



**TOWN OF REDINGTON BEACH, FLORIDA
SPECIAL MEETING MINUTES**

October 16, 2007

Having been duly advertised as required by law, the **Special Meeting** of the Board of Commissioners of the Town of Redington Beach, Florida, was held on Tuesday October 16, 2007 at 5:10 PM, in the Redington Beach Town Hall at 105 – 164TH Avenue, Redington Beach, Florida.

Mayor Simons called the **Special Meeting** to order.

Mayor led the Pledge of **Allegiance**.

Roll Call:

	Present	Absent
Commissioner Bradbeer	X	
Commissioner Peck-Epstein	X	
Commissioner Steiermann	X	
Vice Mayor Deighton	X	
Mayor Simons	X	
Town Attorney Salzman	X	
Town Clerk Patrus	X	
Public Works Director Davis	X	
Deputy Clerk Clarke	X	

Motion made by Vice Mayor Deighton, seconded by Commissioner Steiermann to approve the Agenda as presented. For the record, Mayor and all Commissioners have visited the properties in question and are acquainted with property owners, Fernandez and Pinnock. **Motion approved with all ayes.**

Town Attorney swore in all participants who will be presenting testimony.

No Public Forum comments.

NEW BUSINESS

Edward Fernandez, property located at 402 161st Avenue, Redington Beach, FL 33708, Redington Beach Homes, 6th Addition, Block 1, Lot 39 and RIP RTS, as recorded in Plat Book 06205, Page 1804 of the Public Records of

Mayor set the order of speakers.

- Ed Fernandez, property owner, 401-161st Avenue
- Jack Tipton, Pinellas County Building Dept., Assistant Director
- Mark Davis, Public Works Director and Code Enforcement Redington Beach
- Brian Pinnock, property owner, 404-164th Avenue and his representatives.
- Public discussion

NOTE: References were made to Town Code, Chapter 5, Sec.

5-57 specifications for docks; and Water and Navigation regulations Chapter 166, and Sec. 166-333 Design criteria for private docks, Sec. 166.248 and Sec. 166.358.

- a. Ed Fernandez stated the Town should enforce its side set back ordinances as listed in Appendix A [Zoning]. The Pinnock dock encroaches on his property. He cited the violation against Town nuisance ordinance, saying that it limits his access to his own dock and has reduced his property values.

Mr. Fernandez said that the original permit was revised on August 30, removing the dock head and creating a 5' to 6' set back on the eastern side.

Mr. Fernandez answered questions from the Board.

- b. Jack Tipton, spoke on behalf of the Town. Pinellas County Building Dept. Pinellas County Building Dept., is our agent for issuing building permits, and Water and Navigation issues the marine permits. The Town does not have a side set back ordinance. This was discussed with the Attorney in 1997-98 when the County assumed the responsibility for issuing Town building permits. Meetings were held with the Board of Commissioners and Charter Committee and options presented. No action was taken.

Mr. Tipton met with Mark Davis and John Kostreles at the property in question. The dock complies with Water and Navigation regulations and they issued the marine dock permit. There was no variance, therefore no Board of Adjustment hearing or notice was required.

Mr. Tipton answered questions from the Board. Mr. Fernandez questioned why the dock permit was not issued as per Town Code for side set back (Appendix A). Response was that this was a marine permit issued by Water and Navigation, not a building permit issued by the County.

- c. Mark Davis reported that initially, Mr. Fernandez came to him with a possible code violation, that the dock didn't have a side set back. Upon checking, Mr. Davis found no code violation. Subsequently Mr. Davis was called out to check on some electrical work Mr. Davis spoke with Mr. Pinnock and permits were obtained for the electrical work..

Mr. Davis met with Jack Tipton, Attorney Burbine and John Kostreles at the site. They confirmed that the dock met all compliance with the Town ordinances. There was no code enforcement issue.

No questions from the Board.

- d. Ted Starr, Attorney representing the Pinnocks; passed out an aerial picture of the cove and photographs from the Pinnock's sea wall. The dock was built conforming to the Pinnock property line; as the pictures indicate the view of the water is not obstructed. Mr. Pinnock has the right for the Town to enforce the permit that was legally issued. Mr. Pinnock has relied on the permit process, and could file an equitable estoppel suit against the Town if he is forced to remove the dock.

No questions from the Board at this time.

- e. Brian Pinnock said when the dock was built; we angled it away from the Fernandez property line. All ordinances of the Town and County were followed, and permits issued correctly. The dock does not impede the Fernandez water view.

For the record, Mr. Pinnock said that he did receive the meeting notice, but after he read about it in the newspaper.

Mr. Pinnock answered Commissioner Peck-Epstein's questions.

- f. Nancy Eaddy, St. Petersburg spoke on behalf of the contractor. She said all legal processes were followed and the structure conforms to code. Her firm is historically accurate in following the Redington Beach guide lines. The Town has no side set back ordinance. If action is forced upon the Pinnocks to remove the dock, this may force the contractor to go into litigation against the Town.

Mr. Fernandez asked if the dock was constructed in the best position it could be after the revision to adjust the dock head. Ms. Eaddy said yes, it is 1-1/2' away from the property line rather than 6".

Mr. Tipton passed around a revised drawing for the revised permit, reflecting the change.

Public comments were heard from William Duncan, 5th Street; and James Hoffman, Redington Drive.

No further Public comments, Mayor closed Public forum.

Board discussion ensued.

Commissioner Peck-Epstein posed questions to Mr. Tipton regarding the Town code, the Water and Navigation regulations and the Town and County Interlocal agreement.

Attorney Salzman reiterated that Sec. 166.333b does not apply to the Town; it doesn't apply to chartered communities. He stated that this is an appeal of administrative decision; the burden is on the applicant to show proof. A criterion for decision is to hear the testimony of your officials Jack Tipton and Mark Davis, review the documentation; and make the decision on the competent testimony.

Attorney Salzman listed the options. We take no action; could resolute in law suites with either decision. There was no violation of the Town code. Applicant needs to prove, in a circuit court, that we violated our code. If we go into an Equitable Estoppels suit, court will enforce our code, but we would pay damages.

Commissioner Peck-Epstein posed questions to Mr. Fernandez and Mr. Pinnock.

Mark Davis made additional comments. The Pinnocks followed all the proper procedures. Mr. Davis said that over the numerous years of working with Jack Tipton and the County, he found Mr. Tipton to be supportive and available to the Town. He has been instrumental in clearing up many gray areas in our code.

Attorney Salzman repeated the options. This is an appeal for action on an administrative decision; if we agree with the Town code, then no action is taken. If we disagree, we ask for the dock to be removed. We have heard the appeal, and if no action is taken it upholds the Water and Navigation decision.

Mayor commented that he has personally spoken with Ed Fernandez and Brian Pinnock and asked them to come to a mutual understanding.

No further Business, Motion **to adjourn made by Commissioner Bradbeer and seconded by Vice Mayor Deighton. Special Meeting adjourned at 7:00 p.m.**

Adopted: October 30, 2007

Janina Patrus, RMC
TOWN CLERK