

**CITY OF PINELLAS PARK, FLORIDA  
CITY COUNCIL AGENDA  
MAY 12, 2011**

**CALL TO ORDER  
INVOCATION  
PLEDGE OF ALLEGIANCE**

**I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS**

**PROCLAMATIONS**

**PUBLIC WORKS EMPLOYEE OF THE YEAR**

**Kurt Killenberger, Utilities Technician, Sewer Division**

**SPECIAL PRESENTATION — APPLE GRADUATES**

**Presentation of APPLE Graduates to City Council**

**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 April 26, 2011.

**III. PUBLIC HEARINGS**

**◆ COMMUNITY DEVELOPMENT**

**P1 ORDINANCE NO. 3762. 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 AT 6851 66<sup>TH</sup> STREET AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM "B-1" GENERAL COMMERCIAL TO "B-1" GENERAL COMMERCIAL WITH A "CPUD" COMMERCIAL PLANNED UNIT DEVELOPMENT OVERLAY AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR THE SUBDIVISION. (PUD 2011-01, Rite on Land Trust/Scott Lincoln P.E.)**

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

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**P1** NOTE: The applicant is requesting to rezone from “B-1” General Commercial Zoning District to “B-1” General Commercial Zoning District with a “CPUD” Commercial Planned Unit Development Overlay and adoption of a Master Plan on a 2.577 acre parcel of land generally located at 6851 66<sup>th</sup> Street for the redevelopment of an existing drive-thru restaurant. The site was utilized for the former Egg Platter Restaurant. The applicant wishes to subdivide the property and develop an 8,000 square foot retail use, a Family Dollar Store. Along with the subdivision, the applicant will be applying to re-establish the drive-thru restaurant use that was voided in 2009 due to inactivity. Included with the requests are variances to parking, two-way drive aisle width, dumpster setbacks and waivers to landscape requirements and to the Conditional Use requirement for setbacks. Subject to any matters that may be discussed at the hearing, staff has not identified any inconsistencies with the Comprehensive Plan. The proposal should have no adverse effect on adopted levels of service for City infrastructure. Surrounding land uses are: to the north, Texaco Express Lube and Single Family Dwellings; to the south, Sunoco Gas Station, All Tight Construction, Andrews Hurricane Air and Commercial Use; to the east, Single Family Dwellings; and to the west, Micro Finance Auto Sales, 66<sup>th</sup> Street Restaurant Equipment, Sophia’s Alterations, Barber Shop and White Hot Dragons. At its meeting on April 7, 2011, the Planning and Zoning Commission recommended APPROVAL of the above request subject to the following conditions;

1. Criteria assigned to subdivision in notes on submitted Site Plan, last revised on 3/29/2011, 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. A sidewalk will need to be installed in the right-of-way of 65<sup>th</sup> Way adjacent to the retention pond.

(reference material — ordinance, Attorney approval, excerpts of P & Z minutes of 4/7/11, staff report, application, map, and master site plan, *C1 on 4/26/2011 Council agenda*)

**IV. CONSENT AGENDA**

**◆ LIBRARY AND RECREATION SERVICES**

**C1 APPOINTMENT TO THE EQUESTRIAN BOARD — One Regular Member**

NOTE: A vacancy on the Equestrian Board was created by resignation of Ms. Celeste Tingler with a term to expire on December 31, 2010. The Equestrian Board interviewed Dean Braden for the position. The Equestrian Board recommends Council approve the appointment of Mr. Dean Braden with a term to expire December 31, 2013.

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- C1** ACTION: (Approve-Deny) Appointment of Dean Braden to serve as a member of the Equestrian Board with a term to expire December 31, 2013.

(reference material — application, excerpt from April 20, 2011 Equestrian Board Minutes)

◆ **PUBLIC WORKS**

- C2** **AUTHORIZATION FOR MAYOR TO SIGN AMENDMENT NO. 1 TO THE JOINT PROJECT AGREEMENT FOR UTILITY INSTALLATION BY ROADWAY CONTRACTOR –Bryan Dairy Road From Starkey Road To 72<sup>nd</sup> Street North**

NOTE: This authorizes the Mayor to sign Amendment No. 1 with Pinellas County to the Joint Project Agreement (JPA) for Utility Installation by Roadway Contractor for such improvements. City staff requested Pinellas County to reduce the amount of funds due from \$1,000,000.00 to \$500,000.00 based on the approved contractor bid.

ACTION: (Approve – Deny) Authorization for Mayor to sign an Amendment No. 1 of the Joint Project Agreement with Pinellas County.

(reference material — Amendment No. 1 to Joint Project Agreement, 3/9/11 City Attorney Approval letter)

- C3** **AUTHORIZATION FOR MAYOR TO SIGN AN AGREEMENT WITH ADVANCED ENGINEERING & DESIGN INC. (AED) Engineering/Consultant Services for the Longhill Drive Improvements and the Secondary Drainage Study for the Garnett/North Disston Subdivisions – RFP 11/007**

NOTE: At the City Council meeting on March 24, 2011, the City Manager was directed by City Council to enter into negotiations with the firm of Advanced Engineering & Design, Inc. (AED), as the most qualified of four firms to provide the Engineering/Consultant Services for the Longhill Drive Drainage Improvements and the Secondary Drainage Study for the Garnett/North Disston Subdivisions. Those negotiations have been held and the amount of \$171,500 has been determined a fair cost for the services and will be charged to account numbers 301-382-5-761-16 and 301-382-5-761-08. The budgeted amount for these two projects is \$176,000 (as found on pages 394 and 395 of 10/11 adopted budget).

ACTION: (Approve-Deny) Authorization to enter into a contract with Advanced Engineering & Design, Inc. (AED) to provide Engineering/Consultant Services for the Longhill Drive Drainage Improvements and the Secondary Drainage Study for the Garnett/North Disston Subdivisions in the amount of \$171,500 to be charged to the appropriate accounts.

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C3 (reference material — agreement, 04/21/11 letter from City Attorney)

◆ **COMMUNITY DEVELOPMENT**

C4 **ORDINANCE NO. 3764. ANNEXING INTO THE CITY OF PINELLAS PARK CERTAIN PORTIONS OF RIGHT-OF-WAY GENERALLY LOCATED ON 70<sup>TH</sup> AVENUE FROM 75<sup>TH</sup> STREET NORTH TO 77<sup>TH</sup> STREET NORTH, 75<sup>TH</sup> STREET NORTH FROM 70<sup>TH</sup> AVENUE NORTH TO 71<sup>ST</sup> AVENUE NORTH, AND 76<sup>TH</sup> STREET NORTH FROM 70<sup>TH</sup> AVENUE NORTH TO 71<sup>ST</sup> AVENUE NORTH (Pinellas County – AX11-5)**

**FIRST READING PRIOR TO PUBLIC HEARING**

NOTE: This is a voluntary annexation of 1.0 acres MOL of contiguous right-of-way property. Pinellas County Public Works Operations Department has requested that the City take over maintenance of these segments of right-of-way as 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, letter from Pinellas County Public Works Operations Department, map, Attorney approval letter)

C5 **AUTHORIZATION FOR THE MAYOR TO SIGN AN ADDENDUM TO AN ANNEXATION AGREEMENT DATED MAY 11, 2006 BETWEEN THE CITY OF PINELLAS PARK AND ROBERT H. HOEL AND ELENA HOEL (AX06-44) - For property located at 12650 46<sup>th</sup> Street North.**

NOTE: At the time the property was annexed, Mr. and Mrs. Robert H. Hoel requested and received a waiver of City land development fees applicable for the construction of an additional building on the property, in an amount not to exceed Eight Thousand Dollars (\$8,000), for a period of sixty (60) months from the date of the annexation into the City. Due to unforeseen circumstances, Mr. and Mrs. Hoel were unable to complete the development of the property within that time frame. The property has since come under new ownership. Life Estate, L.L.C., the new property owner, plans to develop the property as originally proposed. This addendum serves as a request for an extension of the original time frame from sixty (60) months to seven (7) years from the date of the original Annexation Agreement which was May 11, 2006.

ACTION: (Approve – Deny) Authorization for the Mayor to sign an addendum to the annexation agreement dated May 11, 2006 between The City of Pinellas Park and Robert H. and Elena Hoel for property located at 12650 46<sup>th</sup> Street North.

(reference material — addendum to annexation agreement, comment sheet, map, Attorney's approval letter)

**C6 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY CHARLOTTE A. BOGADI (AX11-7) — Annexation of 0.14 acres MOL located at 6003 113<sup>th</sup> Avenue North**

NOTE: This is a voluntary annexation of 0.14 acres MOL of contiguous residential property located at 6003 113<sup>th</sup> Avenue North in the Northfield Manor Subdivision. The Owner’s mobile home is located on this site.

Charlotte A, Bogadi 6003 113 <sup>th</sup> Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$284.00	\$0.00	\$0.00
There are no special provisions associated with this Annexation Petition.			

ACTION: (Approve - Deny) The voluntary annexation of 0.14 acres MOL of property owned by Charlotte A. Bogadi and located at 6003 113<sup>th</sup> Avenue North.

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

**C7 ORDINANCE NO. 3765. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6003 113<sup>TH</sup> AVENUE NORTH (CHARLOTTE A. BOGADI AX11-7)**

**FIRST READING, PRIOR TO PUBLIC HEARING**

NOTE: This is a voluntary annexation of 0.14 acres MOL of contiguous residential property located at 6003 113<sup>th</sup> Avenue North in the Northfield Manor Subdivision. The Owner’s mobile home is located on this site.

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

**C8 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY EILEEN E. ROBERTS (AX11-8) — Annexation of 0.23 acres MOL located at 6664 119<sup>th</sup> Avenue North**

NOTE: This is a voluntary annexation of 0.23 acres MOL of contiguous commercial property located at 6664 119<sup>th</sup> Avenue North in the Tree Land Park Subdivision. A mobile home is located on this site.

Eileen E. Roberts 6664 119 <sup>th</sup> Avenue North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$471.98	\$0.00	\$0.00
There are no special provisions associated with this Annexation Petition.			

ACTION: (Approve - Deny) The voluntary annexation of 0.23 acres MOL of property owned by Eileen E. Roberts and located at 6664 119<sup>th</sup> Avenue North.

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**C8** (reference material — petition, data sheet, comment sheet, revenue sheet, map)

**C9** **ORDINANCE NO. 3766. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6664 119<sup>TH</sup> AVENUE NORTH (EILEEN E. ROBERTS AX11-8)**

**FIRST READING, PRIOR TO PUBLIC HEARING**

NOTE: This is a voluntary annexation of 0.23 acres MOL of contiguous commercial property located at 6664 119<sup>th</sup> Avenue North in the Tree Land Park Subdivision. A mobile home is located on this site.

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

**C10** **RESOLUTION NO. 11-09. AUTHORIZING THE SALE OF CITY-OWNED REAL PROPERTY IN UNITED COTTAGES; IMPOSING DEED RESTRICTIONS AND COVENANTS RUNNING WITH THE LAND ON SUCH LOTS; AUTHORIZING THE SALE OF SUCH CITY-OWNED REAL PROPERTY BY SEALED BID PROCESS.**

**FIRST AND FINAL READING**

NOTE: This resolution declares City-owned property located at United Cottages, Lots 26 and 28 to be surplus and authorizes the City Manager to proceed with its sale to the highest bidder with a minimum bid price of \$6,000 per lot to one or more successful bidders, and also imposes certain deed restrictions through Covenants Running with the Land on these lots, and sets forth a form of deed as an example to be used in the conveyance of these lots. This resolution is in compliance with Florida Statutes requiring that a resolution be prepared authorizing each sale of City-owned property.

(reference material — resolution, map, Attorney approval letter)

**C11** **RECEIPT OF RESIGNATION FROM THE BOARD OF ADJUSTMENT – Edward Corrao**

NOTE: There is one vacancy on the Board of Adjustment created by the resignation of Mr. Edward Corrao. Mr. Corrao was appointed to the Board of Adjustment December, 2006. Mr. Corrao submitted his resignation from the Board of Adjustment by letter on April 25, 2011.

ACTION: (Accept - Refuse) With regret, the resignation of Mr. Corrao as a regular member of the Board of Adjustment.

(reference material — letter of resignation from Mr. Corrao)

**C12 APPROVAL OF A REQUEST TO EXTEND AN EXISTING LEASE ON CITY-OWNED PROPERTY – Classical Christian School for the Arts, Inc. (4981 78<sup>th</sup> Avenue North)**

NOTE: In September of 2006, the City entered into a Lease Agreement with Classical Christian School for the Arts for City-owned property located at 4981 78<sup>th</sup> Avenue North. The lease was for an initial term of 5 years with the option to extend the Lease Agreement under the same terms and conditions for an additional 5 years with City Council approval at the request of the Lessee. The initial term of the Lease Agreement is about to expire, and the Lessee has submitted their formal request for the extension for an additional 5 years and asking for Council approval of that request at this time.

ACTION: (Approve - Deny) the request to extend an existing Lease Agreement with Classical Christian School for the Arts on City-owned property located at 4981 78<sup>th</sup> Avenue North under the same terms and conditions as the original lease.

(reference material — existing lease, Lessee’s request to extend the existing lease)

◆ **FIRE**

**C13 AUTHORIZATION FOR RENAMING CITY PARK (Dr. Edward J. Lurie Equestrian Facility) — Located at 5500 62<sup>nd</sup> Avenue North**

NOTE: This ten (10) acre property was donated to the City in December of 1998 as the Dr. Edward J. Lurie Equestrian Facility. At the request of the City, Dr. Lurie has authorized the City to change the name of the site to the Dr. Edward J. Lurie Municipal Park thus providing for the site to be developed as a different type of park.

ACTION: (Approve - Deny) Authorization for renaming the property located at 5500 62<sup>nd</sup> Avenue North from the Dr. Edward J. Lurie Equestrian Facility to the Dr. Edward J. Lurie Municipal Park.

(reference material — Authorization letter from Dr. Edward J. Lurie)

**C14 AUTHORIZATION FOR MAYOR TO SIGN AN ACCEPTANCE LETTER FOR A DONATION OF REAL PROPERTY FROM DR. EDWARD J. LURIE Donation of 0.38 acres MOL located as the second (2<sup>nd</sup>) parcel south of Park Boulevard on east side of Belcher Road.**

NOTE: This is a donation of 0.38 acres MOL of unincorporated real property located as the second (2<sup>nd</sup>) parcel south of Park Boulevard on east side of Belcher Road. The parcel is contiguous to the rear of the City’s water storage facility and Emily’s Restaurant. There are several ingress/egress and utility easements on the

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- C14** property. The City is to pay for the appraisal and closing costs in the estimated sum of One Thousand Eight Hundred Eighty (\$1,880.00) Dollars.

ACTION: (Approve - Deny) Authorization for Mayor to sign an Acceptance Letter for a donation of real property from Dr. Edward J. Lurie for 0.38 acres MOL located as the second (2nd) parcel south of Park Boulevard on the east side of Belcher Road.

(reference material — Lurie donation letter, summary appraisal letter, map)

- C15** **AUTHORIZATION FOR MAYOR TO SIGN ANNEXATION AGREEMENT WITH SAJA REALTY, INC (AX11-4) — Annexation of 0.52 acres MOL located as the third (3<sup>rd</sup>) lot north of 118<sup>th</sup> Avenue on the west side of Automobile Boulevard.**

NOTE: This is a voluntary annexation of 0.52 acres MOL of industrial property. The Owner plans to use the property as a metals recycling storage site. The property is the third (3<sup>rd</sup>) lot north of 118<sup>th</sup> Avenue on the west side of Automobile Boulevard.

SAJA Realty, Inc. Third (3 <sup>rd</sup> ) lot north of 118 <sup>th</sup> Avenue on the west side of Automobile Boulevard	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$495.92	\$0.00	\$1,100.00
The Annexation Agreement special provisions are: <ul style="list-style-type: none"><li>◆ CITY shall acknowledge and accept a staff approved metals recycling and storage conditional use upon the subject site and the OWNER's property abutting the subject site. The abutting site is located at 4625 118<sup>th</sup> Avenue and is already situated within the corporate boundaries of the CITY.</li><li>◆ Upon adoption at the second and final reading of the companion Ordinance to this Annexation Agreement, the OWNER shall apply to the CITY for a land use plan amendment and rezoning to change the land use from Industrial Limited (IL) to Industrial General (IG) for that portion of Lot 14 owned by SAJA Realty, Inc. and to change the zoning from Light Industrial (M-1) to Heavy Industrial (IH) on same.</li><li>◆ CITY shall waive payment in the amount of One Thousand One Hundred (\$1,100) Dollars for the land use amendment fee and the rezoning fee for the applications made in Special Provision eight (8) of this Annexation Agreement.</li></ul>			

ACTION: (Approve - Deny) Authorization for Mayor to sign an Annexation Agreement with SAJA Realty, Inc. for annexation of 0.52 acres MOL located as the third lot north of 118th Avenue on the west side of Automobile Boulevard.

(reference material — agreement, petition, data sheet, comment sheet, revenue sheet, map, Attorney approval letter)

- C16 ORDINANCE NO. 3763. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AS THE THIRD (3<sup>RD</sup>) LOT NORTH OF 118<sup>TH</sup> AVENUE ON THE WEST SIDE OF AUTOMOBILE BOULEVARD. (SAJA Realty, Inc. AX11-4)**

**FIRST READING PRIOR TO PUBLIC HEARING**

NOTE: This is a voluntary annexation of 0.52 acres MOL of industrial property. The Owner plans to lease the site to a metals recycling company which will store the metal in storage bins on the lot. The property is the third (3<sup>rd</sup>) lot north of 118<sup>th</sup> Avenue on the west side of Automobile Boulevard.

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

**V. REGULAR AGENDA**

**◆ FINANCE**

- R1 RECEIPT OF THE 2009-2010 FINANCIAL AUDIT – Cherry, Bekaert and Holland, St. Petersburg**

NOTE: Representatives from the City's independent auditors, Cherry, Bekaert and Holland, will present the 2009-2010 Auditor's Report. The Finance Administrator will present a brief summary of the City's fiscal year 2009-2010 Financial Statements.

ACTION: (Accept-Refuse) The 2009-2010 Financial Statement and Auditor's Report as presented by Cherry, Bekaert and Holland.

(reference material — 2009-2010 Financial Statements which include the Auditor's Report; Auditor's Management Letter; Auditor's Report on Internal Control.)

**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**

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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.



