



TOWN OF REDINGTON BEACH, FLORIDA
REGULAR MEETING MINUTES
April 15, 2008

Having been duly advertised as required by law, the **Regular Meeting** of the Board of Commissioners of the Town of Redington Beach, Florida, was held on **Tuesday, April 15, 2008, at 7:00 p.m.** in the Redington Beach Town Hall at 105 – 164TH Avenue, Redington Beach, Florida.

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

Mayor Simons led the **Pledge of Allegiance**

Roll Call

	Present	Absent
Commissioner Fox	X	
Commissioner Drillick	X	
Commission Steiermann	X	
Commissioner Deighton	X	
Mayor Simons	X	
Town Attorney Salzman	X	
Town Clerk Patrus	X	

Motion made by Vice Mayor Deighton and seconded by Commissioner Fox to approve Agenda **Agenda approved with all ayes.**

PUBLIC FORUM – Non-Agenda Items Only

No Public participation.

REPORTS

Public Safety – Commissioner Fox

- Application for JAG grant was approved December 2007. We purchased an alcohol sensor with mouth pieces with the funds; items were turned over to Sheriff's Deputy Menz.
- An evaluation was done in response to a safety concern on the corner of 161st Ave. and Gulf Blvd. Proposal is to repaint the lines and to widen the turn lane.
- A Hurricane Awareness Seminar has been scheduled for 6:30 p.m., Wednesday May 28 at Town Hall. Arrangements are being made for speakers. Notices will be posted, announcements sent to Town residents and signs set up on Gulf Blvd.

Building– Commissioner Drillick

- Board of Adjustment will be meeting Thursday April 17, at 7 p.m. to review variance petition in a south setback for installation of a generator.

Public Works& Parks- Commissioner Steiermann

- Nothing to report.

Finance– Vice Mayor Deighton

- Preliminary report has been issued by the Tax Assessor, reflecting a reduction of 12.2% in property assessed value.

Mayor Simons

- Ed Fernandez will be attending the Pinellas *Living Green Expo* on May 2, in Clearwater.
- Letter from Bright House informing residents that February 17, 2009 conversion to DTV will be complete. Notice will be posted in Town Hall.

Town Clerk

- Nothing to report.

Attorney Salzman

- Nothing to report.

No Boards or Committee reports

CONSENT AGENDA Bill List for week ending April 11, 2008 was pulled from the consent agenda, it was amended to exclude payment of invoices 27290, 27285 and 27286 under Dept. Legal Counsel. **Motion** made by Commissioner Fox and seconded by Commissioner Steiermann to approve the consent agenda as amended. Meeting Minutes from Regular and Workshop April 1, 2008 meetings; and amended Bill List from week ending April 11, 2008 were approved with all ayes.

	Motion	Seconded	Aye	Nay	Absent
Commissioner Fox	X		X		
Commissioner Drillick			X		
Commissioner Steiermann		X	X		
Vice Mayor Deighton			X		
Mayor Simons			X		

Motion passed with five affirmative votes.

OLD BUSINESS

a. Melton vs. Town of Redington Beach – Mayor Simons reported on the background history of the lot at the end of 159th Avenue. Comments by Town Attorney Salzman, in that the suit against Melton for code enforcement may shortly be settled; upon decision all penalty fees will be paid to the Town.

In the year 2000, the Melton property had been cited with debris and neglect to clean the lot, and the need to erect a seawall. The lack of a seawall on this lot is causing sink holes and erosion on abutting lots belonging to Diaz and Deighton. As per Public Works Director's memo, (Mark Davis), the lack of a seawall on this lot is creating a Town hazard, since impact of water flow could take out the street.

In the Melton vs. Deighton and Diaz, the claim is that the erection of seawalls on the Diaz and Deighton property caused the Melton property to erode. Town Attorney Salzman has a conflict in defending this case; Town would have to hire another attorney. Suggestion is that we hire Jim Yacavone, since he is handling the Federal portion of the case.

Mayor opened for Public Comments. *Jim Goldschmidt, Gulf Blvd.* asked what the chance was that Town would recover attorney fees? Attorney Salzman replied that this could be considered a frivolous law suit and if it is settled, the attorney fees would be paid. No further Public comments, Mayor closed Public session.

Comments from the Board, Commissioner Drillick and Commissioner Fox are in agreement with this proposal. Commissioner Steierman asked if we could recover court and attorney fees. Upon the advice of the Attorney, this is a special case and we need to protect the Towns' interest and not set precedents.

Motion made by Commissioner Steiermann and seconded by Commissioner Drillick for Board of Commissioners to take action and file a suit in Public Interest, authorize payment of defense attorney for the co-defendants and hire Jim Yacavone to represent the co-defendants (if they [co-defendants] so choose to accept); combine the Federal court case with this case, and move with the process to issue a dismissal of this as a frivolous case.

Roll Call:

	Motion	Seconded	Aye	Nay	Abstain
Commissioner Fox			X		
Commissioner Drillick		X	X		
Commissioner Steiermann	X		X		
Vice Mayor Deighton					X
Mayor Simons				X	

Motion passed with three affirmative votes. Vice Mayor Deighton absented. He will complete a Form 8a for the record.

NEW BUSINESS

a. Appointments for Planning Board – Mayor Simons went over the structure of the Planning Board. He read the names of the applicants to fill two regular and two alternate seats. Applicants were interviewed by the Board. No Public discussion. **Motion** made by Commissioner Steiermann and seconded by Commissioner Fox to name James Goldschmidt and Michael Del Vecchio to full membership, for a five year term to expire April 14, 2013; and name Thomas Morris and Heiu Bui as alternate members, to fill the unexpired terms of Michele Fox and James Goldschmidt, to expire Oct. 29, 2012. No further discussion.

	Motion	Seconded	Aye	Nay	Absent
Commissioner Fox		X	X		
Commissioner Drillick			X		
Commissioner Steiermann	X		X		
Vice Mayor Deighton			X		
Mayor Simons			X		

Motion passed with five affirmative votes.

Resolution 2008-14

A Resolution of the Board of Commissioners of the Town of Redington Beach, Florida Authorizing Transfer of Funds from Fifth Third Bank to Patriot Bank; and Providing for an Effective Date.

Attorney Salzman read the Resolution by title. Vice Mayor Deighton said in discussion with CitiBank, they were offering on a 3.05% interest on a three month CD and 3.25% on a six month. This rate is higher than Patriot Bank is offering for the \$1 million dollars Town deposited. Board discussion on the penalty of early withdrawal from Patriot Bank and moving the money to CitiBank. Vice Mayor Deighton will contact Patriot Bank. He is to negotiate possibly getting a higher competitive rate; and find out if there is a penalty for early withdrawal of our funds.

Motion made by Vice Mayor Deighton and seconded by Commissioner Fox to table Resolution 2008-14.

	Motion	Seconded	Aye	Nay	Absent
Commissioner Fox		X	X		
Commissioner Drillick			X		
Commissioner Steiermann			X		
Vice Mayor Deighton	X		X		
Mayor Simons			X		

Resolution 2008 is tabled with five affirmative votes.

Resolution 2008-15

A Resolution of the Town Commissioners of the Town of Redington Beach, Florida Authorizing Transfer of Funds from SBA (a) Accounts: Stormwater, Capital and General to Fifth Third Bank Respective Accounts; and providing for an Effective Date.

Attorney Salzman read the Resolution by title. Vice Mayor Deighton reiterated the history of SBA transfer of funds from the 'b' account to the 'a' liquid account; this is an action prompted by Town Resolution 2008-9 to document withdrawals from SBA to Fifth Third accounts. No Board discussion.

Motion made by Vice Mayor Deighton and seconded by Commissioner Drillick to adopt Resolution 2008-15.

	Motion	Seconded	Aye	Nay	Absent
Commissioner Fox			X		
Commissioner Drillick		X	X		
Commissioner Steiermann			X		
Vice Mayor Deighton	X		X		
Mayor Simons			X		

Resolution 2008-15 is adopted with five affirmative votes.

OTHER BUSINESS

Mayor Simons asked Attorney Salzman to repeat the actions to be taken regarding Motion under OLD BUSINESS Melton vs. Town of Redington Beach, Attorney Salzman will contact (a) Attorney Jim Yacavone, as to representing both defendants, if they so choose. (b) Ask if he could combine the current action with the Federal action he is presently handling. (c) Ask him to evaluate under federal and current statutes if this is a frivolous suit, (d) and keep the Board informed of the progress

No further Business, **Motion** made by Vice Mayor Deighton and seconded by Commissioner Fox to **adjourn**. All ayes. **Regular Meeting adjourned** at 8:00 p.m.

Adopted: May 6, 2008

Janina Patrus, Town Clerk RMC