CITY COUNCIL MEETING MINUTES
CITY OF CLEARWATER
May 5, 2011

Present: Mayor Frank Hibbard, Vice Mayor George N. Cretekos, Councilmember John Doran, Councilmember Paul Gibson, and Councilmember Bill Jonson.

Also Present: Jill S. Silverboard - Assistant City Manager, Rod Irwin - Assistant City Manager, Pamela K. Akin - City Attorney, Rosemarie Call - City Clerk, and Nicole Sprague - Official Records and Legislative Services Coordinator.

To provide continuity for research, items are in agenda order although not necessarily discussed in that order.

Unapproved

1. Call to Order - Mayor Frank Hibbard

The meeting was called to order at 6:00 p.m. at City Hall.

2. Invocation - Rev. Pat Harney from the Church of Scientology

3. Pledge of Allegiance - Mayor Frank Hibbard

4. Presentations - Given

   4.1 Children's Book Week Proclamation, May 2-8, 2011 - Barbara Pickell, Clearwater Library Director

   4.2 National Public Works Week Proclamation, May 15-22, 2011 - Gary Johnson, Public Services Director

   4.3 Relay for Life Proclamation - Chris O'Grady, Advocacy Chair of the American Cancer Society for Relay for Life 2011

   4.4 Restaurant Week Proclamation, May 8-14, 2011 - Darlene Kole, President/CEO Clearwater Beach Chamber of Commerce
5. **Approval of Minutes**

5.1 **Approve the minutes of the April 20, 2011 City Council Meeting as submitted in written summation by the City Clerk.**

Councilmember Bill Jonson moved to approve the minutes of the April 20, 2011 City Council Meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

6. **Citizens to be Heard re Items Not on the Agenda**

Bob Clifford, Clearwater Regional Chamber of Commerce President/CEO, thanked the City for assembling the Clearwater Business Task Force as an effort to enhance the business environment in the community and thanked the Mayor for presenting the key to the City to Allegiant Airlines President Andrew Levy.

Mike Riordon thanked the City for looking into the pedestrian and cyclist safety concerns regarding the East Avenue/Court Street intersection and suggested using AmeriCorps volunteers to help direct traffic.

It was stated that the City will be contacting the Florida Department of Transportation to discuss potential safety solutions.

Mary Margaret Jones and James Sanker expressed concerns regarding the City’s code enforcement process and inspection services.

Public Hearings - Not before 6:00 PM

7. **Administrative Public Hearings**

7.1 **Approve the applicant’s request to partially vacate a non-exclusive easement for sidewalk, drainage, utilities, and for the parking of motor vehicles located on the Clearwater Marine Aquarium property, 249 Windward Passage, as more particularly described in the ordinance, authorize the appropriate officials to execute same and pass Ordinance 8259-11 on first reading.**

The applicant, Clearwater Marine Aquarium, Inc., is seeking approval of the vacation to accommodate an expansion of the aquarium’s facilities into an area of the site presently a part of a sidewalk, drainage, utilities, access and parking space easement.
A flexible development case, FLD2011-02006, was approved by the Development Review Committee on March 3, 2011 and is presently scheduled for review by the Community Development Board on May 17, 2011.

Knology, Bright House, Progress Energy and Verizon have reviewed the request and have no objections.

The vacation ordinance requires the applicant to meet three conditions or the ordinance will be rendered null and void:

Owner shall obtain a Development Order issued pursuant to flexible development case FLD2011-02006, and issuance of such Development Order will be conditioned upon the Owner providing an exclusive easement providing twenty-four (24) parking spaces (the Parking Easement) that are for the benefit of users of the adjacent City-owned boat slips,

The Owner shall record the Parking Easement, and the Owner shall provide pedestrian access from the parking spaces to the City-owned boat slips, and the Parking Easement will subordinate of all rights, title, and claim the Aquarium Property Mortgagee may have to the Parking Easement; however, should there be an amendment to the site plan necessitating a relocation of any parking spaces differing from the depiction in Exhibit B, the Parking Easement may be amended upon City Council approval, and

Owner shall obtain a building permit for the proposed improvements as provided for in approval of case FLD2011-02006 within two years of the date of issuance of the above-referenced Development Order.

The Marine and Aviation Department has reviewed the request and has no objections to the vacation as conditioned in the proposed ordinance.

In response to questions, Engineering Assistant Director Scott Rice said the vacation does not vacate any boat slips and staff is unaware of any request to vacate boat slips.

Vice Mayor George N. Cretekos moved to approve the applicant’s request to partially vacate a non-exclusive easement for sidewalk, drainage, utilities, and for the parking of motor vehicles located on the Clearwater Marine Aquarium property, 249 Windward Passage, as more particularly described in the ordinance, authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Ordinance 8259-11 was presented and read by title only. Councilmember Paul Gibson moved to pass Ordinance 8259-11 on first reading. The motion was duly seconded and upon roll call, the vote was:
"Ayes": Mayor Frank Hibbard, Vice Mayor George N. Cretekos, Councilmember John Doran, Councilmember Paul Gibson, and Councilmember Bill Jonson.

"Nays": None.

8. Second Readings - Public Hearing

8.1 Adopt Ordinance 8244-11 on second reading, amending the Firefighters Supplementary Trust Fund to consolidate all prior ordinances and Code provisions and to incorporate Federal law and the applicable provisions of Chapter 175, Florida Statutes.

Ordinance 8244-11 was presented and read by title only. Councilmember Bill Jonson moved to adopt Ordinance 8244-11 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor George N. Cretekos, Councilmember John Doran, Councilmember Paul Gibson, and Councilmember Bill Jonson.

"Nays": None.

8.2 Adopt Ordinance 8245-11 on second reading, amending the Police Officers Supplementary Pension Trust Fund to consolidate all prior ordinances and Code provisions and to incorporate Federal law and the applicable provisions of Chapter 185, Florida Statutes.

Ordinance 8245-11 was presented and read by title only. Councilmember John Doran moved to adopt Ordinance 8245-11 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor George N. Cretekos, Councilmember John Doran, Councilmember Paul Gibson, and Councilmember Bill Jonson.

"Nays": None.

8.3 Adopt Ordinance 8260-11 on second reading, relating to Code of Ordinances
Chapter 2, Administration, Article III, Appointed Authorities, Boards, Committees, Division 1; amending Section 2.061, Application of Article; Definitions, to provide for proof of residency.

Ordinance 8260-11 was presented and read by title only.

Vice Mayor George N. Cretekos said the proposed ordinance was brought forth to clarify a dispute regarding who is a resident and who should be appointed to advisory boards. Although Council has expressed that non-residents would not be appointed to the Municipal Code Enforcement Board or the Community Development Board, concerns have been raised regarding the limitation being included in the ordinance.

Vice Mayor George N. Cretekos moved to amend Ordinance 8260-11 by striking “...or own property… or ownership of real property within city limits” in Section 2.061 2(b) and adding subsection K to Section 2.063 to read: “City Council may appoint a person who is a non-resident property owner or who is employed full-time within the city limits of Clearwater to boards which serve a purely advisory role. This does not include the Municipal Code Enforcement Board, Community Development Board, Pension Advisory Board, Civil Service Board, Building-Flood Board of Adjustment and Appeals, or any other board that has final decision making authority or that has specific residency requirements as provided by law.” The motion was duly seconded.

In response to a question, the City Attorney said the Charter Review Committee is not specified by law but can be added to the list.

The amendment was amended to include the Charter Review Committee.

One individual opposed appointing non-residents to the Community Development Board and three individuals opposed allowing non-residents for advisory board appointments.

One individual requested Council action be deferred in order to review the proposed amendment.

Discussion ensued with concerns expressed that a residency requirement may limit candidates. It was stated that Council would give preference to Clearwater residents. The City Attorney said the City has advisory boards that do not require residency and are specified in the Clearwater Code of Ordinances.

Upon the vote being taken, Vice Mayor George N. Cretekos and Councilmember Bill Jonson voted “Aye”; Mayor Frank Hibbard, Councilmembers John Doran and Paul Gibson voted “Nay”.

Motion failed.
Councilmember John Doran moved to amend Ordinance 8260-11 by striking “or owns property…or ownership of real property within city limits…” from Section 2.061 2(b). The motion was duly seconded and carried unanimously.

Councilmember Bill Jonson moved to adopt Ordinance 8260-11, as amended, on second and final reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor George N. Cretekos, Councilmember John Doran, Councilmember Paul Gibson, and Councilmember Bill Jonson.

"Nays": None.

9. **Consent Agenda - Approved as submitted, less Item 9.4.**

9.1 Authorize the sale of the City of Clearwater's Voluntary Clean-up Tax Credits; approve the City of Clearwater to enter into a tax service agency agreement with Clocktower Tax Credits, LLC to manage the sale and transfer of ownership of the Voluntary Clean-up Tax Credits; transfer the proceeds to the Clearwater Community Redevelopment Agency and authorize the appropriate officials to execute same. (consent)

9.2 Ratify and confirm six liability claims arising from one occurrence in an amount of $158,798.67 and authorize the appropriate officials to execute same. (consent)

9.3 Accept a Natural Gas Easement over, under, across and through a portion of Brooker Creek North, Plat Book 129, pages 74 through 78, Pinellas County, Florida, conveyed by H/A Partners, Ltd., a Florida limited partnership, given in consideration of receipt of $1.00 and the benefits to be derived therefrom. (consent)

9.4 Approve the restated plan document pertaining to the Nationwide Retirement Solutions 457 Governmental Plan and Trust Deferred Compensation Plan for City employees, updating the plan document in accordance with administrative changes as required by law and as recommended by Nationwide and authorize the appropriate officials to execute same. (consent)

**Staff pulled item.**

9.5 Approve First Amendment to the Cooperative Funding Agreement between
Southwest Florida Water Management District (SWFWMD) and the City of Clearwater for the Glen Oaks/Palmetto Reclaimed Water Project (N095) and authorize the appropriate officials to execute same. (consent)

9.6 Reappoint Barbara Green to the Brownfields Advisory Board in the resident category with term to expire May 31, 2015.

9.7 Reappoint Lisa Hughes to the Neighborhood and Affordable Housing Advisory Board with term to expire May 31, 2015.

Councilmember John Doran moved to approve the Consent Agenda as submitted, less Item 9.4, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

City Manager Reports

10. Other Items on City Manager Reports

10.1 Amend Section 4.23 of the City of Clearwater Code of Ordinances, extending the hours of operation at the Clearwater Airpark from 7:00 a.m. till 11:00 p.m., and pass Ordinance 8258-11 on first reading.

On February 2, 2011, the Airpark Advisory Board unanimously approved a motion recommending extending the hours of operation by two hours at the Clearwater Airpark, from 7:00 a.m. till 11:00 p.m.

This change eliminates the issue of adjusting the last take-off time to one hour after sunset that has been in place since before runway lighting was installed. The current hours of operation restricts the last take-off of the day to 5:50 p.m. during winter months, and causes an undue restraint on the commerce of the Airpark.

Of those interviewed, only two persons objected to extending the hours of operation. These individuals live in the flight path of the Airpark.

The impact of this change will be reviewed and reported back to City Council in one year or sooner if need be.

It should be noted that for Public Safety/Public Service, landings and departures may be necessary at any time. This allows for medical evacuation, law enforcement, Civil Patrol and other public safety concerns to utilize the airport.
when necessary. This is not only vital to public safety, but recommended by the Florida Airports Council.

In response to questions, Airport Operations Manager Gordon Wills said members of the Airpark Advisory Board canvassed area residents to the south of the airpark; those canvassed did not express any concerns. Airpark Advisory Board Chair Dennis Roper reviewed canvassing efforts; individuals were asked if they were residents and if they supported extending hours. Mr. Roper spoke to twelve individuals; one individual opposed extending the hours, many had no opinion or did not care. Pilots who frequently use the airpark are conscious of the noise imprint created during departures. Mr. Roper said he did not anticipate many departures after 9:00 p.m., but having the limitation would be disadvantageous in recruiting commercial business.

Four individuals spoke in support.

Councilmember Paul Gibson moved to amend Section 4.23 of the City of Clearwater Code of Ordinances, extending the hours of operation at the Clearwater Airpark from 7:00 a.m. till 11:00 p.m. The motion was duly seconded and carried unanimously.

Concerns were expressed regarding lack of notice to surrounding property owners. Staff was directed to hold an open house prior to the May 19, 2011 council meeting to seek public input.

Ordinance 8258-11 was presented and read by title only. Councilmember John Doran moved to pass Ordinance 8258-11 on first reading. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor George N. Cretekos, Councilmember John Doran, Councilmember Paul Gibson, and Councilmember Bill Jonson.

"Nays": None.

10.2 Amend Joint Participation Agreement (AOU60) between the City of Clearwater and the State of Florida Department of Transportation to construct a new corporate hangar at the Clearwater Airpark authorizing supplemental number 3 in the amount of $125,000, authorize the appropriate officials to execute same and adopt Resolution 11-10.

The Florida Department of Transportation (FDOT) has agreed to provide 80% reimbursable funding to include but not be limited to the design and construction
of a 9,600 sq. ft. multi-plane hangar(s), storm water management in various forms, security enhancement to include indoor and outdoor motion controlled digital cameras recording to digital video recorders and new apron for air traffic to gain access to the taxiway at the Clearwater Airpark.

Supplement number 3 increases the funding by $125,000, $100,000 in FDOT funding and $25,000 in city funding. The total estimated project cost is $631,788. FDOT will reimburse the City $505,431. Airpark reserves in the amount of $25,000 will provide the match to the project agreement 94854.

Vice Mayor George N. Cretekos moved to amend Joint Participation Agreement (AOU60) between the City of Clearwater and the State of Florida Department of Transportation to construct a new corporate hangar at the Clearwater Airpark authorizing supplemental number 3 in the amount of $125,000, authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Resolution 11-10 was presented and read by title only. Councilmember Paul Gibson moved to adopt Resolution 11-10. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor George N. Cretekos, Councilmember John Doran, Councilmember Paul Gibson, and Councilmember Bill Jonson.

"Nays": None.

10.3 Authorize additional funding under a new Joint Participation Agreement(AQ663), between the City of Clearwater and the State of Florida Department of Transportation to construct a new corporate hangar at the Clearwater Airpark with funding in the amount of $75,000, authorize the appropriate officials to execute same and adopt Resolution 11-11.

The Florida Department of Transportation (FDOT) has agreed to provide additional funding for the design and construction of a 9,600 sq. ft. multi-plane (corporate) hangar(s), storm water management in various forms, security enhancement to include indoor and outdoor motion controlled digital cameras recording to digital video recorders and new apron for air traffic to gain access to the taxiway at the Clearwater Airpark. The scope also includes design activities by City of Clearwater engineers, to mirror the design of the existing hangar.
The total project funding will be $75,000; $60,000 in FDOT funding at 80% and $15,000 in city funding at 20%. Airpark reserves in the amount of $15,000 will provide the match to the project agreement (94854).

Councilmember Bill Jonson moved to authorize additional funding under a new Joint Participation Agreement (AQ663), between the City of Clearwater and the State of Florida Department of Transportation to construct a new corporate hangar at the Clearwater Airpark with funding in the amount of $75,000, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Resolution 11-11 was presented and read by title only. Councilmember John Doran moved to adopt Resolution 11-11. The motion was duly seconded and upon roll call, the vote was:

"Ayes": Mayor Frank Hibbard, Vice Mayor George N. Cretekos, Councilmember John Doran, Councilmember Paul Gibson, and Councilmember Bill Jonson.

"Nays": None.

Miscellaneous Reports and Items

11. City Manager Verbal Reports - None.

12. Other Council Action - None.

13. Closing Comments by Mayor

Mayor Frank Hibbard reviewed recent and upcoming events.

14. Adjourn

The meeting was adjourned at 7:56 p.m.

Attest

Mayor
City of Clearwater

City Clerk