



**City of Pinellas Park**  
**City Council**  
**Agenda**

Thursday, August 10, 2017

7:30 PM

City Council Chambers

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS**

**PROCLAMATION**

**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 AND CITIZENS WILL BE SWORN IN IF THERE ARE ITEMS THAT ARE QUASI-JUDICIAL**

**II. APPROVAL OF MINUTES**

Approval of Regular Council Minutes of July 27, 2017, as on file in the City Clerk's office.

**III. PUBLIC HEARINGS**

**P1** **ORDINANCE NO. 4023. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE) OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK FLORIDA, BY AMENDING SECTION 18-1501 "ADMINISTRATIVE AND LEGAL PROVISIONS" BY CREATING A NEW SUBSECTION 18-1501.33 PERTAINING TO ECONOMIC DEVELOPMENT; BY PROVIDING FOR A PARTIAL REDUCTION IN LAND DEVELOPMENT FEES FOR CERTAIN BUSINESSES WITHIN THE CITY OF PINELLAS PARK THAT EXPAND AND ENLARGE AND REMAIN WITHIN THE CITY OF PINELLAS PARK, ESTABLISHING CRITERIA FOR ELIGIBILITY; PROVIDING FOR SUCH PARTIAL WAIVER BY RESOLUTION; PROVIDING FOR THE INCLUSION OF SUCH ORDINANCE IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING AN EFFECTIVE DATE. (LDC 2017-02)**

**PUBLIC HEARING SECOND AND FINAL READING**

**(Speaker - Shannon Coughlin, Economic Development Manager)**

**NOTE: The proposed Ordinance would provide an incentive of reduced Land Development Fees, based on established criteria, for established businesses enlarging at an existing location, or relocating to other locations within the City limits. If passed, a new Chapter, Article or**

Section of the Land Development Regulations of the City of Pinellas Park would be established as follows: "Partial Waiver of Land Development Fees for Expansion and Relocation". The City Council would then be authorized, by Resolution duly enacted, to provide a partial waiver of City of Pinellas Park Land Development Fees of up to fifty percent (50%) of the total Land Development Fees, based on the following criteria: the business has been an established business in the City of Pinellas Park continuously for two (2) calendar years; at the time of application the business has a minimum of at least three (3) full time employees on the payroll at the same time; the business intends to relocate or substantially enlarge their location by doubling the square footage of the existing structure or doubling the number of full time employees; the business must submit a viable business plan for review by City staff, and have made a commitment to attempt to hire new employees that reside in the City of Pinellas Park.

*C7 on 5/11/17 Council agenda.*

**ACTION:** (Pass - Deny) Ordinance No. 4023 as amended. Public hearing second and final reading.

**Department:** Community Development

**Reference Material:** Ordinance and Attorney Letter

**P2** **ORDINANCE NO. 4030. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE), ARTICLE 15 "ZONING", OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY PROVIDING FOR LOW IMPACT OFFICE AS A CONDITIONAL USE IN THE "R-1" SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING AN OPERATIONAL DEFINITION OF "LOW IMPACT OFFICE; PROVIDING FOR CONDITIONAL USE REQUIREMENTS; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE LAND DEVELOPMENT CODE; DIRECTING MUNICODE TO RENUMBER OR RECLASSIFY AS APPROPRIATE; 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 2017-04)**

**PUBLIC HEARING SECOND AND FINAL READING**

**(Speaker - Dean Neal, Zoning Director)**

NOTE: Upon the direction of the City Manager, staff has prepared an ordinance to amend the Land Development Code, Article 15, Zoning, to allow low impact office as a conditional use in the "R-1" Single Family Residential District subject to five (5) requirements as follows:

- (a) Review by Planning and Zoning Commission and approval by City Council.

(b) Site plan required.

(c) Maximum number of parking spaces shall be five (5) spaces inclusive of handicapped accessible spaces.

(d) Landscape Buffer Type "B" required on interior lot lines.

(e) Minimum lot size of one half (1/2) acre but less than or equal to one (1) acre and located on a corner lot at the intersection of a collector street and a local street or higher roadway classification.

*P3 on 7/27/17 Council agenda.*

ACTION: (Pass - Deny) Ordinance No. 4030. Public hearing second and final reading.

**Department:** Community Development

**Reference Material:** [backup material for LDC 2017-4](#)

**P3 ORDINANCE NO. 4032. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, IMPOSING AN ABATEMENT UPON THE ACCEPTANCE AND/OR PROCESSING OF APPLICATIONS FOR COLLOCATION ON EXISTING OR CREATION OF NEW UTILITY POLES IN THE RIGHT-OF-WAY TO SUPPORT SMALL WIRELESS FACILITIES OR MICRO WIRELESS FACILITIES, FOR A PERIOD OF 90 DAYS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**PUBLIC HEARING SECOND AND FINAL READING**

**(Speaker - Dean Neal, Zoning Director)**

NOTE: The Florida state legislature has passed HB 687 amending Florida Statute Section 337.401, regarding the use of right-of-way for utilities, and more particularly the use of "Advanced Wireless Infrastructure". Upon passing of this Bill on July 1, 2017, City staff intends to study and research the impact of the Bill and create new regulations as allowed to local municipalities. City staff is proposing this Ordinance to allow a period of 90 days to research and create these new regulations.

*C2 on 7/27/17 Council agenda.*

ACTION: (Pass - Deny) Ordinance No. 4032. Public hearing second and final reading.

**Department:** Community Development

**Reference Material:** [small cell ordinance backup](#)

- P4    RESOLUTION NO. 17-13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, VACATING A 15 FOOT BY 658 FOOT PORTION OF 46TH STREET RIGHT-OF-WAY IN SECTION 21, TOWNSHIP 30 SOUTH, RANGE 16 EAST; PROVIDING FOR RETENTION OF A PERPETUAL MULTI-PURPOSE EASEMENT; PROVIDING FOR AN EFFECTIVE DATE. (V 2017-4, Four J's, Inc.)**

**PUBLIC HEARING FIRST AND FINAL READING**

**(Speaker - Shannon Coughlin, Economic Development Manager)**

NOTE: The applicant is requesting the vacation of a 15-foot-wide by 658-foot long portion of unimproved 46th Street right-of-way, generally located between Bill Jackson's "Shop for Adventure" and Mainlands Unit 1. This area has historically been used for access to Bill Jackson's but has never been improved to City standards. Subject to approval, the City will retain a multipurpose easement over its entirety. At their meeting of July 6, 2017, the Planning and Zoning Commission recommended APPROVAL based on the following Findings of Fact:

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 provided an easement is held over the entirety of the area being vacated.

ACTION: (Adopt - Deny) Resolution No. 17-13. Public hearing first and final reading.

Department:            Community Development

Reference Material:   [Bill Jackson's backup](#)

- P5    RESOLUTION NO. 17-14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA AUTHORIZING THE MAYOR TO TRANSMIT AND SIGN A LETTER OF INTENT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S FLORIDA FIELD OFFICE CONFIRMING THE CITY'S ELIGIBILITY AS A "METROPOLITAN CITY"; ACCEPTING ENTITLEMENT STATUS EFFECTIVE OCTOBER 1ST, 2018; AND PROVIDING FOR AN EFFECTIVE DATE.**

**PUBLIC HEARING FIRST AND FINAL READING**

**(Speaker - Tammy Hillier, Grants Writer/Coordinator)**

NOTE: On April 19th, 2016 the U.S. Housing and Urban Development Department (HUD) confirmed the City of Pinellas Park (CITY) has met the formula threshold for becoming a metropolitan city effective October 1st, 2018.

HUD provides written notice to municipalities who reach entitlement status for the first time. Pinellas Park has received such notice and must reply of its intent to submit an application to become an entitlement city by August 25th, 2017.

As an *ENTITLEMENT CITY*, Pinellas Park would receive annual grant allocations from HUD to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services.

ACTION: (Adopt - Deny) Resolution No. 17-14. Public hearing first and final reading.

**Department:** Community Development

**Reference Material:** [17-183 CDBG Resolution attorney letter](#)

#### **IV. CONSENT AGENDA**

- C1 AUTHORIZATION FOR THE CITY OF PINELLAS PARK TO SIGN A DISTRIBUTION EASEMENT AGREEMENT WITH DUKE ENERGY FLORIDA, INC. D.B.A. DUKE ENERGY ON CITY-OWNED PROPERTY - 106th Avenue Right-of-Way located east of 58th Street North**

NOTE: Duke Energy Florida, Inc. d.b.a. Duke Energy has requested a five (5) foot Distribution Easement from the City of Pinellas Park to accommodate their proposed utility equipment, and for the future maintenance and operation of said equipment on City-owned property.

ACTION: (Approve - Deny) Authorization for the Mayor and City Manager to sign a five (5) foot Distribution Easement with Duke Energy Florida, Inc. d.b.a. Duke Energy on City-owned property.

**Department:** Community Development

**Reference Material:** [PP Elem easement, Legal Description, Map, Attorney Letter](#)

- C2 AUTHORIZATION FOR THE MAYOR TO SIGN A CONTRACT FOR THE PURCHASE OF REAL PROPERTY FROM SKY VIEW CHURCH OF CHRIST, INC. - 4050 80th Avenue North**

NOTE: This real estate contract is for the purchase of 2.08 acres M.O.L. of real property located at 4050 80th Avenue North. Sky View Church of Christ, Inc. is currently located on the property. The proposed future use of the property would be for construction of a new fire station to reduce response time to the neighboring residents in the Mainlands Subdivision, and to the southeast portion of the City. The Seller has agreed to a purchase price of Nine Hundred and Fifty Thousand Dollars (\$950,000). The Seller shall remain on the property, rent free, for up to one (1) year from the date of closing, or until the Seller is able to secure a new location. Should the Seller be unable to find a suitable location within the one (1) year time period, the Seller and

the City shall enter in to a Lease Agreement, for an undetermined amount of time, with a starting monthly rent of One Thousand Two Hundred Dollars (\$1,200). If the Pinellas Park City Council approves of this purchase, the purchase of this property will be charged to the appropriate account as per the direction of the Office of Management and Budget.

ACTION: (Approve - Deny) Authorization for the Mayor to sign a Contract for Purchase of real property located at 4050 80th Avenue North, from Sky View Church of Christ, Inc., in the amount of Nine Hundred and Fifty Thousand Dollars (\$950,000.00) plus closing costs, to be charged to the appropriate account, subject to the closing documents being acceptable to the City Attorney.

**Department:** Community Development

**Reference Material:** [Sky View Church Contract, Attorney Letter, Map.pdf](#)

**C3 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY ILENE GABOLD, TRUSTEE (AX17-12) - 6997 124th Terrace**

NOTE: This is a voluntary annexation of 0.18 acres MOL of contiguous residential property located at 6997 124th Terrace. The City's annual projected revenue is Six Hundred Twenty-One Dollars (\$621.00) and no City funds were expended.

ACTION: (Approve - Deny) The voluntary annexation of 0.18 acres MOL of residential property owned by Ilene Gabold, Trustee located at 6997 124th Terrace.

**Department:** Community Development

**Reference Material:** [Gabold AX17-12 Petition, Data Sheet, Comment Sheet, Revenue Analysis, Map](#)

**C4 ORDINANCE NO. 4031. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6997 124TH TERRACE (ILENE GABOLD, TRUSTEE AX17-12)**

**FIRST READING PRIOR TO PUBLIC HEARING**

NOTE: This is a voluntary annexation of 0.18 acres MOL of contiguous residential property located at 6997 124th Terrace. There is a mobile home on the property.

ACTION: (Pass - Deny) Ordinance No. 4031.

**Department:** Community Development

**Reference Material:** [Gabold AX17-12 Ordinance, Petition, Attorney Letter, Map](#)

**C5 AUTHORIZATION FOR THE MAYOR TO SIGN A LETTER EXERCISING THE CITY OF PINELLAS PARK'S RIGHT TO TERMINATE THE COMMUNITY DEVELOPMENT BLOCK GRANT COOPERATION AGREEMENT WITH PINELLAS COUNTY**

NOTE: The City of Pinellas Park is a partner in the Pinellas County Community Development Block Grant (CDBG) Urban County program under an existing Cooperation Agreement that remains in effect through September 30, 2018. To meet U.S. Housing and Urban Development Department (HUD) requirements, the City and County must renew the Cooperation Agreement every three years.

On April 19th, 2016, Gary Causey, Director of HUD's Jacksonville Field Office, emailed Danny Taylor, Pinellas Park's Community Planning Director, confirming that Pinellas Park has met the formula threshold for becoming a metropolitan city. However, Pinellas Park cannot obtain entitlement status while under the Cooperation Agreement with Pinellas County which expires on September 30th, 2018.

On May 24th, 2017, the City received notice from Pinellas County that the three-year CDBG Cooperation Agreement for years 2018, 2019, 2020 will renew automatically unless the City of Pinellas Park provides written notification to both Pinellas County and the HUD Field Office no later than August 25th, 2017.

At its workshop on November 8th, 2016, City Council directed staff to move forward toward becoming an entitlement city. The first step is for the Mayor to notify both Pinellas County and the HUD Field Office that the City will be terminating its Community Development Block Grant Cooperation Agreement with Pinellas County, effective September 30th, 2018.

ACTION: (Approve - Deny) Authorization for the Mayor to sign a letter to Pinellas County and copying the HUD Field Office exercising Pinellas Park's right to terminate the CDBG Cooperation Agreement.

**Department:** Community Development

**Reference Material:** [17-182 Mayor Letter terminations CDBG agreement with PC](#)

**C6 ORDINANCE NO. 4033. AN ORDINANCE OF THE CITY OF PINELLAS PARK, FLORIDA ADOPTING AN AMENDED MASTER PLAN CONTROLLING DEVELOPMENT OF A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) WITH UNDERLYING “B-1” GENERAL COMMERCIAL ZONING ON CERTAIN PARCELS OF LAND GENERALLY LOCATED AT 7301 PARK BOULEVARD AND MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; ADOPTING A REVISED MASTER PLAN AND SUPPORTING DOCUMENTATION FOR A NEW OUTPARCEL IN A COMMERCIAL 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 2000-1(R)2/CU 2017-15/MS 2017-27, Lowes Home Centers, Inc.)**

**FIRST READING PRIOR TO PUBLIC HEARING  
(Public Hearing August 24, 2017 - QUASI JUDICIAL)**

NOTE: This is a request to amend a “CPUD” Commercial Planned Unit Development with underlying “B-1” General Commercial Zoning to create a new outparcel for the establishment of a drive-thru restaurant. The proposed outparcel is to be within an area of excess, unused parking in the Lowes parking lot. The applicant also requests a waiver to eliminate one required tree in an interior island where a sign will be proposed and a waiver to reduce the Conditional Use required side yard setback from 30 feet to 20 feet from the north property line. The existing PUD currently has 4 outparcels, each with drive thru conditional use approval. At its public hearing on July 6, 2017, the Planning and Zoning Commission recommended APPROVAL of this ordinance, subject to the following conditions:

1. Development controls are established through the development order, consisting of the application, staff report and preliminary and final site plans along with any accompanying text or graphics that constitute land development regulations applicable to the subject site. The submitted site plan, prepared by LA Civil, Inc. last revised on June 20, 2017 and as may be directed by City Council to revise as a result of their review, shall be accepted as the controlling site plan for the development. All regulations not addressed in the site plan and supporting documentation shall default to Code in effect at the time of “CPUD” Commercial Planned Unit Development adoption.
2. Final plat documents must be submitted within six months of Master Plan approval; however, the Zoning Director may approve an extension of up to one year prior to the expiration of the site plan.
3. The hours of operation shall be no later than 11 p.m.



ACTION: (Pass - Deny) Ordinance No. 4033.

**Department:** Community Development

**Reference Material:** [PUD 2000-1R2 CU 2017-15 MS 2017-27 Lowes agenda backup](#)

**C7 APPOINTMENT TO THE CODE ENFORCEMENT BOARD - John Spagnola**

NOTE: A vacancy on the Code Enforcement Board was created by the resignation of Mr. James Knowlton. His term was to expire on December 31, 2017. John Spagnola was interviewed at the July 19, 2017, Code Enforcement Board meeting. The Board recommended John Spagnola for appointment.

ACTION: (Approve - Deny) The appointment of John Spagnola to serve on the Code Enforcement Board with the term to expire December 31, 2017.

**Department:** Neighborhood Services

**Reference Material:** [John Spagnola Application; Excerpt from CEB Minutes](#)

**C8 CHANGE ORDER NO. 1 AND FINAL PAYMENT FOR PROJECT 17/001 - SIDEWALK & ACCESSIBILITY RAMP PROGRAM - 126TH AVENUE NORTH - MTM Contractors, Inc.**

NOTE: Change Order No. 1 is recommended for approval so that the final payment can be processed and the contract closed out. Change Order No. 1 represents a decrease of the original contract amount by 7.5% totaling \$5,000. The account to be charged will be 301481-562538. The budgeted amount is \$170,000. The project was predicted to cost \$120,000. The City of St. Petersburg is paying 50% of the costs per Interlocal Agreement entered into the 23rd day of February, 2017.

ACTION: (Approve - Deny) Authorization for approval and acceptance of Change Order No. 1, Project 17/001 - Sidewalk & Accessibility Ramp Program - 126th Avenue North, a decrease in the contract amount of \$5,000 for a total adjusted contract amount of \$61,375 and authorization for final payment of \$61,375 to MTM Contractors, Inc., 6550 53rd Street North, Pinellas Park, FL 33781 to be charged to the appropriate account.

**Department:** Public Works

**Reference Material:** [17001 agenda backup](#)

**C9 SELECTION OF CITY COUNCIL MEMBER TO SERVE ON EVALUATION COMMITTEE FOR RFP 17/022 - CONTINUING SERVICES CONSTRUCTION, ENGINEERING AND INSPECTION (CEI)**

NOTE: In accordance with Resolution 15-12 and Section 287.055 Florida Statutes (Consultant Competitive Negotiation Act), an Evaluation Committee consisting of not more than seven

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members (one of whom is to be a City Council Member) 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 Evaluation Committee for review and evaluation of the proposals received in response to the Request for Proposals (RFP 17/022) for Selection of a CEI.

ACTION: (Approve - Deny) Selection of City Council Member \_\_\_\_\_ to serve on the Evaluation Committee for review and evaluation of Proposals for RFP 17/022 - Selection of CEI Services Firm.

Department: Public Works

**C10 AWARD OF BID 17/009 - FIRE STATION #34 DRIVEWAY REPLACEMENT - MTM Contractors, Inc.**

NOTE: Bids were legally advertised. Six (6) bids were received with MTM Contractors, Inc. (6550 53rd Street N, Pinellas Park, FL 33781) being the low bidder with a bid submittal of \$69,632.00. The amount budgeted for this project is \$100,000.00 (pg. 406 of the FY 16/17 adopted budget). This project will be charged to account 301-282-562520.

ACTION: (Approve - Deny) Authorization to award Bid 17/009 for Fire Station #34 Driveway Replacement to MTM Contractors, Inc., Pinellas Park, FL, in the amount of \$69,632.00 to be charged to the appropriate account.

Department: Public Works

Reference Material: [bidder's list, MTM bid proposal](#)

**C11 CHANGE ORDER NO. 1 AND FINAL PAYMENT FOR PROJECT 17/008 - SHUFFLEBOARD COURT ROOF - England Brothers Construction Company, Inc.**

NOTE: Change Order No. 1 is recommended for approval so that the final payment can be processed and the contract closed out. Change Order No. 1 represents an increase of the original contract amount by 8.7% totaling \$5,350 for an adjusted contract amount of \$66,852. The amount budgeted for this project is \$74,000. The account to be charged is 301781-578377.

ACTION: (Approve - Deny) Authorization for approval and acceptance of Change Order No. 1, Project 17/008 - Shuffleboard Court Roof, an increase in the contract amount of \$5,350 for a total adjusted contract amount of \$66,852 and authorization for final payment of \$11,500 to England Brothers Construction Company, Inc., Largo, FL to be charged to the appropriate account.

Department: Public Works

Reference Material: [change order, app for payment](#)

**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 digital recording of all public hearings. In the event that you wish to appeal a decision, the digital recording 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 THE HEARING IMPAIRED — An interpreter for the hearing impaired will be made available upon requests made at least 72 hours in advance.