

APPROVED



TOWN OF REDINGTON BEACH, FLORIDA  
PLANNING BOARD MINUTES

Tuesday March 30, 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 March 30, 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 7:00 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 Mayor David Will; Lynn Barnett PE, LTA Engineering; and Adriana Nieves, Deputy Town Clerk.

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**Approval of Agenda of March 30, 2021**

The Agenda was approved by the Planning Board with changes to retitle 9B to read Resolution 2020-13 and move 9C to beginning of New Business because of more discussion.

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

**Approval of Past Meeting Minutes of Jan 19, 2021**

Town Planner Bruce McLaughlin stated the Minutes should not show votes from the Alternates unless an Alternate was replacing a Board Member. The dock ordinance should clarify in the history that the pre 20019 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. What was approved in the current ordinance is the dock is to be in the center third and the dock facilities be within the lot offset lines. The minutes did not clearly reflect the history.

Member Ken Lotterhos requested that revisions to ordinances by the Planning Board be reflected in the version brought to the Board of Commissioners.

The Past Minutes 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      | X   |     |        |

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|                         |  |  |   |  |   |
|-------------------------|--|--|---|--|---|
| Member Lou Golda        |  |  | X |  |   |
| Member Peter Mattson    |  |  |   |  | X |
| Alternate Steven Miller |  |  |   |  |   |
| Alternate Tim Thompson  |  |  | X |  |   |

### **Public Forum for Non-Agenda Items**

No comments from the public.

### **Review of Town Attorney Memo Regarding Definition of Comprehensive Plan Consistency.**

The memo speaks for its self.

Town Planner Bruce McLaughlin read from the case MACHADO vs MUSGROVE attachment the following on page 3:

The word “consistent” implies the idea or existence of some type or for of model, standard, guideline, point, mark or measure as a norm and a comparison of items or actions against that norm. Consistency is the fundamental relation between the norm and the compared item.

The role of the Comprehensive Plan is a governing or controlling document when in conflict with a land developing regulation. Development orders include building permits, site development permits, and land development regulations and those type of things. The PineCrest Lake ruling shows two things. (1) Shows enhance standing on the public to enforce the Comprehensive Plan when a develop order or development regulation is inconsistent with the Comprehensive Plan and (2) Establish the standard of review to be strict scrutiny or noble review meaning no deference to local government.

Member Ken Lotterhos stated an additional requirement that the specific order that an ordinance is consistent with and Comprehensive Plan and the grounds in which the ordinance is reviewable by the Planning Board should be clearly stated.

Alternate Steve Miller is concerned that the Town Planner used the Comprehensive Plan to state that the dock ordinance and the ISR ordinance are not consistent with our Comprehensive Plan and the Town is now liable for a lawsuit that may remove every dock in the Town. If an ordinance we want to pass is not consistent with the Comprehensive Plan then the Planning Board needs to consider revisions to the Comprehensive Plan.

Member Ken Lotterhos said we must be careful about finding consistency with Comprehensive Plan because we can set a predicate for a case trail. If a topic is discussed and found inconsistent then “Why is the ordinance inconsistent?” The Planning Board should table an ordinance if Town Planner finds it is inconsistent with Comprehensive Plan and consider revisions to Comprehensive Plan.

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Public Comment from Steve Redman, 16496 Redington Drive. The Comprehensive Plan wants zero development and we need amendments to Comprehensive Plan that is less restrictive. Member Ken Lotterhos that if Town Planner finds an ordinance not consistent, the Planning Board must explore WHY! We must make due diligence to determine if an ordinance is consistent or not consistent with the Comprehensive Plan.

Alternate Steve Miller requested that the Town Planner look for ways for an ordinance to be consistent with the Comprehensive Plan or not bring the ordinance to the Planning Board or look for ways to change the Comprehensive Plan.

Member Ken Lotterhos said we should table that inconsistent ordinance and consider how to change the Comprehensive Plan.

Public Comment from Steve Redman, 16496 Redington Drive. The Comprehensive Plan is not consistent with itself. The Comprehensive Plan wants zero development and also allows development to live on the lot. We need amendments to Comprehensive Plan that is less restrictive.

Member Ken Lotterhos that if Town Planner finds an ordinance not consistent, the Planning Board must explore why the ordinance is inconsistent. We must make due diligence to list the specific reasons that determine if an ordinance is consistent or not consistent with the Comprehensive Plan.

Member Ken Lotterhos said the Town Planner tries to take the neutral position with regard to consistency and let the Planning Board make the finding of consistent or not consistent.

Public Comment from Steve Redman, 16496 Redington Drive. Town Planner needs to write in such a way as to list impact instead of stating consistent or not consistent.

Member Ken Lotterhos: The Town Planner should give the Planning Board the framework to find an ordinance consistent or inconsistent. The Town Planner should not make the determination. Also that the Building Inspector should attend Planning Board Meetings so the Board will understand how an ordinance will be interpreted by the Building Department. The Planning Board should bring this request to the Board of Commissioners.

Alternate Steve Miller: I think someone from this Board should make a presentation to the Board of Commissioners meeting concerning the Building Inspector.

Town Planner Bruce McLaughlin state a Planning Board member can only attend the Board of Commissioners meeting if they are the only Board member in attendance.

Member Ken Lotterhos disagreed and requested the Town Attorney provide an interpretation about Planning Board members attending other meetings.

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Alternate Tim Thompson ask if the statement "One or More Elected or Appointed Officials May Be In Attendance" be added to the agenda for the Board of Commissioners meetings will resolve this issue?

Member Ken Lotterhos stated Planning Board members should be allowed to speak as residents.

Town Planner Bruce McLaughlin said we would ask the Town Attorney if Planning Board Members can attend and speak at Board of Commissioners meetings.

### **Unfinished Business**

#### **A. Ordinance 2020-01 Comprehensive Plan Amendment**

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

An Ordinance of The Town of Redington Beach, Pinellas County Florida, Amending the Town's 2008 Comprehensive Plan's Infrastructure Element to incorporate policies related to and adopting The Town's Ten Year Water Supply Facilities Work Plan, in accordance with the mandates set forth in Chapter 163, Florida Statutes, specifically Section 163.3177(6)(C)3, and based on updated data and analysis; Providing for Severability; And Establishing An Effective Date.

Bruce McLaughlin, Town Planner: Read Agenda Item 8a and commented that this ordinance is to be continued to the next Planning Board meeting. The State has been advised that the amended document will be submitted to the state by June 9, 2021.

#### **Public Comment**

No public comments.

A motion by Ken Lotterhos and seconded by Ed Fernandez that ORDINANCE 2020-01 to be continued in these chambers to next Planning Board meeting on April 27, 2021 at 7:00PM 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   |        |        | X   |     |        |

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**New Business**

**A. (Former Agenda Item 9C). Ordinance 2021-05,** An Ordinance of the Town of Redington Beach, Pinellas Count, Florida, Adopting the Annual Amendment to the Schedule of Capital Improvements in the Capital Improvements Element of the Town of Redington Beach Comprehensive Plan, Providing For Severability; And Establishing An Effective Date.

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

Bruce McLaughlin, Town Planner: Read addenda 9c and emphasized while a Schedule of Capital Improvements is statutorily required this Schedule was not performed between 2008 - 2018. The Town now has a Schedule of Capital Improvements. The Town went from placeholders to now containing actual numbers. The capital improvements for the Town are roads and stormwater drainage. The Capital Improvement Schedule is consistent with the Comprehensive Plan as stated in addenda 9c.

Lynn Barnett PE, LTA Engineering: Presented a high level plan of capital improvements for projection purposes to the roads and stormwater drainage. This is a guideline document and is a living, breathing document. This plan will enable the Town to obtain appropriations, grants, and properly fund the Town's infrastructure burdened by tourists. Significant amount of state dollars available for infrastructure improvements but need a Capital Improvement plan.

Member Ken Lotterhos stated he thought the valves for drains should be installed first and the road mill and resurface be afterwards. This order will give the residents of the Town the greatest protection from the tides.

Alternate Tim Thompson asked why the plan did not include an optional design such as elevating the roads for king tides?

Member Ken Lotterhos stated he thought the valves for drains should be installed first and the road mill and resurface be afterwards. This order will give the residents of the Town the greatest protection from the tides.

Lynn Barnett PE, LTA Engineering: You need to have your Capital Improvements Schedule in place first. This plan is only a very high level plan and estimates to start the budget process that will take place over the next few months. The Finance committed will need to budget for actual projects that will have a detail design for raising tides.

Member David Christ: The Finance Committee is aware and knows that this time the roads need to be done right. With Lynn's help the Finance Committee will be able to put the plan together. I know because I have attended the meetings.

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Member Ken Lotterhos asked if money could be moved from one project to another?

Lynn Barnett PE, LTA Engineering: The State of Florida will provide some funding to help pay for capital improvement projects. The Town will need to show proof to the State five year rolling audits to demonstrate the funding improvements were correctly spent on appropriate capital improvement projects. Spending the funds correctly enable greater finances in the future. Not spending the funds for the specified projects will result in reduce funding.

### Public Comment

No comments from the public.

A motion by Tim Thompson and seconded by Ed Fernandez that the Redington Beach Planning Board find ORDINANCE 2021-05 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 |        |        |     |     | Abstain from voting |
| Member Ed Fernandez      |        | X      | X   |     |                     |
| Member Lou Golda         |        |        | X   |     |                     |
| Member Peter Mattson     |        |        |     |     | X                   |
| Alternate Steven Miller  |        |        |     |     |                     |
| Alternate Tim Thompson   | X      |        | X   |     |                     |

### A. (Former Agenda Item 9A), Elevation of seawalls Discussion: 5-56(c)(1)(g) current minimum elevation for seawall fronting Boca Ciega Bay is 4.12 feet NAVD.

Bruce McLaughlin, Town Planner: Read addenda 9a. This is not an advertised public hearing. If any change to the seawalls are proposed then this will come back to the Planning Board as an advertised public hearing. All elevations for this discussion will be the North America Vertical Datum (NAVD) established at Rimouski, Quebec, Canada. The seawall height of 4.12 NAVE has been code since 1980 and maybe as early as 1972. Bruce McLaughlin reviewed other seawall projects in the Town and 85% were completed at specified height. Bruce McLaughlin also reviewed other coastal towns seawall heights.

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Raising the seawall height is friendly to the Comprehensive Plan and the lowering of the seawall height is not favorable to the Comprehensive Plan.

Lynn Barnett PE, LTA Engineering: Presented that raising of seawalls will improve the Town's resiliency to flooding demonstrating to CRS the Town has higher standards. By lowering the seawall height the Town risks a lower CRS rating and higher flood insurance. Unofficially the goal of flood insurance is to defund the barrier island insurance discount. Hence the CRS manual is changing to be more difficult for coastal towns to obtain a good CRS rating.

Alternate Steve Miller stated raising the seawall to 5.0 NAVD may put someone in a bathtub situation where the land is lower than 5.0 and water will not be able to drain back to the bay.

Member Ed Fernandez stated his seawall is 3.55 NAVD if his neighbors went to 5.0 he would have a funnel.

Alternate Steve Miller said we need more information to see if 5.0 NAVD will help prevent flooding in the house. Unless everyone went to 5 we would have no protection.

Member Ed Fernandez asked what about runoff from the higher elevation to the lower elevated lots.

Public Comment from Steve Redman, 16496 Redington Drive. Approximately 60% of the one story houses are under 5 feet elevation. We need to have a seawall not negative to the house. Need to table this until the WaStop valves are installed. ETA storm waters were from the street and not the bay.

A motion by Ken Lotterhos and seconded by Lou Golda that Elevation of SeaWalls Discussion be tabled pending on how the drainage projects work out and for future study was approved.

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

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[illegible]

**C. (Former Agenda Item 9B). Resolution 2020-13, Increase of Stormwater Utility Fee** which will Establish Stormwater Utility Fees pursuant to Section 403.0893, Florida Statutes and to Chapter 18.5 of the Town Code.

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

**A Resolution of the Town Commission of the Town of Redington Beach, Pinellas County, Florida, setting the Stormwater Utility Management Fee pursuant to Town Code Chapter 18.5, Article II, making related finding; providing for Severability and establishing an Effective Date.**

Bruce McLaughlin, Town Planner: Read addenda 9b. Bruce McLaughlin stated this Resolution is consistent with the Comprehensive Plan as stated in addenda 9b. The current Stormwater Utility Fee was established in 2006 at \$7.50 per month. Now by rewrite of Chapter 18.5, the Stormwater Utility Fee can be changed by Resolution.

Lynn Barnett PE, LTA Engineering: This report is high level. The Town has 38 outfall pipes for stormwater drainage. All of these pipes need WaStop valves and many pipes need to be cleaned or slip-lined or replaced as normal maintenance. The Town also needs to improve swale drainage system. The estimated total cost is \$1.8 million and at current revenue this project will take 26 years. The goal is to complete the stormwater drainage projects in 15 years. By increasing funding to \$15 per month the estimated completion is 13 years. The increased funding is also a stronger base to obtain matching grants.

Member Ken Lotterhos stated we should only fund for one year and review the success of the initial project. We need to do this in small steps.

Member Ed Fernandez said it is only within the realm of the Planning Board to show the Resolution is consistent with the Comprehensive Plan.

Alternate Tim Thompson stated the IE Goal Number 2 which reads as follows: "To endeavor to provide an efficient drainage system which protects human life, minimizes property damage, and improves stormwater quality and on-site retention." makes this Resolution consistent with the Comprehensive Plan.

Member Ken Lotterhos agreed IE Goal Number 2 makes the Resolution consistent and not tied to perpetuity.

## Public Comment

No comments from the public.

Member Ed Fernandez made a motion to approve.

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Member Ken Lotterhos modified the motion to adopt but not in perpetuity but funding is tied to the success of projects.

A motion by Ken Lotterhos and seconded by Lou Golda that the Redington Beach Planning Board find Resolution 2020-13 to be consistent Town Comprehensive Plan and recommend that the Town Board adopt the ordinance not in perpetuity but funding is tied to the success of projects was approved.

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

### **Other Business**

None

### **Adjournment**

Meeting was adjourned at 8:39PM by Chair.

Next Planning Board meeting: April 27, 2021 at 7:00PM in these chambers.



Adriana Nieves, CMC  
Deputy Town Clerk

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