel located in the “M-1” Light Industrial District that abuts and functionally abuts residentially zoned property.

Councilwoman Bradbury stated they are requesting a crows nest antenna instead of a slick array.

Harland Gynn, RG Partners consultant to MetroPCS, provided information on Metro PCS and this item.

Discussion was held on the type of antenna being proposed.

Zoning Director Neal stated the site plan shows an existing slick array antenna at the bottom level and two crows nests and he understands the application to request an additional 10 feet to the tower and mount the antenna at 160 feet.

Harland Gynn stated the application was made after a ten foot extension was approved for Crown Castle and this request is to co-locate on the same structure.

Mayor Mischler asked if Council approved a ten-foot extension on this tower?

Zoning Director Neal stated he has no knowledge of that permit.

Mayor Mischler stated he thinks this item needs to be researched.

Discussion was held on the height and location of the tower.

City Manager Gustafson provided information on the drawings submitted by the applicant.

Darren Miller, 511 S. 301 Highway, Tampa, stated the tower is not being extended and three antennas are being placed on an existing platform not to exceed three feet above the tower.

Mr. Miller requested this item be tabled to the next Council Meeting.

Marshall Cook, 9300 54th Street, asked if the public is being endangered by restrictions on cell phone towers.

Cecil Bradbury, 9400 50th Way, stated there was work being done on this pole in December and expressed concern with resident's safety around the towers.

Discussion was held on height and number of antennas and Federal Communication Commission regulations and types of antennas.

MOTION was made by Councilwoman Bradbury and **SECONDED** by Councilman Butler **WITHDRAW** the motion **DENY** the Preliminary Site Plan to allow the installation of an additional antenna and related equipment on an existing communication tower on a parcel located in the "M-1" Light Industrial District that abuts and functionally abuts residentially zoned property.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Butler to **TABLE** approval of the Preliminary Site Plan to allow the installation of an additional antenna and related equipment on an existing communication tower on a parcel located in the “M-1” Light Industrial District that abuts and functionally abuts residentially zoned property.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ CITY COUNCIL

R8 APPOINTMENT TO PINELLAS OPPORTUNITY COUNCIL – (Joan M. Lanier)

Theodora Pagano has served on the Pinellas Opportunity Council since April 2003 and has decided to resign. An ad was published in the St. Petersburg Times Neighborhood Edition on December 25, 2005 and only one applicant responded, Joan M. Lanier.

MOTION was made by Vice-Mayor Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** appointment of Joan M. Lanier to serve on the Pinellas Opportunity Council for the year 2006.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

ADD ON ITEM

R9 RESOLUTION NO. 06-10. APPROVING AND ADOPTING THE PINELLAS COUNTY 10 YEAR PLAN TO END HOMELESSNESS.

FIRST AND FINAL READING

Councilman Rick Butler as a member of the Homeless Planning and Policy Group of Pinellas County made a presentation to City Council at their January 24, 2006, Council workshop meeting and after discussion City Council decided to support the County's effort to end homelessness.

MOTION was made by Vice-Mayor Bailey-Snook, and **SECONDED** by Councilman Butler to **ADOPT** Resolution No. 06-10.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

M1 SPAGHETTI DINNER AND BAKE SALE

Police Chief Thomas stated the Police Explorers Post #912 will be holding a Spaghetti Dinner and Bake Sale at the Senior Center, Friday, January 27, 2006, from 5:00 to 8:00 P.M.

M2 OFFICER JIM BUPP

Councilman Taylor stated Officer Jim Bupp moved to North Carolina and he will be missed.

M3 TOWNHOME DEVELOPMENTS

Ed Kosinski, 7615 62nd Street, asked if developers are contributing to impact fees to cover the number of children entering the school systems.

Mayor Mischler stated there has to be a balance between commercial and residential development.

Mr. Kosinski stated growth is good but he is concerned about the school system.

Councilman Butler stated every zoning change that is proposed must go before the Pinellas County School Board and concurrency regulates the number of units the City is allowed to add.

Councilman Butler stated growth management is in effect and considers the highest number of developments allowed.

Discussion was held on concurrency, impact fees, roadways and school system funding.

M4 STREET LIGHT

Ed Kosinski, 7615 62nd Street, stated the street light on his road has not worked in a year.

M5 GARBAGE

Ed Kosinski, 7615 62nd Street, stated the dumpsters in his neighborhood are being picked up too early.

Council directed staff to address this issue.

M6 HANDICAPPED COMMUNITY

Marshall Cook, 9300 54th Street, stated the handicapped community is very worried about grocery stores around 102nd Avenue and 66th Street.

M7 ASSISTANCE NEEDED

Marshall Cook, 9300 54th Street, requested assistance for a resident in need.

M8 AFSCME

Russ Matthews 5134 64th Street, stated he is the Acting President of the American Federation of State County and Municipal Employees, Local 762.

Mr. Matthews read a statement in support of Council and expressed candidate endorsement for the upcoming municipal election.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 11:35 p.m.

Attest:

Diane M. Corna
City Clerk

William F. Mischler
Mayor

/cgg

CITY OF PINELLAS PARK, FLORIDA
REGULAR COUNCIL MEETING

MINUTES

February 9, 2006
Council Chambers

Meeting was called to order at 7:32 P.M.

PRESENT: Mayor, William F. Mischler
Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor (entered at 7:36)

ABSENT: None

Also present were: City Attorney, James Denhardt – City Manager, Michael Gustafson - Assistant City Manager/Community Development Administrator, Tom Shevlin - Finance Administrator, Ron Miller – Human Resources Administrator, John Moore - Community Activities Administrator, Barbara Ponce - Assistant Community Activities Administrator, Tim Caddell - Zoning Director, Dean Neal – MIS Administrator, Randy Linthicum - Public Works Administrator, Tom Nicholls – Police Chief, Dorene Thomas – Fire Chief, Doug Lewis – Office of Management and Budget Administrator, Dan Katsiyiannis – Economic Development Specialist, Chuck Webber – Fire Administrative Services Director, Mary Ann Salch – Media and Public Events Specialist, Denise Re - Administrative Clerk, Pam Martin – City Clerk, Diane M. Corna, and Deputy City Clerk, Christine Gardner.

INVOCATION was given by Mayor Mischler.

PLEDGE OF ALLEGIANCE was led by Council.

I. PRESENTATIONS

SPECIAL PRESENTATION — DO THE RIGHT THING

From Chief Thomas and Officer Saxer to the following students:

Rachel Casale	Sacred Heart
Garrett Kaisner	Classical Christian School for the Arts
Lauren Lett	Vertias Preparatory Academy
Quinn Reed	Pinellas Park Elementary
Kara Zopfi	Classical Christian School for the Arts

SERVICE AWARD – 25 YEARS AND RETIREMENT

Stephen A. Prins Sr. – Fire Inspector/Investigator

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of January 26, 2006, as on file in the City Clerk's Office.

MOTION was made by Vice-Mayor Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the Regular Council Minutes of January 26, 2006, as on file in the City Clerk's Office.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

STAFF MEMBERS WERE SWORN IN FOR QUASI-JUDICIAL ITEMS

III. PUBLIC HEARINGS

◆ **COMMUNITY DEVELOPMENT**

P1 ORDINANCE NO. 3412. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 12345 62ND STREET NORTH - (PIDC2, LLC- AX06-14)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 4.32 acres MOL of commercial property. An industrial park is located on the site.

The City Attorney read Ordinance No. 3412 by title only. Mayor Mischler opened the Public Hearing at 7:52 P.M.

There were no comments or objections.

Public Hearing was closed at 7:53 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3412.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P2 ORDINANCE NO. 3413. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 7061 68TH STREET NORTH - (LORI JACKSON – AX06-16)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.21 acres MOL of contiguous residential property. The Owner's single family home is located on the site.

The City Attorney read Ordinance No. 3413 by title only. Mayor Mischler opened the Public Hearing at 7:54 P.M.

There were no comments or objections.

Public Hearing was closed at 7:55 P.M.

MOTION was made by Councilman Butler, and **SECONDED** by Vice-Mayor Bailey-Snook to **PASS** Ordinance No. 3413.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P3 ORDINANCE NO. 3414. ANNEXING INTO THE CITY OF PINELLAS PARK CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6153 105TH TERRACE NORTH. – (AMERICAN HOUSING CORPORATION – AX 06-21)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of residential property eligible for annexation. The Owner intends to construct a single family home on this site

The City Attorney read Ordinance No. 3414 by title only. Mayor Mischler opened the Public Hearing at 7:57 P.M.

There were no comments or objections.

Public Hearing was closed at 7:58 P.M.

MOTION was made by Vice-Mayor Bailey-Snook, and **SECONDED** by Councilman Butler to **PASS** Ordinance No. 3414.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P4 ORDINANCE NO. 3415. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6121 109TH TERRACE NORTH (Anne James - AX06-22)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner's new single family home will be located on the site.

The City Attorney read Ordinance No. 3415 by title only. Mayor Mischler opened the Public Hearing at 7:59 P.M.

There were no comments or objections.

Public Hearing was closed at 8:01 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **PASS** Ordinance No. 3415.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P5

CONSIDERATION OF A REQUEST TO ALLOW THE INSTALLATION OF A 90-FOOT-HIGH MONOPOLE “COMMUNICATION TOWER”, A CONDITIONAL USE IN THE “P” PUBLIC ZONING DISTRICT AND CONSIDERATION OF A PRELIMINARY SITE PLAN FOR A PROPERTY GENERALLY LOCATED AT 6401 94TH AVENUE (HELEN HOWARTH PARK). (CU 2006-3/MS 2006-12 City of Pinellas Park/Nextel)

PUBLIC HEARING (QUASI-JUDICIAL)

The applicant is requesting the consideration of a Conditional Use application to allow the installation of a 90-foot-high monopole “Communication Tower” at Helen Howarth Park, generally located at 6401 94th Avenue, along with approval of a Preliminary Site Plan as required by Section 18-1506.25(C). The equipment compound for the communication tower will be located behind the home team dugout at the Senior Field. The existing light pole will be removed and the existing bank of lights will be relocated to the Communication Tower. Surrounding land uses are: to the north, single-family dwellings; to the south, Lake Forest Condominiums; to the east, single-family dwellings; to the west, single-family dwellings and Foxwood Farms. The proposal appears to be consistent with the Comprehensive Plan and should have no adverse effect on adopted levels of service City infrastructure. At its meeting on January 5, 2006, the Planning and Zoning Commission recommended approval of the above request with conditions.

Mayor Mischler opened the Public Hearing at 8:02 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Attorney Laurie E. Weston, representing Nextel, provided information on this item

Attorney Weston stated flush/slick mounting antennas take away the opportunity to use down tilt and substantially limit what can be done with the antennas.

Attorney Weston stated from an aesthetics perspective the light array on the pole is wider and more visually intrusive than a crow’s nest would be and requested Council address this issue at the time of negotiating the lease.

Attorney Weston stated she agrees with staff’s recommendations and conditions of approval.

Discussion was held on the location of the storage building.

Vice-Mayor Bailey-Snook asked if the building will become a nuisance with the youth climbing on it?

Attorney Weston stated the site will be surrounded by an eight foot fence angled at the top so kids can’t crawl into it.

Vice-Mayor Bailey-Snook stated she is concerned with placing this in a recreation area that is so heavily used by youth.

Attorney Weston stated a search area is established and City code requires the applicant work with staff and this area was identified.

Councilman Butler asked how the dugout would be painted in the future with the proposed building located one foot away from the dugout wall?

Discussion was held on the location of the proposed building to the dugout.

Attorney Weston stated the proposed structure can be moved and that can be addressed within the lease.

Councilman Taylor stated the lease could address the maintenance of the wall but this item addresses the land use.

Councilwoman Bradbury stated conditions should be included in this approval so Council is comfortable with it going forward to staff to finish up the lease and she would be happy to add to the motion.

Attorney Weston stated there is a lease area that has been surveyed and if the lease area has to be extended she suggests this approval not include a specific number.

Mayor Mischler stated he has concern with barbwire on the top of the fence around kids.

City Manager Gustafson stated a chain link roof is specified.

Attorney Weston stated it won't be barbwire; it will be what is shown on the plans.

Discussion was held on the maximum height of the tower and general height of towers.

Cecil Bradbury, 9400 50th Way, stated mature carriers are going lower on poles and new customers are going over the top of them to provide a larger signal.

Mr. Bradbury stated he supports this use as a light tower and slick array can be tilted.

Carol Harrop, 6160 96th Terrace, stated concern with children climbing the towers, radiation effects and property values.

Councilman Butler stated the Federal Communication Commission regulates and protects cell phone towers and issues are addressed in Federal Court.

Ms. Harrop asked if Council can deny this site?

Mayor Mischler stated Council can deny this site but it could be moved closer to homes due to the circle the tower is allowed to go into.

Councilman Taylor stated there are two other towers within a mile of this now.

Discussion was held on towers located on City property.

Councilman Butler stated it is unbelievable how municipal government's hands are tied when it comes to cell phone towers.

Marshall Cook, 9300 54th Street, stated he supports putting the cell towers in one location instead of spreading them on several sites.

Councilwoman Bradbury stated staff checked signals from cell towers in the City and they were below federal guidelines.

Councilwoman Bradbury stated when the tower is on City property Council has more control than if it were on private property and she is happy with locating it on a light pole with the proposed fencing.

Joe Shelley, 6035 86th Avenue, asked for clarification on the location of the proposed tower and lighting and requested the building be moved farther away from the poll.

COUNCILMAN TAYLOR LEFT THE MEETING AT 8:54 P.M.

Attorney Weston stated all the carriers with FCC licenses must operate within the emission standards.

Attorney Weston provided information on the proposed lease, leasing space on tower, pole height, slick array antennas and the location of the building

Attorney Weston requested Council approve the conditional use for a tower on the property and make it conditional upon site plan approval that will be an exhibit to the lease.

Attorney Weston requested Nextel engineers are included if the site plan is redesigned.

Public Hearing was closed at 9:00 P.M.

COUNCILMAN TAYLOR RETURNED TO THE MEETING AT 9:01 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **APPROVE** a Conditional Use request to allow the installation of a 90-foot-high monopole “Communication Tower” as a replacement of an existing light pole at the main ball field, a Conditional Use in the “P” Public Zoning District and consideration of a Preliminary Site Plan, based on the staff report and the criteria found in Section 18-1509.4(B) & (C) with the following conditions:

1. Prior to Final Site Plan approval, the applicant shall submit documentation to the Zoning Division of FAA tower approval and a sworn statement that all applicable governmental rules and regulations have been complied with.
2. Alteration of existing stormwater management system shall be in accordance with Southwest Florida Water Management District requirements and approval and documentation shall be submitted to the City demonstrating that sufficient retention is provided if necessary.
3. The owner/operator of the proposed tower shall enter into an agreement with the City which requests that the owner/operator of the proposed tower will honor all reasonably and technically feasible requests for shared use of the tower. Each year, the owner/operator shall notify the City of Pinellas Park of the extent of the tower’s use and identify all users on the tower.
4. The Conditional Use will take affect upon approval of the lease agreement.
5. The tenant further agrees and acknowledges that any antenna or any other fixture that requires equipment or attachments whatsoever which are attached or affixed to the antenna tower or pole shall conform to the design commonly known as slick array.
6. It will only go the 90 feet.
7. A reasonable amount of space to be between the dugout and the building will be set forth for maintenance purposes.
8. This will also include and be tied to the site plan lease.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P6

RESOLUTION NO. 06-09. A RESOLUTION VACATING A PORTION OF THE UNIMPROVED 30-FEET-WIDE 65TH STREET NORTH RIGHT-OF-WAY BETWEEN 84TH AVENUE NORTH AND 85TH AVENUE NORTH GENERALLY LOCATED AT 65TH STREET, BETWEEN 84TH AND 85TH AVENUE NORTH IN SECTION 29, TOWNSHIP 30 SOUTH, RANGE 16 EAST; PROVIDING FOR AN EFFECTIVE DATE. (V 2006-3 City of Pinellas Park)

PUBLIC HEARING, FIRST AND FINAL READING

The City of Pinellas Park has initiated the vacation of an approximately 260-linear-foot portion of the 65th Street right-of-way located between 84th Avenue and 85th Avenue east of 6520 85th Avenue. The right-of-way is substandard and unimproved and contains an open drainage ditch. The right-of-way does not continue to the north and is disconnected to the south by the drainage channel. The City has found the right-of-way to be unusable and therefore, serves no purpose. At its meeting on January 1, 2006, the Planning and Zoning Commission recommended approval of the vacation. The following Findings of Fact are pertinent to this request:

1. The vacation is consistent with the policies of the Comprehensive Plan.
2. The various utility agencies and City divisions have no objections.
3. The City is to retain an easement for drainage and utilities in the entire vacated portion of the right-of-way, legally described in Exhibit "B".

Mayor Mischler opened the Public Hearing at 9:05 P.M.

There were no comments or objections.

Public Hearing was closed at 9:06.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **ADOPT** Resolution No. 06-09.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

COUNCILMAN BUTLER LEFT THE MEETING AT 9:05 P.M.

IV. CONSENT AGENDA

◆ COMMUNITY DEVELOPMENT

- C1 ORDINANCE NO. 3416. AMENDING THE LAND USE PLAN MAP FOR THE CITY OF PINELLAS PARK BY PROVIDING FOR A CHANGE IN THE LAND USE FROM INSTITUTIONAL (I) TO RESIDENTIAL URBAN (RU) ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 8021 60TH STREET AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; 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. (LUPA 2006-2 – Salvation Army/Michael Farrell)**

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING FEBRUARY 23, 2006 (QUASI-JUDICIAL))**

The applicant seeks to amend the Future Land Use Plan Map on a 6.51 acre parcel of land generally located at 8021 60th Street from Institutional (I) to Residential Urban (RU). The applicant is proposing to develop 29 lots in a Single Family Detached Subdivision. The applicant has submitted a companion case to rezone the parcel from "P" Public District to "R-2" Single Family Residential District with an "RPUD" Residential Planned Unit Development Overlay. The site is currently developed with the old Salvation Army Church, a Sunday School/Recreation center, a ball field and playground along with associated paved parking areas. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, south and east, single family dwellings; and to the west, single family dwellings and mobile homes. At their meeting of January 5, 2006, the Planning and Zoning Commission recommended approval of the application.

C2 ORDINANCE NO. 3417. AMENDING CHAPTER 18, SECTION 18-1503.3, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 8021 60TH STREET AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "P" PUBLIC TO "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR AN "RPUD" RESIDENTIAL PLANNED UNIT DEVELOPMENT OVERLAY FOR 29 LOTS IN A SINGLE FAMILY DETACHED SUBDIVISION; IMPOSING 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 2006-3/Z 2006-3/BOA 2006-8 – Salvation Army/Michael Farrell)

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING FEBRUARY 23, 2006 (QUASI-JUDICIAL))**

The applicant seeks approval to rezone a 6.51 acre parcel of land generally located at 8021 60th Street from "P" Public District to "R-2" Single Family Residential District with an "RPUD" Residential Planned Unit Development Overlay for the development of 29 lots in a single family detached subdivision; with waivers and/or variances to the following; creation of a substandard private right-of-way, creation of a dead end street without a cul-de-sac, minimum lot frontage on a right-of-way, and double frontage lots. The applicant has submitted a companion case to amend the Future Land Use Plan Map from Institutional (I) to Residential Urban (RU). The site is currently developed with the old Salvation Army Church, a Sunday School/Recreation center, a ball field and playground along with associated paved parking areas. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, south and east, single family dwellings; and to the west single family dwellings and mobile homes. At their meeting of January 5, 2006, the Planning and Zoning Commission recommended approval of the application subject to the following conditions:

1. Minimum setbacks shall be as illustrated on the "RPUD" Residential Planned Unit Development Master Plan (Exhibit "B") for each lot. (Setbacks shall be as follows: Front – 20 feet, Side – 5 feet, Rear – 15 feet and Secondary Front - 12 feet.)
2. Criteria assigned to the subdivision, in notes on the approved site plan, shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "PUD" Planned Unit Development adoption.

- C2 3. The applicant shall dedicate an easement to the City along the east property line for maintenance of the existing drainage ditch. The location and size of easement shall be negotiated with the City's Streets and Drainage Division prior to the issuance of a site development permit. If the size of the easement alters from that dimension indicated on the approved plan, the plan may be amended to reflect the negotiated dimension without the necessity of a formal PUD amendment.

COUNCILMAN BUTLER RETURNED TO THE MEETING AT 9:07 P.M.

- C3 **ORDINANCE NO. 3418. AN ORDINANCE AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE), ARTICLE 15 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING SUBSECTION 18-1507.22, "TRANSFER OF DEVELOPMENT RIGHTS", ABOLISHING THE QUALIFYING REQUIREMENT THAT PARCELS BE CONTIGUOUS AND UNDER SINGLE OWNERSHIP; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (LDC 2006-01)**

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING, FEBRUARY 23, 2006)**

The proposed amendment will give more flexibility for the "Transfer of Development Rights" which should be of benefit to the City by creating opportunities for more density where it is needed or desired by City Council. The current language in Code is too inflexible and unworkable because it requires contiguity of parcels and single ownership in order to transfer density. The Countywide rules limit maximum achievable density by only allowing a 20 percent increase above the density otherwise achievable through the redevelopment plan and land use category. This will be especially useful for encouraging the development of affordable housing by providing a density incentive to developers of such projects. At their meeting of January 5, 2006, the Planning and Zoning Commission recommended approval.

◆ **COMMUNITY ACTIVITIES**

- C4 **AUTHORIZATION FOR PURCHASE OF RECYCLED RUBBER TILES — PARK STRUCTURES C/O AMERICAN PARK & PLAY**

This authorizes the Parks and Recreation Division to purchase recycled rubber tiles for playground resurfacing, under State Contract #650-001-04-1 at a cost of \$74,996.20 from Park Structures c/o American Park and Play, Inc. (12298 Wiles Road, Coral Springs, FL 33076). The budgeted amount for Account 301-781-5-789-14 is \$75,000.00.

Authorization to purchase recycled rubber tiles from Park Structures c/o American Park and Play, Inc. (Coral Springs, FL) at a total cost of \$74,996.20 to be charged to the appropriate account.

MOTION was made by Councilwoman Bradbury to Pass, Approve or Adopt, whichever is appropriate, Items C1 thru C4 inclusive, with Items C1 thru C3 being First Reading Prior to Public Hearing and **SECONDED** by Councilman Taylor.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

V. REGULAR AGENDA

◆ COMMUNITY ACTIVITIES

R1 RECEIPT OF 2005 LIBRARY ANNUAL REPORT

Section 2-504 of the City Code states that the Library Board is to make an annual report to the City Council each year.

Community Activities Administrator/Library Director outlined the 2005 Library Annual Report.

MOTION was made by Vice-Mayor Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the 2005 Library Annual Report, as presented by the Library Board and Community Activities Administrator/Library Director in accordance with Section 2-504 of the City Code.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

Mayor Mischler asked how the number of people who visited the Library last year compared to the previous year?

Administrator Ponce stated there was 4% increase.

Mayor Mischler stated he receives many compliments on the Pinellas Park Library.

◆ COMMUNITY DEVELOPMENT

R2 CONSIDERATION OF A REQUEST FOR A WAIVER OF THE LANDSCAPE REGULATIONS OF THE LAND DEVELOPMENT CODE OF SECTION 18-1512.6(C)2.(A), TO REDUCE THE REQUIRED NUMBER OF TREES FROM 40 TO 11 AND TO ELIMINATE THE CONTINUOUS HEDGE ALONG A PORTION OF THE NORTH, SOUTH AND EAST PROPERTY LINES FOR A CERTAIN PARCEL OF LAND LOCATED NORTH OF 12301 40TH STREET IN THE “IH” HEAVY INDUSTRIAL ZONING DISTRICT. (MS 2006-17 – Andy Sasfai/Housh Ghovae)

The applicant is requesting a waiver to Section 18-1512.6(C)2.(a) of the Land Development Code’s landscape requirements that require trees and hedges along all parking and vehicular use areas when such area is not screened from an abutting property, right-of-way, or residential or mixed use district by an intervening building, for a certain parcel of land located north of 12301 40th Street in the “IH” Heavy Industrial Zoning District. The buffers will not be reduced in width and will contain the proper ground cover. Streetscaping requirements will be met along the parcels frontage on 40th Street. The applicant has submitted plans to the Building Division for review for the development of three, 6000-square-foot, industrial buildings and related paved vehicular use areas. Soil tests performed by Central Florida Testing Laboratories, Inc. have revealed the site has been filled. As indicted in attached photos, Exhibit “A”, the soil contains a large amount of debris that may preclude the ability for desired vegetation to thrive. Therefore, the developer seeks a waiver to eliminate trees and hedges in the areas identified with the most questionable soil.

Vice-Mayor Bailey-Snook stated landscaping is what keeps an industrial area looking decent and she hates to see this amount of landscaping wavered.

Mayor Mischler stated the request is to eliminate the continuous hedge for north, south and east side of the property where there are no streets, but there will be landscaping on the street portion of the property.

Councilwoman Bradbury stated to almost completely eliminate trees is ridiculous because grassy aquifer areas need to be replaced with green space.

Discussion was held on the number of trees there should be on the property.

Councilman Butler stated trees can be planted but this type of soil will not support the growth of trees.

Councilman Taylor stated this development will be an improvement and the landscaping that will be used will be placed on the front of the property where it matters.

Housh Ghovae, Northside Engineering, stated this land is full of material that will not allow trees and vegetation to grow.

Councilwoman Bradbury stated the developer could donate to the City Tree Program to purchase more trees for the community.

Mr. Ghovae stated that would be fine.

MOTION was made by Councilman Butler, and **SECONDED** by Councilman Taylor to **APPROVE** a request for a waiver pursuant to the Criteria of Section 18-1512.10(B) of the Land Development Code to Section 18-1512 (C)2(a), which requires trees and hedges within the landscape buffer, along parking and vehicular use areas when such area is not screened from an abutting property, right-of-way, or residential or mixed use district by an intervening building.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

R3 RECEIPT OF RESIGNATION FROM THE BOARD OF ADJUSTMENT - Jeff Thomas and Serge Lacerte

There are two vacancies on the Board of Adjustment created by the resignation of Mr. Jeff Thomas and Mr. Serge Lacerte. Mr. Thomas was appointed to the Board of Adjustment January 10, 2003. Mr. Thomas is resigning because he has a job conflict and is unable to attend the monthly meetings. Mr. Thomas' term expires November 2006. Mr. Thomas submitted his resignation from the Board of Adjustment by a letter dated January 12, 2006. Mr. Lacerte was appointed to the Board of Adjustment December 17, 2004. Mr. Lacerte is resigning because he no longer resides in the City of Pinellas Park. Mr. Lacertes' term expires December 2007. Mr. Lacerte submitted his resignation from the Board of Adjustment via phone call to staff.

MOTION was made by Councilman Butler, and **SECONDED** by Vice-Mayor Bailey-Snook to **APPROVE** with regret, the resignation of both Mr. Jeff Thomas and Mr. Serge Lacerte as regular members of the Board of Adjustment.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler
Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ POLICE

**R4 CONSIDERATION FOR A CODE ENFORCEMENT BOARD LIEN REDUCTION —
For Earl & Mattie Richardson and the property located at 6050 82nd Avenue, Pinellas
Park, FL**

Earl Richardson, owner of the property located at 6050 82nd Avenue, Pinellas Park, FL, had his request heard on January 19, 2006, requesting a reduction of the lien on his property. The current outstanding lien is \$54,600. After careful review of the case, the Code Enforcement Board recommends a reduction of the lien to \$5,460 due by February 28, 2006. If the lien amount is not paid by the date specified it will revert back to the original total lien amount of \$54,600.

MOTION was made by Councilman Butler, and **SECONDED** by Vice-Mayor Bailey-Snook to **APPROVE** the Code Enforcement Board lien reduction request against Earl & Mattie Richardson and the property located at 6050 82nd Avenue, Pinellas Park, FL, be reduced from \$54,600 to \$5,460. If the lien amount is not paid by February 28, 2006, it will revert back to the original total lien amount of \$54,600

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

M1 FLOODING

Councilman Butler thanked City employees for their response and hard work during the storm of Friday, February 3, 2006.

Councilman Butler stated City employees did a great job under a lot of stress and complications.

Councilwoman Bradbury also thanked City staff for doing a great job and providing a quick response.

Mayor Mischler thanked staff for working together to keep the City safe and thanked City Manager Gustafson, staff and the National Guard.

Mayor Mischler recommended a letter be sent to the National Guard Commander.

Councilwoman Bradbury stated a letter should be sent to Dew Cadillac for loaning the City high profile Hummers to get through the flood water.

Mayor Mischler stated he would like a letter to go out to employees expressing Council's appreciation.

M2 NATIONAL GUARD

Peter White, 7197 120th Avenue, stated concern with hurricane preparation and suggested the City look into getting a surplus Army truck to get people out of flooded areas.

City Manager Gustafson stated staff is looking into future response to hurricanes.

M3 QUESTIONS

Randy Heine, 7451 Park Boulevard, asked how much Park Station cost the taxpayers and if there were any cost overruns?

City Manager Gustafson stated the contract was for 3.5 million dollars and there was one addition for putting a pipe in for Park Boulevard drainage, Phase #2 at a cost of \$48,000.

City Manager Gustafson stated it was Community Redevelopment tax money and funds from the sale of City property that paid for Park Station.

Mr. Heine asked Human Resources Administrator Moore to provide the approximate percentage of employees that live in the City?

Administrator Moore stated he would be happy to provide an approximate number.

Mr. Heine stated he was told residents could not have air time on Channel 15.

Discussion was held on access to Channel 15.

Mr. Heine asked if Mayor Mischler felt it is appropriate to take campaign contributions from City employees?

City Attorney Denhardt stated the rules of procedure that Council adopted for comments at this time states that all remarks shall be addressed to Council as a body and not to any singular member, therefore this is a time to address Council as a whole and not a time for personal attacks.

City Attorney Denhardt stated the question is addressed to an individual member and that it is not in accordance with the adopted rules of procedure.

Mr. Heine stated if he is elected to Mayor he will not accept contributions from any City employees.

Mayor Mischler stated Council is not here to have a platform on elections and Mr. Heine is out of order.

Mr. Heine asked why the City will not put on a candidates forum?

Vice-Mayor Bailey-Snook stated the City never has put on a candidates forum.

Councilman Taylor stated the Chamber of Commerce or the Women's League of Voters hosts it.

Councilman Butler suggested Mr. Heine approach the Chamber of Commerce to host a candidate's forum.

M4 VOTE

Mike Scavelli, 6861 59th Street, requested all registered voters get out and vote in the March 7, 2006 General Election.

M5 FLOODING

Mike Scavelli, 6861 59th Street, stated he thinks the City Council and City employees have done a tremendous job over the years to improve drainage and commends them.

M6 CANDIDATES

Mike Scavelli, 6861 59th Street, stated he is not happy with Randy Heine making numerous requests using staff and Attorney time which has cost the city money. Mr. Scavelli read statements made by Mr. Heine and stated he doesn't think he should be Mayor of the City.

M7 CANDIDATES FORUM

Marshall Cook, 9300 54th Street, requested City Clerk Corna contact the Women's League of Voters to put on a candidates forum.

Mr. Cook stated he finds the system unfair.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 10:02 p.m.

Attest:

Diane M. Corna
City Clerk

William F. Mischler
Mayor

/cgg

CITY OF PINELLAS PARK, FLORIDA
REGULAR COUNCIL MEETING

MINUTES

February 23, 2006
Council Chambers

Meeting was called to order at 7:31 P.M.

PRESENT: Mayor, William F. Mischler
Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor

ABSENT: None

Also present were: City Attorney, James Denhardt - City Manager, Michael Gustafson - Assistant City Manager/Community Development Administrator, Tom Shevlin - Finance Administrator, Ron Miller – Human Resources Administrator, John Moore -Parks/Recreation Director, Joel Garren - Assistant Community Activities Administrator, Tim Caddell - Zoning Director, Dean Neal – MIS Administrator, Randy Linthicum - Police Chief, Dorene Thomas – Fire Chief, Doug Lewis – Office of Management and Budget Administrator, Dan Katsiyiannis – Community Planning Director, Robert Bray – Public Utilities Director, Keith Sabiel - Traffic Director, Rick Eggers – Streets/Drainage Director, Randal Roberts - Fire Administrative Services Director, Mary Ann Salch – Media and Public Events Specialist, Denise Re - Administrative Clerk, Pam Martin – City Clerk, Diane M. Corna, and Deputy City Clerk, Christine Gardner.

INVOCATION was given by Councilwoman Bradbury.

PLEDGE OF ALLEGIANCE was led by Council.

I. PRESENTATIONS

SERVICE AWARDS – 25 YEARS

Ray Hansen – Fire District Training Chief

SPECIAL PRESENTATION – MASTER MUNICIPAL CLERK

Mayor Mischler recognized City Clerk, Diane M. Corna, MMC for earning her Master Municipal Clerk certification.

SPECIAL PRESENTATION – SR. PROFESSIONAL IN HUMAN RESOURCES

Mayor Mischler recognized Human Resources Administrator, John Moore for earning his Senior Professional Human Resources Administrator certification.

SPECIAL PRESENTATION - PLAQUE

Fire Chief Lewis presented a plaque to Joseph Kolodziej in appreciation for his contributions to the Fire Department.

RECOGNITION – ST PETERSBURG COLLEGE (SPC)

Mayor Mischler recognized SPC students Jennifer Giovo and Christy Winons.

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of February 9, 2006 as on file in the City Clerk's Office.

MOTION was made by Vice-Mayor Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the Regular Council Minutes of February 9, 2006, as on file in the City Clerk's Office.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Randy Heine, 7451 Park Boulevard, questioned actions taken at the last Council Meeting.

City Attorney Denhardt stated the minutes are a summary of what transpired at the meeting and if Council feels the minutes are correct it will be acceptable to approve the minutes.

STAFF MEMBERS WERE SWORN IN FOR QUASI-JUDICIAL ITEMS.

III. PUBLIC HEARINGS

◆ COMMUNITY DEVELOPMENT

- P1 ORDINANCE NO. 3416. AMENDING THE LAND USE PLAN MAP FOR THE CITY OF PINELLAS PARK BY PROVIDING FOR A CHANGE IN THE LAND USE FROM INSTITUTIONAL (I) TO RESIDENTIAL URBAN (RU) ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 8021 60TH STREET AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; 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. (LUPA 2006-2 – Salvation Army/Michael Farrell)**

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

The applicant seeks to amend the Future Land Use Plan Map on a 6.51 acre parcel of land generally located at 8021 60th Street from Institutional (I) to Residential Urban (RU). The applicant is proposing to develop 29 lots in a Single Family Detached Subdivision. The applicant has submitted a companion case to rezone the parcel from "P" Public District to "R-2" Single Family Residential District with an "RPUD" Residential Planned Unit Development Overlay. The site is currently developed with the old Salvation Army Church, a Sunday School/Recreation center, a ball field and playground along with associated paved parking areas. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, south and east, single family dwellings; and to the west, single family dwellings and mobile homes. At their meeting of January 5, 2006, the Planning and Zoning Commission recommended approval of the application.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

The City Attorney read Ordinance No. 3416 by title only. Mayor Mischler opened the Public Hearing at 8:04 P.M.

Attorney Marcus Vernon, 1721 Rainbow Drive, Clearwater, stated he represents the applicant and provided information on this item.

Mayor Mischler stated there is concern with the existing 60th Street curve and asked if the proposed entrance could be moved and squared straight to the west.

Attorney Vernon stated that is the way the original site plan was configured and the City Traffic Division wanted it aligned with the street across, which is better engineering.

Discussion was held on the curve and vehicle safety.

Mayor Mischler asked why staff wanted to align the entrance with the street across 60th Street?

Zoning Director Neal stated it is common planning and engineering principles to align streets opposing each other across another street.

Director Neal stated when streets are offset it gives drivers more to negotiate and think about when entering the street.

Assistant City Manager Shevlin stated if the intersection is moved the lights of the vehicles leaving the site will be directed into someone's home.

Mayor Mischler asked if there is any chance to realign the curve using City owned property to the west?

Councilman Butler stated that was taken out of the Capital Improvement Program because the curve slows people down and a straight road would allow them to go faster.

Discussion was held on straightening the curve and engineering perspectives.

Mayor Mischler stated he would like to see the curve taken out.

Councilman Taylor stated the only way to straighten the curve is to move it right through the recreation areas that are heavily used.

Mayor Mischler stated he is just concerned with the safety factor for residents and people traveling the road.

Councilman Taylor stated the driveway is where the Salvation Army driveway currently exists.

Discussion was held on traffic from the proposed neighborhood.

Mayor Mischler stated he is just making a suggestion and if it is not appropriate due to engineering principles, then he understands.

Cecil Bradbury, 9400 50th Street, stated adjusting this curve to straighten it out will offset the traffic light.

Mr. Bradbury stated anytime someone pulls out they want to see the driver across from them and the road should be 90 degrees to turn.

Mayor Mischler stated there is a safety factor with the curve being so close to the exit for the proposed development.

Public Hearing was closed at 8:16 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **PASS** Ordinance No. 3416.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P2

ORDINANCE NO. 3417. AMENDING CHAPTER 18, SECTION 18-1503.3, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 8021 60TH STREET AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "P" PUBLIC TO "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR AN "RPUD" RESIDENTIAL PLANNED UNIT DEVELOPMENT OVERLAY FOR 29 LOTS IN A SINGLE FAMILY DETACHED SUBDIVISION; IMPOSING 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 2006-3/Z 2006-3/BOA 2006-8 – Salvation Army/Michael Farrell)

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

The applicant seeks approval to rezone a 6.51 acre parcel of land generally located at 8021 60th Street from "P" Public District to "R-2" Single Family Residential District with an "RPUD" Residential Planned Unit Development Overlay for the development of 29 lots in a single family detached subdivision; with waivers and/or variances to the following; creation of a substandard private right-of-way, creation of a dead end street without a cul-de-sac, minimum lot frontage on a right-of-way, and double frontage lots. The applicant has submitted a companion case to amend the Future Land Use Plan Map from Institutional (I) to Residential Urban (RU). The site is currently developed with the old Salvation Army Church, a Sunday School/Recreation center, a ball field and playground along with associated paved parking areas. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, south and east, single family dwellings; and to the west single family dwellings and mobile homes. At their meeting of January 5, 2006, the Planning and Zoning Commission recommended approval of the application subject to the following conditions:

1. Minimum setbacks shall be as illustrated on the "RPUD" Residential Planned Unit Development Master Plan (Exhibit "B") for each lot. (Setbacks shall be as follows: Front – 20 feet, Side – 5 feet, Rear – 15 feet and Secondary Front - 12 feet.)
2. Criteria assigned to the subdivision, in notes on the approved site plan, shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "PUD" Planned Unit Development adoption.

P2

3. The applicant shall dedicate an easement to the City along the east property line for maintenance of the existing drainage ditch. The location and size of easement shall be negotiated with the City's Streets and Drainage Division prior to the issuance of a site development permit. If the size of the easement alters from that dimension indicated on the approved plan, the plan may be amended to reflect the negotiated dimension without the necessity of a formal PUD amendment.

The City Attorney read Ordinance No. 3417 by title only. Mayor Mischler opened the Public Hearing at 8:19 P.M.

Attorney Marcus Vernon, 1721 Rainbow Drive, Clearwater, stated he represents the applicant and is available to answer Council's questions.

Public Hearing was closed at 8:20 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **PASS** Ordinance No. 3417 with the conditions that Planning and Zoning recommended.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Councilwoman Bradbury thanked the applicant for listening to the surrounding community's concerns.

AUTHORIZATION FOR MAYOR TO SIGN ANNEXATION AGREEMENT WITH INTERLAKEN ACQUISITION L.L.C. (AX06-23) — Annexation of 10.34 acres MOL located at 7151 123rd Circle

PUBLIC HEARING (QUASI-JUDICIAL)

This is a voluntary annexation of 10.34 acres MOL of contiguous industrial property. The Owner plans to construct seven new commercial buildings totaling approximately 164,000 sq. feet. This is an expansion of the already existing Interlaken Industrial Complex.

Interlaken Acquisition L.L.C. 7151 123 rd Circle North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$47,198.55	\$0.00	\$250,800.00

The Annexation Agreement special provisions are:

The Owner may, after completion of the Annexation of the Property, apply to the City to replat the subject property into a commercial subdivision. The Owner shall have no obligation to pay any fees associated with the replat, estimated to be, and not to exceed the sum of Five Hundred and Fifty Dollars (\$550.00).

The Owner shall after completion of the Annexation of the Property, make application to the City for the vacation of the fifteen (15) foot right of way located along the east property line. The Owners shall have no obligation to pay the Two Hundred and Fifty Dollar (\$250.00) City application fee associated with the vacation.

For a period of sixty (60) months from the date of execution of this Annexation Agreement, the City shall waive all City land development fees, applicable for the construction of approximately seven new commercial buildings, totaling approximately 164,000 sq. feet, on the subject Property. This waiver of fees is estimated to be, and not to exceed, the sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00).

The City shall grant waivers to the requirement of an eight (8) foot high solid wall along the east and north property lines, and allow a six (6) foot high wooden privacy fence.

In regards to any future changes to the intersection located at 124th Avenue and Belcher Road, the City will work with the property owners and the businesses in the area to attempt to address and/or resolve any future issues pertaining to traffic safety as they may arise. In the event traffic safety or engineering studies show a necessity for redesign of such intersection or the need for additional traffic safety control devices for such intersection, the City will attempt to resolve any such issues by methods other than by closure of the left turn lane from the property southbound onto Belcher Road, provided the City deems such alternative solutions to be economically and practically feasible for the City.

Mayor Mischler stated the applicant has requested this item be tabled until the March 9, 2006, Regular Council Meeting.

Mayor Mischler opened the Public Hearing at 8:22 P.M.

There were no comments or objections.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **TABLE** authorization for Mayor to sign an Annexation Agreement with Interlaken Acquisition L.L.C.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P4 RESOLUTION NO. 06-11. AUTHORIZING THE CITY MANAGER TO APPLY AND CONTRACT FOR THE FY 2006 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE; PROVIDING FOR COMPLIANCE WITH THE JUSTICE ASSISTANCE GRANT PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING, FIRST AND FINAL READING

The City is eligible to make application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$16,586 to be used for eligible law enforcement equipment. The Pinellas Park Police Department has proposed to use the JAG funds to purchase seven ballistic shields and a sniper rifle night scope. This grant application requests \$16,586 from the U.S. Department of Justice. There is no local matching funds requirement for this grant.

Mayor Mischler opened the Public Hearing at 8:23 P.M.

There were no comments or objections.

Public Hearing was closed at 8:24 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **ADOPT** Resolution No. 06-11.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P5

CONSIDERATION OF A CONDITIONAL USE FOR THE ESTABLISHMENT OF AN “AUTOMOBILE DEALER-USED CARS” AND A “AUTOMOTIVE REPAIR FACILITY (MAJOR)” IN THE “CH” HEAVY COMMERCIAL ZONING DISTRICT, WITH A WAIVER TO THE CONDITIONAL USE REQUIREMENT FOR A TEN-FEET-WIDE LANDSCAPE BUFFER ALONG THE ENTIRE RIGHT-OF-WAY THAT PROVIDES THE PRIMARY ACCESS TO THE SITE, FOR A PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF PARK BOULEVARD AND 78TH STREET NORTH. (CU 2006-5 Pinellas Properties/J. D. Byrider)

PUBLIC HEARING (QUASI-JUDICIAL)

The applicant is requesting the consideration of an “Automobile Dealer-Used Cars” and “Automotive Repair Facility (major)” both Conditional Uses in the “CH” Heavy Commercial Zoning District on a parcel of land generally located on the northeast corner of Park Boulevard and 78th Street. The auto repair use is ancillary to auto sales. The property for this proposal has been assembled from two parcels. Parcel 1 (the east 186 feet) currently consists of a commercial plaza. Parcel 2, a portion (0.6 acre of 8.23 acres) of land to the west was obtained for the proposed site and is currently utilized by a wholesaler of automobiles and heavy trucks. The existing business “Automobile Fleet Enterprise” will still exist on the remainder of Parcel 2. The applicant is requesting a waiver to the Conditional Use requirement to reduce the width of the landscape buffer, along the entire right-of-way that provides the primary access to the site, from ten feet to eight feet. Surrounding land uses are: to the north, Automotive Fleet Enterprise; to the south, Citgo gas station and Vintage Antiques; to the east, St. Pete Times distribution center; to the west, Wagon Wheel Flea Market. The proposal appears to be consistent with the Comprehensive Plan and should have no adverse effect on adopted levels of service for City infrastructure. At its meeting on January 5, 2006, the Planning and Zoning Commission recommended approval of the above request with conditions.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Mayor Mischler opened the Public Hearing at 8:26 P.M.

Charles Ross, 6701 55th Street, provided information on this item.

Public Hearing was closed at 8:27 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **APPROVE** a Conditional Use request to establish an “Automobile Dealer-Used Cars” and “Automotive Repair Facility (major)” in the “CH” Heavy Commercial Zoning District with a waiver to the Conditional Use requirement for a ten-foot-wide landscape buffer along the entire right-of-way that provides the primary access to the site, allowing it to be reduced to eight-foot-wide, based on the staff report and the criteria found in Section 18-1509.4(B) & (C) subject to the following conditions:

1. There shall be no outdoor loud speaker/public address or outdoor phone ringer systems allowed.
2. All automotive repair work shall be performed only in an enclosed building.
3. Designated signage for customer and employee parking spaces shall be displayed.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

IV. CONSENT AGENDA

◆ **COMMUNITY ACTIVITIES**

C1 FINAL PAYMENT FOR PROJECT 05/014 – FREEDOM LAKE FISHING PIER AND SAILBOAT LAUNCH, REDD Team Mfg., 6599 State Road 21, Keystone Heights, FL.

Authorization for final payment on contract 05/014, Freedom Lake Fishing Pier and Sailboat Launch, to REDD Team Mfg., 6599 State Road 21, Keystone Heights, FL., is requested so that final payment can be processed and the contract completed. The total amount of contract 05/014 is \$35,048 and the final payment amount of \$14,778.00 is to be charged to account 301-781-5-790-03.

Authorization for approval of final payment in the amount of \$14,778.00 to REDD Team Mfg. to be charged to the appropriate account.

COUNCILMAN TAYLOR LEFT THE MEETING AT 8:29 P.M.

COUNCILMAN BUTLER LEFT THE MEETING AT 8:30 P.M.

C2 AWARD OF BID 06/015 - GROUNDS & MEDIAN STRIP MAINTENANCE SERVICES — J & R Lawn Service, Inc., 8399 78th Avenue N, Seminole, FL.

Bids were legally advertised and bid invitations were mailed to 118 prospective bidders. Three bids were received, with J & R Lawn Service, Inc., 8399 78th Avenue N, Seminole, FL. 33777, being the lowest qualified bidder for a total yearly cost of \$26,520.00 to be charged to account 001-731-5-413-00 (\$13,320) and account 001-731-5-516-55 (\$13,200). The total budgeted amount is \$34,000.00.

Authorization for award of bid for the Grounds and Median Strip Maintenance Services to J & R Lawn Service, Inc., Seminole, FL, with a maximum of three additional one-year renewal options, in the amount of \$2,210.00 per month, for a total of \$26,520.00 per year to be charged to the appropriate accounts.

◆ PUBLIC WORKS

C3 AWARD OF BID 05/035 — 2005/2006 STREETScape PROJECT — AccurateLines Inc.

Bids were legally advertised, and bid invitations were mailed to 83 prospective bidders. One (1) bid was received by AccurateLines, Inc., (1221 Nelson Street, Dunedin, FL 34698) with a bid submittal of \$177,043.97. The amount budgeted for this project is \$200,000 (pg. 411 of the FY 05/06 adopted budget). The project is funded with \$152,000 from a Community Development Block Grant (CDBG) and the balance paid by a local match. This project will be charged to account 301-781-5-734-69.

Authorization to award Bid 05/035 for the 2005/2006 Streetscape Project to AccurateLines, Inc., Dunedin, FL, in the amount of \$177,043.97 to be charged to the appropriate account.

Cecil Bradbury, 9400 50th Way, requested information on this project.

Traffic Director Eggers gave a presentation outlining the streetscape project.

Vice-Mayor Bailey-Snook stated she does not think it is a good use of money to put more signs up when there are working signs already up.

Councilwoman Bradbury stated this will tie in with the “uptown” designation and is a nice way to use grant money to improve the uptown area.

Mayor Mischler stated he thinks the Community Development Beautification Grants (CDBG) could be used to add signage to dangerous areas.

Discussion was held on additional signage at 40th Street and Gateway Boulevard.

Councilman Butler stated this project designates an uptown area in a part of the City that is in a redevelopment area and qualifies for CDBG funds

Discussion was held on placing sidewalks in this area.

Mayor Mischler stated he thinks there are other areas these funds could be used.

Councilwoman Bradbury stated the City’s expenditure on this is about \$25,000 and grants are written for specific things and if this grant is turned down, then no funds will be provided for other things.

Councilman Taylor stated this is an identity program for this area of the City.

C4 CHANGE ORDER NO. 2 FOR RENEWAL CONTRACT NO. 1, PROJECT 03/031 – ANNUAL CITY WIDE SANITARY SEWER CLEANING AND RELINING PROJECT— American Water Services Underground Infrastructure, Inc.

Change Order No. 2 is recommended for approval so that the City may take advantage of favorable contract prices and available funds to have an emergency repair of 800 feet of stormwater culvert. This change of \$105,126 represents an increase in the original contract amount of 35.9%, bringing the total adjusted contract amount to \$472,696. The account to be charged is 301-382-5-795-08.

Authorization for approval and acceptance of Change Order No. 2 for Renewal No. 1, Project 03/031, Annual City Wide Sanitary Sewer Cleaning and Relining.

◆ **COMMUNITY DEVELOPMENT**

C5 AUTHORIZATION FOR MAYOR TO SIGN A GENERAL PURPOSE EASEMENT WITH PINELLAS SUNCOAST TRANSIT AUTHORITY (P.S.T.A.) – 150 square feet for a bus shelter and bicycle rack

Pinellas Suncoast Transit Authority (P.S.T.A.) has requested that the City grant them an easement for the construction of a bus shelter and bicycle rack on the grass parking area of City-owned property that was purchased from Pinellas Park Baptist Temple on July 31, 2003.

The easement being requested would be a ten (10) foot by fifteen (15) foot area on the parcel that faces 49th Street. The area requested is generally located on the west side of 49th Street North, approximately four hundred twenty seven (427) feet north of the north right-of-way line of 78th Avenue.

Authorization for Mayor to sign a General Purpose Easement with Pinellas Suncoast Transit Authority (P.S.T.A.) for the construction of a bus shelter and bicycle rack on the grass parking area of City-owned property generally located on the west side of 49th Street North, approximately four hundred twenty seven (427) feet north of the north right-of-way line of 78th Avenue.

C6 ORDINANCE NO. 3419. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 7151 123RD CIRCLE NORTH (INTERLAKEN ACQUISITION AX06-23)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 10.34 acres MOL of contiguous industrial property. The Owner plans to construct seven new commercial buildings totaling approximately 164,000 sq. feet. This is an expansion of the already existing Interlaken Industrial Complex.

- C7 ORDINANCE NO. 3420. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6114 104TH AVENUE NORTH (SHAWN F. EGELA AND EVA D. EGELA AX06-27)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

- C8 ORDINANCE NO. 3421. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6131 104TH AVENUE NORTH (ROBERT ARTHUR JACQUES AX06-28)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

- C9 ORDINANCE NO. 3422. ANNEXING INTO THE CITY OF PINELLAS PARK CERTAIN PARCELS OF LAND GENERALLY LOCATED AT 6137 103RD AVENUE NORTH (FOSTER AX06-30), AND 6129 103RD AVENUE NORTH (SANDERS AX06-29)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.28 acres MOL of contiguous residential property. The Owner’s mobile homes are located on the site.

- C10 ORDINANCE NO. 3423. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6155 105TH AVENUE NORTH (NORMAN BURLING AX06-31)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

COUNCILMAN TAYLOR RETURNED TO THE MEETING AT 8:34 P.M.

◆ FIRE

C11 AUTHORIZATION FOR PURCHASE – Installation of Fire Sprinkler System for Fire Station #34 – Fire Department

This authorizes the purchase and installation of a Fire Sprinkler System for Fire Station #34 from Simplex Grinnell, Tampa, FL, in the amount of \$48,095. In conjunction with the Purchasing Department, we have gone to bid for this project on two separate occasions and received no bids either time. A Request for Quotation was also sent to 14 sprinkler contractors with only one quote received. Seventy percent of the funding for this purchase is through the Fire Act Grant. The budgeted amount of \$53,300 was shown on page 443 of the 2004/2005 Budget Book in account number 301-282-5-748-71. The Grant amount is \$38,500 with 70% (\$26,950) coming from Federal Funds and 30% (\$11,550) coming from City Funds. Although the quote is \$9,595 over the grant amount, OMB Administrator Dan Katsiyiannis states in his memo of January 23, 2006 that the City can provide the additional funds from Penny for Pinellas funds.

Authorization for purchase and installation of a Fire Sprinkler System for Fire Station #34 from Simplex Grinnell at a cost of \$48,095 to be charged to the appropriate account.

MOTION was made by Councilwoman Bradbury to Pass, Approve or Adopt, whichever is appropriate, Items C1 thru C11 inclusive, with Items C6 thru C10 being First Reading Prior to Public Hearing, and **SECONDED** by Councilman Taylor.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler
Voting Nay: Vice-Mayor, Patricia L. Bailey-Snook
Absent: None
Abstaining: None

MOTION CARRIED

COUNCILMAN BUTLER RETURNED TO THE MEETING AT 8:37 P.M.

V. REGULAR AGENDA

◆ COMMUNITY DEVELOPMENT

- R1 CONSIDERATION OF A REQUEST FOR PRELIMINARY SITE PLAN APPROVAL IN THE “B-1” GENERAL COMMERCIAL DISTRICT FOR A “HOTEL” WHEN ABUTTING AND FUNCTIONALLY ABUTTING A RESIDENTIAL ZONING DISTRICT, FOR A CERTAIN PARCEL OF LAND GENERALLY LOCATED NORTH OF 8010 US HIGHWAY 19. (MS 2006-18 Shyam Assoc., Inc./Ravi Patel)**

QUASI-JUDICIAL

The applicant is proposing the development of a hotel with 67 rooms, Country Inn and Suites. The parcel is abutting and functionally abutting a residentially zoned area to the west. Therefore, the Site Plan is subject to approval by City Council. The site plan shows a six-foot-high solid wall, followed by a 15-foot-wide buffer and retention pond separating the use from the residential area. Site inspection reveals that the subject property is located mostly in a commercial area with residential to the west. Land Uses in the surrounding area are as follows: to the north, Mr. Pool; to the south, Bay Area Auction; to the east, Starr Law Offices and Super Wal-Mart; to the west, single-family dwellings. The parcel fronts on U.S. Highway 19, a major arterial highway. The applicant is not requesting any waivers.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

George Shyam, 1536 Commercial Park Drive, Lakeland, provided an overview of this item.

Mayor Mischler requested renderings be sent to the City Manager so Council can see what this will look like.

Discussion was held on the architectural design of the proposed development.

MOTION was made by Councilman Butler, and **SECONDED** by Vice-Mayor Bailey-Snook to **APPROVE** a request for Preliminary Site Plan Approval in the “B-1” General Commercial District for a “Hotel” when abutting and functionally abutting a Residential Zoning District.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

R2 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY SHAWN F. EGELA AND EVA D. EGELA (AX06-27) — Annexation of 0.14 acres MOL located at 6114 104th Avenue North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

Shawn F. and Eva D. Egela 6114 104 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$313.05	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Shawn F. Egela and Eva D. Egela and located at 6114 104th Avenue North.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

R3 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY ROBERT ARTHUR JACQUES (AX06-28) — Annexation of 0.14 acres MOL located at 6131 104th Avenue North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

Robert Arthur Jacques 6131 104 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$468.46	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Robert Arthur Jacques and located at 6131 104th Avenue North.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

R4 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY MARTHA SANDERS (AX06-29) — Annexation of 0.14 acres MOL located at 6129 103rd Avenue North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

Martha Sanders 6129 103 rd Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$316.60	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Vice-Mayor Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Martha Sanders and located at 6129 103rd Avenue North.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

R5 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY GAIL M. FOSTER (AX06-30) — Annexation of 0.14 acres MOL located at 6137 103rd Avenue North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

Gail M. Foster 6137 103 rd Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$771.16	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Gail M. Foster and located at 6137 103rd Avenue North.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

R6 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY NORMAN BURLING (AX06-31) — Annexation of 0.14 acres MOL located at 6155 105th Avenue North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

Norman Burling 6155 105 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$475.57	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Vice-Mayor Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Norman Burling and located at 6155 105th Avenue North.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ PUBLIC WORKS

R7 NOTIFICATION OF EMERGENCY REPLACEMENT OF DRAINAGE CULVERT PIPE AND RESTORATION WORK — Elmhurst Drive

Emergency repairs and restoration have been required due to a collapsed 42” and 48” drainage line on Elmhurst Drive. Various contractors have been involved and the estimated cost for these repairs is \$90,000 and will be charged to the appropriate accounts.

MOTION was made by Vice-Mayor Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** notification of emergency replacement of drainage culvert pipe and restoration work to various contractors to be charged to the appropriate account not to exceed \$100,000.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

City Manager Gustafson stated this is where a storm sewer pipe deteriorated and created a wash-out out between two buildings. One pipe has been replaced and the other pipe has been relined.

City Attorney Denhardt stated this is the last City Council Meeting prior to the General Election and requested anyone addressing Council review the pledge of civility on the podium that indicates people won't be making personal remarks against other individuals and that items be addressed on business before City Council.

Attorney Denhardt stated this is the opportunity to address Council on important matters but the City Council does attempt to keep personal politics out of the meeting.

MISCELLANEOUS

M1 BUDGET

Randy Heine, 7451 Park Boulevard, questioned money designated in the budget for overtime, Angel Fund, Capital Equipment Replacement fund and the Insurance Loss Fund.

Mayor Mischler and City Manager Gustafson suggested Mr. Heine meet with Staff to obtain explanations on these items.

M2 POLITICING

Randy Heine, 7451 Park Boulevard, stated he agrees the politicking should end and wished Mayor Mischler the best of luck in the election.

M3 FLOODING

Lee Santiago thanked Councilman Butler for his response to him regarding flooding.

Mr. Santiago presented pictures of his property and provided information on the easement and drainage problems.

Council directed staff to attempt to resolve the issues at this property.

Councilman Butler stated the day of the flooding, this area went under water and it was unbelievable.

Joe Shelley, 6035 86th Avenue, provided information on what he believes caused the flooding in this area.

M4 VEHICLES ON PROPERTY

Lee Santiago stated there needs to be a City ordinance for the number of cars parked on properties.

Mayor Mischler stated these problems need to be reported to Community Compliance.

M5 LAW ENFORCEMENT

Lee Santiago stated he is glad the City doesn't release law enforcement addresses and it doesn't matter where an employee lives, just that they take the time to serve a great City.

M6 PUBLIC RECORDS REQUESTS

Marshall Cook, 9300 54th Street, stated he pays for public records requests he makes.

M7 SIDEWALKS

Antonio Perez, 5060 76th Avenue, stated the City is doing a wonderful job putting in a new sewer in his condo complex but there are not sidewalks and requested sidewalks be installed.

Council directed Staff to address this request.

M8 NO SOLICITATION

Elwin Essex, 82187 E. Street, stated he lives in Golden Lantern Mobile Home Park where there is no soliciting, but candidate literature was left in his driveway.

City Manager Gustafson stated City Clerk Corna has handled this situation.

M9 ELECTIONS

City Clerk Corna provided information on early voting and absentee ballots for the March 7, 2006, General Election.

M10 FREEDOM LAKE PARK FISHING PIER

Parks/Recreation Director Garren invited everyone to attend the ribbon cutting for the new fishing pier at Freedom Lake Park, February 24, 2006 at 4:00 p.m.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 9:35 p.m.

Attest:

Diane M. Corna
City Clerk

William F. Mischler
Mayor

/cgg

CITY OF PINELLAS PARK, FLORIDA
REGULAR COUNCIL MEETING

MINUTES

March 9, 2006
Council Chambers

Meeting was called to order at 7:42 P.M.

PRESENT: Mayor, William F. Mischler
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor

ABSENT: Vice-Mayor, Patricia L. Bailey-Snook

Also present were: City Attorney, James Denhardt - Assistant City Attorney, Christopher Hammonds – City Manager, Michael Gustafson - Assistant City Manager/Community Development Administrator, Tom Shevlin - Finance Administrator, Ron Miller – Human Resources Administrator, John Moore - Community Activities Administrator, Barbara Ponce - Assistant Community Activities Administrator, Tim Caddell - Zoning Director, Dean Neal – MIS Administrator, Randy Linthicum - Public Works Administrator, Tom Nicholls – Police Chief, Dorene Thomas – Fire Chief, Doug Lewis – Office of Management and Budget Administrator, Dan Katsiyiannis – Economic Development Specialist, Shannon Coughlin – Fire Administrative Services Director, Mary Ann Salch – Media and Public Events Specialist, Denise Re - Administrative Clerk, Pam Martin – City Clerk, Diane M. Corna, and Deputy City Clerk, Christine Gardner.

INVOCATION was given by Councilman Taylor .

PLEDGE OF ALLEGIANCE was led by Council.

I. PRESENTATIONS

EMPLOYEE OF THE YEAR

Carolyn Cach, Senior Staff Assistant – Community Activities

DO THE RIGHT THING

Leigh Barnard	Classical Christian School of the Arts
Molly Falter	Pinellas Park High School
Amberia Vickery	Pace Center for Girls
Bernard Thinn	Oak Park School

RECOGNITION

Mayor Mischler recognized Louis Bartlett, Boy Scout Troop 263, Holy Family Catholic Church, who attended the meeting to earn his Citizen in the Community Badge.

RECOGNITION

Mayor Mischler presented correspondence and pictures from Army Staff Sergeant, Michael A. Eschenfelder, who is a Pinellas Park resident serving in Iraq.

Mayor Mischler thanked everyone defending our Country for defending our freedom.

SELECTION OF VICE-MAYOR AND OATH OF OFFICE

Selection of Council Member Councilman Taylor to serve as Vice-Mayor with term to run from March 11, 2006 through March 22, 2007.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Butler to **APPROVE** selection of Council Member Taylor to serve as Vice-Mayor with term to run from March 11, 2006 through March 22, 2007.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of February 23, 2006, as on file in the City Clerk's Office.

MOTION was made by Councilman Butler, and **SECONDED** by Councilman Taylor to **APPROVE** the Regular Council Minutes of February 23, 2006, as on file in the City Clerk's Office.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

STAFF MEMBERS WERE SWORN IN FOR QUASI-JUDICIAL ITEMS

III. PUBLIC HEARINGS

◆ COMMUNITY DEVELOPMENT

- P1 AUTHORIZATION FOR MAYOR TO SIGN ANNEXATION AGREEMENT WITH INTERLAKEN ACQUISITION L.L.C. (AX06-23) — Annexation of 10.34 acres MOL located at 7151 123rd Circle**

CONTINUED PUBLIC HEARING (QUASI-JUDICIAL)

This is a voluntary annexation of 10.34 acres MOL of contiguous industrial property. The Owner plans to construct seven new commercial buildings totaling approximately 164,000 sq. feet. This is an expansion of the already existing Interlaken Industrial Complex.

Interlaken Acquisition L.L.C. 7151 123 rd Circle North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$47,198.55	\$0.00	\$250,800.00
<p>The Annexation Agreement special provisions are:</p> <ol style="list-style-type: none"> 7. The Owner may, after completion of the Annexation of the Property, apply to the City to replat the subject property into a commercial subdivision. The Owner shall have no obligation to pay any fees associated with the replat, estimated to be, and not to exceed the sum of Five Hundred and Fifty Dollars (\$550.00). 8. The Owner shall after completion of the Annexation of the Property, make application to the City for the vacation of the fifteen (15) foot right of way located along the east property line. The Owners shall have no obligation to pay the Two Hundred and Fifty Dollar (\$250.00) City application fee associated with the vacation. 9. For a period of sixty (60) months from the date of execution of this Annexation Agreement, the City shall waive all City land development fees, applicable for the construction of approximately seven new commercial buildings, totaling approximately 164,000 sq. feet, on the subject Property. This waiver of fees is estimated to be, and not to exceed, the sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00). 10. The City shall grant waivers to the requirement of an eight (8) foot high solid wall along the east and north property lines, and allow a six (6) foot high wooden privacy fence. 11. In regards to any future changes to the intersection located at 124th Avenue and Belcher Road, the City will work with the property owners and the businesses in the area to attempt to address and/or resolve any future issues pertaining to traffic safety as they may arise. In the event traffic safety or engineering studies show a necessity for redesign of such intersection or the need for additional traffic safety control devices for such intersection, the City will attempt to resolve any such issues by methods other than by closure of the left turn lane from the property southbound onto Belcher Road, provided the City deems such alternative solutions to be economically and practically feasible for the City. 			

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Mayor Mischler opened the Public Hearing at 8:11 P.M.

Matthew Mosk, 12397 Belcher Road, Suite 270, Largo, stated he is requesting annexation of this parcel of land contiguous to the industrial park he has been developing and stated he is available to answer any questions.

Councilwoman Bradbury stated she would like the wooden fence to be replaced with white PVC fencing along the areas abutting the subdivision.

Mr. Mosk stated he is asking for a wooden fence for cost reasons but he could agree during the site plan approval process to maintain the existing wooden fence throughout the time he owns the facility.

Mr. Mosk stated he will look into PVC fencing and if it is comparable in cost, then he will put a PVC fence in.

Councilman Taylor asked what sewer district this is in?

Mr. Mosk stated this is Pinellas Park sewer district.

Discussion was held on litigation concerning the access to the property.

Mayor Mischler stated he is concerned with the amount of City fees being waived for a period of 60 months.

Mr. Mosk stated other projects he has developed in Pinellas Park did not have fees close to the limit of \$250,000 and he should be able to finish this park within 24 to 36 months.

Mayor Mischler stated he would like to see the time frame limited to 36 months.

Mayor Mischler read correspondence from Mr. Mosk pertaining to the waiver of permit fees in this agreement.

Mr. Mosk stated he will do his best to accomplish this in the shortest time frame possible.

Public Hearing was closed at 8:17 P.M.

Economic Development Specialist Coughlin stated when she projected the annual revenue for this project she did not include tangible taxes so this is the lowest revenue that she felt the City would receive on this property.

Mayor Mischler asked if municipal taxes are included?

Economic Development Specialist Coughlin stated municipal taxes are included but she couldn't take into consideration who the tenants will be.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **APPROVE** authorization for Mayor to sign an Annexation Agreement with Interlaken Acquisition L.L.C. for annexation of 10.34 acres MOL located at 7151 123rd Circle North, with the following condition:

With the addition of white PVC fencing.

Councilman Taylor stated Special Provision 11 puts the City in the middle of a very wide open package and he does not want to get involved in doing anybody's engineering studies for them or negotiating with property owners to improve traffic flows at 124th Avenue and Belcher Road.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Mayor, William F. Mischler
Voting Nay: Councilman, Rick Butler
Councilman, William E. Taylor
Absent: Vice-Mayor, Patricia L. Bailey-Snook
Abstaining: None

MOTION FAILED

Councilwoman Bradbury stated she had the same concerns with Special Provision 11 and staff explained it means the City will do it's best to help with any concerns of traffic flow.

Councilman Taylor stated staff always does a great job working with citizens and he does not need to see something explicitly written into the annexation agreement that says that.

City Attorney Denhardt stated Special Provision 11 was developed because Mr. Mosk wanted assurance the turn lane would not be closed.

City Attorney Denhardt stated the provision provides for the City to explore and look at anything but ultimately it would be the City's decision on how to control the intersection and he feels the City is protected with this provision.

Councilman Taylor asked how the City would be unprotected without the provision if it would come down to the City making the final decision anyhow?

City Attorney Denhardt stated it should, but it is something the City would not give up.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **APPROVE** authorization for Mayor to sign an Annexation Agreement with Interlaken Acquisition L.L.C. for annexation of 10.34 acres MOL located at 7151 123rd Circle North, with the following condition:

Addendum added for a white PVC fence instead of the eight foot solid wall along the east and north side of the property line
Remove Special Provision 11 regarding the intersection at 124th Avenue and Belcher Road.

Councilman Taylor stated he does not see that Special Provision 11 needs to be included in this agreement.

Mayor Mischler asked if the applicant understands and finds the motion acceptable?

Mr. Mosk stated Special Provision 11 is included as a result of staff member commenting to him that it would be a lot cheaper for the City to cut off the left turn lane than it would be to address a traffic signal or other ways to accomplish traffic flow issues.

Mr. Mosk stated he was very concerned by this statement and he doesn't think the ramifications were understood for cutting off the left turn lane. Mr. Mosk provided information on eliminating the left turn out of the industrial park and stated this would affect the ability to lease the property.

Mr. Mosk stated and he is aware it does not bind the City to anything but it makes him feel better the City will help him if there is a problem in the future.

Mr. Mosk stated if it becomes necessary to have a traffic signal then he will work with the City in order to facilitate financial viability for obtaining a light by going to all the owners in the park and asking them to join the effort to obtain a signal by payment.

Councilwoman Bradbury stated the City has not jurisdiction over the street.

Mayor Mischler stated Belcher Road is a county road and final decisions will not be made by the City.

Mr. Mosk stated Special Provision 11 can be left out.

Councilman Butler stated the motion waives an eight foot concrete wall abutting residential property for a six foot PVC wall.

Mr. Mosk stated the back of the buildings are against the residential development and the back of the buildings have a 20 foot block wall.

Mayor Mischler stated concern with a six foot wall abutting a residential neighbor but he is fine with an eight foot high PVC wall.

Mr. Mosk stated the east property line abuts residents and he would agree to an eight foot PVC fence along there with the north side only six feet.

Mayor Mischler stated he can agree to the north side only being six feet high.

Discussion was held on the current motion.

Mayor Mischler requested that a new motion is made.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **AMEND** the current motion to read as follows: **APPROVE** authorization for Mayor to sign an Annexation Agreement with Interlaken Acquisition L.L.C. for annexation of 10.34 acres MOL located at 7151 123rd Circle North, with the following conditions:

With the option of the solid wall along the east and north property lines changed to an eight foot PVC along the east property line and six foot high PVC on the north property line.

Remove Special Provision 11 regarding the intersection at 124th Avenue and Belcher Road.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P2 ORDINANCE NO. 3419. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 7151 123RD CIRCLE NORTH (INTERLAKEN ACQUISITION AX06-23)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 10.34 acres MOL of contiguous industrial property. The Owner plans to construct seven new commercial buildings totaling approximately 164,000 sq. feet. This is an expansion of the already existing Interlaken Industrial Complex.

The City Attorney read Ordinance No. 3419 by title only. Mayor Mischler opened the Public Hearing at 8:46 P.M.

There were no comments or objections.

Public Hearing was closed at 8:47 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3419.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P3 ORDINANCE NO. 3420. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6114 104TH AVENUE NORTH (SHAWN F. EGELA AND EVA D. EGELA AX06-27)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner's mobile home is located on this site.

The City Attorney read Ordinance No. 3420 by title only. Mayor Mischler opened the Public Hearing at 8:48 P.M.

There were no comments or objections.

Public Hearing was closed at 8:49 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3420.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P4 ORDINANCE NO. 3421. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6131 104TH AVENUE NORTH (ROBERT ARTHUR JACQUES AX06-28)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner's mobile home is located on this site.

The City Attorney read Ordinance No. 3421 by title only. Mayor Mischler opened the Public Hearing at 8:50 P.M.

There were no comments or objections.

Public Hearing was closed at 8:51 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3421.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P5 ORDINANCE NO. 3422. ANNEXING INTO THE CITY OF PINELLAS PARK CERTAIN PARCELS OF LAND GENERALLY LOCATED AT 6137 103RD AVENUE NORTH (FOSTER AX06-30), AND 6129 103RD AVENUE NORTH (SANDERS AX06-29)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.28 acres MOL of contiguous residential property. The Owner's mobile homes are located on the site.

The City Attorney read Ordinance No. 3422 by title only. Mayor Mischler opened the Public Hearing at 8:52 P.M.

There were no comments or objections.

Public Hearing was closed at 8:53 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3422.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P6 ORDINANCE NO. 3423. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6155 105TH AVENUE NORTH (NORMAN BURLING AX06-31)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

The City Attorney read Ordinance No. 3423 by title only. Mayor Mischler opened the Public Hearing at 8:54 P.M.

There were no comments or objections.

Public Hearing was closed at 8:55 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3423.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Councilman, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

CONSIDERATION OF AN EXPANSION OF A CONDITIONAL USE TO EXPAND A “BOARDING STABLE” ON A CERTAIN PARCEL LOCATED AT 8690 60TH STREET (CU 2004-27 – Gingola)

PUBLIC HEARING (QUASI-JUDICIAL)

The applicant proposes an expansion to the boarding stable use at 8690 60th Street. The initial stable was constructed under Building Permit No. 2003-3342 and received a Conditional Use in 2003 for a boarding stable for a maximum of 10 horses. The applicant had requested 15 horses. The Planning and Zoning Commission recommended approval for 15 horses. City Council approved the Conditional Use with a reduction to 10 horses. A second pole barn has now been constructed under Building Permit No. 2004-3278 and the applicant is pursuing approval for 10 additional boarded horses which requires Conditional Use review. The properties to the north, south, and west are zoned “F” Farm. The property to the east is zoned “P” Public (Skyview Elementary). At its meeting on November 4, 2004, the Planning and Zoning Commission recommended denial of the above request, due in part to testimony from the public which appeared to focus on usable area. Total acreage on the property is 2.3. Usable area, minus structures and wetland area, is approximately 2.19 acres. Wetland area is approximately 17,500 square feet (0.40 acre).

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Mayor Mischler opened the Public Hearing at 8:56 P.M.

Attorney Thomas Little stated he represents Freedom Entertainment Corporation who purchased the property in December 2005 and Mr. Gingola is no longer the owner of the property and does not have interest in Freedom Entertainment Corporation.

Attorney Little stated Freedom Entertainment Corporation is owned by Keith Johnson who has requested this matter be tabled until May 25, 2006, to allow time to determine the actual usable property on the site.

Keith Johnson, 3691 State Road 580 Unit H, Oldsmar, confirmed he is requesting this item be tabled until May 25, 2006.

Councilwoman Bradbury asked if Mr. Johnson is residing or plans to reside at the property?

Mr. Johnson stated he does not.

Mayor Mischler stated this item was advertised as a public hearing so he will continue the public hearing at this time.

Joe Shelley, 6035 86th Avenue, stated he neighbors the property and is concerned with flies, rodents, too many horses and people and feels this would be a detriment to his property value.

Councilman Taylor stated the applicant has requested this item be tabled and suggested Mr. Shelley save his information for the hearing.

Mr. Shelley requested this item be sent back to the Planning and Zoning Commission to review compliance with the code.

Mr. Johnson stated he understands the site is zoned Farm and he can place as many horses as he owns on the property and he has another property in Pinellas Park where he has no complaints.

Attorney Little stated there are currently six horses on this property.

MOTION was made by Councilwoman Bradbury to **DENY** this motion based upon the Planning and Zoning Commission's denial.

MOTION DIED

Mayor Mischler stated he will close the public hearing before he accepts the motion.

Councilman Butler stated before the public hearing is closed he makes the following:

MOTION was made by Councilman Butler to **TABLE** this item until May 25, 2006.

Mayor Mischler stated based on the first motion he is going to close the public hearing but it could be reconsidered to be reopened.

Mayor Mischler closed the public hearing at 9:10 P.M.

Mayor Mischler reopened the public hearing at 9:11 P.M. for continuations.

MOTION was made by Councilman Butler and **SECONDED** by Councilman Taylor to **TABLE** this item until the Thursday, May 25, 2006, Regular Council Meeting.

MOTION WITHDRAWN

Councilwoman Bradbury requested this item is tabled until June 22, 2006.

Mayor Mischler asked if the applicant is willing to accept June 22, 2006, to continue the public hearing?

Mr. Johnson stated he would rather have it in May 2006.

City Attorney Denhardt stated it is up to Council what date the item will be tabled until.

MOTION was made by Councilman Butler, and **SECONDED** by Councilman Taylor to **TABLE** this item until the Regular Council Meeting of Thursday, May 25, 2006.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, Patricia L. Bailey-Snook

Abstaining: None

MOTION CARRIED UNANIMOUSLY

COUNCILMAN BUTLER LEFT THE MEETING AT 9:14 P.M.

IV. CONSENT AGENDA

◆ PUBLIC WORKS

C1 CHANGE ORDER NO. 1 AND FINAL PAYMENT FOR PROJECT 05/016, 04/05 SIDEWALK CONSTRUCTION PROGRAM — Purvis Curbs Corporation, Inc.

Change Order No. 1 is recommended for approval so that the final payment can be processed and the contract closed out. The decrease in the contract amount represents a decrease of the original contract amount by .05%. The account to be charged will be 301-481-5-736-18. The final contract amount is \$492.21 under the budgeted amount.

Authorization for approval and acceptance of Change Order No. 1, Project 05/016, 04/05 Sidewalk Construction Program, a decrease in the amount of \$492.21, for a total adjusted contract amount of \$97,926.59 and authorization for final payment of \$15,755.59 to Purvis Curbs Corporation, Inc. to be charged to the appropriate account.

C2 AUTHORIZATION FOR MAYOR TO SIGN A MUTUAL AID AGREEMENT FOR WATER / WASTEWATER UTILITIES – FlaWARN (Florida’s Water/Wastewater Agency Response Network)

The Water/Wastewater Mutual Aid Program was established to provide a method whereby water/wastewater utilities sustaining physical damage from natural or man made disasters could obtain emergency assistance, in the form of personnel, equipment, and materials and other associated services necessary, from other water/wastewater utilities. FlaWARN is the formalized system of "utilities helping utilities" to address mutual aid during emergency situations. The purpose of this Agreement is to formally document such program.

Authorization for the Mayor to sign the Mutual Aid Agreement for Water/Wastewater Agreement between the City of Pinellas Park and FlaWARN, for the purpose of emergency assistance to address mutual aid during emergency situations.

◆ COMMUNITY DEVELOPMENT

- C3 ORDINANCE NO. 3425. AMENDING CHAPTER 18, SECTION 18-1503.3, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND LOCATED WEST OF 50TH STREET BETWEEN 68TH AVENUE AND 69TH AVENUE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "T-1" MOBILE HOME SUBDIVISION DISTRICT TO "T-1" MOBILE HOME SUBDIVISION DISTRICT AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR AN "RPUD" RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR A FIVE-LOT, SINGLE-FAMILY, DETACHED DWELLING SUBDIVISION. (PUD 2006-2/BOA 2006-7 – Alston/H3O Design)**

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING - MARCH 23, 2006 - QUASI JUDICIAL)**

The applicant is requesting approval of an "RPUD" Residential Planned Unit Development and the adoption of a Master Plan for the development of a five-lot, single-family, detached dwelling subdivision for a parcel of land generally located west of 50th Street, between 68th Avenue and 69th Avenue. The applicant is also requesting variances to the two paved exterior off-street parking spaces for each dwelling unit and the distance of driveway from the property line. The applicant is proposing to utilize the two-car garage as parking for each dwelling unit. In order to ensure that the garages are not converted into a use not designed for parking, staff has requested that the restrictive covenants for the subdivision contain verbiage to prevent any such conversion. The developer is attempting a "new urbanist design" with rear-loaded parking garages, reduced front yard, and undulating facades. Surrounding land uses are: to the north, south and west, mobile homes; to the east, retention pond (FDOT). The Planning and Zoning Commission on February 2, 2006, recommended approval of the rezoning and Master Plan based on the "Responses of Relevant Considerations for Rezoning." The relevant considerations found that the rezoning is consistent with the City's Comprehensive Plan policies and would not adversely affect service levels subject to the following conditions:

1. A restrictive covenant requiring that the conversion of the two-car garages to living area shall not be permitted. The garage conversion covenant shall be recorded and a copy returned to the Zoning Division prior to the issuance of the first building permit.
2. Minimum setbacks shall be as illustrated on the "RPUD" Residential Planned Unit Development Master Plan (Exhibit "B") for each lot. (Setbacks shall be as follows: Front – 10 feet, Side – 5 feet, Rear – 15 feet and Secondary Front – 10 feet).
3. Criteria assigned to subdivision in notes on submitted site plan shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "RPUD" Residential Planned Unit Development adoption.

C4 ORDINANCE NO. 3424. ADOPTING AN AMENDED MASTER PLAN CONTROLLING DEVELOPMENT OF A "RPUD" RESIDENTIAL PLANNED UNIT DEVELOPMENT, WITH UNDERLYING "R-5" MULTI-FAMILY RESIDENTIAL, "B-1" GENERAL COMMERCIAL AND "PRES" PRESERVATION ZONING DISTRICTS AND CONDITIONAL USE SITE PLAN FOR A FINANCIAL INSTITUTION, DRIVE THRU, ALSO TO INCLUDE OFFICE AND RETAIL USES ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED NORTH OF 82ND AVENUE AND WEST OF 66TH STREET. (PUD 2004-4(R2)/CU 2006-7, Navin Bajaj/Frontier Engineering)

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING MARCH 23, 2006 – QUASI JUDICIAL)**

The applicant is requesting approval for a major amendment to the existing Palmbrooke Townhomes "RPUD" Residential Planned Unit Development generally located on the northwest corner of 66th Street and 82nd Avenue, for the development of the commercial outparcel to allow the construction of a financial institution with drive-thru facilities, a Conditional Use in the "B-1" General Commercial District (Case No. CU 2006-7) in combination with office and retail uses. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are; to the north and west, Palmbrooke Townhomes; to the south, LAM Auto Sales; to the east, Jesse's Family Restaurant and Circle "K" Food Mart. The Planning and Zoning Commission, at its meeting of February 2, 2006, recommended approval, subject to the following conditions:

1. All previous conditions of approval remain in full force and effect.
2. Minimum setbacks shall be as illustrated on the "RPUD" Residential Planned Unit Development Master Plan (Exhibit "B") for each lot. (Setbacks shall be as follows: Front – 20 feet, Side – 10 feet, Rear – 15 feet and Secondary Front – 10 feet).
3. Criteria assigned to the subdivision in notes on the submitted site plan shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "RPUD" Residential Planned Unit Development adoption.

C5 ORDINANCE NO. 3428. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 11000 60TH STREET NORTH (DONALD J. DENICK JR. AND JOANN M. DENICK AX06-25)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 1.06 acres MOL of contiguous residential property. The existing single-family home on the property will remain. The Owners plan to remove three (3) mobile homes from the property, subdivide the property, and construct a single-family home on the newly subdivided lot.

◆ FINANCE

C6 AUTHORIZATION FOR MAYOR TO SIGN A ONE-YEAR RENEWAL OPTION OF THE CONTRACT WITH RBC DAIN RAUSCHER INC. AS FINANCIAL ADVISOR

The City may need the financial advisory services and will exercise the option to extend the contract for an additional one year until March 2007 at the same rate. Account number 401-172-551762 would be charged if any charges are incurred.

Authorization for the mayor to sign a one-year renewal option of the contract with RBC Dain Rauscher Inc. through March, 2007 at the same rate. Account number 401-172-551762 will be charged if any charges are incurred.

◆ MIS

C7 AUTHORIZATION TO PURCHASE NETWORK BLADE SERVERS UNDER STATE CONTRACT — Dell Corporation, SHI

Authorization to purchase one Blade Server Enclosure, eight Power Edge 1855 Blade Servers, and one Console from Dell Corporation (One Dell Way, Round Rock, TX 78682) in the amount of \$28,150.99, under State Contract #250-000-03-1, and purchase of Windows Network Software from SHI (2 Riverview Drive, Somerset, NJ 08873) in the amount of \$1,779.93 under State Contract #255-001-01-1. A total cost of \$29,930.22 to be charged to account 501-851-5-621-08 with a budgeted amount of \$35,000.00

Authorization to purchase one Blade Server Enclosure, eight Power Edge 1855 Blade Servers, and one Console from Dell Corporation Round Rock, TX 78682) and purchase of Windows Network Software from SHI (Somerset, NJ 08873) at a total cost of \$29,930.22 to be charged to the appropriate account

C8 AUTHORIZATION FOR LEASE UNDER STATE CONTRACT OF FOUR XEROX WCP75H COPIER/PRINTER - Xerox Corporation

Authorization for a 36-month lease/purchase agreement for four Xerox WCP75H network copier/printers, to be leased under State Contract 600-340-03-01 from Xerox Corporation (4200 West Cypress Street, Tampa, Fl 33607). Two of them are for the Police Department to be charged to account 001-211-5-561-00. The annual budgeted amount is \$21,600.00 and the actual annual cost for the first year is \$19,349.12. Two of them are for City Hall to be charged to appropriate division 5-311-03 account. The annual budgeted amount is \$29,363.00 and the actual annual cost for the first year cost is \$19,349.12. The total 36 month purchase cost is \$113,854.72

Authorization to lease four Xerox WCP75H network copier/printers from Xerox Corporation, Tampa, Florida 33607, under State Contract Number 600-340-03-1 at a total cost of \$113,854.72 to be charged to the appropriate account.

MOTION was made by Councilwoman Bradbury to Accept, Pass, Approve or Adopt, whichever is appropriate, Items C1 thru C8 inclusive, with Items C3 thru C5 inclusive being First Reading Prior to Public Hearing and **SECONDED** by Councilman Taylor.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
 Councilman, William E. Taylor
 Mayor, William F. Mischler
Voting Nay: None
Absent: Vice-Mayor, Patricia L. Bailey-Snook
 Councilman, Rick Butler
Abstaining: None

MOTION CARRIED

V. REGULAR AGENDA

◆ COMMUNITY DEVELOPMENT

R1 AUTHORIZATION FOR THE MAYOR TO SIGN AN ADDENDUM TO AN ANNEXATION AGREEMENT DATED JANUARY 13, 2005 BETWEEN THE CITY OF PINELLAS PARK AND KEVIN F. PIQUET (AX04-83) - For property located at 10550 66th Street North.

At the time the Property was annexed, Mr. Piquet requested and received a waiver of City land development, permit, and plans review fees in the amount of \$10,000.00 for a period of 36 months from the date of his annexation into the City. Due to some unforeseen delays, and the fact that this is a phased project, Mr. Piquet will be unable to complete the development of his property within that 36 month time frame. This addendum serves as a request for an extension of that original time frame from 36 months to 60 months from the date of the original Annexation Agreement (January 13, 2005).

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** authorization for the Mayor to sign an addendum to the annexation agreement dated January 13, 2005 between The City of Pinellas Park and Kevin F. Piquet for his property located at 10550 66th Street North

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, William E. Taylor
Mayor, William F. Mischler
Voting Nay: None
Absent: Vice-Mayor, Patricia L. Bailey-Snook
Councilman, Rick Butler
Abstaining: None

MOTION CARRIED

R2 AUTHORIZATION FOR MAYOR TO SIGN ANNEXATION AGREEMENT WITH DONALD J. DENICK JR. AND JOANN M. DENICK (AX06-25) — Annexation of 1.06 acres MOL located at 11000 60th Street North

This is a voluntary annexation of 1.06 acres MOL of contiguous residential property. The existing single-family home on the property will remain. The Owners plan to remove three (3) mobile homes from the property, subdivide the property, and construct a single-family home on the newly subdivided lot.

Donald J. Jr. and Joann Denick 11000 60 th Street N.	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$1,959.86	\$0.00	\$4,100.00

The Annexation Agreement special provisions are:

After annexation of the Property, the Owner(s) may apply to the City to subdivide the property into two (2) lots. The City shall waive any fees associated with such application. Such fees are estimated to be, and not to exceed, Five Hundred and Seventy Five Dollars (\$575.00).

If the Owner(s) should decide to apply to the City to subdivide the Property into two (2) lots, and are successful; the City shall waive all City land development fees applicable for the demolition and/or the removal of three mobile homes, and the construction of a single-family home, on one of the Owner(s) newly subdivided lots, estimated to be, and not to exceed, Three Thousand Five Hundred Dollars (\$3,500.00). Said waiver shall be in effect for a period of sixty (60) months from the date of execution of this Agreement.

The City agrees to allow the Owner(s) to maintain and replace as necessary, an existing six-foot privacy fence surrounding the property.

For a period of thirty-six (36) months from the date of execution of this Agreement, the City shall waive all City permit fees, estimated to be, and not to exceed, Twenty Five Dollars (\$25.00), for the Owner to reconfigure the current electrical service upon the above-referenced Property.

COUNCILMAN BUTLER RETURNED TO THE MEETING AT 9:19 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** authorization for Mayor to sign an Annexation Agreement with Donald J. Denick Jr. and Joann M. Denick for annexation of 1.06 acres MOL located at 11000 60th Street North.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Councilman, William E. Taylor
Mayor, William F. Mischler
Voting Nay: None
Absent: Vice-Mayor, Patricia L. Bailey-Snook
Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ CITY COUNCIL

R3 AUTHORIZATION FOR MAYOR TO SIGN SETTLEMENT AGREEMENT – LEALMAN SPECIAL FIRE CONTROL DISTRICT vs. CITY OF ST. PETERSBURG, et. Al. CIVIL CASE NO. 05-3587-C1-013

This authorizes the Mayor to sign a settlement agreement with Lealman Special Fire Control District which they agree to dismiss with prejudice Counts III, IV, and V in the lawsuit.

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bradbury to **APPROVE** authorization for Mayor to sign Settlement Agreement between Lealman Special Fire Control District and the City of Pinellas Park.

Councilwoman Bradbury stated Pinellas County has already made a decision pertaining to where the City can annex even though the citizens had already chosen where the boundaries would be and Lealman is suing about annexation even though Pinellas Park has not done it in a few years.

Councilwoman Bradbury stated her concern is for the City's future responsibilities for the Pinellas Park Water Management District area which is partially in the Lealman area so she is hesitant to support this item.

Councilman Butler stated Council sent him to reach a settlement with Lealman Fire District and this is not something the City is going to win.

Councilman Butler stated the state legislature, Pinellas County Commission and other outside influences are actively involved with this issue and there is nothing in Lealman he wants to annex.

Councilman Butler stated his main concern is the residents of Pinellas Park and he has no concern with what goes on in unincorporated areas in Pinellas County. Councilman Butler stated he will not spend resident's money subsidizing the Lealman Fire District.

Councilman Taylor stated Councilman Butler did a great job with this agreement but he feels Pinellas Park is trying to defend itself and he thinks the City will be successful quite quickly.

Councilman Taylor stated this agreement does not include any private property rights and he will not do anything to legislate anyone's' private property rights.

Councilwoman Bradbury stated with the motion probably failing, she would like to table this item.

Councilman Butler stated there is a motion on the floor and he would like to see it voted on.

Councilman Butler directed City Manager Gustafson to report any monies spent on litigation dealing with the Lealman Fire District or any annexation litigation that goes with Lealman, at every City Council Meeting and he would like that added as an item on the regular agenda.

Mayor Mischler stated he is a firm believer in people's rights and there are 23 property owners south of 62nd Avenue that have signed voluntary annexation agreements requesting to be residents or businesses of Pinellas Park and he believes people should be able to live where they want.

Mayor Mischler provided an overview of the history of this item and legislature pertaining to this issue.

Mayor Mischler stated City Attorney Denhardt feels that the City will prevail in this lawsuit.

City Clerk Corna stated the motion is to approve this item.

Mike Allen, 6221 62nd Avenue, provided information on the recent flooding and what took place in Lealman and stated he doesn't know why Pinellas Park would want to do business with people like that.

Mayor Mischler stated the motion is to approve this authorization.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, William E. Taylor
Mayor, William F. Mischler
Voting Nay: Councilman, Rick Butler
Absent: Vice-Mayor, Patricia L. Bailey-Snook
Abstaining: None

MOTION CARRIED

Discussion was held on approving the incorrect motion.

City Attorney Denhardt stated if there is a majority it can be reconsidered.

Mayor Mischler asked if there is a majority to reconsider the motion?

MOTION was made by Councilman Taylor and **SECONDED** by Councilwoman Bradbury to **RECONSIDER** the previous motion.

MOTION was made by Councilwoman Bradbury to **TABLE** this authorization.

Mayor Mischler stated no, that it not the motion that is on the floor, the motion is to reconsider.

City Clerk Corna stated the motion is to reconsider Item R3.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, William E. Taylor
Mayor, William F. Mischler
Voting Nay: Councilman, Rick Butler
Absent: Vice-Mayor, Patricia L. Bailey-Snook
Abstaining: None

MOTION CARRIED

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilman Taylor to **TABLE** authorization for Mayor to sign Settlement Agreement between Lealman Special Fire Control District and the City of Pinellas Park.

Councilman Taylor stated he would like to involve Vice-Mayor Bailey-Snook in on this item when she returns.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, William E. Taylor
Voting Nay: Councilman, Rick Butler
Mayor, William F. Mischler
Absent: Vice-Mayor, Patricia L. Bailey-Snook
Abstaining: None

MOTION FAILED

MOTION was made by Councilman Butler, and **SECONDED** by Councilman Taylor to **DENY** authorization for Mayor to sign Settlement Agreement between Lealman Special Fire Control District and the City of Pinellas Park.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, William E. Taylor
Councilman, Rick Butler
Mayor, William F. Mischler
Voting Nay: None
Absent: Vice-Mayor, Patricia L. Bailey-Snook
Abstaining: None

MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

M1 RE-ELECTION

Mayor Mischler thanked everyone who supported his re-election and stated he will try to represent the people to the best of his ability.

Councilman Taylor thanked everyone for the marvelous outpouring of support for his re-election and stated it was a wonderful victory for the City.

M2 EVENTS

City Manager Gustafson stated the Chili Blaze is Friday, March 17, 2006.

City Manager Gustafson stated Pride in the Park is Saturday, March 11, 2006.

Mayor Mischler provided information on drop off locations for Pride in the Park.

Councilwoman Bradbury requested citizens call with questions about items that might be hazardous to drop off.

M3 SPECIAL COUNCIL MEETING AND RECEPTION

City Clerk Corna stated there will be a Special City Council Meeting on Monday, March 13, 2006 at 7:30 P.M. to canvass the votes for the election and give oaths of office for Mayor Mischler, Councilwoman Bradbury and Councilman Taylor.

City Clerk Corna stated there will be a reception immediately following the meeting in the City Hall break room.

M4 NOT TO PRAISE

Mike Allen, 6221 62nd Avenue, spoke in opposition to the awards program, voting machines, the election, articles in St. Petersburg Times and the size of City government's land, machinery and cars.

Mr. Allen requested that rewards are given to citizens who find ways to get along with less government, less expenditures, less retirement money for city employees, less city employees and less machinery.

M5 ELECTION

Marshall Cook, 9300 54th Street, congratulated Councilman Taylor on his re-election, thanked him for his comments to the St. Petersburg Times and stated he thinks he and Councilman Taylor ran a clean race.

M6 LEALMAN

John Frank, Lealman Community, stated on a whimsical note he would like safe passage to Lealman and wished Council a great evening.

M7 COUNCIL MEETING TIMES

Joe Shelley, 6035 86th Avenue, stated agreeing to disagree is a wonderful thing but he thinks a survey should be circulated to start Council Meetings at an earlier time.

Mayor Mischler stated Council tries to make it easier for the working class who can't get here earlier.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 9:55 P.M.

Attest:

Diane M. Corna, MMC
City Clerk

William F. Mischler
Mayor

/cgg

**CITY OF PINELLAS PARK, FLORIDA
SPECIAL CITY COUNCIL
MINUTES**

March 13, 2006
Council Chambers

Meeting was called to order at 7:30 P.M.

PRESENT: Mayor, William F. Mischler
Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, William E. Taylor

ABSENT: Councilman, Rick Butler

Also present were: City Attorney, James Denhardt – Assistant City Attorney, Christopher Hammonds - City Manager, Michael Gustafson - Assistant City Manager/Community Development Administrator, Tom Shevlin - Finance Administrator, Ron Miller – Human Resources Administrator, John Moore - Community Activities Administrator, Barbara Ponce - Assistant Community Activities Administrator, Tim Caddell - MIS Administrator, Randy Linthicum - Public Works Administrator, Tom Nicholls – Police Chief, Dorene Thomas – Fire Chief, Doug Lewis – Office of Management and Budget Administrator, Dan Katsiyannis – Streets/Drainage Director, Randy Roberts – Engineering Services Director, Scott Pinheiro – Public Utilities Director, Keith Sabiel – City Engineer/Utilities Design Director, Stan Emerson – Traffic Director, Rick Eggers – Purchasing Director, Bill Santhouse – Building Maintenance Director, Tom Pezone – Fleet Maintenance Director, Chris Marinari - Media and Public Events Specialist, Denise Re - Administrative Clerk, Pam Martin – Records Technician, Nichole Orr – Administrative Assistant, Cindy LeVan – Records Center Supervisor, Ed Mercer - City Clerk, Diane M. Corna, and Deputy City Clerk, Christine Gardner.

INVOCATION was given by Mayor Mischler.

PLEDGE OF ALLEGIANCE was led by Council.

◆ CITY COUNCIL

I. **CANVASSING THE VOTES OF THE GENERAL ELECTION HELD ON TUESDAY, MARCH 7, 2006.**

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Bailey-Snook to **APPROVE** the certification totals of the 2006 City of Pinellas Park General Election as read by the City Clerk, declaring William F. Mischler for Mayor, William E. “Ed” Taylor for Seat #1 and Councilwoman Sandra L. Bradbury for Seat #2.

Roll Call Vote:

Voting Yea: Vice-Mayor, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilman, Rick Butler

Abstaining: None

MOTION CARRIED UNANIMOUSLY

II. **OATHS OF OFFICE**

Administration of the Oaths of Office

**MAYOR – WILLIAM F. MISCHLER
CITY COUNCIL SEAT #1 – WILLIAM E. “ED” TAYLOR
CITY COUNCIL SEAT #2 – SANDRA L. BRADBURY**

MISCELLANEOUS

M1 EVENTS

Councilman Taylor stated the Chili Blaze is Friday, March 17, 2006 and Country in the Park is Saturday, March 18, 2006.

Mayor Mischler stated the Classic Car Show will be held Sunday, March 19, 2006.

M2 THANK YOU

Vice-Mayor Bailey-Snook thanked everyone for their condolences.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 7:45 p.m.

Attest:

Diane M. Corna
City Clerk

William F. Mischler
Mayor

/cgg

**CITY OF PINELLAS PARK, FLORIDA
REGULAR COUNCIL MEETING
MINUTES**

March 23, 2006
Council Chambers

Meeting was called to order at 7:30 P.M.

PRESENT: Mayor, William F. Mischler
Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor

ABSENT: None

Also present were: Assistant City Attorney, Christopher Hammonds – Assistant City Manager/Community Development Administrator, Tom Shevlin - Finance Administrator, Ron Miller – Human Resources Administrator, John Moore - Assistant Community Activities Administrator, Tim Caddell - Zoning Director, Dean Neal – MIS Technology Director, Dan Speaker - Public Works Administrator, Tom Nicholls – Police Chief, Dorene Thomas – Fire Chief, Doug Lewis – Office of Management and Budget Administrator, Dan Katsiyiannis – Community Planning Director, Bob Bray – Fleet Maintenance Director, Chris Marinari - City Engineer/ Utilities Design Director, Stan Emerson – Fire Administrative Services Director, Mary Ann Salch – Media and Public Events Specialist, Denise Re - Media & Public Events Specialist, Pam Martin – City Clerk, Diane M. Corna, and Administrative Assistant, Cynthia LeVan.

INVOCATION was given by Councilwoman Bailey-Snook

PLEDGE OF ALLEGIANCE was led by Council.

I. PRESENTATIONS

PROCLAMATION

National Library Week April 2 – 8, 2006

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of March 9, 2006 and Special Council Minutes of March 13, 2006.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the Regular Council Minutes of March 9, 2006 and Special Council Minutes of March 13, 2006, as on file in the City Clerk’s Office.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

STAFF MEMBERS WERE SWORN IN FOR QUASI-JUDICIAL ITEMS

III. PUBLIC HEARINGS

◆ **COMMUNITY DEVELOPMENT**

P1 ORDINANCE NO. 3424, ADOPTING AN AMENDED MASTER PLAN CONTROLLING DEVELOPMENT OF A "RPUD" RESIDENTIAL PLANNED UNIT DEVELOPMENT, WITH UNDERLYING "R-5" MULTI-FAMILY RESIDENTIAL, "B-1" GENERAL COMMERCIAL AND "PRES" PRESERVATION ZONING DISTRICTS AND CONDITIONAL USE SITE PLAN FOR A FINANCIAL INSTITUTION, DRIVE THRU, ALSO TO INCLUDE OFFICE AND RETAIL USES ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED NORTH OF 82ND AVENUE AND WEST OF 66TH STREET. (PUD 2004-4(R2)/CU 2006-7, Navin Bajaj/Frontier Engineering)

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

The applicant is requesting approval for a major amendment to the existing Palmbrooke Townhomes "RPUD" Residential Planned Unit Development generally located on the northwest corner of 66th Street and 82nd Avenue, for the development of the commercial outparcel to allow the construction of a financial institution with drive-thru facilities, a Conditional Use in the "B-1" General Commercial District (Case No. CU 2006-7) in combination with office and retail uses. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are; to the north and west, Palmbrooke Townhomes; to the south, LAM Auto Sales; to the east, Jesse's Family Restaurant and Circle "K" Food Mart. The Planning and Zoning Commission, at its meeting of February 2, 2006, recommended approval, subject to the following conditions:

1. All previous conditions of approval remain in full force and effect.
2. Minimum setbacks shall be as illustrated on the “RPUD” Residential Planned Unit Development Master Plan (Exhibit “B”) for each lot. (Setbacks shall be as follows: Front – 20 feet, Side – 10 feet, Rear – 15 feet and Secondary Front – 10 feet).
3. Criteria assigned to the subdivision in notes on the submitted site plan shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of “RPUD” Residential Planned Unit Development adoption.

The City Attorney read Ordinance No. 3424 by title only. Mayor Mischler opened the Public Hearing at 7:42 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Bob Detweiler, 8482 Deauville, Vendome Village commented on the traffic issues that are going to be endangered by the development. Mr. Detweiler stated that 82nd Avenue is very heavily traveled with no turn lanes compared to 78th Avenue which has three turn lanes. Mr. Detweiler stated he appreciates the revisions made to the plan but they do not appear to be enough. Mr. Detweiler suggested that the exits onto 82nd Avenue be mandated as right turn only, which would prevent cars from attempting to merge with the traffic heading eastward at the traffic light.

Mayor Mischler agreed with Mr. Detweiler’s concerns and stated the City has tried to get funds through the State for 82nd Avenue, but those funds have run dry.

Public Works Administrator Nicholls, stated the City is looking to use some transportation impact fees from the town home development.

Vice-Mayor Taylor asked Administrator Nicholls for a timetable of completion for the project.

Administrator Nicholls stated a year if not 15, 18 months, if funding was able to get it into the October budget or through a grant process. The City is ready to go with the scope of services; they have just not found the funding to move forward.

Mayor Mischler asked Administrator Nicholls if there was an estimated cost for this project?

Administrator Nicholls stated the cost estimate when working with FDOT, was around the \$400,000 mark to add a lane, and there will be some SWIFTMUD issues to be addressed at that time. There will also be an additional \$200,000 cost to upgrade the traffic signal.

Mayor Mischler stated once the road is widened, it will have to be mitigated and water run-off will have to be directed somewhere.

Jerry Barrett, 8492 Deauville, Vendome Village, stated his concerns were the same as Mr. Detweiler's, traffic congestion and possible vehicle accidents.

Marilyn Barrett, 8492 Deauville, Vendome Village, stated Mr. Detweiler had mentioned the idea of a right turn only lane and did not hear anyone say anything toward that issue.

Tim Healey, Frontier Engineering P.O. Box 89683 and Scott Dobbins, Gulfcoast Commercial, 7860 Causeway Blvd. South, Civil Engineer. Both gentlemen are the applicants for the project. Mr. Healey stated the concerns are valid and appreciate the input from the audience on the traffic. They have discussed the traffic issues with City staff and what they pushed for was pushing the entrances, ingress/egress to the furthest spots they can on the B-1 property. The bank egress is a little bit in the interior of the property but the bank is an egress only.

Mr. Healey, stated in meetings with the application, FDOT stated they like the project and had no concerns about the entrance on 66th Street. Mr. Healey stated they are doing what they can to maximize the safety that goes along with the B-1 site.

Mr. Dobbins distributed some renditions of the project.

Mr. Healey stated that the design of the left hand turn lane will be initiated by a consulting firm soon which should free up a lot of the stacking situation.

Mr. Dobbins stated they are happy to be a part of the 66 Street Corridor and a lease is signed with Florida Capitol Bank of Pinellas County and that this will be their first corporate headquarters.

Councilwoman Bradbury asked why, when the bank was designed, it was not put on 66th Street, to keep it away from the residential area?

Mr. Dobbins stated they had looked at that during the pre-planning but the issue was that the drive-thru was a requirement of the bank and if you have the drive-thru on the 66th Street side, it would be on the passenger side of the vehicle.

Councilwoman Bradbury, in speaking about the 82nd turn lanes, stated it was her understanding they would be getting with the owner, because of the transportation impact fees that may help with the drawings.

Mr. Healey stated they have been assured by City Council that this will not impact any of the movements out of the site and if that is the case, the owner supports them.

Mayor Mischler asked if the applicants were willing to do a partnership?

Mr. Healey said he thought so.

Councilwoman Bradbury asked if the motion was made to have the bank exit right turn only, would that be acceptable?

Mr. Healey stated with the owner not present, he could not answer her question.

Councilwoman Bradbury stated other than the fact that it's a bank she would rather see the exit not even exist.

Mr. Healey stated he feels he's made enough modifications and is comfortable with the plan as is.

Councilman Butler stated it's not the applicants fault that there's going to be a traffic problem. In fact, if it wasn't for the applicants coming here, it would not be straightened out. The City would not be getting traffic impact fees to improve bad intersections. It may be a bad intersection for a couple of years, but once it's done all the residents are going to be happy.

Vice-Mayor Taylor stated the applicants are part of the problem but they are also part of the solution. He suggested making it a right hand turn only out of that drive thru until something is done with the widening of the intersection.

Mr. Healey stated the bank drives the development and they have to approve that. He stated it would be a tough sell. The bank is the anchor client and this will be the location of their corporate headquarters.

Mayor Mischler stated the bank doesn't worry him, its other businesses that will going in on the site and felt the bank would not have the volume of customers that some other businesses may.

Mayor Mischler agreed with Vice-Mayor Taylor's recommendation of a right hand turn only from the bank.

Councilwoman Bailey-Snook stated it shows on the drawing up at the north of the property, east and west arrows on the parking lot, so they could use the west area to leave and go out on 66th Street.

Cecil Bradbury, 9400 50th Way North, discussed where they have the one exit to the east coming out of the bank, there is no reason why they can't turn on their property and come out at the back of the property where the two lanes are, going either way. They could turn immediately, come out where the ingress/egress is on the western most portion of that and have an opportunity to come out on 66th Street, without even having to wait for a traffic light, or if they wanted to come out, they would be far enough back that they would not interfere with people trying to make the turn on the property. Mr. Bradbury also stated he doesn't feel the design is very impressive with all the buildings having the backs facing 66th Street.

Mr. Healey again said they have traffic implementation, signalization, and stop bar stop signs on the egress for the drive-thru.

Mayor Mischler asked why the parking is not out front?

Mr. Healey stated parking in back is a trend and visibility is key.

Mr. Healey stated that everyone has brought up good points as they relate to the amount of traffic that's going to be exiting onto 82nd until it is funded. As a concession, and in order to move forward, Mr. Healey stated he needed to be able to accept the plan, as well make it safe for the community. What Mr. Healey is proposing is, the far west access point on 82nd Avenue, making that ingress only until the road gets redeveloped in order to handle the extra traffic onto 82nd Avenue. It would be egress only through the bank drive-thru with the ability to make the left turn onto 66th Street, but would alleviate the concerns today as it relates to the dual egress issue.

Mr. Healey requested a short recess to discuss this issue further with Mr. Dobbins.

MOTION was made by Councilwoman Bradbury and **SECONDED** by Vice-Mayor Taylor to **TABLE** Ordinance No. 3424, for approximately 15 minutes and Continue the Public Hearing.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P2 ORDINANCE NO. 3425. AMENDING CHAPTER 18, SECTION 18-1503.3, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND LOCATED WEST OF 50TH STREET BETWEEN 68TH AVENUE AND 69TH AVENUE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "T-1" MOBILE HOME SUBDIVISION DISTRICT TO "T-1" MOBILE HOME SUBDIVISION DISTRICT AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR AN "RPUD" RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR A FIVE-LOT, SINGLE-FAMILY, DETACHED DWELLING SUBDIVISION. (PUD 2006-2/BOA 2006-7 – Alston/H3O Design)

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

The applicant is requesting approval of an "RPUD" Residential Planned Unit Development and the adoption of a Master Plan for the development of a five-lot, single-family, detached dwelling subdivision for a parcel of land generally located west of 50th Street, between 68th Avenue and 69th Avenue. The applicant is also requesting variances to the two paved exterior off-street parking spaces for each dwelling unit and the distance of driveway from the property line. The applicant is proposing to utilize the two-car garage as parking for each dwelling unit. In order to ensure that the garages are not converted into a use not designed for parking, staff has requested that the restrictive covenants for the subdivision contain verbiage to prevent any such conversion. The developer is attempting a "new urbanist design" with rear-loaded parking garages, reduced front yard, and undulating facades. Surrounding land uses are: to the north, south and west, mobile homes; to the east, retention pond (FDOT). The Planning and Zoning Commission on February 2, 2006, recommended approval of the rezoning and Master Plan based on the "Responses of Relevant Considerations for Rezoning." The relevant considerations found that the rezoning is consistent with the City's Comprehensive Plan policies and would not adversely affect service levels subject to the following conditions:

1. A restrictive covenant requiring that the conversion of the two-car garages to living area shall not be permitted. The garage conversion covenant shall be recorded and a copy returned to the Zoning Division prior to the issuance of the first building permit.
2. Minimum setbacks shall be as illustrated on the "RPUD" Residential Planned Unit Development Master Plan (Exhibit "B") for each lot. (Setbacks shall be as follows: Front – 10 feet, Side – 5 feet, Rear – 15 feet and Secondary Front – 10 feet).
3. Criteria assigned to subdivision in notes on submitted site plan shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "RPUD" Residential Planned Unit Development adoption.

The City Attorney read Ordinance No. 3425 by title only. Mayor Mischler opened the Public Hearing at 8:35 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Colin Olston, 7025 52nd Street, owner and builder and Henry Hardt, 1950 1st Avenue N., Suite 208, St. Petersburg, H30 Design, Civil Engineer were both present to answer any questions.

Craig Clark, 5060 69th Avenue, stated he lives adjacent to the planned development. Mr. Clark asked for more specifics on the alley way.

Zoning Director Neal pointed out where the alley was located and how wide it was.

Public Hearing was closed at 8:39 P.M.

MOTION was made by Councilwoman Bradbury and **SECONDED** by Vice-Mayor Taylor to **PASS** Ordinance No. 3425.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P3 CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE TO ALLOW "AUTOMOBILE DEALER, NEW" AND "AUTO REPAIR FACILITY (MAJOR)" FOR A CUSTOM MOTORCYCLE DEALERSHIP IN THE "B-1" GENERAL COMMERCIAL ZONING DISTRICT WITH A WAIVER TO THE CONDITIONAL USE REQUIREMENT FOR A 10-FOOT-WIDE LANDSCAPED BUFFER ALONG THE ENTIRE RIGHT-OF-WAY WHICH PROVIDES PRIMARY ACCESS TO THE SITE FOR A PROPERTY GENERALLY LOCATED AT 9292 49TH STREET NORTH. (CU 2006-11 John Schmidt/Steve Peasley)

PUBLIC HEARING (QUASI-JUDICIAL)

The applicant is requesting consideration to establish a "Automobile Dealer – New Cars" and "Automotive Repair Facility (major)", both of which are Conditional Uses in the "B-1" General Commercial Zoning District, on a parcel of land generally located at 9292 49th Street for the establishment of a Custom Motorcycle Dealership and Fabrication Shop. The applicant is also requesting a waiver to the Conditional Use requirement for a 10-foot-wide landscaped buffer along the entire right-of-way which provides primary access to the site. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, Steve's TV and Variety Store; to the south, Calvin Christian Reform Church; to the east, Crystal Lake Mobile Home Park; and to the west, Single Family Dwellings. At its meeting on March 2, 2006, the Planning and Zoning Commission recommended approval of the above request with conditions.

Mayor Mischler opened the Public Hearing at 7:42 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Tim Stokes, 1534 Wexford Drive, Palm Harbor and Steve Peasley, 1327 Sunset Court, Tarpon Springs were both present to answer any questions.

Councilwoman Bailey verified hours of operation and her concern for the noise level.

Mr. Stokes stated a previous concern was the fence at the back of the property that leads into the neighborhood and that has now been addressed

Mr. Peasley stated the fence leading to the neighborhood has been closed for over a year. The applicants have had the fence filled in to cut down on some of the noise.

Steve Ramsey, 9300 49th Street, owner of Steve's TV and Variety Store stated he is in favor of the facility.

Cecil Bradbury, 9400 54th Way N., stated he is not pro or against but is concerned with a rash of other motorcycles in the area that are creating a lot of noise problems and he would like to see that any noise from the new facility is done out toward 49th Street. Mr. Bradbury would like it insured that they will have no exit or entrance to or from the facility for motorcycle shows or other activities they may put on.

John Schmidt (no address given), owner of Coastal Tile and the facility in question, concurred that the gates have been locked for the last year or so. Mr. Schmidt stated the two applicants are very sincere.

City Clerk Corna stated her office received two letters opposing this item due to traffic and noise concerns. The letters were submitted by Jonathan Miller, 4965 93rd Avenue N. and Lisa Koelsch, 4930 93rd Avenue N.

Public Hearing was closed at 8:56 P.M.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** a Conditional Use request to establish an “Automobile Dealer – New Cars” and “Automotive Repair Facility (major)” in the “B-1” General Commercial Zoning District with a waiver to the Conditional Use requirement for a 10-foot-wide landscaped buffer along the entire right-of-way which provides primary access to the site, based on the staff report and the criteria found in Section 18-1509.4(B) & (C) subject to the following conditions:

1. There shall be no outdoor loud speaker/public address or outdoor phone ringer systems allowed.
2. All automotive repair work shall be performed only in an enclosed building.
3. The rear gate to the site shall not be utilized for this use.
4. The hours of operation shall be Monday-Friday from 8:00 am to 5:00 pm, Saturday from 9:00 am to 4:00 pm and closed Sunday.
5. The use shall be restricted to the 24,000 square foot building as indicated on the site plan.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **AMEND** Condition #5 to read as follows:

5. The use shall be restricted to the 2,400 square foot building as indicated on the site plan.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P1 PUBLIC HEARING CONTINUED AT 8:58 P.M.

Mr. Healey stated he had contacted the owner of the property and the owners has officially agreed to amend the site plan to allow just a right turn only out of the bank egress. Mr. Healy stated he feels there should be no other concerns.

Mayor Mischler asked if this was permanent?

Mr. Healy stated it would be permanent.

Cecil Bradbury, 9400 50th Way North stated understood what Mr. Healey had said, but they could actually come out and immediately turn back into the parking lot and go out to 66th Street.

PUBLIC HEARING WAS CLOSED AT 9:00 P.M.

MOTION was made by Councilwoman Bradbury to **PASS** Ordinance No. 3424, and **SECONDED** by Vice-Mayor Taylor, with the following conditions:

- The egress from the bank will be a right turn lane only and the owner will provide for the engineering for the turn lane for 82nd Avenue going out to 66th Street.

Mr. Healey stated he would rather not have a commitment from the owner to provide the engineering as part of the motion.

Councilman Butler stated the motion would require the developer to do all the engineering of the improvements on 82nd Avenue.

Assistant City Manager Shevlin stated they will get the credit against the Traffic Impact Fee for doing that and it is only for the engineering.

Mr. Healy stated he knows the TIFF funds will be shifted over the intersection improvement. Mr. Healthy stated it will need to be discussed further with the owner of the property to see if he is willing to shift the funds over to the intersection funds and requested it not be part of the condition.

Assistant City Attorney Hammonds stated as far as getting the plan approved, Council can direct City Staff later that the TIFF money that comes from the owner will be put towards the 82nd Avenue intersection.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **AMEND** the condition made on the previous motion to read as follows:

- The egress from the bank will be a right turn only.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P4 ORDINANCE NO. 3428. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 11000 60TH STREET NORTH (DONALD J. DENICK JR. AND JOANN M. DENICK AX06-25)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 1.06 acres MOL of contiguous residential property. The existing single-family home on the property will remain. The Owners plan to remove three (3) mobile homes from the property, subdivide the property, and construct a single-family home on the newly subdivided lot.

The City Attorney read Ordinance No. 3428 by title only. Mayor Mischler opened the Public Hearing at 9:10 P.M.

There were no comments or objections.

Public Hearing was closed at 9:11 P.M.

MOTION was made by Councilman Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3428.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

COUNCILMAN BUTLER LEFT THE MEETING AT 9:11 P.M.

COUNCILMAN TAYLOR LEFT THE MEETING AT 9:11 P.M.

IV. CONSENT AGENDA

◆ POLICE

C1 CHANGE ORDER NO. 1 FOR PROJECT 05/032 — CRISIS NEGOTIATION VEHICLE CONVERSION — L & S Custom Coaches, Inc.

Change Order No. 1 is recommended for approval. The change order represents additional technology that will significantly enhance our existing crisis negotiation equipment. The amount originally approved for this project was \$32,550 to be charged to 104-212-5-621-08. This change order represents an increase of 8.7% from the original approved amount. Change Order No. 1 provides for an increase in cost of \$2,850.

Change Order No. 1 for Project 05/032, Crisis Negotiation Vehicle Conversion, L & S Custom Coaches, Inc., an increase of \$2,850 for a total adjusted contract amount of \$35,400 to be charged to the appropriate account.

◆ PUBLIC WORKS

AUTHORIZATION TO PURCHASE UNDER FLORIDA SHERIFF'S ASSOCIATION AND FLORIDA ASSOCIATION OF COUNTIES CONTRACT 04-12-0823-QE065-QE510 - One 2006 Ford F-250 ¾ Ton Pick-Up Truck – for Fire Department

This 2006 Ford F-250 ¾ Ton Pick-Up Truck is a replacement for asset 13103 that was determined to be a total loss after being involved in an accident. Charge accounts as follows: deductible charge of \$200 to 001-221-5-491-05, insurance loss fund charge of \$11,925 to 511-221-5-491-05 for a total insurance claim charge of \$12,125. The remaining amount of \$7,362 to be charged to account 501-231-5-661-09 for a total cost of \$19,487.

Authorization to purchase under Florida Sheriff's Association and Florida Association of Counties Contract 04-12-0823-QE065-QE510 from Duval Ford, Jacksonville, Florida – One 2006 Ford F-250 ¾ Ton Pick-Up Truck for Fire Department, at a total cost of \$19,487 to be charged to the appropriate account.

C3 AUTHORIZATION TO PURCHASE UNDER FLORIDA SHERIFF'S ASSOCIATION AND FLORIDA ASSOCIATION OF COUNTIES CONTRACT 04-12-0823-QE065-QE510 - One 2006 Ford F-250 ¾ Ton Pick-Up Truck – for Police Department

This 2006 Ford F-250 ¾ Ton Pick-Up Truck is an addition to the fleet. This new truck will be used by the volunteer section of the Police Department and is being requested due to uncertainty of our loaner agreement. This truck will also be available for disaster/high-water response. This expenditure to be charged to account 501-212-5-661-09, in the amount of \$19,487.

Authorization to purchase under Florida Sheriff's Association and Florida Association of Counties Contract 04-12-0823-QE065-QE510 from Duval Ford, Jacksonville, Florida – One 2006 Ford F-250 ¾ Ton Pick-Up Truck for Police Department, at a total cost of \$19,487 to be charged to the appropriate account.

C4 AUTHORIZATION TO PURCHASE UNDER FLORIDA STATE TERM CONTRACT 760-001-06-1 COMMODITY CODE 760-460-100 - One 2006 John Deere Skid Steer Loader – for Streets Division

This 2006 John Deere 325 Skid Steer Loader is a replacement for asset 10927. This unit will be used by the Streets Division to perform maintenance throughout the City. The amount budgeted in account 501-412-5-661-09 for this expenditure is \$64,500 and can be found on page 422 of the 05/06 budget.

Authorization to purchase under Florida State Term Contract 760-001-06-1 Commodity Code 760-460-100 – One 2006 John Deere 325 Skid Steer for Streets Division from Nortrax, 4618 Scarborough Drive, Lutz, Florida at a total cost of \$49,455.42 to be charged to the appropriate account.

C5 AUTHORIZATION TO PURCHASE UNDER FLORIDA STATE TERM CONTRACT 760-001-06-1 COMMODITY CODE 760-460-100 - One 2006 Interstate 30 TDA Trailer – for Streets Division

This 2006 Interstate 30 TDA Trailer is an addition to the fleet. This trailer will be used by the Streets Division to perform maintenance throughout the City. The amount budgeted in account 501-412-5-661-09 for this expenditure is \$26,000 and can be found on page 421 of the 05/06 budget.

Authorization to purchase under Florida State Term Contract 760-001-06-1 Commodity Code 760-460-100 – One 2006 Interstate 30 TDA Trailer for Streets Division from Nortrax, 4618 Scarborough Drive, Lutz, Florida at a total cost of \$20,866.90 to be charged to the appropriate account.

C6 AUTHORIZING THE MAYOR TO ENTER INTO A JOINT PROJECT AGREEMENT WITH PINELLAS COUNTY FOR UTILITY INSTALLATION AND ADJUSTMENT BY ROADWAY CONTRACTOR BRYAN DAIRY ROAD — Starkey to 72nd Street

This Agreement will allow Pinellas County to proceed with the installation of a 20-inch water line and the adjustment of utilities for the City of Pinellas Park associated with the improvements to Bryan Dairy Road from Starkey Road to 72nd Street. The adjustments will be made by the County’s contractor at the City’s expense. Construction is scheduled to begin in 2006 and the City’s cost is estimated to be \$922,240 to be taken from account number 301-381-5775-44. The amount budgeted for this project is \$986,259. The County will reimburse the City any excess funds if actual cost is under the estimated amount and will invoice the City if the actual cost is more than the estimated amount.

Authorization for the Mayor to enter into a Joint Project Agreement with Pinellas County for Utility Installation and Adjustment by Roadway Contractor, Bryan Dairy Road, Starkey to 72nd Street at a cost estimated to be \$922,240, to be charged to the appropriate account.

◆ **COMMUNITY DEVELOPMENT**

C7 AUTHORIZATION FOR THE MAYOR TO SIGN A CONTRACT FOR PLANNING CONSULTANT SERVICES — Michele Mellgren & Associates, Inc.

This authorizes the Mayor to sign a contract for planning consultant services with Michele Mellgren & Associates, Inc. (6555 Nova Drive, Suite 305, Ft. Lauderdale, Florida 33317). Services will include the evaluation and modifications of Article 15 and 17 of the Land

Development Code, specifically addressing redevelopment, incentives, processes and internal consistency within the Land Development Code. The amount budgeted is \$75,000 and the contract amount is not to exceed \$75,000 and is to be charged to account number 301-175-5-758-52.

Authorization for the Mayor to sign a contract with Michele Mellgren & Associates, Inc. for planning consultant services not to exceed \$75,000 and to be charged to the appropriate account.

- C8 ORDINANCE NO. 3429. AN ORDINANCE AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE), ARTICLE 1 "SUBDIVISION" OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING SECTION 18-103.4(D) "CITY COUNCIL REVIEW" BY PROVIDING FOR CONDITIONAL APPROVAL OF THE FINAL PLAT AT THE TIME THAT THE PRELIMINARY PLAT IS APPROVED; BY DELETING SUBSECTION 18-103.2(B) IN ITS ENTIRETY, ELIMINATING CITY COUNCIL AS A REVIEW AGENCY FOR THE REVIEW OF FINAL PLATS; BY AMENDING SECTION 18-103.6(A). "SUBMISSION" FOR FINAL PLAN REVIEW BY PROVIDING FOR REVIEW BY THE ADMINISTRATIVE STAFF; BY DELETING SECTION 18-103.6(C) "EFFECT OF ADMINISTRATIVE STAFF'S DECISION" IN ITS ENTIRETY AND CREATING A NEW SUBSECTION "EFFECT OF ADMINISTRATIVE STAFF'S DECISION: APPROVAL BY SIGNATURE OF MAYOR" BY PROVIDING FOR APPROVAL OF THE FINAL PLAT BY SIGNATURE OF THE MAYOR THEREON AFTER ADMINISTRATIVE REVIEW BY STAFF, IN ACCORDANCE WITH THE CONDITIONS OF SUCH APPROVAL AS SET BY THE CITY COUNCIL UPON APPROVAL OF THE PRELIMINARY PLAT; BY AMENDING SECTION 18-103.6(D) "EFFECT OF CITY COUNCIL APPROVAL" FOR FINAL PLAT REVIEW BY CHANGING THE TITLE TO "EFFECT OF APPROVAL BY SIGNATURE OF MAYOR" AND BY PROVIDING FOR APPROVAL BY THE MAYOR OF THE FINAL PLAT, IN ACCORDANCE WITH THE CONDITIONS OF SUCH APPROVAL AS SET BY THE CITY COUNCIL UPON APPROVAL OF THE PRELIMINARY PLAT; BY AMENDING SECTION 18-106.(E) "RECORDING OF THE FINAL PLAT" FOR FINAL PLAT REVIEW BY ESTABLISHING THE MAYOR SIGNATURE DATE AS THE DATE OF APPROVAL; PROVIDING FOR CERTIFICATION BY THE CITY COUNCIL THAT THIS ORDINANCE IS IN CONFORMANCE WITH THE CITY'S 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. (LDC 2006-03)**

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING, APRIL 13, 2006)**

This amendment to the Subdivision Code authorizes the Mayor to sign the Final Plat as part of the City Council approval of the Preliminary Plat and delegates the authority for the approval of Final Plats to administrative staff when staff makes findings that the Final Plat is materially consistent with the Preliminary Plat, the Subdivision Code, the construction drawings and Chapter 177 F.S. At its meeting on March 2, 2006, the Planning and Zoning Commission recommended approval of the above Land Development Code change.

- C9 ORDINANCE NO. 3426. AMENDING CHAPTER 18, SECTION 18-1503.3, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 12900 44TH STREET AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "M-1" LIGHT INDUSTRIAL AND "IH" HEAVY INDUSTRIAL TO "IH" HEAVY INDUSTRIAL AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR AN "IPUD" INDUSTRIAL PLANNED UNIT DEVELOPMENT FOR THE DEVELOPMENT OF AN INDUSTRIAL PARK; IMPOSING 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 2006-4/Z 2006-5, Bruce Livingston/Housh Ghovae)**

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING APRIL 13, 2006 – QUASI JUDICIAL)**

The applicant is requesting approval to rezone from "M-1" Light Industrial and "IH" Heavy Industrial to "IH" Heavy Industrial with an "IPUD" Industrial Planned Unit Development overlay and Adoption of a Master Plan for the development of an Industrial Park for a parcel of land generally located at 12900 44th Street. The eastern portion of the site is developed with a 54,400-square-foot industrial building, paved vehicular use area and retention pond. The western portion of the site is currently vacant and is being utilized as a temporary parking lot. The applicant proposes the development of two additional buildings, one 14,000 square feet and the other 18,900 square feet, along with paved vehicular use areas and a retention pond. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. All surrounding land uses are industrial in nature. At its meeting of February 2, 2006 the Planning and Zoning Commission recommended APPROVAL of the PUD Master Plan subject to conditions.

A rezoning from "M-1" Light Industrial and "IH" Heavy Industrial to "IH" Heavy Industrial and Adoption of a Master Plan for the Boyd Industries Industrial Park, Case No. PUD 2006-4/Z 2006-5, on a certain parcel of property generally located at 12900 44th Street, subject to the following conditions;

1. Criteria assigned to the subdivision in notes on the submitted site plan shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "PUD" Planned Unit Development adoption.
2. The owner/developer will be required to receive a letter of concurrency from the City of Largo for sewer service prior to the issuance of building permits.

COUNCILMAN BUTLER RETURNED TO THE MEETING AT 9:18 P.M.

C10 ORDINANCE NO. 3430. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6171 104TH AVENUE NORTH (CARL AND MARY L. HOLDEFER AX06-37)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner's mobile home is located on this site.

C11 ORDINANCE NO. 3431. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6001 105TH AVENUE NORTH (KEVIN AND VALERIE NOWAKOWSKI AX06-39)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner's mobile home is located on this site.

◆ CITY COUNCIL

C12 RESOLUTION NO. 06-12. A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT HB 949 AND SB 1608 DURING THE 2006 LEGISLATIVE SESSION.

FIRST AND FINAL READING

This Resolution will prohibit County governments from restricting the governing authority of a municipality or the home rule privileges of its residents without a majority approval of the electors within the municipality or the consent of the municipality's governing board.

ITEM C9 IS QUASI-JUDICIAL

COUNCILMAN TAYLOR RETURNED TO THE MEETING AT 9:20 P.M.

MOTION was made by Councilwoman Bradbury to Pass, Approve or Adopt, whichever is appropriate, Items C-1 through C-12 inclusive, Items C-12 being First and Final Reading and Items C 8 through C-11 being First Reading, Prior to Public Hearing, and **SECONDED** by Councilman Butler.

Cecil Bradbury, 9400 50th Way N., concerning Item C-6 asked if the utilities the County are relocating was our main water line coming to the pump station that is on Bryan Dairy because a million dollars is a lot of money.

Reclaimed Water Director Emerson stated the million dollars was the engineering estimate for the cost of relocating the utilities as well as extending a twenty inch water main that was also placed in the prior widening of the road that will continue that line up to the pump station which will provide the city a twenty inch extra connection. That is the major cost of the expense.

Mr. Bradbury stated that the last property that's physically in the City of Pinellas Park is at 73rd St. Does this mean the City have to pay the County to run the line from Starkey to our city limits or are they paying for that out of their pocket and does it cost that much to relocate waterline only or what other utilities are being talked about that will be carried two blocks at that amount of money.

Director Emerson stated the Cities cost will only go for the twenty inch main up to the pump station, the relocation will just be the blocks mentioned, based on the estimate of the engineer only. Only the actual cost will be charged by the contractor.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

V. REGULAR AGENDA

◆ COMMUNITY DEVELOPMENT

R1 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY CARL HOLDEFER AND MARY L. HOLDEFER (AX06-37) — Annexation of 0.14 acres MOL located at 6171 104th Avenue North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

Carl and Mary Holdefer 6171 104 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$310.51	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Carl Holdefer and Mary L. Holdefer and located at 6171 104th Avenue North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

R2 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY KEVIN NOWAKOWSKI AND VALERIE NOWAKOWSKI (AX06-39) — Annexation of 0.14 acres MOL located at 6001 105th Avenue North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

Kevin and Valerie Nowakowski 6001 105 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$264.80	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Kevin Nowakowski and Valerie Nowakowski and located at 6001 105th Avenue North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ OMB

R3 REAPPOINTMENTS OF NANCY HODGES, NANCY LOEHR, AND GEORGE RACE TO THE CITIZENS' BUDGET ADVISORY COMMITTEE

Ms. Hodges has served on the Committee since April, 1997, Ms. Loehr has been serving on the committee as a regular member since May, 1995 and Mr. Race has served on the Committee since April, 2000. All members indicated that they are interested in continuing to serve on this Committee.

MOTION was made by Councilwoman Bailey-Snook, **SECONDED** by Councilman Butler to **APPROVE** reappointments of Nancy Hodges, Nancy Loehr, and George Race to serve as regular members of the Citizens' Budget Advisory Committee with terms to expire April 2008.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler
Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

ADD ON ITEM

◆ CITY COUNCIL

- R4 RESOLUTION NO. 06-13. OPPOSING THE RECOMMENDATIONS OF THE OFFICE OF PROGRAM POLICY AND ANALYSIS AND GOVERNMENT ACCOUNTABILITY TO TRANSFER MANATEE COUNTY OUT OF THE TAMPA BAY REGIONAL PLANNING COUNCIL.**

FIRST AND FINAL READING

Vice-Mayor Ed Taylor as a member of the Tampa Bay Regional Planning Council supports this resolution and recommends the City adopt this resolution.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to Pass Resolution No. 06-13.

Vice-Mayor Taylor stated the State wanted to re-divide up how our Regional Councils are divided up in the State and they deemed that Manatee should leave the Tampa Bay Regional Planning Council which is comprised of Pasco, Hillsborough and Pinellas Counties and join the Southwest Planning Council. Manatee County doesn't want to leave and the Tampa Bay Regional Planning Council doesn't want them to leave either so the resolution was put together that all the member governments would support and pass and then go forth back to the State and tell them that Tampa Bay Regional Planning Council would like to keep their partner across the bay, Manatee County in our Planning Council.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

M1 CITYS LOSS OF FRIENDS

Vice-Mayor Taylor stated the City lost a couple of good friends this past week; Kim LaPesta, Ron Milligan and John Simmonton passed away who were dear friends of the community.

M2 HISTORICAL SOCIETY FISH FRY

Councilwoman Bradbury stated the Pinellas Park Historical Society will be having an old fashioned fish fry, on Saturday, April 8, 2006 at Freedom Lake Park from 11:30 a.m. to 2:30 p.m. Tickets are \$10.00 each and there will be commemorative T-shirts also \$10.00

M3 RELAY FOR LIFE FUNDRAISER

Police Chief Thomas stated the Police Department will be holding a fundraiser on Wednesday, April 29, 2006 between 6:00 p.m. – 10:00 p.m. at Quaker Steak & Lube on 49th Street. All proceeds collected will benefit Relay for Life in the fight against cancer.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 9:30 p.m.

Attest:

Diane M. Corna, MMC
City Clerk

William F. Mischler
Mayor

/csl

CITY OF PINELLAS PARK, FLORIDA
REGULAR COUNCIL MEETING

MINUTES

April 13, 2006
Council Chambers

Meeting was called to order at 7:30 P.M.

PRESENT: Mayor, William F. Mischler
Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor (entered at 8:00 P.M.)

ABSENT: None

Also present were: City Attorney, James Denhardt - Assistant City Attorney, Christopher Hammonds – Assistant City Manager/Community Development Administrator, Tom Shevlin – Assistant Finance Administrator, George Kotala - Human Resources Administrator, John Moore - Community Activities Administrator, Barbara Ponce - Assistant Community Activities Administrator, Tim Caddell - Zoning Director, Dean Neal – MIS Administrator, Randy Linthicum -- Police Chief, Dorene Thomas – Fire Chief, Doug Lewis – Office of Management and Budget Administrator, Dan Katsiyiannis – Economic Development Specialist, Shannon Coughlin – Traffic Director, Rick Eggers – Engineering Services Director, Scott Pinheiro - Media and Public Events Specialist, Denise Re - Media & Public Events Specialist, Pam Martin and Deputy City Clerk, Christine Gardner.

INVOCATION was given by Councilwoman Bradbury.

PLEDGE OF ALLEGIANCE was led by Council.

I. PRESENTATIONS

PROCLAMATIONS

National Telecommunicator's Week April 9 - 14, 2006
National Volunteer Week April 17 - 23, 2006.

SPECIAL PRESENTATION — PLAQUE

From Chief Thomas and/or Capt. Haworth to L & S Custom Coaches

DO THE RIGHT THING

From Chief Thomas/Officer Saxer to the following students:

Kyan D'Angelo	Sacred Heart Catholic School
Chase Ostermann	Richard L. Sanders
Nichols Reis	Classical Christian School for the Arts
Sam Shammas	Pinellas Park High School
Adam Jensen	Classical Christian School for the Arts

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of March 23, 2006 as on file in the City Clerk's Office.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the Regular Council Minutes of March 23, 2006, as on file in the City Clerk's Office.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

STAFF MEMBERS WERE SWORN IN IF THERE ARE ITEMS THAT ARE QUASI-JUDICIAL

III. PUBLIC HEARINGS

◆ COMMUNITY DEVELOPMENT

- P1 **ORDINANCE NO. 3429. AN ORDINANCE AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE), ARTICLE 1 "SUBDIVISION" OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING SECTION 18-103.4(D) "CITY COUNCIL REVIEW" BY PROVIDING FOR CONDITIONAL APPROVAL OF THE FINAL PLAT AT THE TIME THAT THE PRELIMINARY PLAT IS APPROVED; BY DELETING SUBSECTION 18-103.2(B) IN ITS ENTIRETY, ELIMINATING CITY COUNCIL AS A REVIEW AGENCY FOR THE REVIEW OF FINAL PLATS; BY AMENDING SECTION 18-103.6(A). "SUBMISSION" FOR FINAL PLAN REVIEW BY PROVIDING FOR REVIEW BY THE ADMINISTRATIVE STAFF; BY DELETING SECTION 18-103.6(C) "EFFECT OF ADMINISTRATIVE STAFF'S DECISION" IN ITS ENTIRETY AND CREATING A NEW SUBSECTION "EFFECT OF ADMINISTRATIVE STAFF'S DECISION: APPROVAL BY SIGNATURE OF MAYOR" BY PROVIDING FOR APPROVAL OF THE FINAL PLAT BY SIGNATURE OF THE MAYOR THEREON AFTER ADMINISTRATIVE REVIEW BY STAFF, IN ACCORDANCE WITH THE CONDITIONS OF SUCH APPROVAL AS SET BY THE CITY COUNCIL UPON APPROVAL OF THE PRELIMINARY PLAT; BY AMENDING SECTION 18-103.6(D) "EFFECT OF CITY COUNCIL APPROVAL" FOR FINAL PLAT REVIEW BY CHANGING THE TITLE TO "EFFECT OF APPROVAL BY SIGNATURE OF MAYOR" AND BY PROVIDING FOR APPROVAL BY THE MAYOR OF THE FINAL PLAT, IN ACCORDANCE WITH THE CONDITIONS OF SUCH APPROVAL AS SET BY THE CITY COUNCIL UPON APPROVAL OF THE PRELIMINARY PLAT; BY AMENDING SECTION 18-106.(E) "RECORDING OF THE FINAL PLAT" FOR FINAL PLAT REVIEW BY ESTABLISHING THE MAYOR SIGNATURE DATE AS THE DATE OF APPROVAL; PROVIDING FOR CERTIFICATION BY THE CITY COUNCIL THAT THIS ORDINANCE IS IN CONFORMANCE WITH THE CITY'S 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. (LDC 2006-03)**

PUBLIC HEARING, SECOND AND FINAL READING

This amendment to the Subdivision Code authorizes the Mayor to sign the Final Plat as part of the City Council approval of the Preliminary Plat and delegates the authority for the approval of Final Plats to administrative staff when staff makes findings that the Final Plat is materially consistent with the Preliminary Plat, the Subdivision Code, the construction drawings and Chapter 177 F.S. At its meeting on March 2, 2006, the Planning and Zoning Commission recommended approval of the above Land Development Code change.

The City Attorney read Ordinance No. 3429 by title only. Mayor Mischler opened the Public Hearing at 8:05 P.M.

There were no comments or objections.

Public Hearing was closed at 8:06 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **PASS** Ordinance No. 3429.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Vice-Mayor Taylor stated this simplifies how things are done and Council is implementing this change for one year and if there are complications it will be discontinued.

P2

ORDINANCE NO. 3426. AMENDING CHAPTER 18, SECTION 18-1503.3, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 12900 44TH STREET AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "M-1" LIGHT INDUSTRIAL AND "IH" HEAVY INDUSTRIAL TO "IH" HEAVY INDUSTRIAL AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR AN "IPUD" INDUSTRIAL PLANNED UNIT DEVELOPMENT FOR THE DEVELOPMENT OF AN INDUSTRIAL PARK; IMPOSING 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 2006-4/Z 2006-5, Bruce Livingston/Housh Ghovae)

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

The applicant is requesting approval to rezone from "M-1" Light Industrial and "IH" Heavy Industrial to "IH" Heavy Industrial with an "IPUD" Industrial Planned Unit Development overlay and Adoption of a Master Plan for the development of an Industrial Park for a parcel of land generally located at 12900 44th Street. The eastern portion of the site is developed with a 54,400-square-foot industrial building, paved vehicular use area and retention pond. The western portion of the site is currently vacant and is being utilized as a temporary parking lot. The applicant proposes the development of two additional buildings, one 14,000 square feet and the other 18,900 square feet, along with paved vehicular use areas and a retention pond. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. All surrounding land uses are industrial in nature. At its meeting of February 2, 2006 the Planning and Zoning Commission recommended APPROVAL of the PUD Master Plan subject to conditions. A rezoning from "M-1" Light Industrial and "IH" Heavy Industrial to "IH" Heavy Industrial and Adoption of a Master Plan for the Boyd Industries Industrial Park, Case No. PUD 2006-4/Z 2006-5, on a certain parcel of property generally located at 12900 44th Street, subject to the following conditions;

1. Criteria assigned to the subdivision in notes on the submitted site plan shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "PUD" Planned Unit Development adoption.
2. The owner/developer will be required to receive a letter of concurrency from the City of Largo for sewer service prior to the issuance of building permits.

The City Attorney read Ordinance No. 3426 by title only. Mayor Mischler opened the Public Hearing at 8:08 P.M.

There were no comments or objections.

Public Hearing was closed at 8:09 P.M.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **PASS** Ordinance No. 3426 - A rezoning from "M-1" Light Industrial and "IH" Heavy Industrial to "IH" Heavy Industrial and Adoption of a Master Plan for the Boyd Industries Industrial Park, Case No. PUD 2006-4/Z 2006-5, on a certain parcel of property generally located at 12900 44th Street, subject to the following conditions;

1. Criteria assigned to the subdivision in notes on the submitted site plan shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "PUD" Planned Unit Development adoption.
2. The owner/developer will be required to receive a letter of concurrency from the City of Largo for sewer service prior to the issuance of building permits.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

Vice-Mayor Taylor asked if the City of Largo has indicated there will be any problems with concurrency on the sewer?

Zoning Director Neal stated at this point there has been no indication from Largo there will be a problem.

P3

CONSIDERATION OF A REQUEST FOR AN EXPANSION TO AN EXISTING CONDITIONAL USE FOR AN “EDUCATIONAL INSTITUTION (ELEMENTARY, MIDDLE, AND SENIOR)” IN THE “R-2” SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO INCREASE THE NUMBER OF STUDENTS PERMITTED FROM 90 TO 170 ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6565 78TH AVENUE. (CU 2006-10 - First Church of the Nazarene/Rick Hermann)

PUBLIC HEARING (Quasi-Judicial)

The applicant is requesting consideration of an expansion to a Conditional Use for an existing “Educational Institution, (elementary, middle, and senior)” in the “R-2” Single Family Residential Zoning District on a certain parcel of land generally located at 6565 78th Avenue. On April 14, 2005, City Council approved a Conditional Use to allow an “Educational Institution (elementary, middle, and senior)” on the parcel, Case No. CU 2005-7. However, City Council limited the number of students to 90. The applicant is now requesting an increase to allow a total of 170 students. Surrounding land uses are: to the north, single family dwellings; to the south, single family dwellings and an Insurance Company parking lot; to the east, single family dwellings; and to the west, Catch 47 and the Tackle Shack. The proposal appears to be consistent with the Comprehensive Plan and should have no adverse effect on adopted levels of service for City infrastructure. At its meeting on March 2, 2006, the Planning and Zoning Commission recommended approval of the above request.

Mayor Mischler opened the Public Hearing at 8:11 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Zoning Director Neal read a letter in opposition to this item received from Maria Daily, 7005 Bay Street, St. Pete Beach.

Rick Hermann, 6438 93rd Terrace #603, stated this is a non-profit organization and provided information on the school, traffic, carpooling, tuition and scholarships.

Lorinda Sudduth 7102 77th Street, stated her children attend this school and there is not a traffic problem.

Public Hearing was closed at 8:17 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** a request to approve an expansion of an existing Conditional Use for an “Educational Institution (Elementary, Middle, and Senior)” in the “R-2” Single-Family Residential Zoning District to increase the number of students from 90 to 170 based on the staff report and the criteria found in Section 18-1509.4(B) & (C) subject to the following condition:

1. The maximum capacity of the private school shall be 170 students for all grades combined.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P4

CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE TO ESTABLISH “DWELLINGS, MULTI-FAMILY” WITH A DENSITY BETWEEN 12.5 TO 15 UNITS PER ACRE IN THE “R-5” MULTI-FAMILY RESIDENTIAL ZONING DISTRICT, ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 11240 U.S. HWY. 19 NORTH. (CU 2006-12 – Clear Harbor, Ltd.)

PUBLIC HEARING (QUASI-JUDICIAL)

The applicant is requesting consideration of a Conditional Use to allow “Dwellings, Multi-Family” with a density greater than 12.5 units per acre but not to exceed 15 units per acre in the “R-5” Multi-Family Residential District on a 5.83 acre parcel of land generally located at 11240 U.S. Highway 19 to develop an 84-unit apartment complex (four, 3-story buildings), at a density of 14.48 units per acre. This property was originally part of the properties owned by Horizon Hospital, now called Windmoor. On July 8, 2004, City Council approved a Conditional Use (CU 2004-6) to allow the proposed 84-unit apartment complex. However, the approval has expired since a permit was not obtained and construction had not begun within the required one-year time frame. At its meeting on March 2, 2006, the Planning and Zoning Commission recommended approval of the above request, with one condition.

Mayor Mischler opened the Public Hearing at 8:20 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Michael Herson, 1452 Dale Mabry Highway, Tampa, representing Richmond Group of Florida, stated the conditional use has expired and provided information on this item.

Mr. Herson stated the conditional use allowed an increase of 2 ½ units per acre and he is requesting the conditional use is reinstated.

Mayor Mischler asked the price range of these units.

Mr. Herson provided information on the size and price of the apartments.

Councilwoman Bailey-Snook stated US Highway 19 is overcrowded with traffic and she does not want 72 or 84 units.

Mayor Mischler stated an overpass is going to be built in this area with frontage roads.

Councilwoman Bailey-Snook stated this impacts transportation even more.

Vice-Mayor Taylor stated density numbers mean affordable housing but he does agree with Councilwoman Bailey-Snook.

Vice-Mayor Taylor stated if Council does not try to control density numbers then affordable housing will be dictated.

Councilwoman Bradbury stated there will be service roads on US Highway 19 in the next several years and she does not think this is quite affordable housing but it is a step in the right direction.

Discussion was held on the definition of affordable housing.

Cecil Bradbury, 9400 50th Way, stated these are very nice sized and reasonably priced apartments.

Mr. Bradbury stated the traffic design planned for US Highway 19 will help and he doesn't see a problem with allowing extra units.

Public Hearing was closed at 8:40 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **APPROVE** a request to a Conditional Use to establish multi-family units with a density of no greater than 15 units per acre, located on a parcel of land generally located at 11240 U.S. Highway 19 North, subject to the following condition:

1. An ingress/egress easement allowing the shared use of the driveways on the property to the north must be submitted to the City of Pinellas Park for review and approval by the Zoning Division and filed in the Public Records of Pinellas County.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: Councilwoman, Patricia L. Bailey-Snook
Absent: None
Abstaining: None

MOTION CARRIED

P5 RESOLUTION NO. 06-14. A RESOLUTION VACATING A PORTION OF A 40- FEET-WIDE DRAINAGE AND UTILITY EASEMENT GENERALLY LOCATED ALONG THE NORTH PROPERTY LINE OF 82420 NEW CIRCLE DRIVE NORTH, SECTION 27, TOWNSHIP 30 SOUTH, RANGE 16 EAST; PROVIDING FOR AN EFFECTIVE DATE. (V 2006-7 – Shearer)

PUBLIC HEARING, FIRST AND FINAL READING

The applicant is requesting the vacation of a 183.75 square foot portion of a 40-foot-wide drainage and utility easement generally located along the north property line of 82420 New Circle Drive North to accommodate the installation of a sun room. The following Findings of Fact are pertinent to this request:

1. The vacation is consistent with the policies of the Comprehensive Plan.
2. The various utility agencies and City Divisions have no objection to the vacation.

Mayor Mischler opened the Public Hearing at 8:42 P.M.

There were no comments or objections.

Public Hearing was closed at 8:43 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **ADOPT** Resolution No. 06-14.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P6 ORDINANCE NO. 3430. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6171 104TH AVENUE NORTH (CARL AND MARY L. HOLDEFER AX06-37)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner's mobile home is located on this site.

The City Attorney read Ordinance No. 3430 by title only. Mayor Mischler opened the Public Hearing at 8:44 P.M.

There were no comments or objections.

Public Hearing was closed at 8:45 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3430.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P7 AUTHORIZATION FOR MAYOR TO SIGN ANNEXATION AGREEMENT WITH SHIRLEY A. JEUP (AX06-38) — Annexation of 2.01 acres MOL located at 12333 66th Street North

PUBLIC HEARING (QUASI-JUDICIAL)

This is a voluntary annexation of 2.01 acres MOL of contiguous commercial property. This will be the new location, for the already established, Waterin’ Trough.

Shirley A. Jeup 12333 66 th Street North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$14,024.96	\$0.00	\$12,560.00

The Annexation Agreement special provisions are:

With the exception of the landscape plan, the City shall accept Owner’s County-approved site plan attached hereto as Exhibit “B”, made a part hereof and incorporated herein by reference. The City shall require the Owner to abide by the landscape plan attached hereto as Exhibit “C”, made a part hereof and incorporated herein by reference, which establishes the City’s required amount of trees and a solid fence along the North and East property line. The Parties understand and agree that drainage, building, life safety and utilities issues, and all other issues not specifically set forth herein will be subject to all applicable codes if not specifically addressed in this Annexation Agreement.

The parking area, as depicted in Exhibit “B” shall be deemed sufficient. If at any time the Owner paves this area, with either concrete or asphalt, or compacts the soil of the parking lot, or puts down an impervious surface, City standards for storm water detention must be met.

The City shall waive all City land development fees applicable for the construction of a twelve thousand (12,000) sq. foot commercial building on the Property, estimated to be, and not to exceed, Twelve Thousand Dollars (\$12,000.00). Said waiver shall be in effect for a period of twelve (12) months from the date of execution of this Agreement.

For a period of thirty six months from the date of execution of this Agreement, City shall waive the City's occupational license fee for the use of the Property estimated to be Five Hundred and Sixty Dollars (\$560.00) per year.

Mayor Mischler opened the Public Hearing at 8:46 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Shirley Jeup, 4540 100th Avenue, stated she is the co-owner the Watering Trough Country Western Dance Club and provided information on plans for the property.

Public Hearing was closed at 8:51 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** authorization for Mayor to sign an Annexation Agreement with Shirley A. Jeup for annexation of 2.01 acres MOL located at 12333 66th Street North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

COUNCILMAN BUTLER LEFT THE MEETING AT 8:52 P.M.

P8 ORDINANCE NO. 3431. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6001 105TH AVENUE NORTH (KEVIN AND VALERIE NOWAKOWSKI AX06-39)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner's mobile home is located on this site.

The City Attorney read Ordinance No. 3431 by title only. Mayor Mischler opened the Public Hearing at 8:52 P.M.

There were no comments or objections.

Public Hearing was closed at 8:53 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **PASS** Ordinance No. 3431.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilman, Rick Butler

Abstaining: None

MOTION CARRIED UNANIMOUSLY

VICE-MAYOR TAYLOR LEFT THE MEETING AT 8:54 P.M.

IV. CONSENT AGENDA

◆ PUBLIC WORKS

C1 AUTHORIZATION FOR NEGOTIATIONS — TRANSPORTATION DESIGN & CONSULTING SERVICES

The Selection Board, in accordance with Resolution 91-31, has reviewed the proposals submitted and recommends three consultants in the following order: 1) TBE Group; 2) Bayside Engineering, Inc.; 3) DRMP, Inc. Upon Council's recommendation and authorization, the City Manager will negotiate competitively with the most qualified firm and, should he fail to reach an agreement, he will then negotiate with the remaining firms in order of preference, in accordance with Section 287.055, Florida Statutes.

Authorization for City Manager to negotiate with the firms recommended by the Selection Board, in order of preference as recommended, for Transportation Design & Consulting Services.

C2 AUTHORIZATION FOR MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PINELLAS PARK AND PINELLAS COUNTY FOR MAINTENANCE OF TRAFFIC SIGNALS AND DEVICES.

This authorizes the Mayor to sign an Interlocal Agreement between the City of Pinellas Park and Pinellas County for maintenance of traffic signals and devices. The current Agreement with Pinellas County has been in place since March 28, 2001. The anticipated cost for traffic signal maintenance under the proposed Agreement would be \$134,845. The Traffic Division has \$126,755 (page 317-05/06 budget) and the Fire Department has \$15,980 (page 174-05/06 budget) for a total of \$142,735 budgeted for the current 2005/2006 budget year.

Authorization for the Mayor to sign an Interlocal Agreement between the City of Pinellas Park and Pinellas County for maintenance of traffic signals and devices.

◆ COMMUNITY DEVELOPMENT

C3 AUTHORIZATION FOR MAYOR TO SIGN PINELLAS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Pinellas County Community Development issued its Notice of Funding Availability for the Community Development Block Grant (CDBG) Program on March 10, 2006. Applications will be accepted until Friday, April 14. This action authorizes the Mayor to sign the City's annual application for funding through the Pinellas County CDBG Program.

Authorization for the Mayor to sign the Pinellas County Community Development Block Grant Application.

- C4 ORDINANCE NO. 3432. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6140 105TH TERRACE NORTH (GEORGETTE WOOLRIDGE AX06-32)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

- C5 ORDINANCE NO. 3433. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6149 105TH AVENUE NORTH (JEANNINE LE BLEU AND DIANE BOTHWELL AX06-33)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. A mobile home is located on this site.

- C6 ORDINANCE NO. 3434. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6049 105TH AVENUE NORTH (HIEP VAN NGUYEN AX06-36)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. A mobile home is located on this site.

- C7 ORDINANCE NO. 3435. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 12333 66TH STREET NORTH (SHIRLEY A. JEUP AX06-38)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 2.02 acres MOL of contiguous commercial property. This will be the new location, for the already established, Waterin’ Trough.

ITEM C8 WAS DELETED FROM THE AGENDA

◆ FINANCE

C9 AUTHORIZATION FOR MAYOR TO SIGN RENEWAL AGREEMENT FOR BANKING SERVICES – Wachovia Bank, N.A., f/k/a First Union National Bank

This authorizes the Mayor to sign a renewal agreement for banking services. The original Master Banking Services Agreement was for a five-year period beginning May 1, 2000 and ending on April 30, 2005 with an option to renew the agreement for two one-year periods. This proposed renewal agreement is for the second year of the two-year option. The renewal would be effective for one year, from May 1, 2006 through April 30, 2007, with no additional renewal options.

Authorization for Mayor to sign Renewal Agreement for banking services with Wachovia Bank, N.A., f/k/a First Union National Bank for a period of one year commencing May 1, 2006. Appropriate accounts will be charged.

MOTION was made by Councilwoman Bradbury to Pass, Approve or Adopt, whichever is appropriate, Items C1 thru C7 and C9 inclusive with item C8 withdrawn, with Items C4 thru C7 being First Reading Prior to Public Hearing and **SECONDED** by Councilwoman Bailey-Snook.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilman, Rick Butler
Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

COUNCILMAN TAYLOR RETURNED TO THE MEETING AT 9:00 P.M.

V. REGULAR AGENDA

◆ COMMUNITY DEVELOPMENT

R1 APPOINTMENT TO PLANNING AND ZONING COMMISSION — One Regular Member.

A vacancy on the Planning and Zoning Commission was created by the resignation of Debra Anspaugh in October 2005. Ms. Anspaugh has been with the commission since August 1999. Her term expires in July 2007. Seven applicants were interviewed: Mr. Charles Wasson, Ms. Elizabeth Herron, Mr. Randy Heine, Mr. Neil Robinson, Ms. Pat Karn, Ms. Angela Heaton and Mr. David Carson. The members of the Board selected Ms. Pat Karn.

Attached are the applications of Mr. Charles Wasson, Ms. Elizabeth Herron, Mr. Randy Heine, Mr. Neil Robinson, Ms. Pat Karn, Ms. Angela Heaton and Mr. David Carson.

COUNCILMAN BUTLER RETURNED TO THE MEETING AT 9:01 P.M.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilwoman Bradbury to **APPROVE** appointment of Ms. Pat Karn to serve on the Planning and Zoning Commission to fill the unexpired term of Ms. Debra Anspaugh with term to expire in July 2007.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

R2 APPOINTMENT TO BOARD OF ADJUSTMENT — Two Regular Members and One Future Member

Two vacancies on the Board of Adjustment were created by the resignations of Mr. Jeff Thomas and Mr. Serge Lacerte in January 2006. Mr. Thomas has been with the Board of Adjustment since January 10, 2003 and his term would have expired November 2006. Mr. Lacerte was appointed to the Board of Adjustment on December 17, 2004 and his term would have expired December 2007. On March 28, 2006 three of the nine applicants were interviewed: Ms. Connie Bruce, Ms. Elizabeth Herron, and Mr. Charles Wasson. The members of the Board selected Ms. Connie Bruce and Mr. Charles Wasson.

At the Board of Adjustment meeting on March 28, 2006, Mr. Leroy Robinson informed the Board members that he will be resigning in the very near future. He is currently selling his home and relocating out of state. Therefore, the Board members are requesting that they may accept the third applicant, Ms. Elizabeth Herron, as a future replacement for Mr. Robinson if he resigns within the next 60 days. James Denhardt, City Attorney, recommended the request to City Council to allow an alternate replacement for Mr. Robinson for a period of 60 days.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bailey-Snook to **APPROVE** the appointments of Ms. Connie Bruce to serve on the Board of Adjustment to fill the unexpired term of Mr. Serge Lacerte, with his term to expire December 2007; and Mr. Charles Wasson to serve on the Board of Adjustment to fill the unexpired term of Mr. Jeff Thomas, with his term to expire November 2006.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

R3 CONSIDERATION OF THE 2005 ANNUAL REPORT FOR THE GATEWAY CENTRE DEVELOPMENT OF REGIONAL IMPACT (MS 2006-15 – TARPON RIDGE, INC.)

The developer of Gateway Centre DRI, Tarpon Ridge, Inc. (Grady Pridgen) has filed a revision to the 2005 Annual Report. The revision corrects the amount of light industrial development that has occurred and the amount remaining. Also addressed is a condition of approval that requires the developer to contribute their proportionate fair share not to exceed \$75,000 to assist the Pinellas County MPO and Florida Department of Transportation in conducting a traffic study of the “Gateway Area.” To date, the MPO has not requested the funds from the developer. The annual report is an instrument used to assess a developer’s compliance with the approved development order and to monitor development progress.

MOTION was made by Councilwoman Bailey-Snook to **APPROVE** the revised Gateway Development of Regional Impact 2005 Annual Report with a finding that the project is or is not in compliance with the DRI development order.

Councilman Butler stated a motion needs to be made stating whether it is or is not in compliance.

Mayor Mischler asked if it is in compliance?

Assistant City Manager Shevlin stated the staff report shows it is in compliance.

MOTION was made by Councilwoman Bailey-Snook to **WITHDRAW** the motion.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the revised Gateway Development of Regional Impact 2005 Annual Report with a finding that the project is in compliance with the DRI development order.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Mayor, William F. Mischler
Voting Nay: Vice-Mayor, William E. Taylor
Absent: None
Abstaining: None

MOTION CARRIED

R4 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY GEORGETTE WOOLRIDGE (AX06-32) — Annexation of 0.14 acres MOL located at 6140 105th Terrace North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

Georgette Woolridge 6140 105 th Terrace North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$250.04	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Georgette Woolridge and located at 6140 105th Terrace North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

R5 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY JEANNINE LE BLEU AND DIANE BOTHWELL (AX06-33) — Annexation of 0.14 acres MOL located at 6149 105th Avenue North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. A mobile home is located on this site.

Jeannine Le Bleu and Diane Bothwell 6149 105 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$427.80	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Jeannine Le Bleu and Diane Bothwell and located at 6149 105th Avenue North.

Roll Call Vote:

- Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler
- Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

R6 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY HIEP VAN NGUYEN (AX06-36) — Annexation of 0.14 acres MOL located at 6049 105th Avenue North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. A mobile home is located on this site.

Hiep Van Nguyen 6049 105 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$402.91	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Hiep Van Nguyen and located at 6049 105th Avenue North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

ITEM R7 WAS WITHDRAWN

MISCELLANEOUS

M1 MR. SNOOK

Mayor Mischler wished Councilwoman Bailey-Snook's husband well with recent health concerns.

COUNCILWOMAN BAILEY-SNOOK LEFT THE MEETING AT 9:09 P.M.

M2 CONDOLENCES

Vice-Mayor Taylor stated Grand Ole Opry pedal steel guitar player Jimmy Yates has passed away and will be coming home to Clearwater to be buried.

Vice-Mayor Taylor stated Arlene Piquet passed away leaving her husband Fay who was a Councilman in Syracuse, New York for 26 years.

M3 FAMILY HOMECOMING

Councilman Butler stated he has four nephews that are active in the military and his nephew Army Sergeant, Chris Hooper came home over the weekend.

Councilman Butler stated Chris is a former Police Explorer, an outstanding soldier and he is very proud of him.

M4 MAINLANDS UNIT IV

Councilman Butler stated he went to the Mainlands Unit IV Men's Club for dinner with some older cars and scooters and he had a good time.

M5 CAR SHOW

Councilman Butler stated there will be a car show as a benefit to the Pinellas Park Thunderbirds at Mullins Enterprises on Saturday, April 22, 2006. .

M6 THANK YOU

Mayor Mischler thanked everyone for the cards and phone calls he received when his wife was in the hospital and he was sick.

M6 GOOD FRIDAY

Mayor Mischler stated the Pinellas Park Ministerial Association will be holding a Unity in the Community Good Friday Service at the England Brothers Bandshell from 12:00 P.M. to 1:00 P.M.

Mayor Mischler wished everyone a Happy Easter and Passover.

M7 CONCERNS

Mike Allen, 6221 62nd Avenue, suggested adjusting the red in the projection of the cameras. Mr. Allen addressed two recent situations involving two City employees and spoke on the homeless, taxes and the three minute time limit.

Attorney Denhardt stated there is nothing in the rules of procedure allowing someone to call in and donate three minutes for someone else to speak at the meeting.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 9:20 p.m.

Attest:

Christine Gardner, CMC
Deputy City Clerk

William F. Mischler
Mayor

/cgg

CITY OF PINELLAS PARK, FLORIDA
REGULAR COUNCIL MEETING

MINUTES

April 27, 2006
Council Chambers

Meeting was called to order at 7:33 P.M.

PRESENT: Mayor, William F. Mischler
Councilwoman, Patricia L. Bailey-Snook
Councilman, Rick Butler
Vice-Mayor, William E. Taylor

ABSENT: Councilwoman, Sandra L. Bradbury

Also present were: City Attorney, James Denhardt - Assistant City Attorney, Christopher Hammonds – City Manager, Michael Gustafson - Assistant City Manager/Community Development Administrator, Tom Shevlin - Finance Administrator, Ron Miller – Human Resources Administrator, John Moore - Community Activities Administrator, Barbara Ponce - Assistant Community Activities Administrator, Tim Caddell - MIS Administrator, Randy Linthicum - Public Works Administrator, Tom Nicholls – Police Chief, Dorene Thomas – Fire Chief, Doug Lewis – Office of Management and Budget Administrator, Dan Katsiyiannis – Economic Development Specialist, Shannon Coughlin – Fire Administrative Services Director, Mary Ann Salch – Media and Public Events Specialist, Denise Re – Media and Public Events Specialist, Pam Martin - City Clerk, Diane M. Corna, and Deputy City Clerk, Christine Gardner.

INVOCATION was given by Vice-Mayor Taylor.

PLEDGE OF ALLEGIANCE was led by Council.

I. PRESENTATIONS

PROCLAMATION

Municipal Clerk's Week April 30 – May 6, 2006

SERVICE AWARD -15 YEARS

Julie Heinicka – Fire Lieutenant/Paramedic

SPECIAL RECOGNITION

The T-Bird Varsity Flag Cheerleaders

SPECIAL RECOGNITION

Mayor Mischler showed a picture of Florida Governor Jeb Bush in Afghanistan posing with Army Staff Sergeant, Michael A. Eschenfelder, who is a Pinellas Park resident.

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of April 13, 2006 as on file in the City Clerk's Office.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the Regular Council Minutes of April 13, 2006, as on file in the City Clerk's Office.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilwoman, Sandra L. Bradbury

Abstaining: None

MOTION CARRIED UNANIMOUSLY

III. PUBLIC HEARINGS

◆ COMMUNITY DEVELOPMENT

P1 ORDINANCE NO. 3432. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6140 105TH TERRACE NORTH (GEORGETTE WOOLRIDGE AX06-32)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner's mobile home is located on this site.

The City Attorney read Ordinance No. 3432 by title only. Mayor Mischler opened the Public Hearing at 7:52 P.M.

There were no comments or objections.

Public Hearing was closed at 7:54 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilman Butler to **PASS** Ordinance No. 3432.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilwoman, Sandra L. Bradbury

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P2 ORDINANCE NO. 3433. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6149 105TH AVENUE NORTH (JEANNINE LE BLEU AND DIANE BOTHWELL AX06-33)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. A mobile home is located on this site.

The City Attorney read Ordinance No. 3433 by title only. Mayor Mischler opened the Public Hearing at 7:55 P.M.

There were no comments or objections.

Public Hearing was closed at 7:56 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilman Butler to **PASS** Ordinance No. 3433.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: Councilwoman, Sandra L. Bradbury

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P3 ORDINANCE NO. 3434. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6049 105TH AVENUE NORTH (HIEP VAN NGUYEN AX06-36)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. A mobile home is located on this site.

The City Attorney read Ordinance No. 3434 by title only. Mayor Mischler opened the Public Hearing at 7:57 P.M.

There were no comments or objections.

Public Hearing was closed at 7:58 P.M.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **PASS** Ordinance No. 3434.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: Councilwoman, Sandra L. Bradbury

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P4 ORDINANCE NO. 3435. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 12333 66TH STREET NORTH (SHIRLEY A. JEUP AX06-38)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 2.02 acres MOL of contiguous commercial property. This will be the new location, for the already established, Waterin' Trough.

The City Attorney read Ordinance No. 3435 by title only. Mayor Mischler opened the Public Hearing at 7:59 P.M.

Mayor Mischler thank the property owner for voluntarily annexing into Pinellas Park and he is glad this business will remain in Pinellas Park.

Public Hearing was closed at 8:00 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilman Butler to **PASS** Ordinance No. 3435.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: Councilwoman, Sandra L. Bradbury

Abstaining: None

MOTION CARRIED UNANIMOUSLY

MAYOR MISCHLER WELCOMED BACK CITY MANAGER GUSTAFSON.

IV. CONSENT AGENDA

◆ FIRE

C1 AUTHORIZATION FOR PURCHASE OF LAPTOP COMPUTERS — From Insight Public Sector for Fire Department

This item is for the purchase of nine (9) laptop computers for use in the fire apparatus. These computers are budgeted in five accounts: 001-222-5-621-08 (\$10,000), 001-223-5-621-08 (\$8,000), 001-224-5-621-08 (\$10,000), 001-225-5-621-08 (\$10,000), and 001-231-5-621-08 (\$32,000) for a total budgeted amount of \$70,000. This expenditure will be charged to the accounts in the following manner: 001-222-5-621-08 - \$9,094.00, 001-223-5-621-08 - \$4,547.00, 001-224-5-621-08 - \$9,094.00, 001-225-5-621-08 - \$9,094.00, and 001-231-5-621-08 - \$9,094 for a total purchase price of \$40,923.

Authorization to purchase laptop computers from Insight Public Sector, Columbus, OH, in the amount of \$40,923 to be charged to the appropriate accounts.

◆ COMMUNITY DEVELOPMENT

C2 ORDINANCE NO. 3436. ANNEXING INTO THE CITY OF PINELLAS PARK CERTAIN PARCELS OF LAND GENERALLY LOCATED AT 10606 and 10612 49TH STREET NORTH (CURT A. SCHLAGER AND GUSTAVO A. TREJOS AX06-42)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.82 acres MOL of contiguous commercial property. The Owner's business, Foam by Design, is located on this site.

C3 ORDINANCE NO. 3440. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6051 106TH AVENUE NORTH (MARGARITA CARBONEL AX06-43)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner's mobile home is located on this site.

- C4 ORDINANCE NO. 3441. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6140 107TH AVENUE NORTH (CARL B. NUESSE AX06-46)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner’s mobile home is located on this site.

- C5 ORDINANCE NO. 3442. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6132 108TH AVENUE NORTH (NYLE KNICKERBOCKER AX06-47)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner’s mobile home is located on this site.

- C6 ORDINANCE NO. 3443. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6043 106TH AVENUE NORTH (WILLIAM J. AND SALLY L. KESTER AX06-48)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of residential property. A mobile home is located on this site.

- C7 AUTHORIZATION FOR MAYOR TO SIGN AMENDMENT TO ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND AGREEMENT NO. OT05-102**

The City has an existing agreement with the State of Florida Office of Tourism, Trade, and Economic Development (OTTED) for an Economic Development Transportation Trust Fund Grant of \$200,000 for reconstruction of 60th Street North from 126th Avenue North to the beginning of Pinellas County road maintenance at 13088 60th Street North. This amendment extends the road construction completion date to August 28, 2006 and the related Agreement termination date to August 28, 2007. The road construction was completed on March 1, 2006, however, these administrative changes are necessary in order to allow sufficient time to complete grant closeout requirements and drawdown of funds from the State.

Authorization for the Mayor to sign the Amendment to Economic Development Transportation Trust Fund Agreement No. OT05-102.

ITEM C8 WAS MOVED TO THE REGULAR AGENDA AS ITEM R1A

MOTION was made by Vice-Mayor Taylor to Pass, Approve or Adopt, whichever is appropriate, Items C1 thru C7 inclusive, with Items C2 thru C6 being First Reading Prior to Public Hearing and Item C8 moved to the Regular Agenda, and **SECONDED** by Councilman Butler.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilwoman, Sandra L. Bradbury

Abstaining: None

MOTION CARRIED UNANIMOUSLY

V. REGULAR AGENDA

**R1A RESOLUTION NO. 06-16. A RESOLUTION OF THE CITY OF PINELLAS PARK
€§ SUPPORTING IN CONCEPT THE STRATEGIES CONTAINED IN PINELLAS BY
 DESIGN: AN ECONOMIC DEVELOPMENT AND REDEVELOPMENT PLAN FOR
 THE PINELLAS COMMUNITY**

FIRST AND FINAL READING

After a number of public meetings and cooperative work, the *Pinellas By Design: An Economic Development and Redevelopment Plan for the Pinellas Community* was completed and approved by the Countywide Planning Authority and the Pinellas Planning Council. This plan addresses a variety of issues and provides strategies related to the transition Pinellas County is currently experiencing as it moves to a redevelopment environment. The PPC and County Commission are requesting the City's support of the concepts and strategies contained in *Pinellas by Design*.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bailey-Snook to **DENY** Resolution No. 06-16.

Councilwoman Bailey-Snook stated based upon past experience she will wait and see if something more constructive is developed and feels Pinellas County needs to do some better work before she would be in a position to vote in favor of this item.

Vice-Mayor Taylor stated he agrees with Councilwoman Bailey-Snook and he sees no benefit from this.

Councilman Butler stated he is concerned this item contains issues that remind him of the development of the planning areas and he is concerned different areas of Pinellas County Government are saying two different things.

Roll Call Vote:

Voting Yea: Vice-Mayor, William E. Taylor
 Councilwoman, Patricia L. Bailey-Snook
Voting Nay: Councilman, Rick Butler
 Mayor, William F. Mischler
Absent: Councilwoman, Sandra L. Bradbury
Abstaining: None

MOTION FAILED

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **TABLE** Resolution No. 06-16 until January 1, 2010, to be held at the first regularly scheduled meeting.

Vice-Mayor Taylor stated he agreed with the motion.

Attorney Denhardt stated he does not think a table can exceed the terms of Councilmembers.

MOTION was made by Councilman Butler, and **SECONDED** by Vice-Mayor Taylor to **TABLE** Resolution No. 06-16 to March 1, 2008.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Voting Nay: Mayor William F. Mischler
Absent: Councilwoman, Sandra L. Bradbury
Abstaining: None

MOTION CARRIED

◆ POLICE

R1 **RECEIPT OF RESIGNATION FROM CODE ENFORCEMENT BOARD** — Mr. Gene Lofgren

Mr. Gene Lofgren rendered his resignation from the Code Enforcement Board effective April 3, 2006, due to personal reasons. The term for this position expires December 2008. Mr. Lofgren has been a member of the Code Enforcement Board since 2002.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **ACCEPT** with regret, the resignation of Mr. Gene Lofgren from the Code Enforcement Board, effective April 3, 2006.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler
Voting Nay: None
Absent: Councilwoman, Sandra L. Bradbury
Abstaining: None

MOTION CARRIED UNANIMOUSLY

Vice-Mayor Taylor stated he hates to loose Mr. Lofgren as a member of this board.

**R2 CONSIDERATION FOR A SPECIAL HEARING MASTER LIEN ELIMINATION –
For the property located at 7165 61st Street, Pinellas Park, FL**

The former owner of the property located at 7165 61st Street, Mary Ann Barnhart, requests an elimination of the liens placed on the subject property in her name. The Property Appraiser still showed Mary Ann Barnhart as the owner of the house at the time the Orders to Comply were written and the liens were assessed. The two current outstanding lien amounts are for \$10,525 and \$6,675 for a total amount of \$17,200. After careful review of the case, the Special Hearing Master recommends an elimination of these liens as they were assessed against Mary Ann Barnhart after the house was foreclosed.

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **APPROVE** the Special Hearing Master lien elimination request against Maryann Barnhart and the property located at 7165 61st Street, Pinellas Park, FL.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler
Voting Nay: None
Absent: Councilwoman, Sandra L. Bradbury
Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ COMMUNITY DEVELOPMENT

R3 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY MARGARITA CARBONEL (AX06-43) — Annexation of 0.14 acres MOL located at 6051 106th Avenue North

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner's mobile home is located on this site.

Margarita Carbonel 6051 106 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$510.61	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Margarita Carbonel and located at 6051 106th Avenue North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler
Voting Nay: None
Absent: Councilwoman, Sandra L. Bradbury
Abstaining: None

MOTION CARRIED UNANIMOUSLY

R4 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY CARL B. NUESSE (AX06-46) — Annexation of 0.14 acres MOL located at 6140 107th Avenue North

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner’s mobile home is located on this site.

Carl B. Nuesse 6140 107 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$297.81	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Carl B. Nuesse and located at 6140 107th Avenue North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: Councilwoman, Sandra L. Bradbury

Abstaining: None

MOTION CARRIED UNANIMOUSLY

R5 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY NYLE KNICKERBOCKER (AX06-47) — Annexation of 0.14 acres MOL located at 6132 108th Avenue North

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner’s mobile home is located on this site.

Nyle Knickerbocker 6132 108 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$293.24	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Nyle Knickerbocker and located at 6132 108th Avenue North.

Roll Call Vote:

- Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler
- Voting Nay: None
- Absent: Councilwoman, Sandra L. Bradbury
- Abstaining: None

MOTION CARRIED UNANIMOUSLY

R6 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY WILLIAM J. KESTER AND SALLY L. KESTER (AX06-48) — Annexation of 0.14 acres MOL located at 6043 106th Avenue North

This is a voluntary annexation of 0.14 acres MOL of residential property. A mobile home is located on this site.

William J. and Sally L. Kester 6043 106 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$483.70	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by William J. Kester and Sally L. Kester and located at 6043 106th Avenue North

Roll Call Vote:

- Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler
- Voting Nay: None
- Absent: Councilwoman, Sandra L. Bradbury
- Abstaining: None

MOTION CARRIED UNANIMOUSLY

R7 AUTHORIZATION FOR MAYOR TO SIGN ANNEXATION AGREEMENT WITH CURT A. SCHLAGER AND GUSTAVO A. TREJOS (AX06-42) — Annexation of 0.82 acres MOL located at 10606 and 10612 49th Street North

This is a voluntary annexation of 0.82 acres MOL of contiguous commercial property. The Owner’s business, Foam by Design, is located on this site.

Curt A. Schlager and Gustavo A. Trejos 10606 and 10612 49 th St. N.	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$6,517.26	\$0	\$0
The Annexation Agreement special provisions are: As part of the consideration of this Agreement, the parties acknowledge and agree that the existing use of the Owner’s Property shall be treated as a grandfathered conditional use, light manufacturing and warehousing use, subject to the applicable provisions of the City’s Land Development Code.			

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **APPROVE** authorization for Mayor to sign an Annexation Agreement with Curt A. Schlager and Gustavo A. Trejos for annexation of 0.82 acres MOL located at 10606 and 10612 49th Street North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler
 Voting Nay: None
 Absent: Councilwoman, Sandra L. Bradbury
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

M1 RESOLUTION NO. 06-16

Cecil Bradubry, 9400 50th Way, stated he agrees with City Council's action on Resolution No. 06-16.

M2 NEW ARRIVAL

Cecil Bradbury, 9400 50th Way, shared pictures of his new grandson that Councilwoman Bradbury delivered on April 27, 2006.

Vice-Mayor Taylor stated another city employee delivered a premature baby and requested everyone keep her in their thoughts.

M3 RELAY FOR LIFE

Fire Chief Lewis stated there will be a Relay for Life Car Wash Saturday, April 29, 2006, from 9:00 a.m. to 1:00 p.m. at the 7 Eleven on the corner of 52nd Street and Park Boulevard.

Mayor Mischler stated the Police Department yard sale raised \$5,500.

Mayor Mischler stated Relay For Life Walk will held be Friday, May 5, 2006, starting at 6:00 P.M.

M4 KLINK STREET

Councilman Butler stated Friday, April 28, 2006, he will be participating in an event at Klink Street to benefit Hospice of the Suncoast where he will be thrown in a mock jail to raise bail money.

Mayor Mischler stated he will be judging this event.

M5 ST. PETERSBURG COLLEGE

Mayor Mischler stated St. Petersburg College will have a groundbreaking Friday, April 28, 2006, for the new complex being built.

M6 HAPPY BIRTHDAY

City Council sang Happy Birthday to City Clerk Corna.

M7 PUBLIC WORKS EMPLOYEE OF YEAR 2006

Public Works Administrator Nicholls announced that Vincent Williams was awarded the 2006 Public Works Employee of the Year.

M8 KNIGHTS OF COLUMBUS

Mayor Mischler stated he attended the banquet honoring the Police and Fire Employees of the Year.

M9 NEW BUSINESSES

Mayor Mischler stated since January 1, 2005, 61 new businesses have opened in the City of Pinellas Park.

M10 PSTA

Councilman Butler stated 1,020,000 people rode the bus last month.

Discussion was held on gas prices.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 8:30 p.m.

Attest:

Diane M. Corna
City Clerk

William F. Mischler
Mayor

/cgg

CITY OF PINELLAS PARK, FLORIDA
REGULAR COUNCIL MEETING

MINUTES

May 11, 2006
Council Chambers

Meeting was called to order at 7:33 P.M.

PRESENT: Mayor, William F. Mischler
Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler

ABSENT: Vice-Mayor, William E. Taylor

Also present were: City Attorney, James Denhardt – City Manager, Michael Gustafson - Assistant City Manager/Community Development Administrator, Tom Shevlin - Finance Administrator, Ron Miller – Human Resources Administrator, John Moore - Community Activities Administrator, Barbara Ponce - Assistant Community Activities Administrator, Tim Caddell - Zoning Director, Dean Neal – MIS Administrator, Randy Linthicum - Public Works Administrator, Tom Nicholls – Police Chief, Dorene Thomas – Fire Administrative Service Director, Mary Ann Salch – Office of Management and Budget Administrator, Dan Katsiyiannis – Economic Development Specialist, Chuck Webber – City Engineer/ Utilities Design Director, Stan Emerson – Parks/Recreation Director, Joel Garren – Business and Neighborhood Services Director, Susan Walker - Media and Public Events Specialist, Denise Re - Media & Public Events Specialist, Pam Martin – City Clerk, Diane M. Corna, and Deputy City Clerk, Christine Gardner.

INVOCATION was given by Mayor Mischler.

PLEDGE OF ALLEGIANCE was led by Council.

I. PRESENTATIONS

PROCLAMATIONS

National Public Works Week – May 21-27, 2006
Poppy Days – May 27-28, 2006

EMPLOYEE OF THE QUARTER

Kim Nicholson, Risk Management Specialist

DO THE RIGHT THING

From Chief Thomas/Officer Saxer to the following students:

- Robert Ailshie – Skyview Elementary
- Michael Boni – Pinellas Park Middle School
- Lindsey Bartlett – Sacred Heart Catholic School
- Andrew Mills – Classical Christian School for the Arts
- Maliyah Sengphachanh – Pinellas Central Elementary
- Sabrina Shark – Bay Center for Girls

INTRODUCTION

Mayor Mischler introduced the new Pinellas Park Business Assistance Partnership Specialist – Maddy McNaughton

PICTURE

Mayor Mischler presented a picture of Pinellas Park Beacon Reporter Tom Michalski when he was 17 years old.

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of April 27, 2006, as on file in the City clerk’s Office.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the Regular Council Minutes of April 27, 2006, as on file in the City Clerk’s Office.

Roll Call Vote:

- Voting Yea: Councilwoman, Patricia L. Bailey-Snook
- Councilwoman, Sandra L. Bradbury
- Councilman, Rick Butler
- Mayor, William F. Mischler
- Voting Nay: None
- Absent: Vice-Mayor, William E. Taylor
- Abstaining: None

MOTION CARRIED UNANIMOUSLY

STAFF MEMBERS WERE SWORN IN FOR QUASI-JUDICIAL ITEMS

III. PUBLIC HEARINGS

◆ **COMMUNITY DEVELOPMENT**

P1 ORDINANCE NO. 3436. ANNEXING INTO THE CITY OF PINELLAS PARK CERTAIN PARCELS OF LAND GENERALLY LOCATED AT 10606 and 10612 49TH STREET NORTH (CURT A. SCHLAGER AND GUSTAVO A. TREJOS AX06-42)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.82 acres MOL of contiguous commercial property. The Owner's business, Foam by Design, is located on this site.

The City Attorney read Ordinance No. 3436 by title only. Mayor Mischler opened the Public Hearing at 7:58 P.M.

Councilwoman Bailey-Snook commended the applicant for the improvements to the building on this property.

Public Hearing was closed at 7:59 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilwoman Bailey-Snook to **PASS** Ordinance No. 3436.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P2 ORDINANCE NO. 3440. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6051 106TH AVENUE NORTH (MARGARITA CARBONEL AX06-43)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner's mobile home is located on this site.

The City Attorney read Ordinance No. 3440 by title only. Mayor Mischler opened the Public Hearing at 8:00 P.M.

There were no comments or objections.

Public Hearing was closed at 8:01 P.M.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **PASS** Ordinance No. 3440.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P3 ORDINANCE NO. 3441. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6140 107TH AVENUE NORTH (CARL B. NUESSE AX06-46)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner's mobile home is located on this site.

The City Attorney read Ordinance No. 3441 by title only. Mayor Mischler opened the Public Hearing at 8:02 P.M.

There were no comments or objections.

Public Hearing was closed at 8:03 P.M.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **PASS** Ordinance No. 3441.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P4 ORDINANCE NO. 3442. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6132 108TH AVENUE NORTH (NYLE KNICKERBOCKER AX06-47)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner's mobile home is located on this site.

The City Attorney read Ordinance No. 3442 by title only. Mayor Mischler opened the Public Hearing at 8:04 P.M.

There were no comments or objections.

Public Hearing was closed at 8:05 P.M.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **PASS** Ordinance No. 3442.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P5 ORDINANCE NO. 3443. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6043 106TH AVENUE NORTH (WILLIAM J. AND SALLY L. KESTER AX06-48)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of residential property. A mobile home is located on this site.

The City Attorney read Ordinance No. 3443 by title only. Mayor Mischler opened the Public Hearing at 8:06 P.M.

There were no comments or objections.

Public Hearing was closed at 8:07 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilwoman Bailey-Snook to **PASS** Ordinance No. 3443.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P6

RESOLUTION NO. 06-15. VACATING MULTIPLE DRAINAGE AND UTILITY EASEMENTS LOCATED ON A PARCEL OF LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 80TH AVENUE NORTH AND US HIGHWAY 19, SECTION 27, TOWNSHIP 30 SOUTH, RANGE 16 EAST; PROVIDING FOR AN EFFECTIVE DATE. (V 2006-8 APP of Florida/David M. Mechanik)

PUBLIC HEARING, FIRST AND FINAL READING

The applicant is requesting the vacation of multiple drainage and utility easements located on the property that were established per the Plat of Capitol Park and from the vacation of 40th Street. The applicant is proposing construction of a retail commercial plaza. The following Findings of Fact are pertinent to this request:

1. The vacation is consistent with the policies of the Comprehensive Plan.
2. The various utility agencies and City divisions have no objection to the vacation.

The City Attorney read Resolution No. 06-15 by title only. Mayor Mischler opened the Public Hearing at 8:08 P.M.

There were no comments or objections.

Public Hearing was closed at 8:09 P.M.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **ADOPT** Resolution No. 06-15.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P7

CONSIDERATION OF A PRELIMINARY PLAT FOR INTERLAKEN COMMERCE CENTER PHASE IV WITH VARIANCES TO THE FOLLOWING CRITERIA: RIGHT-OF-WAY WIDTH, CUL-DE-SAC LENGTH, AND RIGHT-OF-WAY IMPROVEMENTS FOR A PARCEL OF LAND GENERALLY LOCATED AT 7151 123RD CIRCLE.(PL 2006-3(P) – Interlaken Acquisitions LLC/Henry Hart H³0 Design)

PUBLIC HEARING (QUASI-JUDICIAL)

The applicant is platting 10.15 acres of land into seven industrial lots located in the “M-1” Light Industrial Zoning District, for development of an Industrial Park. The property was approved to be annexed into the City of Pinellas Park (Annexation No. AX 06-23) by City Council on March 29, 2006, via Ordinance No. 3419. The applicant is requesting variances to the following: right-of-way width from 60 feet to 40 feet for a private right-of-way, cul-de-sac length from 600 feet to 810 feet, and the requirement to improve all undeveloped adjacent right-of-ways, in this case 126th Avenue. The improvements include paving, curbs, sidewalks and additional right-of-way width. The applicant is also vacating a 15-foot-wide unused and undeveloped right-of-way to the east of the parcel, 72nd Street.

Mayor Mischler opened the Public Hearing at 8:10 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Calvin Goodwin, 12424 70th Street, Largo, stated his home abuts this property and he has concern with existing problems of excessive dirt, flooding and privacy.

Mr. Goodwin asked how the proposed development will further impact the existing problems and requested adequate setbacks, buffering and foliage.

Council directed staff to evaluate this situation and work with residents on this development.

Discussion was held on the easement and drainage on the proposed plat.

Gene Pavliscsak, 12324 70th Street, stated his home is directly behind the existing property and explained problems with flooding, fumes and noise and requested the proper steps are taken to ensure the quality of life for the residents.

Public Hearing was closed at 8:22 P.M.

MOTION was made by Councilwoman Bradbury, to **APPROVE** The Preliminary Plat for “Interlaken Commerce Centre Phase IV” generally located at 7151 123rd Circle, based on the Findings of Compliance with the factors identified in Section 18-103.6(C), 18-108.1(D) and Section 18-1506.5(I) of the Land Development Code with variances to the following: right-of-way width, cul-de-sac length, and right-of-way improvements.

MOTION DIED FOR LACK OF SECOND

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **TABLE** this item until the June 8, 2006, Regular Council Meeting

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Mayor, William F. Mischler
Voting Nay: None
Absent: Vice-Mayor, William E. Taylor
Abstaining: None

MOTION CARRIED UNANIMOUSLY

ITEM P8 WAS WITHDRAWN

P9

CONSIDERATION OF AN EXPANSION OF AN EXISTING CONDITIONAL USE FOR THE ESTABLISHMENT OF AN “AUTOMOBILE DEALER-USED CARS” AND AN “AUTOMOTIVE REPAIR FACILITY (MAJOR)” IN THE “CH” HEAVY COMMERCIAL ZONING DISTRICT FOR A PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF PARK BOULEVARD AND 78TH STREET NORTH. (CU 2006-14 Jim Bushert/K4 Architects, LLC)

PUBLIC HEARING (QUASI-JUDICIAL)

The applicant is requesting the consideration of an expansion of an existing “Automobile Dealer-Used Cars” and “Automotive Repair Facility (major)” in the “CH” Heavy Commercial Zoning District on a parcel of land generally located on the northeast corner of Park Boulevard and 78th Street. On February 23, 2006, City Council approved a Conditional Use (CU 2006-5) to allow the “Automobile Dealer-Used Cars” and “Automotive Repair Facility (major)” in the “CH” Heavy Commercial District with a waiver to the ten-foot-wide landscape buffer to be reduced to eight-foot-wide along Park Boulevard which provides the primary access to the site. The applicant has since purchased additional land, 3.01 acres total, and is proposing changes within the approved site plan. The property for this proposal has been assembled from two parcels. Parcel 1 (the east 186 feet) currently consists of a commercial plaza. Parcel 2, a portion of the 8.23 acres of land to the west was obtained for the proposed site and is currently utilized by a wholesaler of automobiles and heavy trucks. The existing business “Automobile Fleet Enterprise” will still exist on the remainder of Parcel 2. Surrounding land uses are: to the north, Automotive Fleet Enterprise; to the south, Citgo gas station and Vintage Antiques; to the east, St. Pete Times distribution center; to the west, Wagon Wheel Flea Market. The proposal appears to be consistent with the Comprehensive Plan and should have no adverse effect on adopted levels of service for City infrastructure. At its meeting on April 6, 2006, the Planning and Zoning Commission recommended approval of the above request with conditions.

Zoning Director Neal read a letter from Hardy Huntley, property owner to the west, supporting this rezoning application.

Mayor Mischler opened the Public Hearing at 8:23 P.M.

Public Hearing was closed at 8:25 P.M.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** an expansion to an existing Conditional Use to expand an “Automobile Dealer-Used Cars” and “Automotive Repair Facility (major)” in the “CH” Heavy Commercial Zoning District, based on the staff report and the criteria found in Section 18-1509.4(B) & (C) subject to the following conditions:

1. All conditions of previous approval shall remain in full force and affect.
2. The site shall have only one access onto 78th Street as depicted on the site plan.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Dan Fabro, J.D. Byrider, provided information on this item.

Atef Hanna, Atwell-Hicks Civil Engineer, stated it is a pleasure to work with City staff and appreciates the support of the neighboring property owner.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P10 CONSIDERATION OF A REQUEST FOR THE FOLLOWING VARIANCES: TO INCREASE THE PERMITTED IMPERVIOUS SURFACE RATIO FROM 75% TO 85%; DECREASE THE NUMBER OF OFF-STREET PARKING SPACES REQUIRED BASED ON THE REQUIREMENT OF ONE PARKING SPACE PER 750 SQUARE FEET OF GROSS FLOOR AREA AND TO ALLOW ONE PARKING SPACE PER 1,000 SQUARE FEET OF GROSS FLOOR AREA FOR A PARCEL OF LAND GENERALLY LOCATED AT 12650 46TH STREET. (BOA 2006-28 – Robert and Elena Hoel/Polymatics Plastic Processing)

PUBLIC HEARING (QUASI-JUDICIAL)

The applicant is proposing a 4,014 square feet building addition as well as an expansion to the paved vehicular use area. The applicant is currently requesting that this site be annexed into the City of Pinellas Park. When annexed, the applicant will be required to meet all City requirements. Since Pinellas County has more lenient requirements for both parking and lot coverage, the applicant has requested the following variances: to increase the permitted impervious surface ratio from 75% to 85%; decrease the number of off-street parking spaces required based on the requirement of one parking space per 750 square feet of gross floor area and to allow one parking space per 1,000 square feet. The site is an existing developed site located in an industrial area within Pinellas County jurisdiction. The site was developed meeting Pinellas County regulations, which allows a maximum lot coverage of 85% and has parking requirements, based upon a “Manufacturing” use, of one parking space per 1,000 square feet of gross floor area. The applicant currently has two tractor trailer bodies on site which are being utilized for storage and the proposed addition will replace the two existing trailers. The additional paved vehicular use area will be utilized for additional parking and a drive aisle to have access to the new addition. In addition, the applicant is proposing two retention areas along the north and west property lines.

Mayor Mischler opened the Public Hearing at 8:33 P.M.

There were no comments or objections.

Public Hearing was closed at 8:34 P.M.

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **APPROVE** the variances for “Polymatics Plastic Processing” generally located at 12650 46th Street, based on the Findings of Compliance with the factors identified in Section 18-103.6(C), 18-108.1(D) and Section 18-1506.5(I) of the Land Development Code.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

COUNCILMAN BUTLER LEFT THE MEETING AT 8:35 P.M.

IV. CONSENT AGENDA

◆ **COMMUNITY ACTIVITIES**

C1 AUTHORIZATION FOR PURCHASE OF RECYCLED RUBBER TILES — Park Structures, c/o American park and Play, Inc. – 12298 Wiles Road, Coral Springs, FL

This authorizes the Parks and Recreation Division to purchase recycled rubber tiles for playground resurfacing, under State Contract #650-001-04-1 at a cost of \$20,617.00 from Park Structures, c/o American Park and Play, Inc. (12298 Wiles Road, Coral Springs, FL 33076). The funding for this expenditure will be from the Municipal Recycling Reimbursement Grant Program.

Authorization to purchase recycled rubber tiles from Park Structures, c/o American Park and Play, Inc. (Coral Springs, FL) at a total cost of \$20,617.00 to be charged to the appropriate account.

◆ PUBLIC WORKS

C2 CHANGE ORDER NO. 1 AND FINAL PAYMENT FOR PROJECT 03/025, 102nd AVENUE TRIANGLE SEWER EXPANSION AND POTABLE WATER IMPROVEMENTS – Rowland Inc.

Change Order No. 1 is recommended for approval so that the final payment can be processed and the contract closed out. The decrease in the contract amount represents a reduction of the original contract amount by 5.23%. The accounts to be charged will be 301-381-5-793-10 for the sewer portion \$65,206.71 and account number 301-38-5-779-16 for the water portion \$23,455.55. The final contract amount is \$88,662.26 under the original contract amount.

Authorization for approval and acceptance of Change Order No. 1, Project 03/025, 102nd Avenue Triangle Sewer Expansion and Potable Water Improvements, a decrease in the contract amount of \$88,662.26, for a total adjusted contract amount of \$1,606,104.99, and authorization for final payment of \$207,670.33 to Rowland Inc. to be charged to the appropriate account.

C3 AUTHORIZATION FOR MAYOR TO SIGN AN AGREEMENT WITH TBE GROUP INC. — For Engineering Consultant Services for Transportation Design and Engineering Services

At the City Council meeting on April 13, 2006, the City Manager was directed by City Council to enter into negotiations with the firm of TBE Group Inc., as the most qualified of the three firms. This agreement is effective for a period of three (3) years with an option of renewal for two (2) additional one (1) year periods.

Authorization for Mayor to sign an agreement with TBE Group Inc. for a period of three (3) years with an option of renewal for two (2) additional one (1) year periods.

◆ COMMUNITY DEVELOPMENT

- C4 RESOLUTION NO. 06-17. IDENTIFYING SOURCES OF LOCAL CITY FINANCIAL SUPPORT FOR PROJECT #A4081034897 AS LOCAL PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM FOR FISCAL YEAR(S) 2007/08 – 2012/13.**

FIRST AND FINAL READING

Project #A4081034897 is a Pinellas Park payment processing software and services firm. The company is expanding at its current site and projects hiring 121 employees with annual pay scales above 150% of the average annual wage for Pinellas County. The total tax refund requested is \$484,000. Eighty percent (\$387,200) will be funded by the State. The 20% local match (\$96,800) is being requested locally – 50% from Pinellas County (\$48,400) and 50% from the City (\$48,400) to be paid over a six year period (FY 2007/08 – 2012/13). The projected 121 new jobs will provide high-wage, value-added employment to citizens of the Pinellas Park area. Pinellas County has estimated the local economic impact of the new jobs to be \$9.2 million.

- C5 ORDINANCE NO. 3445. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 12650 46TH STREET NORTH (HOEL -- AX06-44)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.67 acres MOL of contiguous commercial property. The Owner's 4,000 square foot warehouse addition to his existing building will be constructed on the site.

- C6 ORDINANCE NO. 3446. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6163 108TH AVENUE NORTH (SNOW LE AND NGOC Q BUI AX06-49)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. A mobile home is located on this site.

- C7 ORDINANCE NO. 3444. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6154 106TH AVENUE NORTH (ROGER B. BRODERICK AX06-41)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner plans to build a single-family residence on the site.

- C8 ORDINANCE NO. 3447. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6123 108TH AVENUE NORTH (PHYLLIS EVERITT KIRKBY TRUST AX06-50)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner's mobile home is located on this site.

- C9 ORDINANCE NO. 3448. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6120 107TH AVENUE NORTH (THERESA MACHADO AX06-51)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner's mobile home is located on this site.

C10 ORDINANCE NO. 3437. AMENDING THE LAND USE PLAN MAP FOR THE CITY OF PINELLAS PARK BY PROVIDING FOR A CHANGE IN THE LAND USE FROM COMMERCIAL GENERAL (CG) TO RESIDENTIAL URBAN (RU) ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED EAST OF 6501 86TH AVENUE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; 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. (LUPA 2006-3 – Joe Nguyen/David C. Littell)

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING MAY 25, 2006 QUASI-JUDICIAL)**

The applicant seeks an amendment to the Future Land Use Plan Map on a 0.78 acre parcel of land generally located east of 6501 86th Avenue from Commercial General (CG) to Residential Urban (RU). The applicant is proposing development of a four-lot, single family detached subdivision. The applicant has submitted a companion case to rezone the parcel from "CH" Heavy Commercial District to "R-2" Single Family Residential District with an "RPUD" Residential Planned Unit Development Overlay. The site is currently undeveloped. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, and west, single family dwellings; and to the east, vacant commercial land; and to the south, a commercial use, All Natural Botanicals. At their meeting of April 6, 2006, the Planning and Zoning Commission recommended approval of the application subject to the following conditions:

1. Minimum setbacks shall be as illustrated on the "RPUD" Residential Planned Unit Development Master Plan (Exhibit "B") for each lot. (Setbacks shall be as follows: Front - 25 feet, Side - 5 feet, Rear - 10 feet and Secondary Front - 15 feet.)
2. Criteria assigned to the subdivision, in notes on the approved site plan, shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "PUD" Planned Unit Development adoption.

C11 ORDINANCE NO. 3438. AMENDING CHAPTER 18, SECTION 18-1503.3, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED EAST OF 6501 86TH AVENUE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "CH" HEAVY COMMERCIAL DISTRICT TO "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR AN "RPUD" RESIDENTIAL PLANNED UNIT DEVELOPMENT OVERLAY FOR A FOUR-LOT, SINGLE FAMILY DETACHED SUBDIVISION; PROVIDING 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 2006-5/Z 2006-4/BOA 2006-18 – Joe Nguyen/David C. Littell)

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING MAY 25, 2006 QUASI-JUDICIAL)**

The applicant seeks approval to rezone a 0.78 acre parcel of land generally located east of 6501 86th Avenue from "CH" Heavy Commercial District to "R-2" Single Family Residential District with an "RPUD" Residential Planned Unit Development Overlay for the development of a four-lot, single family detached subdivision; with waivers and/or variances to the following; sidewalks along both sides of the private right-of-way and the creation of a substandard, private right-of-way. The applicant has submitted a companion case to amend the Future Land Use Plan Map from Commercial General (CG) to Residential Urban (RU). The site is currently undeveloped. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, and west, single family dwellings; and to the east, vacant commercial land; and to the south, a commercial use, All Natural Botanicals. At their meeting of April 6, 2006, the Planning and Zoning Commission recommended approval of the application subject to the following conditions:

1. Minimum setbacks shall be as illustrated on the "RPUD" Residential Planned Unit Development Master Plan (Exhibit "B") for each lot. (Setbacks shall be as follows: Front - 25 feet, Side - 5 feet, Rear - 10 feet and Secondary Front - 15 feet.)
2. Criteria assigned to the subdivision, in notes on the approved site plan, shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "PUD" Planned Unit Development adoption.

C12 ORDINANCE NO. 3439. AMENDING THE LAND USE PLAN MAP FOR THE CITY OF PINELLAS PARK BY PROVIDING FOR A CHANGE IN THE LAND USE FROM INSTITUTIONAL (I) TO RESIDENTIAL URBAN (RU) ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 77TH STREET AND 72ND AVENUE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; 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. (LUPA 2006-4 – City of Pinellas Park)

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING MAY 25, 2006 (QUASI-JUDICIAL))**

This property, located on the southeast corner of 77th Street and 72nd Avenue, was annexed into the City of Pinellas Park on September 25, 2003, via Ordinance No. 3168. At the time of annexation, the properties had residential zoning but the Land Use was Institutional (I). This Land Use Plan Map amendment will correct an inconsistency between the current use of the property and the Future Land Use Plan Map classification. The site is currently developed with 16 single family detached dwellings constructed by American Housing in 2005. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the south, east, and west, single family dwellings; and to the north, Parkview Retail Plaza and Discount Auto Repair. At their meeting of April 6, 2006, the Planning and Zoning Commission recommended approval of the application.

ADD ON ITEMS

◆ CITY COUNCIL

C13 RESOLUTION NO. 06-19. A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA URGING MEMBERS OF THE PINELLAS COUNTY CHARTER REVIEW COMMISSION TO OPPOSE THE EXCLUSION OF ELECTED OFFICIALS ON FUTURE CHARTER REVIEW COMMISSIONS.

FIRST AND FINAL READING

This resolution opposes the removal of the provision from the current Pinellas County Charter that elected members serve on future Pinellas County Charter Review Commissions.

- C14 RESOLUTION NO. 06-20. A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA OPPOSING A PROPOSAL OF THE PINELLAS CHARTER REVIEW COMMISSION THAT WOULD ELIMINATE THE DUAL REFERENDUM REQUIREMENT FOR A CHANGE OF ANY FUNCTION, SERVICE, POWER OR REGULATORY AUTHORITY OF A MUNICIPALITY, SPECIAL DISTRICT OR THE COUNTY.**

FIRST AND FINAL READING

This resolution opposes the proposed amendment to the County Charter that would remove the requirement that the voters of the county and the voters of an affected municipality or special district must approve any amendment to the charter that would change any function, service, power or regulatory authority of a municipality, special district or the county.

- C15 RESOLUTION NO. 06-21. A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA REQUESTING THAT THE PINELLAS COUNTY CHARTER REVIEW COMMISSION REJECT ALL OF THE PROPOSED CHARTER PROVISIONS RELATED TO ANNEXATION POLICY.**

FIRST AND FINAL READING

This resolution requests that the Pinellas County Charter Review Commission reject all of the proposed annexation policy related charter and legislative proposals.

- C16 RESOLUTION NO. 06-22. A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA URGING MEMBERS OF THE PINELLAS COUNTY CHARTER REVIEW COMMISSION TO OPPOSE THE ISSUE OF ALLOWING THE PINELLAS COUNTY COMMISSION THE ABILITY TO CREATE COUNTYWIDE FIRE STANDARDS.**

FIRST AND FINAL READING

This resolution opposes allowing the Pinellas County Commission the ability through a Charter Amendment to create Countywide Fire Standards.

COUNCILMAN BUTLER RETURNED TO THE MEETING AT 8:44 P.M.

MOTION was made by Councilwoman Bradbury to Pass, Approve or Adopt, whichever is appropriate, Items C1 thru C16 inclusive, with Items C5 thru C12 being First Reading Prior to Public Hearing and Items C4 and C13 thru C16 being First and Final Reading, and **SECONDED** by Councilwoman Bailey-Snook.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

V. REGULAR AGENDA

◆ COMMUNITY ACTIVITIES

R1 APPOINTMENT TO THE RECREATION BOARD — One Regular Member

The Recreation Board interviewed Connie Bruce on April 24, 2006. The Board recommends the appointment of Ms. Bruce to serve on the Recreation Board with a term to expire December 31, 2007.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** appointment of Connie Bruce to serve as a member of the Recreation Board for a term to expire December 31, 2007.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Mayor, William F. Mischler
Voting Nay: None
Absent: Vice-Mayor, William E. Taylor
Abstaining: None

MOTION CARRIED UNANIMOUSLY

R2 REAPPOINTMENT TO LIBRARY BOARD — Katherine Egolf

The term of Katherine Egolf will expire June 30, 2006. She has expressed an interest in continuing to serve on the Library Board for a three-year term. Ms. Egolf has been a member for 12 years and her attendance is good. The Library Board recommends her reappointment.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the reappointment of Katherine Egolf to serve as a member of the Library Board for a three-year term to expire June 30, 2009

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Councilwoman Bailey-Snook stated Ms. Egolf has been on the Library Board for 12 years with very good attendance.

Mayor Mischler stated he is glad Ms. Egolf has requested to be re-appointed because she is a very good member of the board.

◆ PUBLIC WORKS

R3 SELECTION OF CITY COUNCIL MEMBER TO SERVE ON SELECTION BOARD
— RFP for Project 06/018 Sanitary Sewer Feasibility Study

In accordance with Resolution 78-58/91-31 and Section 287.055 Florida Statutes (Consultant Competitive Negotiation Act), a selection board consisting of not more than seven members (one of whom is to be a City Council Member) will be used to review proposals for consultant services and to make a recommendation to City Council and the City Manager. Council will select the Council Member who will serve on the selection board for review and evaluation of the proposals received in response to the Request for Proposals (RFP) for Project 06/018 Sanitary Sewer Feasibility Study.

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **APPROVE** selection of Councilwoman Bailey-Snook to serve on the selection board for review and evaluation of Proposals for Project 06/018 Sanitary Sewer Feasibility Study

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ COMMUNITY DEVELOPMENT

R4 RECEIPT OF RESIGNATION FROM COMMUNITY PROJECTS ADVISORY BOARD — Gene Lofgren

Mr. Gene Lofgren submitted a letter of resignation from the Community Projects Advisory Board effective April 3, 2006. Mr. Lofgren has served on the Community Projects Advisory Board since July of 2001, and his term was to expire July 31, 2006.

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **ACCEPT** with regret, the resignation of Mr. Lofgren from the Community Projects Advisory Board.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Mayor, William F. Mischler
Voting Nay: None
Absent: Vice-Mayor, William E. Taylor
Abstaining: None

MOTION CARRIED UNANIMOUSLY

R5 RECEIPT OF RESIGNATION FROM THE BOARD OF ADJUSTMENT — Leroy D. Robinson, Jr.

There is one vacancy on the Board of Adjustment created by the resignation of Leroy D. Robinson, Jr. Mr. Robinson was appointed to the Board of Adjustment January 28, 1999 and reappointed on November 30, 2003. Mr. Robinson is resigning because he has sold his home and is relocating to North Dakota. Mr. Robinson's term expires November 2006. Mr. Robinson submitted his resignation from the Board of Adjustment by a letter dated April 26, 2006.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilwoman Bailey-Snook to **ACCEPT** with regret, the resignation of Leroy D. Robinson, Jr. as a regular member of the Board of Adjustment.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Mayor, William F. Mischler
Voting Nay: None
Absent: Vice-Mayor, William E. Taylor
Abstaining: None

MOTION CARRIED UNANIMOUSLY

Councilwoman Bradbury stated Mr. Robinson is a faithful servant to the City who is moving and has served on the board since 1999.

R6 APPOINTMENT TO BOARD OF ADJUSTMENT —Regular Member

There is a vacancy on the Board of Adjustment created by the resignation of Leroy D. Robinson, Jr. on April 26, 2006. Mr. Robinson has been with the Board of Adjustment since January 29, 1999 and reappointed November 30, 2003; his term would have expired November 2006. On March 28, 2006, three of the nine applicants were interviewed: Ms. Connie Bruce, Ms. Elizabeth Herron, and Mr. Charles Wasson. The members of the Board selected Ms. Elizabeth Herron as a future replacement for Mr. Robinson. The Board of Adjustment has not received any new applications. Therefore, the Board is requesting that City Council appoint Ms. Herron to serve on the Board of Adjustment.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the appointment of Ms. Elizabeth Herron to serve on the Board of Adjustment to fill the unexpired term of Mr. Robinson, with his term to expire November 2006.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Mayor, William F. Mischler
Voting Nay: None
Absent: Vice-Mayor, William E. Taylor
Abstaining: None

MOTION CARRIED UNANIMOUSLY

R8 AUTHORIZATION FOR MAYOR TO SIGN A VOLUNTARY ANNEXATION AGREEMENT WITH ROBERT H. HOEL AND ELENA HOEL (AX06-44) — Annexation of 0.53 acres MOL located at 12650 46th Street North

This is a voluntary annexation of 0.53 acres MOL of contiguous commercial property. The owner intends to construct a four thousand square foot warehouse addition to the existing structure.

Robert H. Hoel and Elena Hoel 12650 46 th Street North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$6,561.08	\$0.00	\$9,255..00
<p>The voluntary Annexation Agreement special provisions are:</p> <p style="padding-left: 40px;">Waive land development, permit and plans review fees for 60 months (\$8,000.).</p> <p style="padding-left: 40px;">Waive occupational license fee for 5 years. (\$200. per year - \$1,000.).</p> <p style="padding-left: 40px;">Allow OWNER to apply for a variance to impervious surface area up to 85%, valid for up to 60 months at no charge. (85% is permitted in the County). CITY is under no obligation to approve such variance. (\$255.)</p> <p style="padding-left: 40px;">Allow calculation for required parking to be one (1) space per one thousand (1,000) gross square feet of building area.</p>			

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** authorization for Mayor to sign a voluntary Annexation Agreement with Robert H. Hoel and Elena Hoel for annexation of 0.53 acres MOL of contiguous commercial property located at 12650 46th Street North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

R9 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY SNOW LE BUI AND NGOC Q BUI (AX06-49) — Annexation of 0.14 acres MOL located at 6163 108th Avenue North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. A mobile home is located on this site.

Snow Le and Ngoc Q Bui 6163 108 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$419.20	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Snow Le Bui and Ngoc Q Bui and located at 6163 108th Avenue North.

Roll Call Vote:

- Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Mayor, William F. Mischler
- Voting Nay: None
- Absent: Vice-Mayor, William E. Taylor
- Abstaining: None

MOTION CARRIED UNANIMOUSLY

R10 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY PHYLLIS EVERITT KIRKBY TRUST (AX06-50) — Annexation of 0.14 acres MOL located at 6123 108th Avenue North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

Phyllis Everitt Kirkby Trust 6123 108 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$284.10	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Phyllis Everitt Kirkby Trust and located at 6123 108th Avenue North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Mayor, William F. Mischler

Voting Nay: None

Absent: Vice-Mayor, William E. Taylor

Abstaining: None

MOTION CARRIED UNANIMOUSLY

R11 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY THERESA MACHADO (AX06-51) — Annexation of 0.14 acres MOL located at 6120 107th Avenue North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner’s mobile home is located on this site.

Theresa Machado 6120 107 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$415.64	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Theresa Machado and located at 6120 107th Avenue North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Mayor, William F. Mischler

Voting Nay: None
 Absent: Vice-Mayor, William E. Taylor
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

M1 CONGRATULATIONS

Mayor Mischler congratulated Councilwoman Bradbury and her husband Kevin on the birth of their son Garrett on April 27, 2006.

Councilwoman Bradbury stated everyone is doing great.

M2 HAPPY BIRTHDAY

City Council sang Happy Birthday to Councilwoman Bradbury.

M3 FISHING DERBY

Councilman Butler stated the Annual Kiwanis Children's Fishing Derby will be held on Saturday, June 3, 2006, 8:30 a.m. to 11:00 a.m. at Freedom Lake Park.

Office of Management and Budget Administrator Katsiyannis stated there are lots of prizes for the kids.

Councilman Butler provided information on the sponsors for the event.

M4 CITY ORDINANCE

Joe Shelley, 6035 86th Avenue, requested the help of Council and staff because he believes the City ordinance regarding boarding horses has many loopholes and is ambiguous in its meaning.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 9:00 P.M.

Attest:

Diane M. Corna
City Clerk

William F. Mischler
Mayor

/cgg

CITY OF PINELLAS PARK, FLORIDA

REGULAR COUNCIL MEETING

MINUTES

May 25, 2006
Council Chambers

Meeting was called to order at 7:30 P.M.

PRESENT: Mayor, William F. Mischler
Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor (entered at 7:35 P.M.)

ABSENT: None

Also present were: City Attorney, James Denhardt - Assistant City Manager/Community Development Administrator, Tom Shevlin - Finance Administrator, Ron Miller – Human Resources Administrator, John Moore - Community Activities Administrator, Barbara Ponce - Zoning Director, Dean Neal – MIS Administrator, Randy Linthicum - Public Works Administrator, Tom Nicholls – Police Chief, Dorene Thomas – Fire Chief, Doug Lewis – Office of Management and Budget Administrator, Dan Katsiyiannis – Economic Development Specialist, Shannon Coughlin – Building Maintenance Director, Tom Pezone – Fleet Maintenance Director, Chris Marinari – Assistant Finance Administrator, George Kotala – Accounting Clerk, Cindy Trimble – Accountant, Kelly Schrader - Senior Accountant, Diane Mackie – Accounting Clerk, Eileen Goosetree - Media and Public Events Specialist, Denise Re - Media & Public Events Specialist, Pam Martin – City Clerk, Diane M. Corna, and Deputy City Clerk, Christine Gardner.

INVOCATION was given by Councilwoman Bailey-Snook

PLEDGE OF ALLEGIANCE was led by Council.

I. PRESENTATIONS

SERVICE AWARDS - 10 YEARS SERVICE

Ted Gaige – Police Officer

PINELLAS PARK CELEBRITY

Mayor Mischler stated Boof Bonser just made his Major League debut with the Minnesota Twins as a pitcher and he lives in Pinellas Park.

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of May 11, 2006, as on file in the City Clerk's Office.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the Regular Council Minutes of May 11, 2006, as on file in the City Clerk's Office.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

III. PUBLIC HEARINGS

◆ **COMMUNITY DEVELOPMENT**

P1 CONSIDERATION OF AN EXPANSION OF A CONDITIONAL USE TO EXPAND A “BOARDING STABLE” ON A CERTAIN PARCEL LOCATED AT 8690 60TH STREET (CU 2004-27 – Freedom Entertainment Corporation)

CONTINUED PUBLIC HEARING

The City Manager and the applicant are requesting consideration to table this item until South West Florida Water Management District responds to the request submitted by the applicant to fill the wetland.

Mayor Mischler opened the Public Hearing at 7:42 P.M.

There were no comments or objections.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **TABLE** this item until staff brings it back to Council.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

STAFF MEMBERS WERE SWORN IN FOR QUASI-JUDICIAL ITEMS

P2 ORDINANCE NO. 3445. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 12650 46TH STREET NORTH (HOEL - AX06-44)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.67 acres MOL of contiguous commercial property. The Owner's 4,000 square foot warehouse addition to his existing building will be constructed on the site.

The City Attorney read Ordinance No. 3445 by title only. Mayor Mischler opened the Public Hearing at 7:43 P.M.

There were no comments or objections.

Public Hearing was closed at 7:44 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3445.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P3 ORDINANCE NO. 3446. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6163 108TH AVENUE NORTH (SNOW LE AND NGOC Q BUI AX06-49)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. A mobile home is located on this site.

The City Attorney read Ordinance No. 3446 by title only. Mayor Mischler opened the Public Hearing at 7:45 P.M.

There were no comments or objections.

Public Hearing was closed at 7:46 P.M.

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **PASS** Ordinance No. 3446.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Vice-Mayor Taylor asked if there were any plans to build a home on this property?

Economic Development Specialist Coughlin stated not that she is aware of at this time.

Discussion was held on the new map showing contiguous properties.

P4 ORDINANCE NO. 3444. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6154 106TH AVENUE NORTH (ROGER B. BRODERICK AX06-41)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner plans to build a single-family residence on the site.

The City Attorney read Ordinance No. 3444 by title only. Mayor Mischler opened the Public Hearing at 7:47 P.M.

There were no comments or objections.

Public Hearing was closed at 7:48 P.M.

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **PASS** Ordinance No. 3444.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P5 ORDINANCE NO. 3447. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6123 108TH AVENUE NORTH (PHYLLIS EVERITT KIRKBY TRUST AX06-50)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner's mobile home is located on this site.

The City Attorney read Ordinance No. 3447 by title only. Mayor Mischler opened the Public Hearing at 7:49 P.M.

There were no comments or objections.

Public Hearing was closed at 7:50 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **PASS** Ordinance No. 3447.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P6 ORDINANCE NO. 3448. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6120 107TH AVENUE NORTH (THERESA MACHADO AX06-51)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner's mobile home is located on this site.

The City Attorney read Ordinance No. 3448 by title only. Mayor Mischler opened the Public Hearing at 7:51 P.M.

There were no comments or objections.

Public Hearing was closed at 7:52 P.M.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **PASS** Ordinance No. 3448.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P7

ORDINANCE NO. 3437. AMENDING THE LAND USE PLAN MAP FOR THE CITY OF PINELLAS PARK BY PROVIDING FOR A CHANGE IN THE LAND USE FROM COMMERCIAL GENERAL (CG) TO RESIDENTIAL URBAN (RU) ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED EAST OF 6501 86TH AVENUE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; 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. (LUPA 2006-3 – Joe Nguyen/David C. Littell)

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

The applicant seeks an amendment to the Future Land Use Plan Map on a 0.78 acre parcel of land generally located east of 6501 86th Avenue from Commercial General (CG) to Residential Urban (RU). The applicant is proposing development of a four-lot, single family detached subdivision. The applicant has submitted a companion case to rezone the parcel from "CH" Heavy Commercial District to "R-2" Single Family Residential District with an "RPUD" Residential Planned Unit Development Overlay. The site is currently undeveloped. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, and west, single family dwellings; and to the east, vacant commercial land; and to the south, a commercial use, All Natural Botanicals. At their meeting of April 6, 2006, the Planning and Zoning Commission recommended approval of the application subject to the following conditions:

1. Minimum setbacks shall be as illustrated on the "RPUD" Residential Planned Unit Development Master Plan (Exhibit "B") for each lot. (Setbacks shall be as follows: Front - 25 feet, Side - 5 feet, Rear - 10 feet and Secondary Front - 15 feet.)
2. Criteria assigned to the subdivision, in notes on the approved site plan, shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "PUD" Planned Unit Development adoption.

The City Attorney read Ordinance No. 3437 by title only. Mayor Mischler opened the Public Hearing at 7:53 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY.

David Latel, President of West Coast Design, stated he is representing the project and would answer any questions.

Keith Bavcom, 12925 49th Street, Clearwater, stated as he is the owner of the adjacent property and he did not receive any written notice about hearings on this item.

Discussion was held on the notifications for this item.

Mr. Bavcom stated he is opposed to having residential development adjacent to industrial property.

Mr. Bavcom stated his property was zoned industrial when he purchased it was then re-zoned heavy commercial. He stated he has lost potential tenants due to the process for staying within a conforming use and developing residential properties next to it will make it worse.

Mr. Bavcom stated the developer should be required to take measures to reduce the possibility of complaints from residents.

Councilman Butler agreed with Mr. Bavcom's statements pertaining to previous "CH" zoning and his suggestion to require the property developer take the necessary steps to produce a buffer to not encroach on his business.

Vice-Mayor Taylor stated Mr. Martin spoke at the Planning and Zoning Commission meeting and stated opposition to this development based upon the same concerns.

Vice-Mayor Taylor agreed that if a commercial developer has to produce a buffer then a residential developer should have to ensure they don't encroach on one side or another.

Robert Charron, 6575 86th Avenue, stated he purchased his home on this road as a dead end road and he is opposed to making it a thru way from 86th to 87th Avenue even if a gate is put in.

Councilman Butler stated if an industrial property is developed that traffic will be traveling on this road.

Mr. Charron stated he is not concerned with industrial traffic during commercial hours.

Mr. Latel provided information on the surrounding properties and stated he feels a residential development will have a minimal impact on the neighborhood.

Mr. Latel stated the applicant has no objection to putting in a wall and landscaping along the south side of the property.

Councilwoman Bradbury asked if the applicant would consider readjusting the two lots so two face 86th Avenue and two face 87th Avenue so a road is not needed.

Councilman Butler stated this item is being reviewed as a Planned Unit Development and asked if Council can request the applicant reconsider the lot line drawing to where the house is facing the road, eliminate the private road and put up a concrete wall?

Zoning Director Neal stated that discussion would be better made under Item P8 where the PUD will be discussed and stated a wall is not required, it could be a solid fence.

Director Neal stated this item determines whether the proposed use of the property is suitable for residential use versus a general commercial use.

Assistant City Manager Shevlin stated the land use designation is commercial general and the zoning is the heavy commercial zoning district so they are allowed the uses in the "CH" zoning district.

Vice-Mayor Taylor stated residential is more pleasing than commercial.

Discussion was held on 86th Avenue, a right of way, a dirt road and a Florida Power easement.

Joe Shelley, 6035 86th Avenue, asked for clarification on the size of the property and stated too many homes are being squeezed into a small area.

Discussion was held on the size of the lots and setbacks.

Public Hearing was closed at 8:30 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3437.

Councilwoman Bradbury stated she is not happy with the way the lot lines are set up and she does not want that to be included in this approval.

Assistant City Manager Shevlin stated that is not a part of this motion.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor

Voting Nay: Mayor, William F. Mischler

Absent: None

Abstaining: None

MOTION CARRIED

ORDINANCE NO. 3438. AMENDING CHAPTER 18, SECTION 18-1503.3, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED EAST OF 6501 86TH AVENUE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "CH" HEAVY COMMERCIAL DISTRICT TO "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR AN "RPUD" RESIDENTIAL PLANNED UNIT DEVELOPMENT OVERLAY FOR A FOUR-LOT, SINGLE FAMILY DETACHED SUBDIVISION; PROVIDING 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 2006-5/Z 2006-4/BOA 2006-18 – Joe Nguyen/David C. Littell)

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

The applicant seeks approval to rezone a 0.78 acre parcel of land generally located east of 6501 86th Avenue from "CH" Heavy Commercial District to "R-2" Single Family Residential District with an "RPUD" Residential Planned Unit Development Overlay for the development of a four-lot, single family detached subdivision; with waivers and/or variances to the following; sidewalks along both sides of the private right-of-way and the creation of a substandard, private right-of-way. The applicant has submitted a companion case to amend the Future Land Use Plan Map from Commercial General (CG) to Residential Urban (RU). The site is currently undeveloped. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, and west, single family dwellings; and to the east, vacant commercial land; and to the south, a commercial use, All Natural Botanicals. At their meeting of April 6, 2006, the Planning and Zoning Commission recommended approval of the application subject to the following conditions:

1. Minimum setbacks shall be as illustrated on the "RPUD" Residential Planned Unit Development Master Plan (Exhibit "B") for each lot. (Setbacks shall be as follows: Front - 25 feet, Side - 5 feet, Rear - 10 feet and Secondary Front - 15 feet.)
2. Criteria assigned to the subdivision, in notes on the approved site plan, shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of "PUD" Planned Unit Development adoption.

The City Attorney read Ordinance No. 3438 by title only. Mayor Mischler opened the Public Hearing at 8:33 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY.

David Latel, President of West Coast Design, stated he is representing the project and provided information on the proposed development

Councilman Butler asked if there is potential to change the layout of the lots to eliminate the need for a private road.

Mr. Latel stated the problem is that would create 50 foot lots.

Councilman Butler stated the applicant needs the width more than the frontage so it delegates the fact there will be a private road with no public access eliminating the thru way.

Councilman Butler asked if it is within the legal realm to require a concrete wall?

Attorney Denhardt stated it is and asked if the applicant has accepted that?

Mr. Latel stated the applicant has no objection.

Councilman Butler asked if the applicant has an objection to making it a gated community with an electronic gate access?

Mr. Latel stated the applicant has no problem with that either.

Discussion was held on buffering requirements for this development and development of surrounding properties.

Public Hearing was closed at 8:43 P.M.

MOTION was made by Councilwoman Bradbury to **DENY** Ordinance No. 3438.

MOTION DIED DUE TO LACK OF SECOND

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **PASS** Ordinance No. 3438 as written with the following conditions:

1. Developer to install buffering on the south and east side where it functionally abuts commercial or “CH” zoned property
2. Developer shall gate the private road at both avenues and access points.

City Attorney Denhardt asked if the applicant accepts those conditions?

Mr. Patel stated the applicant is agreeable to those conditions and he is representing the applicant, Joe Nguyen, the property owner.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Voting Nay: Councilwoman, Sandra L. Bradbury
Mayor, William F. Mischler
Absent: None
Abstaining: None

MOTION CARRIED

P9

ORDINANCE NO. 3439. AMENDING THE LAND USE PLAN MAP FOR THE CITY OF PINELLAS PARK BY PROVIDING FOR A CHANGE IN THE LAND USE FROM INSTITUTIONAL (I) TO RESIDENTIAL URBAN (RU) ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 77TH STREET AND 72ND AVENUE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; 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. (LUPA 2006-4 – City of Pinellas Park)

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

This property, located on the southeast corner of 77th Street and 72nd Avenue, was annexed into the City of Pinellas Park on September 25, 2003, via Ordinance No. 3168. At the time of annexation, the properties had residential zoning but the Land Use was Institutional (I). This Land Use Plan Map amendment will correct an inconsistency between the current use of the property and the Future Land Use Plan Map classification. The site is currently developed with 16 single family detached dwellings constructed by American Housing in 2005. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the south, east, and west, single family dwellings; and to the north, Parkview Retail Plaza and Discount Auto Repair. At their meeting of April 6, 2006, the Planning and Zoning Commission recommended approval of the application.

The City Attorney read Ordinance No. 3439 by title only. Mayor Mischler opened the Public Hearing at 8:45 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

There were no comments or objections.

Public Hearing was closed at 8:49 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **PASS** Ordinance No. 3439.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

COUNCILMAN TAYLOR LEFT THE MEETING AT 8:50 P.M.

COUNCILMAN BUTLER LEFT THE MEETING AT 8:50 P.M.

IV. CONSENT AGENDA

◆ **COMMUNITY DEVELOPMENT**

C1 ORDINANCE NO. 3450. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6036 106TH AVENUE NORTH (MAXINE M. SAUER AND JAMES B. AMES AX06-52)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner's mobile home is located on this site.

C2 ORDINANCE NO. 3451. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6087 108TH AVENUE NORTH (STACIE J. FEIST AX06-54)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner's mobile home is located on this site.

- C3 ORDINANCE NO. 3452. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6182 106TH AVENUE NORTH (EVAN PIPERAKIS AX06-55)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner’s mobile home is located on this site.

- C4 ORDINANCE NO. 3453. ANNEXING INTO THE CITY OF PINELLAS PARK CERTAIN PARCELS OF LAND GENERALLY LOCATED AT 12700 AND 12790 AUTOMOBILE BOULEVARD (EVELAND BROS., INC. – AX06-58)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 1.73 acres MOL of contiguous commercial property. The Owner will be replacing the roof on the building located at 12790 Automobile Boulevard.

- C5 ORDINANCE NO. 3418. AN ORDINANCE AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE), ARTICLE 15 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING SUBSECTION 18-1507.22, "TRANSFER OF DEVELOPMENT RIGHTS", ABOLISHING THE QUALIFYING REQUIREMENT THAT PARCELS BE CONTIGUOUS AND UNDER SINGLE OWNERSHIP; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (LDC 2006-01)**

FIRST READING PRIOR TO PUBLIC HEARING (PUBLIC HEARING, JUNE 8, 2006)

The proposed amendment will give more flexibility for the “Transfer of Development Rights” which should be of benefit to the City by creating opportunities for more density where it is needed or desired by City Council. The current language in Code is too inflexible and unworkable because it requires contiguity of parcels and single ownership in order to transfer density. The Countywide rules limit maximum achievable density by only allowing a 20 percent increase above the density otherwise achievable through the redevelopment plan and land use category. This will be especially useful for encouraging the development of affordable housing by providing a density incentive to developers of such projects. At their meeting of May 4, 2006, the Planning and Zoning Commission recommended approval.

◆ OMB

C6 ORDINANCE NO. 3449. AMENDING ORDINANCE 3369 ADOPTING THE BUDGET FOR FISCAL YEAR 2005/2006.

FIRST READING PRIOR TO PUBLIC HEARING

In general, the ordinance amends this year's budget for several small, unanticipated items, appropriates additional funds for higher fuel costs, and defers to next fiscal year several large CIP projects such as Park Blvd. Drainage, Phase 2, Police Station modifications, and several Water & Sewer Projects.

ITEM C7 WAS MOVED TO THE REGULAR AGENDA AT THE REQUEST OF STAFF

VICE-MAYOR TAYLOR RETURNED TO THE MEETING AT 8:51

◆ **PUBLIC WORKS**

C8 AWARD OF BID 06/019 – TWO MOBILE GENERATORS – United Rentals

Bids were legally advertised and bid invitations were mailed to 33 prospective bidders. Five (5) bids were received with United Rentals (4300 118th Avenue N., Clearwater, FL 33762) being the low bidder by taking advantage of the three percent (3%) price preference for being a City vendor with a submittal of \$80,722.22. These Two Mobile Generators will be used to provide emergency power for two designated City evacuation sites, Forbes Recreation Center and Park Station. When not being used in this capacity, these generators will be used City wide. Funds for this project in the amount of \$80,722.22 are made available by Budget Amendment Ordinance 3449, page 5 of the City Budget, Account # 301-175-5-623-48.

Authorization to Award Bid 06/019 for the purchase of two Mobile Generators to United Rentals, Clearwater, FL in the amount of \$80,722.22 to be charged to the appropriate account.

C9 AUTHORIZATION FOR MAYOR TO SIGN — Renewal of Contract for Heating and Air Conditioning Services for City Buildings, T.B.G. of Tampa, Inc., d/b/a The Beacon Group, Maintenance Division

This authorizes the Mayor to sign a Renewal Contract for heating and air conditioning services to maintain eighteen (18) City buildings. The proposed Renewal Contract has been reviewed by the City Attorney’s office and no dollar amount changes were made. The amount reflects the same cost as the original contract (04/017) in 2004 for heating and air conditioning services. The amount of this agreement remains \$19,260 for a period of one year. The amount of the proposed contract is not budgeted in the 2006/2007 annual budget; however, is paid monthly from each City Department/Divisions Building Maintenance accounts. This contract is effective June 1, 2006 and will continue for one year.

Authorization for Mayor to sign Renewal Contract for heating and air conditioning services to City buildings, with T.B.G. of Tampa, Inc., d/b/a The Beacon Group, Tampa, FL, in the amount of \$1,605 per month, to be charged to the appropriate account, for a period of one year: 2006/2007, to commence on June 1, 2006.

MOTION was made by Councilwoman Bradbury to Pass, Approve or Adopt, whichever is appropriate, Items C1 thru C6 and Items C8 and C9 inclusive, with Item C7 being moved to the Regular Agenda, with Items C1 thru C6 being First Reading Prior to Public Hearing and **SECONDED** by Councilman Taylor.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
Absent: Councilman, Rick Butler
Abstaining: None

MOTION CARRIED

◆ FINANCE

R1A **RECEIPT OF THE 2004-2005 FINANCIAL AUDIT** – **Cherry, Bekaert and Holland**
€7 **St. Petersburg**

Representatives from the City's independent auditors, Cherry, Bekaert and Holland, will present the 2004-2005 Auditor's Report. The Finance Administrator will present a brief summary of the City's fiscal year 2004-2005 Financial Statements.

Finance Administrator Miller presented information on this item and introduced the Accounting Division staff and thanked them for their hard work.

COUNCILMAN BUTLER RETURNED TO THE METTING AT 9:00 P.M.

Troy Manning, representing Cherry, Bekaert and Holland, presented the 2004-2005 Financial Statement and Auditor's Report.

Vice-Mayor Taylor stated he is very happy with the services of Cherry, Bekaert and Holland.

Mayor Mischler stated based upon this report the City is run in a high standard and thanked the Accounting and Purchasing staff for doing a fabulous job.

Councilwoman Bradbury thanked Finance Administrator Miller.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **ACCEPT** the 2005-2005 Financial Statement and Auditor's Report as presented by Cherry, Bekaert and Holland

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Councilwoman Bailey-Snook stated she is proud for having fine professionals doing an outstanding job.

V. REGULAR AGENDA

◆ COMMUNITY DEVELOPMENT

R1 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY MAXINE M. SAUER AND JAMES B. AMES (AX06-52) — Annexation of 0.14 acres MOL located at 6036 106th Avenue North

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner’s mobile home is located on this site.

Maxine M. Sauer and James B. Ames 6036 106 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$451.19	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Maxine M. Sauer and James B. Ames and located at 6036 106th Avenue North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

R2 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY STACIE J. FEIST (AX06-54) — Annexation of 0.14 acres MOL located at 6087 108th Avenue North

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner’s mobile home is located on this site.

Stacie J. Feist 6087 108 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$264.80	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Stacie J. Feist and located at 6087 108th Avenue North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

R3 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY EVAN PIPERAKIS (AX06-55) — Annexation of 0.14 acres MOL located at 6182 106th Avenue North

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner’s mobile home is located on this site.

Evan Piperakis 6182 106 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$594.92	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by Evan Piperakis and located at 6182 106th Avenue North.

Roll Call Vote:

- Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler
- Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

R4 AUTHORIZATION FOR MAYOR TO SIGN A VOLUNTARY ANNEXATION AGREEMENT WITH EVELAND BROS., INC. (AX06-58) — Annexation of 1.54 acres MOL located at 12700 and 12790 Automobile Boulevard North

This is a voluntary annexation of 1.54 acres MOL of contiguous commercial property. Eveland Bros. Construction and Artistic Pavers are the businesses located on these sites. The owner plans to replace the roof on the building located at 12790 Automobile Boulevard.

Eveland Bros., Inc. 12790 Automobile Blvd.	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$3,981.18	\$0.00*	\$1000.00
*City funds expended — none.			
The voluntary Annexation Agreement special provision is:			
<ul style="list-style-type: none"> ◆ City to waive land development fees for up to 24 months (not to exceed \$1,000.00). 			

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **APPROVE** authorization for Mayor to sign a voluntary Annexation Agreement with Eveland Bros., Inc. for annexation of 1.54 acres MOL located at 12790 Automobile Boulevard North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

M1 ROLAND ROCHET

Vice-Mayor Taylor stated Pinellas Park resident Roland Rochet is in the United States Army Reserves and will be leaving for Iraq on June 20, 2006.

M2 FUNERALS

Councilman Butler stated a City employee and a close friend of the City passed away this week and everyone's thoughts are with their families.

M3 SPAGHETTI DINNER

Police Chief Thomas stated the Police Explorers will be holding a Spaghetti Dinner, Friday, May 26, 2006, at the Senior Center from 5:00 P.M. to 8:00 P.M.

M4 PUBLIC WORKS OPEN HOUSE

Public Works Administrator Nicholls stated the 2nd Annual Public Works Open House will be held Saturday, May 27, 2006, at Town Square Plaza Park from 10:00 A.M. to 2:00 P.M.

M5 KIWANIS FISHING DERBY

Office of Management and Budget Administrator Katsiyannis stated the Annual Kiwanis Fishing Derby will be held Saturday June 3, 2006, at Freedom Lake Park, starting at 8:30 A.M.

M6 HURRICANE PREPAREDNESS WEEK

Fire Chief Lewis stated this is National Hurricane Preparedness Week and encouraged residents to be prepared and information is available by calling the Fire Department at 541-0712.

Councilman Butler encouraged special needs residents to contact the Fire Department and register for assistance in an emergency.

Mayor Mischler encouraged residents and neighborhood groups to find out the needs of their neighbors to arrange to assist them.

Fire Chief Lewis provided information on PSTA evacuation plans.

Councilman Butler provided information on shelters for pets in an emergency.

M7 ORDINANCES

Joe Shelley, 6035 86th Avenue stated he would like changes to the conditions for boarding horses and provided information on his concerns with the existing ordinances.

Direction of Council was for Mr. Shelley to meet with staff and address his concerns with the Planning and Zoning Commission and Equestrian Board.

COUNCILWOMAN BAILEY-SNOOK LEFT THE MEETING AT 9:40 P.M.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 9:45 p.m.

Attest:

Diane M. Corna
City Clerk

William F. Mischler
Mayor

/cgg

CITY OF PINELLAS PARK, FLORIDA
REGULAR COUNCIL MEETING

MINUTES

June 8, 2006
Council Chambers

Meeting was called to order at 7:30 P.M.

PRESENT: Mayor, William F. Mischler
Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor

ABSENT: None

Also present were: Assistant City Attorney, Christopher Hammonds – City Attorney, James Denhardt (entered at 8:50 P.M.) - City Manager, Michael Gustafson - Assistant City Manager/Community Development Administrator, Tom Shevlin - Finance Administrator, Ron Miller – Human Resources Administrator, John Moore - Zoning Director, Dean Neal – MIS Administrator, Randy Linthicum - Public Works Administrator, Tom Nicholls – Police Captain, John Green – Fire Chief, Doug Lewis – Office of Management and Budget Administrator, Dan Katsiyiannis – Economic Development Specialist, Chuck Webber – Fire Administrative Services Director, Mary Ann Salch – Public Utilities Director, Keith Sabiel – Assistant Finance Administrator, George Kotala – Parks/Recreation Director, Joel Garren - Media and Public Events Specialist, Denise Re - Media & Public Events Specialist, Pam Martin – City Clerk, Diane M. Corna, and Deputy City Clerk, Christine Gardner.

INVOCATION was given by Councilwoman Bradbury.

PLEDGE OF ALLEGIANCE was led by Council.

I. PRESENTATIONS

NONE

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of May 25, 2006, as on file in the City Clerk's Office.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the Regular Council Minutes of May 25, 2006, as on file in the City Clerk's Office.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

STAFF MEMBERS WERE SWORN IN FOR QUASI-JUDICIAL ITEMS.

III. PUBLIC HEARINGS

◆ **COMMUNITY DEVELOPMENT**

P1 ORDINANCE NO. 3450. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6036 106TH AVENUE NORTH (MAXINE M. SAUER AND JAMES B. AMES AX06-52)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner's mobile home is located on this site.

The City Attorney read Ordinance No. 3450 by title only. Mayor Mischler opened the Public Hearing at 7:31 P.M.

There were no comments or objections.

Public Hearing was closed at 7:32 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3450.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

ASSISTANT CITY ATTORNEY HAMMONDS ANNOUNCED THAT ATTORNEY DENHARDT IS REPRESENTING THE CITY'S INTEREST AT THE CHARTER REVIEW COMMISSION MEETING.

P2 ORDINANCE NO. 3451. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6087 108TH AVENUE NORTH (STACIE J. FEIST AX06-54)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner's mobile home is located on this site.

The City Attorney read Ordinance No. 3451 by title only. Mayor Mischler opened the Public Hearing at 7:33 P.M.

There were no comments or objections.

Public Hearing was closed at 7:34 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3451.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P3 ORDINANCE NO. 3452. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6182 106TH AVENUE NORTH (EVAN PIPERAKIS AX06-55)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of residential property. The Owner's mobile home is located on this site.

The City Attorney read Ordinance No. 3452 by title only. Mayor Mischler opened the Public Hearing at 7:35 P.M.

There were no comments or objections.

Public Hearing was closed at 7:36 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **PASS** Ordinance No. 3452.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P4 ORDINANCE NO. 3453. ANNEXING INTO THE CITY OF PINELLAS PARK CERTAIN PARCELS OF LAND GENERALLY LOCATED AT 12700 AND 12790 AUTOMOBILE BOULEVARD (EVELAND BROS., INC. – AX06-58)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 1.73 acres MOL of contiguous commercial property. The Owner will be replacing the roof on the building located at 12790 Automobile Boulevard.

The City Attorney read Ordinance No. 3453 by title only. Mayor Mischler opened the Public Hearing at 7:37 P.M.

There were no comments or objections.

Public Hearing was closed at 7:38 P.M.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **PASS** Ordinance No. 3453.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P5

CONSIDERATION OF A PRELIMINARY PLAT FOR INTERLAKEN COMMERCE CENTER PHASE IV WITH VARIANCES TO THE FOLLOWING CRITERIA: RIGHT-OF-WAY WIDTH, CUL-DE-SAC LENGTH, AND RIGHT-OF-WAY IMPROVEMENTS FOR A PARCEL OF LAND GENERALLY LOCATED AT 7151 123RD CIRCLE.(PL 2006-3(P) – Interlaken Acquisitions LLC/Henry Hart H³0 Design)

CONTINUED PUBLIC HEARING (QUASI-JUDICIAL)

The applicant is platting 10.15 acres of land into seven industrial lots located in the “M-1” Light Industrial Zoning District, for development of an Industrial Park. The property was approved to be annexed into the City of Pinellas Park (Annexation No. AX 06-23) by City Council on March 29, 2006, via Ordinance No. 3419. The applicant is requesting variances to the following: right-of-way width from 60 feet to 40 feet for a private right-of-way, cul-de-sac length from 600 feet to 810 feet, and the requirement to improve all undeveloped adjacent right-of-ways, in this case 126th Avenue. The improvements include paving, curbs, sidewalks and additional right-of-way width. The applicant is also vacating a 15-foot-wide unused and undeveloped right-of-way to the east of the parcel, 72nd Street.

Mayor Mischler opened the Public Hearing at 7:39 P.M.

ALL PARTIES WERE SWORN IN PRIOR TO THEIR TESTIMONY

Assistant City Manager Shevlin stated staff has met with the developer and the abutting property owners and will be notifying them when site plans are submitted.

Calvin Goodwin, 12424 70th Street, Largo, stated a lot of progress has been made since the last Council Meeting and the developer is working with him to resolve his concerns.

Mr. Goodwin stated there is still a problem with dust on the weekends and there are also recreational vehicles being used on this property.

Matthew Mosk, 12397 Belcher Road, Suite 270, stated there is a no trespassing sign posted at the entrance to the development.

Mr. Mosk stated he is aggressively working with the neighbors to alleviate the dust problem on the property and he is installing an irrigation system to permanently fix the problem.

Mr. Goodwin asked if the City will assist with the dust problem on the weekends?

Mr. Mosk stated there will be someone watering the property on the weekend until the irrigation system is working.

Vice-Mayor Taylor stated this has the potential to be an outstanding development.

Mr. Mosk thanked City staff for their help.

Public Hearing was closed at 7:55 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** the Preliminary Plat for “Interlaken Commerce Centre Phase IV” generally located at 7151 123rd Circle, based on the Findings of Compliance with the factors identified in Section 18-103.6(C), 18-108.1(D) and Section 18-1506.5(I) of the Land Development Code with variances to the following: right-of-way width, cul-de-sac length, and right-of-way improvements

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P6

CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE TO ESTABLISH A “CHILD CARE CENTER TYPE III”, IN THE “B-1” GENERAL COMMERCIAL ZONING DISTRICT WITH A WAIVER TO THE CONDITIONAL USE REQUIREMENT FOR A SIX-FOOT-HIGH, SOLID WALL OR FENCE WHEN ABUTTING RESIDENTIAL DISTRICTS ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 9945 66TH STREET NORTH. (CU 2006-15 – Tosca, Inc./ Rose Marie Uva)

PUBLIC HEARING (QUASI-JUDICIAL)

The applicant requests approval of a Conditional Use to establish a “Child Care Facility, Type III”, in the “B-1” General Commercial Zoning District on a parcel of land generally located at 9945 66th Street. The former use of the property was as a contractor’s office and storage yard, McGeehan Construction. The applicant will be utilizing the existing building for this child care facility. The applicant is also requesting a waiver to the following Conditional Use requirement: a solid fence or wall six feet in height shall be constructed along any rear or side property line abutting any residential zoning district. Surrounding land uses are: to the north, a commercial workshop/warehouse establishment; to the south, Plantation, residential condominiums; to the east, Bridle Chase Subdivision; and to the west, single family dwellings. The proposal appears to be consistent with the Comprehensive Plan and should not have any adverse effects on adopted levels of service for City infrastructure. At its meeting on May 4, 2006, the Planning and Zoning Commission recommended approval of the above request.

Mayor Mischler opened the Public Hearing at 7:56 P.M.

There were no comments or objections.

Public Hearing was closed at 7:57 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **APPROVE** a request to approve a Conditional Use to establish a “Child Care Facility Type III”, in the “B-1” General Commercial Zoning District with a waiver to the requirements for a solid fence or wall, six feet in height, shall be constructed along any rear or side property line abutting any residential zoning district based on the staff report and the criteria found in Section 18-1509.4(B) & (C).

Mayor Mischler stated he was concerned about the request for a waiver of the fence but there is an existing solid concrete wall.

Councilwoman Bailey-Snook stated this property was formerly used as a storage yard for McGheehan Construction and asked if an assessment was done on the ground for contamination?

Zoning Director Neal stated an assessment is not required and to his knowledge no soil testing was done.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler
Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

P7 RESOLUTION NO. 06-23. A RESOLUTION VACATING THE NORTH 325 FEET OF THE 66-FEET-WIDE RIGHT-OF-WAY, 40TH STREET NORTH, GENERALLY LOCATED NORTH OF PARK BOULEVARD AND SOUTH OF 76TH AVENUE NORTH. (V 2006-10 Performance Land Trust)

PUBLIC HEARING, FIRST AND FINAL READING

The applicant is requesting the vacation of the north 325 feet of 40th Street, a 66-foot-wide developed right-of-way generally located between Park Boulevard and 76th Avenue. In order for the applicant to procure a left turn lane on Park Boulevard at the intersection of 40th Street, to service the property located at 3991 Park Boulevard, the Florida Department of Transportation has required the applicant obtain a vacation of 40th Street. At its meeting on May 4, 2006 the Planning and Zoning Commission recommended approval of the vacation keeping utility, drainage and private ingress/egress easements. However, discussions with the applicant revealed that an ingress and egress agreement was already in place, therefore the findings of fact have been modified from those at the Planning and Zoning Commission meeting. The following revised Findings of Fact are pertinent to this request:

1. The vacation is consistent with the policies of the Comprehensive Plan.
2. The various utility companies and City Divisions have requested the retention of a drainage and utility easement over the entire vacated portion of the right-of-way and that the cost of removal and relocation of any facilities, if required, shall be the responsibility of the applicant and the applicant has acknowledged this and agrees.

The City Attorney read Resolution No. 06-23 by title only. Mayor Mischler opened the Public Hearing at 8:01 P.M.

Randy Heine, 7451 Park Boulevard, stated it is unwise to vacate so many streets.

Mayor Mischler stated Florida Department of Transportation will not allow a light to be installed at this location.

Public Hearing was closed at 8:05 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **ADOPT** Resolution No. 06-23.

Councilman Butler stated this road has limited access capabilities so he does not have a problem vacating this.

Mayor Mischler stated he can't support this item because he hasn't heard from the Elk's Club.

Zoning Director Neal stated he has met with representatives from the Elk's Club and they are satisfied they will maintain good access.

Robert Gregg, 6030 Chestnut Street, Clearwater, stated there has been a deal consummated with the Elk's Club to the property owner located in the front and if the vacation goes through that sale includes the entire right-of-way. Mr. Gregg stated there is an agreement as part of the sale that there is not an isolation of the Elk's Club to be able to use their parking lot.

Mr. Gregg stated the development will provide access to come out of the Elk's Club parking lot.

Mayor Mischler asked why the entire street isn't being vacated?

Mr. Gregg stated if the entire street is vacated there is no control of the entrance off of Park Boulevard and there would be no access for this property to Park Boulevard.

Discussion was held on entrances to the U-Haul property, the Elk's Club and this development and the maintenance of the street.

Mr. Gregg stated Florida Department of Transportation will allow a left turn but not a light.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ OMB

P8 ORDINANCE NO. 3449. AMENDING ORDINANCE 3369 ADOPTING THE BUDGET FOR FISCAL YEAR 2005/2006.

PUBLIC HEARING, SECOND AND FINAL READING

In general, the ordinance amends this year's budget for several small, unanticipated items, appropriates additional funds for higher fuel costs, and defers to next fiscal year several large CIP projects such as Park Blvd. Drainage, Phase 2, Police Station modifications, and several Water & Sewer Projects.

The City Attorney read Ordinance No. 3449 by title only. Mayor Mischler opened the Public Hearing at 8:15 P.M.

Randy Heine, 7451 Park Boulevard, asked how much the budget is off requiring this ordinance to be passed?

Office of Management and Budget Administrator Katsiyiannis stated this ordinance is a quarterly amendment for items that were not anticipated and provided details on the amendments.

Discussion was held on amendments to the budget.

Public Hearing was closed at 8:18 P.M.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **PASS** Ordinance No. 3449.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ COMMUNITY DEVELOPMENT

P9 **ORDINANCE NO. 3418.** **AN ORDINANCE AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE), ARTICLE 15 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING SUBSECTION 18-1507.22, "TRANSFER OF DEVELOPMENT RIGHTS", ABOLISHING THE QUALIFYING REQUIREMENT THAT PARCELS BE CONTIGUOUS AND UNDER SINGLE OWNERSHIP; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (LDC 2006-01)**

PUBLIC HEARING, SECOND AND FINAL READING

The proposed amendment will give more flexibility for the "Transfer of Development Rights" which should be of benefit to the City by creating opportunities for more density where it is needed or desired by City Council. The current language in Code is too inflexible and unworkable because it requires contiguity of parcels and single ownership in order to transfer density. The Countywide rules limit maximum achievable density by only allowing a 20 percent increase above the density otherwise achievable through the redevelopment plan and land use category. This will be especially useful for encouraging the development of affordable housing by providing a density incentive to developers of such projects. At their meeting of May 4, 2006, the Planning and Zoning Commission recommended approval.

City Manager Gustafson stated there was a mistake in advertising by the newspaper and staff is requesting Council table this item until the next meeting.

The City Attorney read Ordinance No. 3418 by title only. Mayor Mischler opened the Public Hearing at 8:24 P.M.

There were no comments or objections.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **TABLE** Ordinance No. 3418.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

IV. CONSENT AGENDA

◆ PUBLIC WORKS

C1 AWARD OF BID — POTABLE WATER PUMP STATION NOS. 1 & 2 IMPROVEMENTS — Contract 06/012 – TLC Diversified, Inc.

Bids were legally advertised and bid invitations were mailed to 325 prospective bidders. Three (3) bids were received with TLC Diversified, Inc., 2719 17th Street East, Palmetto, FL 34221 being the low bidder with a bid submittal of \$1,251,000.00. Funds for this project in the amount of \$1,253,709.00 are made available by Budget Amendment 3449. This project will be charged to account 301-381-5-779-32.

Authorization to award Bid 06/012 for the Potable Water Pump Station Nos. 1 & 2 Improvements to TLC Diversified, Inc., Palmetto, FL in the amount of \$1,251,000.00 to be charged to the appropriate account.

C2 RESCIND OF BID 05/035 — Streetscape Redevelopment Area Signage - AccurateLines Inc.

This is authorization to rescind the single bid received for Project 05/035, Streetscape Redevelopment Area Signage awarded by City Council on 2-23-06. The single bid company, Accurate Lines was unable to meet contract requirements. The Traffic Division will go back out to bid for purchasing poles and signs (material) only. The Traffic Division will be doing the installation in-house.

Authorization to reject awarded bid 05/035.

◆ COMMUNITY DEVELOPMENT

- C3** **ORDINANCE NO. 3454.** **AN ORDINANCE AMENDING CHAPTER 18, SECTION 18-1503.3, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED ON THE NORTHEAST CORNER OF 62ND AVENUE AND 42ND STREET , AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; FROM “M-1” LIGHT INDUSTRIAL TO “CH” COMMERCIAL HEAVY. (Z 2006-7 – Sanders Law Group)**

**FIRST READING PRIOR TO PUBLIC HEARING
(Public Hearing, June 22, 2006, – QUASI-JUDICIAL)**

The applicant is proposing a rezoning from “M-1” Light Industrial to “CH” Heavy Commercial on approximately 0.993 acres located on the northeast corner of 62nd Avenue and 42nd Street, for the proposed development of a Moose Lodge. At its meeting on May 4, 2006, the Planning and Zoning Commission recommended APPROVAL of the rezoning based on the “Responses of Relevant Considerations for Rezoning.” The Relevant Considerations found that:

1. The rezoning is consistent with the City’s Comprehensive Plan Policies.
2. The rezoning would not adversely affect the neighborhood.

The abutting Zoning Districts are: to the north, east and west “M-1” Light Industrial; to the south “RPD-20” (County) Residential Planned Development.

Randy Heine, 7451 Park Boulevard, asked what a Moose Lodge stands for and what do they do?

George White, 4511 67th Avenue, provided information on the Moose Lodge.

- C4** **ORDINANCE NO. 3455.** **ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6160 107TH AVENUE NORTH (B. LYNN AND O. ANNE NYE AX06-60)**

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. A mobile home is located on this site.

C5

AUTHORIZATION FOR MAYOR TO SIGN PINELLAS COUNTY RECREATION GRANT FUNDING AGREEMENT

Pinellas County has awarded the City with a Recreation Grant for the purchase and installation of 6 solar shadeport structures at the Youth Soccer Facilities at Youth Park. The amount of the grant is \$58,401 with the City providing a cash match of \$6,599 for a total project cost of \$65,000. Funding for the project, including the City's portion of the cost, is included in the FY 2006/2007 Capital Improvements Program.

Authorization for the Mayor to sign the Pinellas County Recreation Grant Funding Agreement.

MOTION was made by Councilwoman Bradbury to Pass, Approve or Adopt, whichever is appropriate, Items C1 thru C5 inclusive, with Items C3 and C4 being First Reading Prior to Public Hearing, and **SECONDED** by Councilman Taylor.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

V. REGULAR AGENDA

◆ PUBLIC WORKS

**R1 SELECTION OF CITY COUNCIL MEMBER TO SERVE ON SELECTION BOARD
— RFP for Project 06/013 Park Boulevard Drainage, Phase III**

In accordance with Resolution 78-58/91-31 and Section 287.055 Florida Statutes (Consultant Competitive Negotiation Act), a selection board consisting of not more than seven members (one of whom is to be a City Council Member) will be used to review proposals for consultant services and to make a recommendation to City Council and the City Manager. City Council will select the Council Member who will serve on the selection board for review and evaluation of the proposals received in response to the Request for Proposals (RFP) for Project 06/013 Park Boulevard Drainage, Phase III.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPOINT** Councilwoman Bradbury to serve on the selection board for review and evaluation of Proposals for Project 06/013 Park Boulevard Drainage, Phase III.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

ATTORNEY DENHARDT ENTERED THE MEETING AT 8:50 P.M.

◆ COMMUNITY DEVELOPMENT

R2 AUTHORIZATION FOR THE CITY MANAGER TO RENEW AN EXISTING TWO (2) YEAR RESIDENT EMPLOYEE LEASE AGREEMENT — For City-owned property located at Broderick Park, 6710 61st Street North

The Resident Employee Lease at Broderick Park will expire July 22nd, 2006. An extension of this lease will retain the current tenant, Police Officer Randy Kerkman, of the Pinellas Park Police Department.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** authorization for the City Manager to renew an existing two (2) year Resident Employee Lease Agreement for City-owned property located at Broderick Park, 6710 61st Street North, with Police Officer Randy Kerkman, of the Pinellas Park Police Department

Vice-Mayor Taylor stated he thinks resident officers leases have outlived their benefit to the City, but will support the two renewals this time.

Vice-Mayor Taylor stated he would like to eliminate them upon their next expiration.

Councilwoman Bailey-Snook stated putting a resident employee in the parks decreases vandalism and crime.

Mayor Mischler stated he has looked at the crimes in the parks over the last year and finds there is a lot of vandalism and illegal activities the resident officers are reporting to the police.

Joe Shelley, 6035 86th Avenue, stated he is in favor of these lease agreements.

Marshall Cook, 9300 54th Street, asked about the Helen Howarth lease renewal.

Mayor Mischler advised that will be addressed in Item R2.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

R3 AUTHORIZATION FOR THE CITY MANAGER TO RENEW AN EXISTING TWO (2) YEAR RESIDENT OFFICER LEASE AGREEMENT— For City-owned property located at Helen Howarth Park, 6331 94th Avenue North

The Resident Officer Lease at Helen Howarth Park will expire August 20th, 2006. An extension of this lease will retain the current tenant, Officer Jan Gray, retired, of the Largo Police Department.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **DENY** authorization for the City Manager to renew an existing two-year Resident Officer Lease Agreement for City-owned property located at Helen Howarth Park, 6331 94th Avenue North, with Officer Jan Gray, retired, of the Largo Police Department.

Councilwoman Bradbury stated she is requesting a denial on this item because this lease was extended two years ago to give Mr. Grey time to relocate and she would like a police officer with a cruiser on this property.

Mayor Mischler stated Mr. Grey has reported numerous complaints that are documented and his wife is disabled creating a hardship in this situation.

Councilwoman Bradbury stated mobile homes have a shelf life and there may be more interest for an officer to invest in a home of their own to move into.

Mayor Mischler stated Mr. Grey is doing a wonderful job watching the activities in this park.

Marshall Cook, 9300 54th Street, stated Mr. Grey is doing his job and requested Council reconsider this motion.

Roll Call Vote:

Voting Yea: Councilwoman, Sandra L. Bradbury
 Vice-Mayor, William E. Taylor
Voting Nay: Councilwoman, Patricia L. Bailey-Snook
 Councilman, Rick Butler
 Mayor, William F. Mischler
Absent: None
Abstaining: None

MOTION DENIED

MOTION was made by Councilwoman Bailey-Snook , and **SECONDED** by Councilman Butler to **APPROVE** authorization for the City Manager to renew an existing two-year Resident Officer Lease Agreement for City-owned property located at Helen Howarth Park, 6331 94th Avenue North, with Officer Jan Gray, retired, of the Largo Police Department.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilman, Rick Butler
Mayor, William F. Mischler

Voting Nay: Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor

Absent: None

Abstaining: None

MOTION CARRIED

R4 CONSIDERATION OF A REQUEST FOR A WAIVER TO ALLOW A SIX-FEET-HIGH, CHAIN LINK FENCE TO SHIELD AN OUTDOOR STORAGE AREA FROM RIGHT-OF-WAYS, A SUBSTITUTE FOR A SOLID WALL AS REQUIRED BY CODE ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 5701 126TH AVENUE. (MS 2006-34 – Orange Management of Orlando/ Dan Williams)

(QUASI-JUDICIAL)

The applicant requests a waiver to allow a six-foot-high, chain link fence to shield an outdoor storage area from right-of-ways, a substitute for a solid wall as required by Code on a parcel of land generally located at 5701 126th Avenue. The applicant is proposing the site to be used as a storage yard for construction equipment and to stockpile material. The site currently contains three trailers, one to be removed, with two being utilized as construction office trailers, a twenty-foot-wide unimproved driveway, concrete slab with oil tanks, and a wooded area in the rear of the lot, all of which are enclosed by a six-foot-high chain link fence. The applicant is currently in the process of submitting building plans to develop the site. Site inspection reveals that the subject property is located in an industrial neighborhood. To the north and south are vacant undeveloped properties; to the east, UPS parking lot; to the west; contractors storage yard. The parcel fronts on 126th Avenue, an undeveloped right-of-way. The Cross Bayou Canal is located to the west of the parcel. The location of the canal prohibits the use of 58th Street and dead ends 126th Avenue, just west of this parcel. This limits traffic in this area to that generated by this property and the property to the south and west, which is undeveloped, thus eliminating passerby traffic. There is no residentially zoned property located in this area.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** a request for a waiver to the requirement for a six-foot-high, solid wall to shield outdoor storage areas visible from 126th Avenue, replacing said wall with a six-foot-high, chain link fence.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

R5 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY B. LYNN NYE AND O. ANNE NYE (AX06-60) — Annexation of 0.14 acres MOL located at 6160 107th Avenue North

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. A mobile home is located on this site.

B. Lynn and O. Anne Nye 6160 107 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$553.28	\$0.00	\$0.00
There are no special provisions in this Annexation Agreement.			

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **APPROVE** the voluntary annexation of 0.14 acres MOL of property owned by B. Lynn Nye and O. Anne Nye and located at 6160 107th Avenue North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

R6 AUTHORIZATION FOR THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH CLASSICAL CHRISTIAN SCHOOL FOR THE ARTS FOR PROPERTY LOCATED AT 4981 78TH AVENUE NORTH (Formerly Crosspointe Baptist Church)

This proposed lease asks for an initial term of five (5) years with a five (5) year extension upon the expiration of the initial five (5) year term. Monthly lease payments for the first year of the initial term will be Four Thousand Dollars (\$4,000.00). Lease payments for the second year and each subsequent year will reflect a three percent (3%) increase over the previous year's monthly lease rate.

Initially, the lease will be for the first floor of the education building only with the Lessee being responsible for all utilities and interior renovations and shall promptly repair and, at all times, maintain in good condition the Leased Premises, including heating units, air conditioning equipment including exterior components thereof, plumbing and electrical systems, furniture, fixtures and equipment, electrical installations, hardware, all painting and decorations of every kind, all doors and windows, all interior leasehold improvements including all floor coverings, and all other improvements. The City will be responsible for exterior maintenance of the building and maintenance of the grounds surrounding the building and the parking lot. The Lessee anticipates that they will have need of additional space on the second floor in the near future to accommodate anticipated higher enrollment. Additional space would carry the same per square foot rate that is in effect for first floor space at the time the additional space is leased. The per square foot price for the first year of the lease is Three Dollars and Sixty Five Cents (\$3.65).

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **APPROVE** authorization for the City Manager to sign a Lease Agreement with Classical Christian School For The Arts for property located at 4981 78th Avenue North (Formerly Crosspointe Baptist Church)

Randy Heine, 7451 Park Boulevard, asked why the City purchased this land?

Mayor Mischler stated the City purchased this land for future use because it is adjacent to two City properties.

City Manager Gustafson stated this lease is only for the first floor of the school.

Discussion was held on Crosspointe Christian School.

Councilman Butler stated acquisition of the property is an opportunity to land bank.

Mr. Heine asked why the Police Department is not moved to this property?

Pat Steives, 5885 99th Terrace, asked if it would be better to leave the property empty?

City Manager Gustafson stated this property went out to bid for lease and there were no bidders.

City Manager Gustafson stated this property is smaller than the current Police Station and would not accommodate expansion.

Marshall Cook, 9300 54th Street, stated he agrees with the City purchasing this land and asked the length of the lease?

City Manager Gustafson stated this is a five year lease

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ COMMUNITY ACTIVITIES

R7 APPOINTMENT TO THE RECREATION BOARD — One Regular Member

The Recreation Board interviewed Pat Schwan on May 22, 2006. The Board recommends the appointment of Ms. Schwan to serve on the Recreation Board with a term to expire December 31, 2007.

MOTION was made by Councilwoman Bailey-Snook and **SECONDED** by Councilman Butler to **APPROVE** appointment of Pat Schwan to serve as a member of the Recreation Board for a term to expire December 31, 2007.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None
Absent: None
Abstaining: None

MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

M1 SUBWAY PERMIT BOX

Vice-Mayor Taylor stated he saw a permit box for the Subway Corporate Offices.

M2 SIGNAGE

Vice-Mayor Taylor stated he saw similar signage in Clearwater that the City would like to use which looked very nice.

City Manager Gustafson stated the bid was turned down but the project is not dead because staff is looking to do the work internally.

M3 BAN ON FLORIDA CITRUS

Vice-Mayor Taylor stated the USDA just banned the shipment of Florida Citrus to six states due to canker problems and that will have a large effect on the State of Florida.

Vice-Mayor Taylor stated this ban could have a huge impact on international trade and he encouraged citizens to contact their elected officials.

M4 DAS DIPPIN' HAUS

Councilman Butler stated there is a new ice cream shop opened called Das Dippin' Haus that is very neat.

M5 PROPERTY DAMAGE

Roberta Martin, 6783 78th Avenue, stated a city worker mowing the ditch next to her property ripped down her chain link fence and requested the City take care of this before hurricane season.

Direction of Council was for staff to work with Ms. Martin to resolve this issue.

M6 RAT PROBLEM

Randy Heine, 7451 Park Boulevard, stated he thinks there is a rat problem in Pinellas Park and he thinks there should be a rat eradication program.

Mayor Mischler stated there is too much liability for the City to disperse rat poison so it is the responsibility of the homeowners.

Councilwoman Bailey-Snook stated fruit on the ground attracts rats.

M7 PHOTOGRAPH

Tom Michalski, Pinellas Park Beacon, showed a picture of Mayor Mischler taken in the early 1980's.

M8 ROBBED

Marshall Cook, 9300 54th Street, stated a handicapped senior citizen moved to Pinellas Park and her three wheel tricycle was stolen and requested citizen's report it to the Police Department if they see the bike.

M9 MR. GREY

Marshall Cook, 9300 54th Street, thanked Council for renewing the lease with Mr. Grey.

M10 CHARTER REVIEW COMMISSION

Attorney Denhardt provided information on the Charter Review Commission Meeting he attended earlier in the evening.

Attorney Denhard stated the majority of people predominately spoke in opposition to the following three proposals: elimination of the dual referendum, the reconstitution of the charter review commission eliminating local and elected official representation and the proposals about annexations.

Attorney Denhardt stated the next meeting of the Charter Review Commission will be held on June 19, 2006 at the Tampa Bay Regional Planning Council Office where there will be a vote on these proposals.

Discussion was held on the proposed amendments.

Marshall Cook, 9300 54th Street, stated he has attended Charter Review Commission Meetings and they have been interesting.

M11 PACE CENTER

City Clerk Corna stated a Ribbon Cutting was held for the new Pace Center in Pinellas Park and Mayor Mischler was the recipient of the 2005 Keeping the Pace Award for Leadership.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 9:20 p.m.

Attest:

Diane M. Corna, MMC
City Clerk

William F. Mischler
Mayor

/cgg

.

CITY OF PINELLAS PARK, FLORIDA
REGULAR COUNCIL MEETING

MINUTES

June 22, 2006
Council Chambers

Meeting was called to order at 7:30 P.M.

PRESENT: Mayor, William F. Mischler
Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor

ABSENT: Councilman, Rick Butler

Also present were: City Attorney, James Denhardt - Assistant City Attorney, Christopher Hammonds – City Manager, Michael Gustafson - Assistant City Manager/Community Development Administrator, Tom Shevlin - Finance Administrator, Ron Miller – Human Resources Administrator, John Moore - Community Activities Administrator, Barbara Ponce - Assistant Community Activities Administrator, Tim Caddell - Zoning Director, Dean Neal – MIS Administrator, Randy Linthicum – Building Maintenance Division Director, Tom Pezone – Police Chief, Dorene Thomas – Police Captain, John Green – Fire Chief, Doug Lewis – Office of Management and Budget Administrator, Dan Katsiyannis – Community Planning Director, Bob Bray - Utilities Design Director, Stan Emerson – Fire Administrative Services Director, Mary Ann Salch – Media and Public Events Specialist, Denise Re - Media & Public Events Specialist, Pam Martin – City Clerk, Diane M. Corna, and Office Specialist, Nichole Orr.

INVOCATION was given by Councilwoman Bradbury.

PLEDGE OF ALLEGIANCE was led by Council.

I. PRESENTATIONS

SPECIAL PRESENTATION — CHECK

Doug Parker, President Elect, Pinellas Park Kiwanis Club, presented a check to the Fire Department for MDA as a result of selling Coca-Cola products at the Chili Blaze.

Fire Inspector Jim Dudley and Firefighter Nick Del Grosso, from the Local Union 2193 were present to accept the check from Pinellas Park Kiwanis Club.

SPECIAL PRESENTATION — CHECK

Doug Parker, President Elect, Pinellas Park Kiwanis Club, presented a check to Police Explorers Post #912 as a result of sales from Coca-Cola products at Country in the Park.

Officer Jim Gotti was present to accept the check from Pinellas Park Kiwanis Club.

SPECIAL PRESENTATION – BODY BUILDER

Councilwoman Bailey-Snook introduced Michael Mitchell a Body Building State Championship, First Place winner.

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of June 8, 2006 as on file in the City Clerk’s Office.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Vice-Mayor Taylor to **APPROVE** the Regular Council Minutes of June 8, 2006, as on file in the City Clerk’s Office.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilman, Rick Butler

Abstaining: None

MOTION CARRIED UNANIMOUSLY

STAFF MEMBERS WERE SWORN IN FOR QUASI-JUDICIAL ITEMS

III. PUBLIC HEARINGS

◆ COMMUNITY DEVELOPMENT

- P1 **ORDINANCE NO. 3418. AN ORDINANCE AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE), ARTICLE 15 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING SUBSECTION 18-1507.22, "TRANSFER OF DEVELOPMENT RIGHTS", ABOLISHING THE QUALIFYING REQUIREMENT THAT PARCELS BE CONTIGUOUS AND UNDER SINGLE OWNERSHIP; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (LDC 2006-01)**

CONTINUED PUBLIC HEARING, SECOND AND FINAL READING

The proposed amendment will give more flexibility for the "Transfer of Development Rights" which should be of benefit to the City by creating opportunities for more density where it is needed or desired by City Council. The current language in Code is too inflexible and unworkable because it requires contiguity of parcels and single ownership in order to transfer density. The Countywide rules limit maximum achievable density by only allowing a 20 percent increase above the density otherwise achievable through the redevelopment plan and land use category. This will be especially useful for encouraging the development of affordable housing by providing a density incentive to developers of such projects. At their meeting of May 4, 2006, the Planning and Zoning Commission recommended approval.

The City Attorney read Ordinance No. 3418 by title only. Mayor Mischler opened the Public Hearing at 7:45 P.M.

Randy Heine, 7451 Park Blvd, asked what affordable housing was and how it works.

Zoning Director, Neal answered it was defined by the State Legislature in the last session. There are several different categories, with different price levels. The City is providing a tool to reach adequate density.

Discussion was held regarding subsidizing of homes and their costs to the buyer.

Councilwoman Bradbury stated a developer in St. Petersburg recently utilized this type of housing where an executive can purchase. It allows someone with a lower income to purchase in the same area as someone with a higher income. Council has the choice of what to allow the developer to do.

Public Hearing was closed at 7:51 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3418.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilman, Rick Butler

Abstaining: None

MOTION CARRIED UNANIMOUSLY

P2 ORDINANCE NO. 3454. AN ORDINANCE AMENDING CHAPTER 18, SECTION 18-1503.3, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED ON THE NORTHEAST CORNER OF 62ND AVENUE AND 42ND STREET, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; FROM "M-1" LIGHT INDUSTRIAL TO "CH" COMMERCIAL HEAVY. (Z 2006-7 – Sanders Law Group)

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

The applicant is proposing a rezoning from "M-1" Light Industrial to "CH" Heavy Commercial on approximately 0.993 acres located on the northeast corner of 62nd Avenue and 42nd Street, for the proposed development of a Moose Lodge. At its meeting on May 4, 2006, the Planning and Zoning Commission recommended APPROVAL of the rezoning based on the "Responses of Relevant Considerations for Rezoning." The Relevant Considerations found that:

1. The rezoning is consistent with the City's Comprehensive Plan Policies.
2. The rezoning would not adversely affect the neighborhood.

The abutting Zoning Districts are: to the north, east and west "M-1" Light Industrial; to the south "RPD-20" (County) Residential Planned Development.

The City Attorney read Ordinance No. 3454 by title only. Mayor Mischler opened the Public Hearing at 7:53 P.M.

Randy Heine, 7451 Park Blvd, asked if anyone figured out how much tax money the City is going to lose.

Public Hearing was closed at 7:56 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3454.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler
Voting Nay: None
Absent: Councilman, Rick Butler
Abstaining: None

MOTION CARRIED UNANIMOUSLY

P3 ORDINANCE NO. 3455. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6160 107TH AVENUE NORTH (B. LYNN AND O. ANNE NYE AX06-60)

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. A mobile home is located on this site.

The City Attorney read Ordinance No. 3455 by title only. Mayor Mischler opened the Public Hearing at 7:58 P.M.

There were no comments or objections.

Public Hearing was closed at 7:59 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3455.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler
Voting Nay: None
Absent: Councilman, Rick Butler
Abstaining: None

MOTION CARRIED UNANIMOUSLY

IV. CONSENT AGENDA

◆ **COMMUNITY ACTIVITIES**

- C1 RESOLUTION NO. 06-24. AUTHORIZING THE MAYOR TO SIGN DISTRICT SEVEN HIGHWAY LANDSCAPE REIMBURSEMENT & MAINTENANCE MEMORANDUM OF AGREEMENT.**

FIRST AND FINAL READING

This authorizes the Mayor to sign a Memorandum of Agreement with District Seven for Highway Landscape Reimbursement and Maintenance. The State of Florida Department of Transportation owns State Road 694 (Park Boulevard) right-of-way consisting of road improvements and grassed areas located between US 19 (SR 55) and 66th Street (SR 693). The City seeks to beautify this area by installation of landscape improvements and the Department has allocated funds for such improvement and is authorized to reimburse the City for eligible expenditures. The Department shall reimburse the City an amount not to exceed \$150,000 for all eligible expenditures for the professional design, purchase, installation, and establishment of plant material. This agreement obligates the City of Pinellas Park to maintain those improvements.

Authorization for Mayor to sign a Memorandum of Agreement with District Seven for Highway Landscape Reimbursement and Maintenance.

◆ **PUBLIC WORKS**

- C2 AUTHORIZATION FOR FINAL PAYMENT FOR PROJECT 05/029, RE-ROOF & SKYLIGHT REPLACEMENT AT TECHNICAL SERVICES BUILDING, 6051 78TH AVENUE NORTH, - Southern Roofing Company, Inc.**

This action is recommended so that final payment can be processed and the contract completed. The total amount of contract 05/029 is \$124,714.00 and final payment amount of \$12,471.40 is to be charged to account 301-175-5-736-83.

Authorization to make final payment for Re-roof & Skylight Replacement, contract 05/029, to Southern Roofing Company, Inc., Tampa, Florida, in the amount of \$12,471.40, to be charged to the appropriate account.

◆ COMMUNITY DEVELOPMENT

- C3 **ORDINANCE NO. 3457. ANNEXING INTO THE CITY OF PINELLAS PARK, FLORIDA, CERTAIN SEGMENTS OF ROAD RIGHT-OF-WAY GENERALLY LOCATED ON, AND ADJACENT TO, 110TH AVENUE NORTH, IN THE AREA BETWEEN 47TH STREET NORTH AND 62ND STREET NORTH (RIGHT-OF-WAY — 110TH AVENUE NORTH AREA AX06-56)**

FIRST READING PRIOR TO PUBLIC HEARING

These segments of road right-of-way on and adjacent to, 110th Avenue North are being annexed at the request of the City's Streets and Drainage Director. The intent of this annexation is to bring all of the right-of-way located on 110th Avenue North, between 47th Street North and 62nd Street North, into the City of Pinellas Park for purposes of continuity of roadway maintenance. The total acreage being annexed is 3.46 acres MOL.

- C4 **AUTHORIZATION FOR THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH HERITAGE RESERVE HOMEOWNERS ASSOCIATION, INC. FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 94TH AVENUE AND 58TH STREET NORTH (Currently two (2) City-owned retention ponds)**

This proposed ninety nine (99) year lease is for two (2) city-owned retention ponds at the northwest corner of the intersection of 94th Avenue and 58th Street North. The homeowners association for the Heritage Reserve subdivision wishes to lease the ponds, moreover to heavily landscape the area and make it an attractive addition to the entrance to the subdivision.

The lease calls for the Association to install an irrigation system in the area and to submit a landscape and irrigation plan for City approval. Any and all landscape material will be installed in strict adherence to the landscape and irrigation plan. Further, the lease requires that the association shall maintain the area at its own expense for as long as the lease is in effect. The annual lease amount is One Dollar (\$1.00) per year.

Authorization for the City Manager to sign a Lease Agreement with the Heritage Reserve Homeowners Association, Inc. for property located at the northwest corner of the intersection of 94th Avenue and 58th Street North.

ITEM C5 WAS MOVED TO REGULAR AGENDA AS ITEM R1A.

◆ MIS

C6 AUTHORIZATION FOR THE PURCHASE OF POCKET CITATION, VIRTUAL PARTNER SOFTWARE AND HARDWARE — Motorola, Inc., Insight Public Sector — For the Police Department

Authorization for the Mayor to sign purchase agreements with Motorola, Inc (16008 Grantham Place, Tampa, Fl 337647) and Insight Public Sector (218 E. Orange Ave., Lake Wales, Fl 33853). Purchase from Motorola Inc (as a sole source) Virtual Partner, Pocket Citation software, two Handheld Citation Device Bundles and one year service agreement in the amount of \$122,036.00 and under State Contract #250-000-03-1 from Insight Public Sector 70 Visor Microphones and 70 Citation Printers in the amount of \$70,376.00. The total cost of this purchase is \$192,412.00 to be charged to account 501-851-5-621-08. The amount Budgeted for these items listed is \$195,000.00.

Authorization for the Mayor to sign a purchase agreement for Virtual Partner and Pocket Citation with Motorola, Inc (Tampa, Fl 33647) and purchase of 70 Visor Microphones and 70 Citation Printers w/paper, from Insight Public Sector (Lake Wales, Fl 33853) at a total cost of \$192,412.00 to be charged to the appropriate account.

MOTION was made by Councilwoman Bradbury to Pass, Approve or Adopt, whichever is appropriate, Items C1, C2, C3, C4 and C6 inclusive, with Item C3 being First Reading Prior to Public Hearing, Item C1 being First and Final Reading, moving Item C5 to the Regular Agenda and **SECONDED** by Councilman Taylor.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilman, Rick Butler

Abstaining: None

MOTION CARRIED UNANIMOUSLY

V. REGULAR AGENDA

◆ COMMUNITY DEVELOPMENT

**R1A AUTHORIZATION TO WAIVE CITY OF PINELLAS PARK FEE TO PROCESS A
€5 CONDITIONAL USE APPLICATION TO REQUEST AN EXPANSION OF A
“CHURCH” TO DEVELOP A PARSONAGE IN THE “R-1” SINGLE FAMILY
RESIDENTIAL DISTRICT. (MS 2006-37 Christ the Cornerstone Church)**

The applicant, Christ the Cornerstone Church (formerly Lighthouse Baptist Church), is requesting a waiver to: Section 18-1505.13 “Fees and Charges” for a Conditional Use request to allow an expansion to a “Church” to develop a parsonage in the “R-1” Single Family Residential Zoning District with variances to the following Conditional Use requirements; minimum lot width and distance of structures to property lines. City Council may waive fees for applications which are determined to provide good cause and public benefit. The applicant is requesting said waiver of fees due to the limited budget of the parsonage, see attached letter. The fee for processing this request is \$420.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Councilwoman Bailey-Snook to **DENY** a request for a waiver of Section 18-1505.13, which requires a fee for the processing of a Conditional Use application for Christ the Cornerstone Church.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury

Voting Nay: Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Absent: Councilman, Rick Butler

Abstaining: None

MOTION FAILED

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **TABLE** request for a waiver of Section 18-1505.13, which requires a fee for the processing of a Conditional Use application for Christ the Cornerstone Church.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilman, Rick Butler

Abstaining: None

MOTION CARRIED UNANIMOUSLY

- R1 CONSIDERATION OF A REQUEST FOR A WAIVER AS AUTHORIZED BY SECTION 18-1512.10 OF THE LAND DEVELOPMENT CODE (LANDSCAPING), SPECIFICALLY THE REQUIREMENT FOR THE PROVISION OF INTERIOR GREENSPACE FROM 8% TO 6% OF THE VEHICULAR USE AREA, AS WELL AS THE NUMBER OF PARKING SPACES IN A ROW WITHOUT A GREENSPACE PARKING ROW DIVIDER FROM 15 TO 26 SPACES AS REQUIRED BY SECTION 18-1512.6 (B) 6 AND 6A. (MS 2006-36 – Southern Data Comm, Inc. / Jeff Sproat)**

QUASI-JUDICIAL

The applicant is requesting the consideration of a request for a Landscape Waiver to the interior greenspace requirement from 8% to 6%, as well as the number of parking spaces in a row without a greenspace parking row divider from 15 to 26. The parcel is developed with a 25,326 square foot building and related paved vehicular use area. The applicant is proposing to convert the remaining storage area, 5830 square feet, into offices and is therefore required to provide parking for the conversion at a rate of one per three hundred square feet. However, the number of people employed by the business exceeds the number of spaces required by Code; therefore, the applicant is proposing a paved vehicular use area with parking well exceeding Code requirements. Although the applicant is requesting a waiver to the interior green space requirements, the overall pervious area is approximately 35%, exceeding the Code requirement of 25%.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **APPROVE** a request for waivers consistent with the Criteria of Section 18-1512.10(B) of the Land Development Code to Sections 18-1512.6 (B) 6 and 6a, which require an area or combination of areas equal to 8% of the total vehicular use area be devoted to interior landscaping islands and that those interior islands to be placed within rows of contiguous parking spaces at intervals of not more than 15 parking spaces and four trees be planted on site in the greenspace.

Jeff Sproat, 17913 St.Croix Isle Drive, Tampa, FL stated DataCom employs 193 employees in Pinellas Park and is expecting continued growth over the years. They are currently expanding the facilities, and need ample parking for current and anticipated growth.

Councilwoman Bradbury thanked Mr. Sproat for planting the trees.

Mr. Sproat stated he appreciated the City staff for their cooperation.

Marshall Cook, 9300 54th Street asked about the future greenspace and parking garages?

Mayor Mischler stated Council has not yet talked about high-rise parking garages.

City Manager Gustafson stated discussions with City staff have taken place regarding parking garages, even for City property, and they know eventually the City will have parking garages.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: Councilman, Rick Butler

Abstaining: None

MOTION CARRIED UNANIMOUSLY

**R2 CONSIDERATION OF A REQUEST FOR A WAIVER TO SECTION 18-1507.16
“MEASUREMENT OF YARD SETBACKS ON LOTS ADJACENT TO RIGHTS-OF-
WAY OF INSUFFICIENT WIDTH” TO ALLOW THE FRONT YARD SETBACK
TO BE MEASURED FROM THE PROPERTY LINE ABUTTING 56th STREET AND
NOT THE ULTIMATE RIGHT-OF-WAY LINE.(MS 2006-38 – Baja Investment
Group/David R. Singha)**

QUASI-JUDICIAL

In any case where a lot abuts a planned or existing right-of-way which does not meet the standards of Article 1, Subdivision Code, or as required by the governmental agency having jurisdiction over the right-of-way, the yard setbacks for such properties for all improvements, including but not limited to buildings, structures, signs, landscaping, drainage ponds and buffers, shall be measured from the ultimate right-of-way lines. An applicant may request a waiver of the right-of-way width requirement by making written application for a waiver to the City Council. Fifty-Sixth Street is now a 37-foot-wide paved right-of-way dedicated by the Wyness Pinellas Subdivision Plat of 1961. Traditionally, the “other” 30 feet should be dedicated by the properties adjacent to the west side of the right-of-way. However, none of the parcels to the west have ever dedicated any additional right-of-way. The right-of-way contains an open drainage ditch along the western boundary, north of this property, that runs parallel to the right-of-way until the intersection with 80th Avenue at which time the ditch turns to the east and dead ends 56th Street. The City currently has no plan to increase capacity on this street since there is no demand for it and that any widening proposed would require culverting of the ditches. The applicant is currently developing the property with a single-family dwelling that conforms to the setback requirements; however, the measurements are to the property line. The City Council shall grant or deny the application based on the following factors:

- 1.The impact that the applicant’s proposal would have on the existing and proposed right-of-way in the area;
- 2.The location of the applicant’s property;
- 3.Traffic patterns in the area;
- 4.The character and age of the neighborhood and;
- 5.Any other factor that is relevant and material to the waiver request.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **APPROVE** a waiver to the requirements of Section 18-1507.16 “Measurement of Yard Setbacks on Lots Adjacent to Rights-of-Way of Insufficient Width” to allow the setback to be measured from the property line abutting 56th Street and not the ultimate right-of-way line.

David Singha, 8801 9th Street, St. Petersburg thanked Council and the Zoning Department for their help on this project.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler
Voting Nay: None
Absent: Councilman, Rick Butler
Abstaining: None

MOTION CARRIED UNANIMOUSLY

**R3 REAPPOINTMENT TO THE COMMUNITY PROJECTS ADVISORY BOARD —
Sherry Armstrong, William DeLong, Peggy Kunda, Daniel Lemon and Robert Pergolizzi**

The terms of Sherry Armstrong, William DeLong, Peggy Kunda, Daniel Lemon and Robert Pergolizzi will expire July 31, 2006. Ms. Armstrong has been a resident member since August 1999. Mr. DeLong has been a design professional member since August 1999. Ms. Kunda has been a resident member since August 1999. Mr. Lemon has been a design professional member since August 1999. Mr. Pergolizzi has been a design professional member since August 1999. They have expressed a desire to continue to serve on the Community Projects Advisory Board for a two-year term.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Vice-Mayor Taylor to **APPROVE** the reappointment of Sherry Armstrong and Peggy Kunda to serve as resident members and William DeLong, Daniel Lemon and Robert Pergolizzi to serve as design professional members of the Community Projects Advisory Board for a two-year term to expire July 31, 2008.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler
Voting Nay: None
Absent: Councilman, Rick Butler
Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ POLICE

R4 REAPPOINTMENT AS SPECIAL HEARING MASTERS — Henry Ehrman and Greg Clyde

The terms of Mr. Henry Ehrman and Mr. Greg Clyde will expire in June 2006. Mr. Ehrman and Mr. Clyde have stated that they would like to serve as the Special Hearing Masters for another three-year term.

MOTION was made by Councilwoman Bradbury and **SECONDED** by Vice-Mayor Taylor to **APPROVE** the reappointment to the Special Hearing Master of Mr. Henry Ehrman, and Mr. Greg Clyde, with term to expire June 2009.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler
Voting Nay: None
Absent: Councilman, Rick Butler
Abstaining: None

MOTION CARRIED UNANIMOUSLY

◆ CITY COUNCIL

R5 DESIGNATION OF CITY'S VOTING DELEGATE — At Florida League of Cities 80th Annual Conference, August 10-12, 2006

The Florida League of Cities has requested that each city designate one person to be the voting delegate at the Florida League of Cities 80th Annual Conference, August 10-12, 2006. One official from each city will make decisions that determine the direction of the League. Policy development, election of League leadership, and adoption of resolutions are undertaken during the business meeting.

MOTION was made by Councilwoman Bailey-Snook and **SECONDED** by Councilwoman Bradbury to **APPROVE** designation of Mayor Mischler to serve as the Voting Delegate at the 80th Annual Conference of the Florida League of Cities in Jacksonville, FL.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler
Voting Nay: None
Absent: Councilman, Rick Butler
Abstaining: None

MOTION CARRIED UNANIMOUSLY

R6 RESOLUTION NO. 06-25. A RESOLUTION OPPOSING THE INTERIM RULE PROPOSED BY THE ANIMAL AND PLANT HEALTH AND INSPECTION SERVICE (APHIS) THAT WILL RESULT IN THE QUARANTINING OF FRESH CITRUS FROM FLORIDA TO OTHER CITRUS-PRODUCING STATES.

FIRST AND FINAL READING

This resolution was prepared at the request of Councilman Taylor in opposition of the June 6, 2006 statement by the United States Department of Agriculture (USDA) that it would quarantine shipment of fresh Florida citrus fruit to other citrus-producing states and territories.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **ADOPT** Resolution No. 06-25.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler
Voting Nay: None
Absent: Councilman, Rick Butler
Abstaining: None

MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

M1 PROMOTION – BOB O’DELL

Building Maintenance Director Pezone congratulated Bob O’Dell on his promotion to Building Maintenance Supervisor. Al Vision will be retiring August 4, 2006.

M2 NICHOLE ORR

Mayor Mischler introduced Nichole Orr who was filling in for Chris Gardner.

M3 COMMUNITY SURVEY

Mayor Mischler stated a community survey will be on-line July 1 - August 31, 2006, and requested residents go to www.pinellas-park.com and take the survey. If residents do not have the internet, they may call 541-0704, Bob Bray, Community Planning, to have a copy mailed.

M4 RAT BAIT

Randy Heine, 7451 Park Blvd, asked when the last time rat bait was distributed to the citizens.

City Clerk Corna stated she received Mr. Heine’s E-Mail June 19, 2006 and would have an answer to Mr. Heine Friday, June 23, 2006

Mr. Heine stated if the City could look into furnishing rat bait traps.

Marshall Cook, 9300 54th Street, stated it is not just Randy Heine’s neighborhood with rats, they are everywhere. Mr. Cook stated the City of St. Petersburg has a rat control program.

Mayor Mischler requested for all residents to pick up fruit in their yard.

M5 SIDEWALK

Marshall Cook, 9300 54th Street, asked about the sidewalk that is supposed to be in front of the mall?

Mayor Mischler stated the staff will look into it.

M6 SWAMPLANDS

Joe Shelley, 6035 86th Avenue, stated he has a problem with the St. Pete Times article and would like to clear up words and definition.

City Manager Gustafson stated the language is a SWTFMUD rule and not a City Rule.

M7 NON-PROFIT ORGANIZATIONS

Michael Scavelli, 6861 59th Street, stated that all non-profit organizations give back to the community one way or another.

M8 PEOPLE HELPING PEOPLE

Michael Scavelli, 6861 59th Street, showed a picture of Mayor Mischler who is a member of People Helping People.

M9 4TH OF JULY

Mayor Mischler stated on July 3, 2006 there will be activities at the England Brothers Bandshell and asked everyone to drive safely over the Holiday.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 8:38 P.M.

Attest:

Diane M. Corna
City Clerk

William F. Mischler
Mayor

/dmc

CITY OF PINELLAS PARK, FLORIDA
REGULAR COUNCIL MEETING

MINUTES

July 13, 2006
Council Chambers

Meeting was called to order at 7:30 P.M.

PRESENT: Mayor, William F. Mischler
Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor

ABSENT: None

Also present were: City Attorney, James Denhardt - Assistant City Attorney, Christopher Hammonds – City Manager, Michael Gustafson - Assistant Community Development Administrator/Building Development Director, Patrick Murphy - Finance Administrator, Ron Miller – Human Resources Administrator, John Moore - Community Activities Administrator, Barbara Ponce - Assistant Community Activities Administrator, Tim Caddell - Zoning Director, Dean Neal – MIS Programming Director, Bob Puccinelli - Public Works Administrator, Tom Nicholls – Police Chief, Dorene Thomas – Fire Chief, Doug Lewis – Office of Management and Budget Administrator, Dan Katsiyiannis – Economic Development Specialist, Shannon Coughlin – City Engineer/ Utilities Design Director, Stan Emerson – Fire Administrative Services Director, Mary Ann Salch – Media and Public Events Specialist, Denise Re - Media & Public Events Specialist, Pam Martin – City Clerk, Diane M. Corna and Deputy City Clerk, Christine Gardner.

INVOCATION was given by Mayor Mischler.

PLEDGE OF ALLEGIANCE was led by Council.

I. PRESENTATIONS

EMPLOYEE OF THE QUARTER

Sgt. Tina Trehly – Police Department Records Supervisor

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of June 22, 2006 as on file in the City Clerk's Office. .

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** the Regular Council Minutes of June 22, 2006, as on file in the City Clerk's Office.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

III. PUBLIC HEARINGS

◆ **COMMUNITY DEVELOPMENT**

P1 ORDINANCE NO. 3457. ANNEXING INTO THE CITY OF PINELLAS PARK, FLORIDA, CERTAIN SEGMENTS OF ROAD RIGHT-OF-WAY GENERALLY LOCATED ON, AND ADJACENT TO, 110TH AVENUE NORTH, IN THE AREA BETWEEN 47TH STREET NORTH AND 62ND STREET NORTH (RIGHT-OF-WAY — 110TH AVENUE NORTH AREA AX06-56)

PUBLIC HEARING, SECOND AND FINAL READING

These segments of road right-of-way on and adjacent to, 110th Avenue North are being annexed at the request of the City's Streets and Drainage Director. The intent of this annexation is to bring all of the right-of-way located on 110th Avenue North, between 47th Street North and 62nd Street North, into the City of Pinellas Park for purposes of continuity of roadway maintenance. The total acreage being annexed is 3.46 acres MOL.

The City Attorney read Ordinance No. 3457 by title only. Mayor Mischler opened the Public Hearing at 7:39 P.M.

There were no comments or objections.

Public Hearing was closed at 7:40 P.M.

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **PASS** Ordinance No. 3457.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

MOTION was made by Vice-Mayor Taylor, and **SECONDED** by Councilwoman Bradbury to **ADOPT** Resolution No. 06-26.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

IV. CONSENT AGENDA

◆ POLICE

C1 AWARD OF BID 06/017 – POLICE STATION RENOVATION – Rauh-Co Construction Services, Inc.

Bids were legally advertised and bid invitations were mailed to 321 prospective bidders. Two bids were received with Rauh-Co Constructions Services, Inc. (7215 Cypress Knoll Drive, New Port Richey, FL 34653) being the low bidder with a bid submittal of \$746,220 to be charged to account 301-281-5-735-84. The amount budgeted for this project is \$1,400,000, which includes other future expenditures from this account and can be found on page 410 of the FY 05/06 adopted budget.

Authorization to award Bid 06/017 for the Police Station Renovation to Rauh-Co Construction Services, Inc., New Port Richey, FL, in the amount of \$746,220 to be charged to the appropriate account.

Peter White, 7197 120th Avenue, asked if there are any provisions to harden this building to make it more hurricane resistant?

City Manager Gustafson stated this includes interior remodeling, a new roof and a new air conditioner to provide for the building to function better for the next 5 or 6 years until a new building is built.

Randy Heine, 7451 Park Boulevard, stated he recommends part of the police department be moved to the old Crosspointe Baptist Church building.

Marshall Cook, 9300 54th Street, stated he heard the Police Station would be traded for St. Giles and he is opposed to putting money in a building that might be given away.

City Manager Gustafson stated there has been discussion on possibly allowing St. Giles to build on Police Department property, but there are no hard plans stipulating what would happen to City buildings.

◆ PUBLIC WORKS

C2 AWARD OF BID 06/023, RE-ROOF OF CITY OWNED PROPERTY at 4951 and 4981 78th Avenue North

Bids were legally advertised, and bid invitations were mailed to 36 perspective bidders. The amount budgeted for this project is \$300,000 (pg. 411 of the FY 05//06 budget). This project will be charged to account 301-175-5-736-75. Due to time constraints and lease agreement with the tenant, the bids for this project will be opened on July 7th at 10:00 a.m., and at that time we will have all the remainder of the information for this agenda item.

Authorization to award Bid 06/023 to re-roof City owned property at 4951 and 4981 78th Avenue North to Gulf State Industries Inc. in the amount of \$306,970 to be charged to the appropriate account.

Randy Heine, 7451 Park Boulevard, stated the a portion of this property is so old this is not cost effective and recommended tearing it down.

City Manager Gustafson stated staff has looked extensively at City buildings and the possibility of moving departments.

City Attorney clarified the rules of procedure for decorum in speaking to City Council.

C3 AUTHORIZATION TO PURCHASE UNDER FLORIDA SHERIFF'S ASSOCIATION, FLORIDA ASSOCIATION OF COUNTIES AND FLORIDA FIRE CHIEF'S ASSOCIATION CONTRACT 04-12-0823-QE065-QE510 — One Ford Crown Victoria P71 Police Pursuit Package Vehicle — for Police Department

This 2007 Crown Victoria Pursuit Package Police Cruiser is a replacement for Asset 11617 that was determined to be a total loss after being involved in an accident. Charge accounts as follows: Deductible charge of \$200 to 001-212-5-491-05, Insurance loss fund charge of \$7475 to 511-212-5-491-05 for a total insurance claim charge of \$7675. The remaining amount of \$12,483 to be charged to account 501-231-5-661-09 for a total cost of \$20,158. Authorization to purchase under Florida Sheriff's Association, Florida Association of Counties and Florida Fire Chief's Association, Contract 04-12-0823-QE065-QE510 from Duval Ford, Jacksonville, Florida — One 2007 Ford Crown Victoria Police Pursuit Package Vehicle for the Police Department at a total cost of \$20,158 to be charged to the appropriate accounts.

Randy Heine, 7451 Park Boulevard, asked how the vehicles were destroyed and if the insurance of the other parties are paying for the cars?

City Manager Gustafson stated new cars still need to be purchased, the City is self-insured and Risk Management is working on the insurance issues.

C4 AUTHORIZATION TO PURCHASE UNDER FLORIDA SHERIFF'S ASSOCIATION, FLORIDA ASSOCIATION OF COUNTIES AND FLORIDA FIRE CHIEF'S ASSOCIATION CONTRACT 04-12-0823-QE065-QE510 — One Ford Expedition — for Police Department

This 2007 Ford Expedition is a replacement for Asset 11614 that was determined to be a total loss after being involved in an accident. Charge accounts as follows: Deductible charge of \$200 to 001-212-5-491-05, Insurance loss fund charge of \$9575 to 511-212-5-491-05 for a total insurance claim charge of \$9775. The remaining amount of \$13,823 to be charged to account 501-212-5-661-09 for a total cost of \$23,598.

Authorization to purchase under Florida Sheriff's Association, Florida Association of Counties and Florida Fire Chief's Association, Contract 04-12-0823-QE065-QE510 from Duval Ford, Jacksonville, Florida — One 2007 Ford Expedition for the Police Department at a total cost of \$23,598 to be charged to the appropriate accounts.

◆ **COMMUNITY DEVELOPMENT**

C5 ORDINANCE NO. 3462. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 12200 66TH STREET NORTH (THE ELEANOR GIORDANO TRUST – AX06-64)

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of 4.51 acres MOL of contiguous commercial property. There are currently four (4) businesses operating on this site: Compu – Tune; Florida Auto Corp.; Bay Area Auto Repairs and A-1 Auto Glass.

C6 ORDINANCE NO. 3459. ANNEXING INTO THE CITY OF PINELLAS PARK, FLORIDA, CERTAIN LANDS GENERALLY LOCATED ON 74TH AND 75TH STREETS NORTH AND 70TH AVENUE NORTH

FIRST READING PRIOR TO PUBLIC HEARING

This is a voluntary annexation of approximately 7.17 acres M.O.L. which, at the request of all the property owners of the land being annexed, is being accomplished using the non-referendum referendum process. The property is reasonable compact, contiguous to the City, and the annexation of this property does not create an enclave. All requirements of Florida Statute, Chapter 171, pertaining to the non-referendum referendum annexation have been complied with.

Lori Jones, 7120 75th Street, stated she is concerned with traffic and right-of-way access in the neighborhood and requested help petitioning Pinellas County to open 70th Avenue thru 73rd Street from 74th Street and provide a traffic light at 78th Street.

Direction of Council was for City Manager Gustafson to work with Ms. Jones.

MOTION was made by Councilwoman Bradbury to Pass, Approve or Adopt, whichever is appropriate, Items C1 thru C9 inclusive, with Items C5 thru C9 being First Reading Prior to Public Hearing and **SECONDED** by Councilman Taylor.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

V. REGULAR AGENDA

◆ PUBLIC WORKS

R1 AUTHORIZATION FOR NEGOTIATIONS – RFP 06/018 SANITARY SEWER FEASIBILITY STUDY

The Selection Board, in accordance with Resolution 91-31, has reviewed the proposals submitted and recommends three consultants in the following order: 1) Advanced Engineering, Inc.; 2) Wade & Associates, Inc.; 3) McKim & Creed. Upon Council's recommendation and authorization, the City Manager will negotiate competitively with the most qualified firm; and, should he fail to reach an agreement, he will then negotiate with the remaining firms in order of preference, in accordance with Section 287.055, Florida Statutes.

MOTION was made by Councilwoman Bradbury, and **SECONDED** by Vice-Mayor Taylor to **APPROVE** authorization for City Manager to negotiate with the firms recommended by the Selection Board, in order of preference as recommended, for Sanitary Sewer Feasibility Study 06/018.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

ITEM R2 WAS WITHDRAWN AT THE REQUEST OF THE APPLICANT.

◆ COMMUNITY DEVELOPMENT

R3 AUTHORIZATION FOR MAYOR TO SIGN ANNEXATION AGREEMENT WITH MDK PROPERTIES L.L.C. AND FARRELL HOMES, INCORPORATED (AX06-19) — Annexation of 3.95 acres MOL of vacant property located on 74th and 75th Streets North and 70th Avenue North

This is a voluntary annexation of approximately 3.95 acres MOL of contiguous residential property. The property owners will apply for the vacation of two alleys. If successful they will then reconfigure the existing platted lots and construct twenty two (22) single-family homes, one on each lot. This annexation, at the request of the property owners is being accomplished using the non-referendum referendum process. The accompanying ordinance is pending Council approval.

MDK Properties L.L.C. and Farrell Homes, Inc. Vacant property located on 74 th and 75 th Streets North and 70 th Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$51,222.78	\$0.00	\$66,350.00

The Annexation Agreement special provisions are:

- ◆ The Owner shall after completion of the Annexation of the property, make application to the City for the vacation of two alleys, one located between 73rd Street North and 74th Street North and 70th Avenue North and 71st Avenue North, and the other located between 74th Street North and 75th Street North and 70th Avenue North and 71st Avenue North. Owner shall have no obligation to pay the Two Hundred and Fifty Dollar (\$250.00) City application fee associated with the vacations.
- ◆ City shall allow the Owner to reconfigure the existing platted lots as if the property were to be developed in the unincorporated County, incorporating the lot size requirements for the County’s R-3 Zoning District. Owner shall have no obligation to pay the One Hundred Dollar (\$100.00) City application fee for the mass Lot Line Adjustment(s).
- ◆ The Owner shall be permitted to build twenty two (22) single-family homes on the Property, as if the Property were to be developed in the unincorporated County R-3 Zoning District, incorporating Pinellas County set back requirements to the said development.
- ◆ For a period of forty eight (48) months from the date of execution of this Annexation Agreement, the City shall waive all City land development fees, applicable for the construction of twenty two (22) single family homes, one on each of the Owner’s twenty two (22) lots. This waiver of fees is estimated to be, and not to exceed, the sum of Sixty Six Thousand Dollars (\$66,000.00).
- ◆ The City agrees that upon completion of all construction, including the streets, and issuance of the certificates of occupancy for the twenty two (22) single family residences, the City’s Traffic Division will contact Progress Energy and request that the street light account be transferred to the City.

MOTION was made by Councilwoman Bailey-Snook, and **SECONDED** by Councilman Butler to **APPROVE** authorization for Mayor to sign an Annexation Agreement with MDK Properties L.L.C. and Farrell Homes, Incorporated for annexation of 3.95 acres MOL of vacant property located on 74th and 75th Streets North and 70th Avenue North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
Councilwoman, Sandra L. Bradbury
Councilman, Rick Butler
Vice-Mayor, William E. Taylor
Mayor, William F. Mischler

Voting Nay: None

Absent: None

Abstaining: None

MOTION CARRIED UNANIMOUSLY

Randy Heine, 7451 Park Boulevard, stated \$66,300 in fees are being waived and the builder is allowed to build by Pinellas County rules.

R4 AUTHORIZATION FOR MAYOR TO SIGN ANNEXATION AGREEMENT WITH KASHTAN FAMILY TRUST (AX06-61) — Annexation of 1.61 acres MOL of vacant property located on the south side of 70th Avenue North and 74th Street North

This is a voluntary annexation of approximately 1.61 acres MOL of contiguous residential property. The property owner plans to subdivide the property and construct two (2) single-family homes, one on each lot. This annexation, at the request of the property owner is being accomplished using the non-referendum referendum process. The accompanying ordinance is pending Council approval.

Kashtan Family Trust. Vacant property located on 70 th Avenue N. and 74 th Street N.	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$6,819.16	\$0.00	\$7100.00
The Annexation Agreement special provisions are:			
<ul style="list-style-type: none"> ◆ The City shall allow the Owner to reconfigure the existing platted lots into two lots that are a minimum of 10,000 sq. feet each, with a minimum of 75 feet of frontage each. Owner shall have no obligation to pay the One Hundred Dollar (\$100.00) City application fee for the Lot Line Adjustment. ◆ For a period of forty eight (48) months from the date of execution of this Annexation Agreement, the City shall waive all City land development fees, applicable for the construction of two (2) single family homes, one on each of the Owner’s lots. This waiver of fees is estimated to be, and not to exceed, the sum of Seven Thousand Dollars (\$7,000.00). 			

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bailey-Snook to **APPROVE** authorization for Mayor to sign an Annexation Agreement with Kashtan Family Trust for annexation of 1.61 acres MOL of vacant property located on the south side of 70th Avenue North and 74th Street North

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

R5 AUTHORIZATION FOR MAYOR TO SIGN A VOLUNTARY ANNEXATION AGREEMENT WITH THE ELEANOR GIORDANO TRUST (AX06-64) — Annexation of 1.51 acres MOL located at 12200 66th Street North

This is a voluntary annexation of 1.51 acres MOL of contiguous commercial property. There are currently four (4) businesses operating on this site: Compu – Tune; Florida Auto Corp.; Bay Area Auto Repairs and A-1 Auto Glass. The installation of the drainage swale is voluntary and precautionary only. It will be designed by a local engineering firm prior to permitting.

The Eleanor Giordano Trust 12200 66 th Street North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$5,179.43	\$0.00	\$0.00
The voluntary Annexation Agreement special provisions are			
<ul style="list-style-type: none"> ◆ Grandfather used car sales in the B-1 zoning district. ◆ Owner to install a six (6) inch deep drainage swale along the entire western boundary of the property. 			

MOTION was made by Councilman Butler, and **SECONDED** by Councilwoman Bradbury to **APPROVE** authorization for Mayor to sign a voluntary Annexation Agreement with The Eleanor Giordano Trust for annexation of 1.51 acres MOL of contiguous commercial property located at 12200 66th Street North.

Roll Call Vote:

Voting Yea: Councilwoman, Patricia L. Bailey-Snook
 Councilwoman, Sandra L. Bradbury
 Councilman, Rick Butler
 Vice-Mayor, William E. Taylor
 Mayor, William F. Mischler

Voting Nay: None
 Absent: None
 Abstaining: None

MOTION CARRIED UNANIMOUSLY

Randy Heine, 7451 Park Boulevard, stated there are no City fees waived in this item.

MISCELLANEOUS

M1 LEALMAN FIRE DISTRICT

Vice-Mayor Taylor stated he met a gentleman who lives in the McKee Lake Neighborhood area and has an annexation agreement signed with Pinellas Park and wanted to know why they have not been brought in to the City yet.

Vice-Mayor Taylor requested staff provide information on this situation.

M2 JOAN BROTHERTON

Vice-Mayor Taylor stated a good friend of the City, Joan Brotherton, passed away and she will be missed.

M3 INTRODUCTION

Councilwoman Bradbury introduced her 11 week old son, Garret Lee Carney.

M4 BILL VISTINE

Mayor Mischler stated Bill Vistine passed away and the family is in his thoughts.

M5 SIDEWALKS

Randy Heine, 7451 Park Boulevard, stated there is a piece of sidewalk that was left out of the plans in the Shoppes at Park Place Mall and he knows many people who are handicapped and would like the sidewalk straightened and he thinks the developer should be required to put in the missing sidewalk.

City Manager Gustafson stated there was a previous a request brought before Council to find a way to work the sidewalk within the mall and not bother the trees and tree roots and not bring the sidewalk too close to the roadway.

City Manager Gustafson stated staff requested the contractor make a design that brings the accessibility through the mall and that is the design in place. He stated there is sidewalk that still needs to be constructed.

COUNCILMAN TAYLOR LEFT THE MEETING AT 8:27 P.M.

M6 4TH OF JULY PARTY

Randy Heine, 7451 Park Boulevard, stated he did not go to the 4th of July Party because he does not think it is appropriate for the City to go in union with a church on a public holiday and he heard it was a political rally/secular holiday celebration.

M7 RAT TRAPS

Councilman Butler stated there were issues brought up by Mr. Heine at the last meeting and presented him with some rat traps for those who call him and need them.

Randy Heine, 7451 Park Boulevard, stated he was talking about the public being able to get rat bait from the City.

COUNCILMAN TAYLOR RETURNED TO THE MEETING AT 8:32 P.M.

M8 HANDICAP SIDEWALKS

Marshall Cook, 9300 54th Street, stated opposition to the handicapped sidewalk running through Shoppes at Park Place.

City Manager Gustafson stated the City meets ADA requirements and he listens to Mr. Cook's suggestions.

M9 TROOPS

Peter White, 7197 120th Avenue, provided information on wounded military personnel and stated they are paying a tremendous price.

M10 THANK YOU

Mayor Mischler thanked everyone attending and watching the meeting and stated Council tries to do their best for all citizens and the City.

ADJOURNMENT

Mayor Mischler adjourned the meeting at 8:41 p.m.

Attest:

Diane M. Corna
City Clerk

William F. Mischler
Mayor

/cgg