

**CITY OF PINELLAS PARK, FLORIDA
CITY COUNCIL AGENDA
FEBRUARY 9, 2012**

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE**

I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS

NONE

PUBLIC COMMENT AND CORRESPONDENCE

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

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

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of January 26, 2012.

III. PUBLIC HEARINGS

◆ OMB

P1 ORDINANCE NO. 3791. AMENDING ORDINANCE 3780 ADOPTING THE BUDGET FOR FISCAL YEAR 2011/2012.

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This budget amendment performs some minor maintenance in the General Fund in the City at Large account. In the CIP, funds are carried forward for various projects from the prior year and funds are appropriated for major repairs at Fire Station 35 and the Classical Christian School. Overall the City's budget for this year will increase by \$1,721,170.

(reference material — ordinance and budget amendment schedule, *CI on 1/26/2012 Council agenda*)

◆ COMMUNITY DEVELOPMENT

- P2** **ORDINANCE NO. 3796.** ANNEXING INTO THE CITY OF PINELLAS PARK CERTAIN PORTIONS OF RIGHT-OF-WAY GENERALLY LOCATED ON 68TH AVENUE NORTH FROM 66TH STREET NORTH TO 67TH WAY NORTH (Pinellas County – AX12-5)

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 0.48 acres MOL of contiguous right-of-way property. Most of the surrounding right of way is in the City of Pinellas Park, and the majority of the abutting properties in the area have been annexed into the City.

(reference material — ordinance, data sheet, comment sheet, map, Attorney approval letter, *C9 on 1/26/2012 Council agenda*)

- P3** **ORDINANCE NO. 3793.** ANNEXING INTO THE CITY OF PINELLAS PARK CERTAIN PARCELS OF VACANT LAND GENERALLY LOCATED WEST OF 66TH STREET NORTH AND NORTH OF 102ND AVENUE NORTH (TAMPA BAY WATER AX11-39)

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 2.57 acres MOL of contiguous commercial property. These two vacant parcels are located west of 66th Street North and north of 102nd Avenue North. The Owner has no immediate plans for development of the property.

(reference material — ordinance, petition, map, Attorney approval letter, *C11 on 1/26/2012 Council agenda*)

- P4** **ORDINANCE NO. 3794.** ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 7025 90TH AVENUE NORTH (LION HOLDINGS GROUP, INC. AX12-2)

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 3.50 acres MOL of contiguous commercial property located at 7025 90th Avenue North in the Pinellas Farms Subdivision. The Owner's are planning a phased development of the property to support their growing business, Global Frozen Trucking Incorporated.

(reference material — ordinance, petition, map, Attorney approval letter, *C13 on 1/26/2012, Council agenda*)

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- P5 ORDINANCE NO. 3795. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6791 67TH WAY (JAMES E. WAGGONER AX12-3)**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 0.31 acres MOL of contiguous residential property located at 6791 67th Way in the Alston Park Subdivision. The Owner's single family home is located on this site.

(reference material — ordinance, petition, map, Attorney approval letter, *C15 on 1/26/2012 Council agenda*)

- P6 ORDINANCE NO. 3797. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6764 67TH WAY (DAWN M. DILLON AX12-6)**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 0.18 acres MOL of contiguous residential property located at 6764 67th Way in the Alston Park Subdivision. The Owner's single family home is located on this site.

(reference material — ordinance, petition, map, Attorney approval letter, *C17 on 1/26/2012 Council agenda*)

- P7 ORDINANCE NO. 3798. AN ORDINANCE AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE) ARTICLE 6 "SIGNS" OF THE CITY OF PINELLAS PARK, FLORIDA.**

FIRST READING AND FIRST PUBLIC HEARING

(Second Public Hearing, Second and Final Reading will be on February 23, 2012.)

NOTE: This Ordinance Amends Chapter 18 (Land Development Code) Article 6, "Signs" of the Code of Ordinances of the City of Pinellas Park, Florida. It was determined by the City Attorney and Staff to update the Sign Code and reflect what is actually being enforced in the City or to relax the Sign Code to help local businesses in these hard economic times by amending Section 18-603 "Definitions", by creating new Definitions for Inflatable Sign, Wind Sock and Walking Signs, and amending the Definitions of Banner, Abandoned or Discontinued Sign or Structure, Changeable Message Sign, Flashing Sign, Frontage, Intermittent Sign, Temporary Sign, Vehicle Sign and Wind Signs, and deleting the Definition of Grand Opening Sign; by amending Section 18-606 "Prohibited Signs," to include Walking Signs, Wind Signs and Wind Socks; by

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- P7** amending Section 18-613, “Sign Permit Required,” to include fees; by amending Section 18-614, “Sign Permit Application and issuance of Sign Permit,” to delete certain application information requirements; by amending Section 18-628, “All Districts,” to change requirements pertaining to Free Expression Signs, Garage Sale Signs, Temporary Signs and Vehicle Signs; by amending Section 18-629. “Residential Zoning Districts: F, RE, RR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, T-1 and T-2,” by changing the Residential Sign Regulations; by creating a new Subsection 18-629(d); by amending Section 18-630, “Public/Semipublic, Commercial and Industrial Zoning Districts: ROR, CN, GO, B-1, CH, M-1, IH, P, PRES, OS, MXD, MXD-1, MXD-2, and TC,” to delete References to MXD-1 and MXD-2, and increase square footage for Menu/Display Signs for Drive-Thru Establishments.

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

IV. CONSENT AGENDA

◆ COMMUNITY DEVELOPMENT

- C1 ACCEPTANCE OF A QUIT CLAIM DEED FOR PUBLIC MAINTENANCE PURPOSES FROM M/I HOMES OF TAMPA, LLC – Heritage Reserve**

NOTE: The property owner has requested that the City take this 25 foot wide segment of land along the rear of Lot 14, Heritage Reserve Subdivision. This parcel of land is already part of a drainage easement provided for the maintenance of Pinellas Park Water Management District Channel 1. The City of Pinellas Park currently owns both pond parcels south of Heritage Reserve which includes a portion of the concrete lined drainage channel. Accepting ownership of this segment of property would insure access for public maintenance purposes.

ACTION: (Approve – Deny) Authorization for City Council to accept a Quit Claim Deed for public maintenance purposes from M/I Homes of Tampa, LLC.

(reference material — deed, attorney approval letter, map)

- C2 ORDINANCE NO. 3799. AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING ARTICLE 15, ZONING, SECTION 18-1537 VARIANCES, BY CREATING A NEW SUBSECTION 18-1537.5, APPEAL OF BOARD OF ADJUSTMENT DECISIONS, BY INCLUDING A PROCESS FOR APPEAL OF BOARD OF ADJUSTMENT VARIANCE DECISIONS TO THE CITY COUNCIL, PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE LAND DEVELOPMENT CODE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.(LDC 2012-02)**

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING FEBRUARY 23, 2012 – QUASI JUDICIAL)**

NOTE: This amendment was initiated by City Council and was workshopped on October 11, 2011. The amendment reworks the appeal process for Board of Adjustment decisions by establishing City Council as an appeal authority. Landowners of real property located within 300 feet of the parcel of land that is the subject of the appeal, the landowner BOA applicant, City Council or the City Manager may request an appeal. The fee for filing an appeal is \$250 with City Council and the City Manager exempt. The amendment does not deny an aggrieved applicant to have an appeal decided by the circuit court. Approval of the ordinance will provide a more affordable appeal path for the appellant, however, variance decisions will become effective 10 days after a decision to recognize the 10 day appeal period.

(reference material — staff memorandum, ordinance, and December 7, 2011 Attorney letter)

- C3 RESOLUTION NO. 12-06. GRANTING CERTAIN PERMIT FEE WAIVERS TO OWNERS OF A SINGLE-FAMILY DWELLING DURING A THREE WEEK PERIOD BEGINNING MONDAY, MARCH 5, 2012 THROUGH FRIDAY, MARCH 23, 2012, 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

NOTE: 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.

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C3 (reference material — resolution, city attorney's approval letter)

C4 **AUTHORIZATION FOR THE MAYOR TO SIGN AN ADDENDUM TO THE CONTRACT FOR SALE OF REAL PROPERTY BY THE CITY OF PINELLAS PARK, FLORIDA DATED OCTOBER 13, 2011 BETWEEN THE CITY OF PINELLAS PARK AND BELLEAIR DEVELOPMENT, LLC** — For surplus property located on Park Boulevard three lots east of 43rd Street North.

NOTE: The City of Pinellas Park and Belleair Development, LLC entered into a real estate contract for purchase of surplus property located on Park Boulevard three lots east of 43rd Street North. The closing date of this transaction was to be on or before January 13, 2012. The contract provided for an extension of up to 30 days which Belleair Development, LLC did exercise, changing the closing date to on or before February 13, 2012. A \$10,000 deposit is being held in escrow. Belleair Development has requested an additional 120 days to close this transaction. The proposed Addendum to the contract provides for an additional 120 days to close the transaction (on or before June 13, 2012), an additional \$10,000 deposit to be held in escrow (for a total of \$20,000), and the deposit is now non-refundable should the Buyer default.

ACTION: (Approve – Deny) Authorization for the Mayor to sign an addendum to the Contract For Sale of Real Property by The City of Pinellas Park, Florida dated October 13, 2011 between The City of Pinellas Park, Florida and Belleair Development for the surplus property located on Park Boulevard three lots east of 43rd Street North.

(reference material — addendum to the Contract For Sale, letter from Belleair Development requesting 120 day extension, Attorney's approval letter)

◆ **FINANCE**

C5 **AUTHORIZATION TO DONATE SURPLUS FIRE TRUCK AND SURPLUS FIRE HOSE** - To Holly Springs Fire and Rescue Department, Springville, Alabama

NOTE: The vehicle, asset 9610, has been declared surplus property due to its age, and has an estimated value of \$6,500.00. It was purchased new on September 26, 1990 and has served for approximately 20 years as a front line unit. The surplus fire hose consists of three pallets.

ACTION: (Approve – Deny) Authorization to donate one 1990 Quality Manufacturing Inc. fire truck and three pallets of surplus fire hose to the Holly Springs Fire and Rescue Department of Springville, AL at no charge to the Holly Springs Fire and Rescue Department, and contingent upon their signing a release acknowledging that the fire truck is being donated in as-is condition with no claims, warranties, or guarantees being made by the City of Pinellas Park

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C5 regarding the condition of, or fire-protective effectiveness of, the donated fire truck.

(reference material — none)

◆ **GOVERNMENT RELATIONS**

C6 **AUTHORIZATION FOR THE PURCHASE OF AND INSTALLATION OF TV STUDIO EQUIPMENT FOR CITY HALL CHAMBER — Encore Broadcast Equipment Sales**

NOTE: Authorization for the purchase and installation of TV Studio Equipment for City Hall Chamber from Encore Broadcast Equipment Sales, Inc. (2104 West Kennedy Blvd., Tampa, FL 33606-1535) under Hillsborough County School Bid #9156-EST, in the amount of \$203,159.60. The amount budgeted in account 501-741-5621-08 for this expenditure is \$250,000.00 and can be found in the 2011-2012 Budget Book on page 412 and 413.

ACTION: (Approve-Deny) Authorization for the purchase and installation of TV Studio Equipment for City Hall Chamber from Encore Broadcast Equipment Sales (2104 West Kennedy Blvd., Tampa, FL 33606-1535) at a total cost of \$203,159.60.

(reference material — City Attorney approval letter, Encore Quote)

◆ **PUBLIC WORKS**

C7 **CHANGE ORDER NO. 2 AND FINAL PAYMENT FOR PROJECT 11/019 - ANNUAL PAVING/RESURFACING PROJECT – Ajax Paving Industries of Florida, LLC**

NOTE: Change Order No. 2 is recommended for approval so that final payment can be processed and the contract closed out. This Change Order of \$16,028.81 represents a decrease of 5.3% to the budgeted amount, for an adjusted contract amount of \$283,971.19. The account to be charged will be 301-481-5-714-06.

ACTION: (Approve – Deny) Authorization for approval and acceptance of Change Order No. 2, Project 11/019, Annual Paving/Resurfacing Project, a decrease in the contract in the amount of \$16,028.81, for a total adjusted contract amount of \$283,971.19, and authorization for final payment of \$28,397.13 to Ajax Paving Industries of Florida, LLC, to be charged to the appropriate account.

(reference material — change order and final invoice,)

C8 RESOLUTION NO. 12-07. 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

NOTE: This is an authorization for the Mayor to sign a contract renewal to the Maintenance Agreement with the Florida Department of Transportation (FDOT) dated March 25, 2011 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 \$152,976.52.

(reference material — resolution, FDOT contract renewal, 1/24/12 letter from City Attorney, 12/19/11 letter from Brian A. Bennett of FDOT)

V. REGULAR AGENDA

NONE

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

VII. ADJOURNMENT

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

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

FEBRUARY

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