



TOWN OF REDINGTON BEACH, FLORIDA
PLANNING BOARD MINUTES

Tuesday January 19, 2021
7:00 PM

Having been duly advertised as required by law, The Regular Meeting of the Planning Board of the Town of Redington Beach, Florida, was held on Tuesday January 19, 2021, at 7:00 PM, in Redington Beach Town Hall at 105 164th Avenue, Redington Beach, Florida.

Chair David Christ called the **Planning Board Meeting** to order and led the Pledge of Allegiance at 6:58 PM.

Roll Call

	Present	Absent
Chairman David Christ	X	
Vice Chairman Ken Lotterhos	X	
Member Ed Fernandez	X	
Member Lou Golda	X	
Member Peter Mattson	X	
Alternate Steven Miller	X	
Alternate Tim Thompson	X	
Town Planner Bruce McLaughlin	X	
Building Official Bruce Cooper		X

Also in attendance were Commissioner David Will, Commissioner Fred Steierman, Commissioner Tim Kornijtschuk, and Adriana Nieves, Deputy Town Clerk.

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Approval of Agenda of January 19, 2021

The Agenda was approved by the Planning Board.

	Motion	Second	Aye	Nay	Absent
Chair David Christ			X		
Vice Chair Ken Lotterhos		X	X		
Member Ed Fernandez			X		
Member Lou Golda			X		
Member Peter Mattson	X		X		
Alternate Steven Miller					
Alternate Tim Thompson					

Approval of Past Meeting Minutes of December 8, 2020

The Past Minutes was approved by the Planning Board.

	Motion	Second	Aye	Nay	Absent
Chair David Christ			X		
Vice Chair Ken Lotterhos			X		
Member Ed Fernandez		X	X		
Member Lou Golda			X		
Member Peter Mattson	X		X		
Alternate Steven Miller					
Alternate Tim Thompson					

Election of Chair (Chaired by Staff)

A motion by Ken Lotterhos and seconded by Ed Fernandez that David Christ be the Chair of the Planning Board was passed.

	Motion	Second	Aye	Nay	Absent
Member David Christ			X		
Member Ken Lotterhos	X		X		
Member Ed Fernandez		X	X		
Member Lou Golda			X		
Member Peter Mattson			X		
Alternate Steven Miller					
Alternate Tim Thompson					

Election of Vice-Chair

A motion by Ed Fernandez and seconded by Peter Mattson that Ken Lotterhos be the Vice Chair was passed.

	Motion	Second	Aye	Nay	Absent
Chair David Christ			X		
Member Ken Lotterhos			X		
Member Ed Fernandez	X		X		
Member Lou Golda			X		
Member Peter Mattson		X	X		

Alternate Steven Miller					
Alternate Tim Thompson					

Election of Secretary

A motion by Ken Lotterhos and seconded by Ed Fernandez that Tim Thompson be the Secretary was passed.

	Motion	Second	Aye	Nay	Absent
Chair David Christ			X		
Vice Chair Ken Lotterhos	X		X		
Member Ed Fernandez		X	X		
Member Lou Golda			X		
Member Peter Mattson			X		
Alternate Steven Miller					
Alternate Tim Thompson					

Public Forum for Non-Agenda Items

None.

Unfinished Business

A. Ordinance 2020-13 Land Development Regulation Amendment

Has been properly advertised as a **Continued Advertised Public Hearing**.

An Ordinance of The Town of Redington Beach, Pinellas County Florida, Repealing and Replacing Town Code Chapter 10, Floodplain Management, by Creating New Administration

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Requirements, New Definitions and New Provisions for Flood Resistant Development, Making Related Findings; Providing for Severability; And Establishing An Effective Date.

Bruce McLaughlin, Town Planner: Read Agenda Item 9a and commented that this ordinance is a state mandated Floodplain Ordinance and intends to remove inapplicable provisions from the adoption of Ordinance 2016-09. The Ordinance 2020-13 was modified to remove regulations not consistent to Redington Beach and will be forward to FDEM for approval. Specifically the modifications include the following changes:

- o Replaced generic references to “This community” with references to Redington Beach;
- o Allows the Clerk to designate responsibilities as floodplain manager to another person;
- o Corrects a reference to North Redington Beach;
- o Reflects the change in the site plan code allowing “site sketches” in certain circumstances; and
- o Replaces the definition of “development” with definition from Chapter 380, Florida Statutes.

Ken Lotterhos stated two minor discrepancies. The first is Section 10-3 on page 4, line 38, the statement “The town clerk or her designee...”, need to remove the word “her.” The second is under the definition of “Development” on page 19, line 9, need to remove “mining operation.”

No public comment.

A motion by Ken Lotterhos and seconded by Ed Fernandez that the Redington Beach Planning Board find ORDINANCE 2020-13 to be consistent with the Town Comprehensive Plan and recommend that the Town Board adopt the ordinance was approved.

	Motion	Second	Aye	Nay	Absent
Chair David Christ			X		
Vice Chair Ken Lotterhos	X		X		
Member Ed Fernandez		X	X		
Member Lou Golda			X		
Member Peter Mattson			X		
Alternate Steven Miller					
Alternate Tim Thompson					

B. Ordinance No. 2020-10 Land Development Regulation

Has been properly advertised as an **Advertised Public Hearing**.

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An Ordinance of The Town of Redington Beach, Pinellas County Florida, Amending Chapter 9 (Fire Prevention and Protection) of the Town Code to Remove Outdated, Preempted or Unenforceable Provisions and to Incorporate Current State and Federal Law Requirements; Making Related Findings; Providing for Codification, Severability, and an Effective Date.

Bruce McLaughlin, Town Planner: Explained the conflict between the fire code and Land Development regulations. Land Development regulation means ordinances enacted by governing bodies for the regulation of any aspect of development and includes and local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply. However, the term “development” means the carrying out of any building activity or mining operation, the making of any material changed in the use or appearance of any structure or land, to the dividing of land into three or more parcels. The Staff were authorized by the Mayor; to meet with the Madeira Beach and Seminole Fire Chiefs to discuss the substance of the Town’s Fire Code and whether the Town wishes to adopt any local amendments to the Florida Fire Prevention Code. Staff recommends the Planning Board find the ordinance consistent with the Town Comprehensive Plan.

Ken Lotterhos asked what is the definition of “sparklers”?

Bruce McLaughlin stated that fireworks leave the ground and sparklers do not leave the ground.

Ken Lotterhos asked that the definition of sparklers and gunpowder be included in the ordinance to provide greater clarity on what is being allowed and disallowed by the proposed ordinance. It was noted that some residents may make their own ammo. Furthermore, a bullet shell contains gunpowder. Also the list does not address other explosive types like plastic explosives? Does the ordinance allows storing of plastic explosives?

Bruce McLaughlin stated he will confer with the Town Attorney.

Peter Mattson asked what is meant by the term special exception to using fireworks?

Bruce McLaughlin stated approval from the Town Board is a special exception.

Public Comment

Craig Whited of 16363 Redington Drive, asked why are we making the new ordinance more restrictive? He disagrees with taking liberties away.

Steve Redman of 16496 Redington Drive, is in agreement with Mr. Whited and also requested a gunpowder definition. Steve also asked why is Ordinance 2020-10 more restrictive than state law regarding the use of fireworks?

Chris Newman of 16357 Redington Drive stated: Do not restrict civil liberties with respect to gunpowder. A bag of gunpowder is not an explosive device.

Ken Lotterhos commented we should not restrict rights presently conferred under the existing ordinance. This ordinance should be sent back for further consideration.

Peter Mattson asked the ordinance be tabled for future discussion and cross-referenced with Florida state law.

A motion by Ken Lotterhos and seconded by Ed Fernandez that ORDINANCE 2020-10 to be continued in these chambers to the next Planning Board meeting on February 9, 2021 was passed.

	Motion	Second	Aye	Nay	Absent
Chair David Christ			X		
Vice Chair Ken Lotterhos	X		X		
Member Ed Fernandez		X	X		
Member Lou Golda			X		
Member Peter Mattson			X		
Alternate Steven Miller					
Alternate Tim Thompson					

New Business

- A. Ordinance 2021-01, Land Development Regulation (Dock Code)**
Has been properly advertised as an **Advertised Public Hearing**.

Amendment: An Ordinance Of The Town Of Redington Beach, Pinellas County, Florida, Amending Town Code Section 5-57 To Modify The Requirement That The Entire Dock Facility Be Contained Within The Center 1/3 Of The Adjacent Property Along The Waterfront, And Making Related Changes; Providing For Severability; And Establishing An Effective Date.

Bruce McLaughlin, Town Planner: Read addenda 10a. Email from Building Official Bruce Cooper, that the Pinellas County building code is more restrictive than the current ordinance.

Bruce McLaughlin stated that the issue is whether the dock and facilities should be contained in the center third of the lot or should the dock originate in the center third of the lot and the dock facilities, such as boat lifts, be outside the center third. The pre 20019 ordinance required the dock to originate from the center third of the lot. The 2019 ordinance required the entire dock and facilities to be in the center one third of the lot. Other cities on the beach have very similar dock codes. Bruce McLaughlin states that neighbor waiver is problematic because a legitimate dock could be declined because of a neighbor's disagreement over something else. Also we are delegating the ordinance to a non-legal body. Waiver by staff will most likely be declined because the Staff is not qualified to make that decision. The Board of Adjustment can grant a variance for the center third requirement only on new docks. The Board of Adjustment did grant a variance on a dock longer than 30 feet because of shallow water. The Planning Board does have other options such as allow the boat lift, tie poles, and cat walks outside the center third but not to the 7.5 foot offset line. Bruce McLaughlin stated Ordinance 2021-01 is not consistent with the Comprehensive Plan.

Ken Lotterhos stated he does not live on the waterfront but knows we have strong opinions on both sides and we need to reach a compromise. Ken stated that the neighbor waiver process could be legal if the governing body retains ultimate decision authority, which is the case for the language used in the Redington Shores, Madeira Beach, and St. Pete Beach ordinances. The waiver language in these ordinances use the term "may" meaning the waiver is a consideration and not the final determination. Finally, residents should have a right to reasonable development of their own property.

Bruce McLaughlin stated that the docks are over sovereign submerged land in the water.

Ken Lotterhos responded that the Town has already given people rights to develop over that land.

David Christ asked about 12 foot set back instead of 7.5 feet. Is that consistent with the Comprehensive Plan?

Bruce McLaughlin answered that 12 feet is more compliant than 7.5 feet.

Lou Golda commented if a property has 60 feet of waterfront, that a 12 foot offset allowed 36 feet for dock and facilities and 10 foot offset allowed 40 feet for dock and facilities.

Public Comment

Steve Redman, 16496 Redington Drive. An expansive reading of the Comprehensive Plan will take us back to being all nature. Make the dock and facilities fit within the 7.5 foot offset like the old ordinance. No one complained about the 7.5 foot offset. We are just limiting new people from doing what others have already done.

Ed Fernandez said 7.5 feet was chosen because it is consistent with the current lot offset line.

Craig Whited, 16363 Redington Drive stated a 12 foot lift does not work because the poles outside the lift need more space. Only the dock should be in the middle third with the 7.5 foot offset limit for the lifts.

Chris Newman 16357 Redington Drive stated we should go back to the old ordinance. The Town Planner is making things more restrictive.

Ken Lotterhos asked if there were any residents present "Who wants to argue the other side?"

David Christ asked how to make the ordinance consistent with the Comprehensive Plan? And, if not, consistent what are the issues with not being consistent?

Bruce McLaughlin answered you can make a finding that the ordinance is consistent with the Comprehensive Plan at 7.5 feet, or 10 feet, or 12 feet.

Ken Lotterhos argued that the Planning Board needs to understand what are the legal steps, what is the standard in finding an ordinance consistent with the Comprehensive Plan?

Steve Redman stated that this is not about the Comprehensive Plan but the current 2018 ordinance has a typo.

Steve Miller read the history of the 2018 ordinance and recommended it for approval to the Town Board.

Richard Cariello of 16001 2nd Street E stated he wanted to be on record that only one word needs to be changed in the existing ordinance.

A motion by Ken Lotterhos and seconded by Ed Fernandez that the Redington Beach Planning Board find ORDINANCE 2021-01 to be consistent Town Comprehensive Plan and recommend that the Town Board adopt the ordinance was approved.

	Motion	Second	Aye	Nay	Absent
Chair David Christ			X		
Vice Chair Ken Lotterhos	X		X		
Member Ed Fernandez		X	X		
Member Lou Golda			X		
Member Peter Mattson			X		
Alternate Steven Miller					
Alternate Tim Thompson					

Other Business

Ken Lotterhos requested the Planning Board receive guidance from Town Attorney concerning the standard for finding an ordinance consistent with the Comprehensive Plan.

Ken Lotterhos also requested new ordinances get more prominent space on the Town website.

Adjournment

Meeting was adjourned at 8:30 PM by Chair.

Next Planning Board meeting: February 9, 2021

Adriana Nieves, CMC
Deputy Town Clerk