



**TOWN OF REDINGTON BEACH
BOARD REGULAR MEETING AGENDA
Wednesday, October 6, 2021
6:30 P.M.**

Town Hall

Assembly Hall

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. PUBLIC FORUM: Non-Agenda Items Only NOTE:** A three-minute time limit applies to all comments from the public on non-agenda items only. If a person wishes to address the Board of Commissioners, please fill out a "Speakers Card" and give it to the Town Clerk prior to the start of the meeting.
- 6. REPORTS**

Public Safety	Commissioner Kornijtschuk
Building/Code	Commissioner Skjoldager
Public Works/Parks	Commissioner Cariello
Finance	Vice Mayor Dorgan
Mayor	
Town Clerk	
Attorney Eschenfelder	
Boards & Committees	
Library Report	
- 7. CONSENT AGENDA**
 - A. Final Budget Hearing Minutes, September 13, 2021**
 - B. Board Regular Meeting Minutes, September 15, 2021**
 - C. Bill List for Day Ending September 29, 2021**
- 8. UNFINISHED BUSINESS**
 - A. Final Reading: Ordinance 2021-07: An Ordinance of the Town of Redington Beach, Florida, Amending Chapter 6 (Buildings and Building Regulations), Section 6-65 and Amending Article VII, (Mechanical Code), Including Sections 6-208 and 6-209 of the Town Code to Reconcile said Sections and to Remove Conflicting Provisions, to Reflect the Town's Actual Experience with the Construction of the Regulated mechanical Fixtures, to Make Related Changes; and to**



Remove Outdated, or Unenforceable Provisions; making Related Findings; Providing for Severability, and Establishing an Effective Date.

9. NEW BUSINESS

A. Interlocal Agreement for Annual Regulatory Program and Surveillance Fee

10. OTHER BUSINESS

11. ADJOURNMENT

Note: The Town of Redington Beach Board of Commissioners meet the First and Third Wednesday of each month beginning at 6:30 p.m.

The Town of Redington Beach Board of Commissioners may take action on any matter during this meeting, including items that are not set forth within this agenda.

Minutes of the Board of Commissioners meeting may be obtained from the Town Clerk's office. The meetings may be recorded. The Minutes are not transcribed verbatim. It is the policy of the Board of Commissioners to make "action minutes" of all meetings.

Persons requiring a verbatim transcript of any Town meeting (for purposes of appeal or otherwise) should make arrangements to have a certified Court Reporter, at their own cost and expense, present at the meeting.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. (F.S 286.0105) **Notice Regarding Special Accommodations: (F.S. 286.26)**



TOWN OF REDINGTON BEACH, FLORIDA
BOARD REGULAR MEETING MINUTES
Monday, September 13, 2021
5:01 p.m.

Having been duly advertised as required by law, the **Final Budget Meeting** of the Board of Commissioners of the Town of Redington Beach, Florida, was held on **Monday, September 13, 2021, at 5:01 p.m.**, in Redington Beach town Hall at 105 164th Avenue, Redington Beach Florida.

Mayor Will called the **Budget Meeting** to order and led the **Pledge of Allegiance**.

Roll Call

	Present	Absent
Commissioner Cariello	X	
Commissioner Kornijtschuk	X	
Commissioner Skjoldager	X	
Vice Mayor Dorgan	X	
Mayor Will	X	
Town Attorney Eschenfelder	X	
Town Clerk Clarke	X	

Also present was finance chairman, James Hoffman.

Agenda: Motion made by Commissioner Kornijtschuk and seconded by Commissioner Cariello to approve the agenda. Agenda approved with all ayes.

NEW BUSINESS

- A. Resolution 2021-08: A Resolution of the Board of Commissioners of the Town of Redington Beach, Florida, adopting the final levy of Ad Valorem Taxes for Pinellas County for Fiscal Year 2021-2022; and providing for an effective date.**

Attorney Eschenfelder read the resolution by title only. No public comments or board discussion. **Motion was made by Commissioner Kornijtschuk and seconded by Commissioner Cariello to adopt Resolution 2021-08 setting the final levy of Ad Valorem taxes with a mill rate of 1.8149. No public comment. Roll call vote was taken and motion passed with all ayes.**

	Motion	Second	Aye	Nay	Absent
Commissioner Cariello		X	X		
Commissioner Kornijtschuk	X		X		
Commissioner Skjoldager			X		
Vice Mayor Dorgan			X		
Mayor Will			X		

B. Resolution 2021-09: A Resolution of the Board of Commissioners of the Town of Redington Beach, Florida, adopting the Final Budgets for General Operating, Capital, and Stormwater Funds for Fiscal Year 2021-2022; and providing for an effective date.

Attorney Eschenfelder read Resolution 2021-09 by title only. No public comments. **Motion made by Commissioner Kornijtschuk and seconded by Commissioner Cariello to adopt Resolution 2021-09 with Schedule A (Published Budget Summary and Budget Worksheet). No public comment. Roll call vote was taken and motion passed with all ayes.**

	Motion	Second	Aye	Nay	Absent
Commissioner Cariello		X	X		
Commissioner Kornijtschuk	X		X		
Commissioner Skjoldager			X		
Vice Mayor Dorgan			X		
Mayor Will			X		

OTHER BUSINESS

Attorney Eschenfelder provided the commission an update on the Buending case. With no further business, motion made by Commissioner Kornijtschuk and seconded by Commissioner Cariello to adjourn. Regular session was adjourned at 5:04 p.m.

Adopted:

Missy Clarke, CMC Town Clerk



TOWN OF REDINGTON BEACH, FLORIDA
BOARD REGULAR MEETING MINUTES
Wednesday, September 15, 2021
6:30 p.m.

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 **Wednesday, September 15, 2021, 6:30 p.m.**, in Redington Beach Town Hall at 105 164th Avenue, Redington Beach Florida.

Mayor Will called the **Regular Meeting** to order and led the pledge of allegiance.

Roll Call

	Present	Absent
Commissioner Cariello	X	
Commissioner Kornijtschuk	X	
Commissioner Skjoldager	X	
Vice Mayor Dorgan	X	
Mayor Will	X	
Town Attorney Eschenfelder	X	
Town Clerk Clarke	X	

Approval of Agenda: A motion by Commissioner Kornijtschuk and seconded by Commissioner Cariello to approve the agenda as presented. Motion passed with all ayes.

Public Forum: James Hoffman, 15910 Redington Drive, requested that the town add the rules for trash pick up on the town's website, so the residents are aware what is allowed.

Reports:

Public Safety

- The Madeira Beach Fire Department and Paramedics have been secured for Safety Day. Banners will be made and paid for by Duke Energy to advertise the event and an email blast will be sent out and it will be posted on the town's website.

Building/Code

- Nothing to Report

Public Works/Parks

- Seminole Septic has been working on the cleaning of the storm drains and it is progressing nicely. Tiffany Teracciano was introduced as the new chair for the park board. Fran Masucci was also introduced as the new member of the park board. The electrical has been completed at

Friendship Park and the holiday contract for the Christmas Lights has been signed for another five years.

Finance

- Nothing to Report.

Mayor

- Thanked the Madeira Beach Fire Department for the nice tribute at the 911 Ceremony.

Town Clerk

- Nothing to Report

Town Attorney

- Nothing to Report

Boards and Committees

- Nothing to Report.

Library Board

- Nothing to Report

CONSENT AGENDA

- A. Board Workshop Meeting Minutes, September 1, 2021**
- B. Board Regular Meeting Minutes, September 1, 2021**
- C. Board Budget Hearing Meeting Minutes, September 7, 2021**
- D. Bill list ending for Day Ending September 10, 2021.**

A motion by Vice Mayor Dorgan and seconded by Commissioner Kornijtschuk to approve the consent agenda as presented. No public comment. Motion passed with all ayes.

UNFINISHED BUSINESS

- A. Resolution 2021-10: A Resolution of the Board of Commissioners of the Town of Redington Beach, Florida, entering into an Agreement with Team Engineering, LLC to Provide NPDES Services and the Completion of the NPDES Annual Report for Cycle Four, Year Four, and Providing for an Effective Date.** Attorney Eschenfelder read the resolution by title only. A motion by Commissioner Kornijtschuk and seconded by Commissioner Cariello to accept Resolution 2021-10. No discussion, no public comment. Motion passed with all ayes by roll call vote. Sue Woodbery was in the audience and Mayor Will introduced her to the commission.

	Motion	Second	Aye	Nay	Absent
Commissioner Cariello		X	X		
Commissioner Kornijtschuk	X		X		
Commissioner Skjoldager			X		
Vice Mayor Dorgan			X		
Mayor Will			X		

Other Business

With no further business, a motion was made by Commissioner Kornijtschuk and seconded by Commissioner Cariello to adjourn. Regular meeting was adjourned at 6:39 p.m.

Adopted: , 2021

Missy Clarke, CMC, Town Clerk

INVOICE APPROVAL LIST BY FUND REPORT

Date: 10/01/2021

Time: 11:41 am

Page: 1

Town of Redington Beach

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Fund: 101 General Fund							
Dept: 512 Town Clerk							
101-512-512.410 Telephone	BRIGHT HOUSE NETWORKS	056775401090921	9/8-10/7/21	0	09/09/2021	09/09/2021	199.96
							199.96
101-512-512.411 Internet Services	BRIGHT HOUSE NETWORKS	056775401090921	9/8-10/7/21	0	09/09/2021	09/09/2021	142.97
							142.97
101-512-512.420 Postage	CHASE CARD SERVICES	2021-09-16	Postage	0	09/16/2021	09/16/2021	50.00
							50.00
101-512-512.421 Stamps.com	CHASE CARD SERVICES	2021-09-30	Stamps.com	0	09/30/2021	09/30/2021	17.99
							17.99
101-512-512.440 Utilities- Water/EI	DUKE ENERGY	73928-48713	2021-09-28 8/26-9/28/21	0	09/28/2021	09/28/2021	750.44
							750.44
101-512-512.480 Promotion/Public	CHASE CARD SERVICES	w01005773621278	LEAVENGOOD sympathy flower	0	09/15/2021	09/15/2021	101.63
	CHASE CARD SERVICES	w01005773711450	POOLE sympathy flowers	0	09/16/2021	09/16/2021	104.84
							206.47
101-512-512.490 Advertising	TIMES PUBLISHING COMPAI	181081	FY 21-22 Budget ad	0	09/08/2021	09/08/2021	436.40
	TIMES PUBLISHING COMPAI	183324	Ord. 2021-07	0	09/22/2021	09/22/2021	70.00
							506.40
101-512-512.510 Office Supplies	CHASE CARD SERVICES	113-7826499-1713835	Battery back up	0	08/11/2021	08/11/2021	69.54
	CHASE CARD SERVICES	112-1244788-5251433	Office chair	0	09/10/2021	09/10/2021	113.64
							183.18
101-512-512.515 Office Copier/Lea	KONICA MINOLTA BUSINESS	275229057	8/1/21-8/31/21	0	08/31/2021	08/31/2021	121.19
							121.19
101-512-512.520 Office Copier/Us	KONICA MINOLTA BUSINESS	275229057	8/1/21-8/31/21	0	08/31/2021	08/31/2021	37.70
							37.70
Total Dept. Town Clerk:							2,216.30
Dept: 513 Finance & Admin							
101-513-513.495 Janitorial Service	HIP CLEANING SERVICE	102	August 2021 Office Cleaning	0	09/12/2021	09/12/2021	180.00
	HIP CLEANING SERVICE	2021-09-30	September office cleaning	0	09/30/2021	09/30/2021	180.00
							360.00
Total Dept. Finance & Admin:							360.00
Dept: 539 Department of Public V							
101-539-539.440 P/W Utilities	DUKE ENERGY	31525-72269	2021-09-30 8/9-9/9/21	0	09/09/2021	09/09/2021	100.32
							100.32
Total Dept. Department of Public Works:							100.32
Dept: 541 Roads & Streets							
101-541-541.467 Maint - Street Lig	DUKE ENERGY	73928-48713	2021-09-28 8/26-9/28/21	0	09/28/2021	09/28/2021	3,584.96

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Date: 10/01/2021

Time: 11:41 am

Page: 2

Town of Redington Beach

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
							3,584.96
Total Dept. Roads & Streets:							3,584.96
Dept: 571 Libraries							
101-571-571.000	Libraries						
	GULF BEACHES PUBLIC LIB	2021-09-24	FY 21-22 Q1	0	09/24/2021	09/24/2021	6,478.00
							6,478.00
Total Dept. Libraries:							6,478.00
Dept: 572 Parks and Recreation							
101-572-572.430	Utilities						
	DUKE ENERGY	54246-18249	2021-09-30 8/9-9/9/21	0	09/09/2021	09/09/2021	31.44
	DUKE ENERGY	60814-47178	2021-09-23 8/23-9/23/21	0	09/23/2021	09/23/2021	17.12
	DUKE ENERGY	73928-48713	2021-09-28 8/26-9/28/21	0	09/28/2021	09/28/2021	45.84
							94.40
101-572-572.460	Maint - Automotiv						
	CHASE CARD SERVICES	113-6238716-9870603	Dump truck sideview mirror	0	09/27/2021	09/27/2021	46.23
							46.23
101-572-572.462	Maintenance - Gr						
	BEACH HARDWARE	211-2021	Hose, broom, oil	0	09/09/2021	09/09/2021	120.72
	PINELLAS CENTRAL ACE	13837	parts for trimmer	0	08/17/2021	08/17/2021	8.88
							129.60
101-572-572.520	Uniforms						
	CHRISTIAN WITTMAN	20620	Reimburse work shoes	0	09/24/2021	09/24/2021	58.84
							58.84
101-572-572.521	Twin Towers Ope						
	FLORIDA MONUMENT	210906	Brick - Blake Stanley	0	09/10/2021	09/10/2021	30.00
							30.00
101-572-572.522	Gasoline & Oil						
	BEACH HARDWARE	211-2021	Hose, broom, oil	0	09/09/2021	09/09/2021	15.16
	WEX BANK	667386	Unleaded	0	09/21/2021	09/21/2021	86.25
	WEX BANK	668830	Unleaded	0	09/22/2021	09/22/2021	46.74
							148.15
101-572-572.527	Tools & Equipme						
	BEACH HARDWARE	211-2021	Hose, broom, oil	0	09/09/2021	09/09/2021	67.76
							67.76
Total Dept. Parks and Recreation:							574.98
Total Fund General Fund:							13,314.56
Fund: 300 Capital Accounts							
Dept: 539 Department of Public V							
300-539-539.630	Infrastructure						
	KARI KENNEDY	2021-09-22	Gulf Blvd undergrounding	0	09/22/2021	09/22/2021	7,600.00
							7,600.00
Total Dept. Department of Public Works:							7,600.00
Total Fund Capital Accounts:							7,600.00

Fund: 400 Storm Water

Dept: 535 Storm Water

400-535-535.800 Storm Drain Repl

INVOICE APPROVAL LIST BY FUND REPORT

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Page: 3

Town of Redington Beach

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
	WINDRIVER ENVIRONMENT,	5136653	Miscellaneous	0	09/03/2021	09/03/2021	75.00
	WINDRIVER ENVIRONMENT,	5147764	9/13/21 Vac truck	0	09/14/2021	09/14/2021	4,275.00
	WINDRIVER ENVIRONMENT,	5149094	9/14/21 vac truck	0	09/15/2021	09/15/2021	3,487.50
	WINDRIVER ENVIRONMENT,	5160294	9/22/21 vac truck	0	09/23/2021	09/23/2021	4,450.00
							12,287.50
							Total Dept. Storm Water: 12,287.50
							Total Fund Storm Water: 12,287.50
							Grand Total: 33,202.06

9/23/2021

10026 PAYROLL	197.05
10027 PAYROLL	277.05
10028 PAYROLL	277.05
10029 PAYROLL	277.05
10030 PAYROLL	461.75
10031 PAYROLL	2,324.28
10032 PAYROLL	1,414.90
10033 PAYROLL	1,336.03
10034 PAYROLL	1,042.41
EFT Payroll liabilities	3,610.02
EFT Retirement	1,603.58

12,821.17

MAYOR WILL

COMMISSIONER KORNIJTSCHUK

COMMISSIONER SKJOLDAGER

VICE MAYOR DORGAN

ATTEST:

COMMISSIONER CARIELLO

Missy Clarke, CMC, Town Clerk

Regular Meeting of October 6, 2021

ORDINANCE NO. 2021-07

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA, AMENDING CHAPTER 6 (BUILDINGS AND BUILDING REGULATIONS), SECTION 6-65, AND AMENDING ARTICLE VII, (MECHANICAL CODE), INCLUDING SECTIONS 6-208 AND 6-209, OF THE TOWN CODE TO RECONCILE SAID SECTIONS AND TO REMOVE CONFLICTING PROVISIONS, TO REFLECT THE TOWN'S ACTUAL EXPERIENCE WITH THE CONSTRUCTION OF THE REGULATED MECHANICAL FIXTURES, TO MAKE RELATED CHANGES; AND TO REMOVE OUTDATED, OR UNENFORCEABLE PROVISIONS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 6 of the Town Code addresses building and building regulations for the Town; and

WHEREAS, § 6-65 and § 6-208 were last revised in 2008, and § 6-209 was last revised in 2011, and a variety of the provisions in these sections have become outdated by changes or advances in technology and community needs; and

WHEREAS, the Town Commission desires to revise § 6-65, § 6-208, and § 6-209 dealing with the installation of power generators, air conditioning systems, sheds, and similar permanent installations so as to make those provisions less administratively burdensome for homeowners and to eliminate duplicative or outdated provisions, while still ensuring the impact of such installations on neighboring properties are minimized; and

WHEREAS, the Town Commission has determined that it is in the best interest of the Town and its residents to adopt this ordinance.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Beach, Florida, that:

Section 1. Section 6-65 of the Town Code of the Town of Redington Beach is hereby amended to read as follows:

Sec. 6-65. – Permanent installations in building setback areas prohibited.

(a) *Utility sheds: permitting, construction, placement and usage.*

- (1) *Permitting:* A permit must be issued by the town's building official ~~Pinellas County Building Department, on behalf of the town,~~ in compliance with established procedures for ~~applying for and~~ issuance of building permits, prior to construction and/or placement of any utility shed on any property with the town.
- (2) *Construction:* All utility sheds permitted by this section shall comply with structural building regulations in effect at the time of permitting including, without limitation,

regulations pertaining to adequate corner tie-downs, and proper wind and water resistance. The wiring or plumbing of utility sheds for electrical, water, sewer, or gas prohibited.

A maximum of two utility sheds may be erected on any property. The combined square footage of the two sheds shall not exceed 14420 square feet (measured along the exterior interior of the walls). The maximum square footage of any single utility shed shall be 14480 square feet. The maximum height of any utility shed shall be eight feet. The maximum length of any one side of any utility shed shall be 15 feet. Utility sheds constructed in side yards shall be concealed from view from the street.

- (3) *Placement:* No utility shed of any type may be placed within the front yard of any property within the town. Utility sheds may be located in either side yards or rear yards; such utility sheds must meet a setback requirement of a minimum of two and one-half feet from the property line. Utility sheds in rear yards of waterfront properties must meet the same setback requirements for those set forth in this Code for primary structures.
- (4) *Usage:* Utility sheds may only be used for the storage of personal property, and not for the operation of motorized equipment, or for habitation.
- (b) All permanent installations of any kind, located above grade, in building setback areas (front, side and rear) areis prohibited except for air conditioning condensing units, pool water pumping, filtering and heating equipment, water softeners, power generation systems and similar mechanical equipment, and fuel tanks required for same.
- (c) Permanent installations authorized by subsection (b) above which are located in the front, side and rear yard shall not extend beyond five feet from the exterior wall of the principal structure.
- (d) Permanent installations authorized by this chapter must be installed within established setbacks, and shall be located, shielded and landscaped in such a way as to minimize the visual impact on adjacent properties.
- (e) Unless expressly authorized by this chapter or general law, a permanent installation shall not be placed in a public easement or right-of-way.
- (f) Unless otherwise prohibited by law or town code, permanent installations installed at ground level must be installed and anchored on a foundation of concrete or other material approved by the building official.
- (g) If a permanent installation is installed such that it may be seen from a street or road, the installation shall be concealed using landscaping or decorative structures or materials including, but not limited to louvers, lattice and the like. Such materials must be visually compatible with the building so as to minimize the visual impact on adjacent properties. Screening walls or decorative structures around the equipment may exceed the allowable height limitations provided the height is the minimum required to screen from view the full height of the equipment and the projection into the required yard is the minimum encroachment necessary to satisfy any published manufacturer specifications.

Section 2. Section 6-208 of the Town Code of the Town of Redington Beach is hereby amended to read as follows:

Sec. 6-208. – Power generator systems.

In addition to the requirements for the installation of permanent installations set forth in § 6-65 of this chapter, The following provisions shall regulate the installation and use of power generation systems must comply with the following provisions:

- ~~(a) *Applicability:* This ordinance applies to all power generation systems for residential use. This does not apply to governmental or commercial uses. (Reference Florida Building Code, current version adopted, for applicability.)~~
- ~~(b) *Definitions:* For purposes of this section, the following terms shall have the meaning given in this subsection:~~
 - ~~(1) *Generator.* A device used to convert mechanical energy into electrical energy. The mechanical energy is typically produced by an internal combustion engine which requires an external fuel source.~~
 - ~~(2) *Permanent generator.* Also termed permanently installed generator. A generator fixed in place to a foundation or other immovable platform.~~
 - ~~(3) *Portable generator.* A movable generator.~~
 - ~~(4) *Trailer mounted generator.* A generator fixed to a vehicle towable trailer. Typically this is a generator, which if not trailer mounted, would be a permanently installed generator.~~
 - ~~(5) *Fuel.* A substance consumed by a process and converted into mechanical or thermal energy.~~
- ~~(ae) *Limitations:*~~
 - (1) Generators shall not exceed a noise level of 70 dB, when measured at a distance of 23 feet or seven meters, from the exterior surface of the generator. The designed decibel noise or sound level shown on the manufacturer's data sheet or specifications for the model in question may be accepted as the unit's noise level. If no measurement distance is stated, it may be assumed that the manufacturer measured the noise level at a distance of 23 feet or seven meters.
 - (2) Internal combustion-based generators must only use the fuel type specified by the generator's manufacturer. Only gasoline, propane or natural gas fuel may be used for internal combustion engine powered electrical generators. Testing and maintenance of such generators must occur not more than once per week, must not exceed 30 minutes, and must occur Monday through Friday (excluding holidays), between the hours of 10:00 a.m. and 5:00 p.m. The mayor shall have the authority to waive this requirement if the National Weather Service has issued a hurricane watch for the town.

~~(3) Generators requiring diesel fuel, or any other fuel, which, if spilled, would be considered so hazardous that an evacuation of the area would be required, or that chemical protective breathing masks and suits would have to be worn by a cleanup crew, are prohibited.~~

~~(4) Wind powered generators for permanent installation on land are prohibited.~~

~~(35) Internal combustion-based~~Fuel powered generators shall be used only during periods of power outages or for periodic testing and necessary maintenance operation.

~~(6) Fuel powered generators shall not be used to re-sell power.~~

~~(7) Fuel powered generators may be operated for routine testing and maintenance once per week, not to exceed 30 minutes, Monday through Friday only (excluding holidays), between the hours of 10:00 a.m. and 5:00 p.m.~~

~~(b)~~ *Location and installation of permanently installed generators:*

~~(1) Generators, including related wiring, fuel storage and fuel line components, must be installed and maintained according to the terms of the Florida Building Code require the installation of electrical power regulation equipment if connected to the main circuit of the building. Such equipment must be installed by a licensed electrician familiar with power generators in accordance with the electrical code currently adopted by the town.~~

~~(2) Generators may be installed at ground level on an appropriate foundation, such as concrete, unless otherwise prohibited.~~

~~(3) The generator shall be located in the side or rear yards within appropriate setbacks.~~

~~(4) Generators shall be placed so as to minimize the visual impact on adjacent properties with the use of appropriate sight screening.~~

~~(25) The generator's exhaust shall be, as much as practically feasible, vented upwards or directed away from neighboring properties.~~

~~(3) Should any part of the generator be installed above six feet from grade, said generator and any associated mounting brackets or hardware must be concealed using decorative structures or materials including, but not limited to louvers, lattice and the like, visually compatible with the principal structure so as to minimize the visual impact on adjacent properties. Screening walls or decorative structures around the generator may exceed the allowable height limitations provided the height is the minimum required to screen from view the full height of the equipment and the projection into the required yard is the minimum encroachment necessary to satisfy any published manufacturers' specifications.~~

~~(6) Generators and fuel tanks may not be located in any easement.~~

~~(e)~~ *Portable generators: additional requirements:*

~~(1) Trailer mounted generators are prohibited except during a power outage exceeding four days.~~

- ~~(2) Fuel not in containers attached to the generator must be stored at a safe distance as determined by the fire official or code enforcement officer. Fire extinguisher(s) suitable for the size of the generator and type of fuel shall be available, nearby the generator and in working order.~~
- ~~(3) Generators in operation must be located away from any door, window, or other opening to the house, garages included, so that the exhaust does not flow into the house.~~
- ~~(4) Generators and fuel when not in use must be stored in an enclosed location either in a garage or outside the living space of the house.~~

Section 3. Section 6-209 of the Town Code of the Town of Redington Beach is hereby amended to read as follows:

Sec. 6-209. – Air conditioning systems and condenser units.

In addition to the requirements for the installation of permanent installations set forth in § 6-65 of this chapter, The following provisions shall regulate the installation and use of exterior height and screening of air conditioning systems and condenser or heat pump units must comply with the following conditions:-

- ~~(a) *Applicability:* This section applies to all permanent installations, such as outdoor air conditioning systems and condenser units for residential or commercial use.~~
- ~~(b) *Definitions:* For purposes of this section, the following terms shall have the meaning given in this subsection:~~
 - ~~(1) *Air conditioning system:* An outdoor mechanical device or unit used to dehumidify, extract, heat and ventilate a residential structure. This shall not include window and through-wall air conditioning units, or portable air conditioning units.~~
 - ~~(2) *Condenser units:* An outdoor device or unit using cooling water or surrounding air as the coolant of a residential structure.~~
- ~~(c) *Limitations:*~~
 - ~~(1) All new and replacement air conditioners and condenser unit installations shall not exceed a noise level of 60 dB, when measured from the nearest property line or the nearest bedroom window of an adjacent property structure. The noise or sound level shown on the manufacturer's data sheet or specifications for the model in question may be accepted as the unit's noise level. If no measurement distance is stated, it may be assumed that the manufacturer measured the noise level at a distance of 23 feet or seven meters.~~
- (ad) Air conditioning heat pump and condensing units, including all electrical and plumbing components thereto, must be installed and secured according to the terms of the Florida Building Code.

- (b) Air conditioning heat pump and condensing units may be installed at ground level or above grade.
- (c) Should any part of the heat pump or condensing unit be installed above six feet from grade, said mechanical unit and any associated mounting brackets or hardware must be concealed using decorative structures or materials including, but not limited to louvers, lattice and the like, visually compatible with the principal structure so as to minimize the visual impact on adjacent properties. Screening walls or decorative structures around the equipment may exceed the allowable height limitations provided the height is the minimum required to screen from view the full height of the equipment and the projection into the required yard is the minimum encroachment necessary to satisfy any published manufacturers' specifications.

~~Location and installation of permanently installed air conditioner systems or condenser units:~~

- ~~(1) All new or replacement air conditioning systems or condenser units require the installation of electrical power regulation equipment if connected to the main circuit of the building. Such equipment must be installed by a licensed electrician in accordance with the electrical code currently adopted by the town.~~
- ~~(2) Air conditioning systems or condenser units may be installed at ground level or above grade. Should any part of the mechanical unit be installed above six feet from grade, said mechanical unit must be concealed using a decorative structure, or materials including, but not limited to louvers, lattice and the like, visually compatible with the building so as to minimize the visual impact on adjacent properties. Screening walls or decorative structures around the equipment may exceed the allowable height limitations provided the height is the minimum required to screen from view the full height of the equipment and the projection into the required yard is the minimum encroachment necessary per manufacturers' specifications.~~
- ~~(3) All new or replacement air conditioner systems or condenser units shall be located within appropriate setbacks. Said mechanical units may not be installed within four feet from the property line.~~

Section 4. For purposes of codification of any existing section of the Redington Beach

Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 5. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 6. The Codifier shall codify the substantive amendments to the Redington Beach Town Code contained in Sections 1 through 3 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 7. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 1st day of September, 2021, by the Board of Commissioners of the Town of Redington Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the 15th day of September, 2021, by the Board of Commissioners of the Town of Redington Beach, Florida.

Attest:

David Will, Mayor

Missy Clarke, CMC, Town Clerk

***PINELLAS COUNTY GOVERNMENT IS COMMITTED TO
PROGRESSIVE PUBLIC POLICY, SUPERIOR PUBLIC SERVICE,
COURTEOUS PUBLIC CONTACT, JUDICIOUS EXERCISE OF AUTHORITY AND
SOUND MANAGEMENT OF PUBLIC RESOURCES,
TO MEET THE NEEDS AND CONCERNS OF OUR CITIZENS
TODAY AND TOMORROW***



**INTERLOCAL AGREEMENT BETWEEN
PINELLAS COUNTY AND NPDES MS4 CO-PERMITTEES FOR
THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
ANNUAL REGULATORY PROGRAM AND SURVEILLANCE FEE**

**AGREEMENT PREPARED BY
DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENVIRONMENTAL MANAGEMENT**

SEPTEMBER 2021

**INTERLOCAL AGREEMENT BETWEEN
PINELLAS COUNTY AND NPDES MS4 CO-PERMITTEES FOR
THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
ANNUAL REGULATORY PROGRAM AND SURVEILLANCE FEE**

This INTERLOCAL AGREEMENT BETWEEN PINELLAS COUNTY AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) CO-PERMITTEES FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) ANNUAL REGULATORY PROGRAM AND SURVEILLANCE FEE (this "Agreement"), is made and entered into on this ____ day of _____ 2021, between (1) Pinellas County, a political subdivision of the State of Florida ("COUNTY"); and (2) the following municipalities in Pinellas County, Florida: Town of Belleair, City of Belleair Beach, City of Belleair Bluffs, City of Clearwater, City of Dunedin, Town of Kenneth City, City of Gulfport, City of Indian Rocks Beach, City of Largo, City of Madeira Beach, Town of North Redington Beach, City of Oldsmar, City of Pinellas Park, Town of Redington Beach, Town of Redington Shores, City of St. Pete Beach, City of Safety Harbor, City of Seminole, City of South Pasadena, City of Tarpon Springs, and City of Treasure Island, (although separate parties hereto collectively "CO-PERMITTEES"). COUNTY and CO-PERMITTEES may be collectively referred to herein as the "Parties."

WITNESSETH:

WHEREAS, COUNTY and CO-PERMITTEES are co-permittees of FDEP NPDES MS4 Permit #FLS000005, which is effective July 1, 2018 through June 30, 2023;

WHEREAS, COUNTY and CO-PERMITTEES are confident that MS4 Permit #FLS000005 will be extended, renewed, or re-issued; MS4 Permit #FLS000005, as may be extended, renewed, or re-issued, is hereafter referred to as the "Pinellas County MS4 Permit";

WHEREAS, F.S. § 403.087(7)(a) authorizes FDEP to impose annual fees for FDEP permits to cover FDEP's cost of surveillance and other field services (the "Annual Surveillance Fee");

WHEREAS, to that end, FDEP has adopted F.A.C. § 62-4.052(10)(a), which lists the Annual Surveillance Fee for each (Florida) Phase 1 MS4 Permit;

WHEREAS, the Annual Surveillance Fee for the Pinellas County MS4 Permit is \$30,299 (subject to amendment of F.A.C. § 62-4.052(10)(a) by FDEP);

WHEREAS, per F.A.C. § 62-4.052(10)(c), MS4 permit co-permittees may, via interlocal agreement, designate a single party to pay the full Annual Surveillance Fee;

WHEREAS, COUNTY is willing to pay the full Annual Surveillance Fee for the Pinellas County MS4 Permit and accept reimbursement for each CO-PERMITTEE'S respective share;

WHEREAS, CO-PERMITTEES are agreeable to COUNTY paying the full Annual Surveillance Fee and reimbursing COUNTY for their respective shares; and

WHEREAS, COUNTY and CO-PERMITTEES agree that cost-sharing the Annual Surveillance Fee based on jurisdictional population is fair and equitable.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Parties agree as follows:

SECTION 1. RECITALS

The recitals set forth in the “WHEREAS” clauses above are ratified, confirmed as true and correct, and incorporated into this Agreement.

SECTION 2. COUNTY REMITTANCE OF SURVEILLANCE FEE

COUNTY shall pay the full Pinellas County MS4 Permit Annual Surveillance Fee for Calendar Years 2021, 2022, 2023, 2024, and 2025. CO-PERMITTEES recognize that the current Annual Surveillance Fee amount of \$30,299.00 is set by F.A.C. § 62-4.052(10)(a) and subject to modification by FDEP. For reference, the Annual Surveillance Fee invoice for Calendar Year 2020 is attached hereto as Exhibit A.

SECTION 3. COST ALLOCATION

COUNTY and CO-PERMITTEES shall cost share the Annual Surveillance Fee based upon jurisdictional population retrieved from the Bureau of Economic and Business Research. COUNTY shall determine COUNTY and CO-PERMITTEE costs for each Calendar Year in February of that Calendar Year. By March 1 of each Calendar Year, COUNTY shall invoice each CO-PERMITTEE for its respective share of costs for that Calendar Year. Each invoice shall include a spreadsheet, in substantially the same form as Exhibit B attached hereto, listing the respective share of costs allocated to COUNTY and all CO-PERMITTEES. Each CO-PERMITTEE shall send full payment to COUNTY within forty-five (45) days of invoice receipt.

SECTION 4. AGREEMENT TERM

This Agreement shall take effect after COUNTY, pursuant to F.S. § 163.01(11), files a fully executed version of this Agreement with the Clerk of Circuit Court of Pinellas County. This Agreement shall remain in effect until all CO-PERMITTEES have fully paid their respective invoices for Calendar Year 2025.

SECTION 5. WITHDRAWAL FROM AGREEMENT

Any CO-PERMITTEE may withdraw from this Agreement by notifying COUNTY no later than September 1 of the prior Calendar Year. Notwithstanding any CO-PERMITTEE'S withdrawal, this Agreement shall remain in full force and effect as it pertains to the remaining CO-PERMITTEES and COUNTY. If a CO-PERMITTEE'S withdrawal prompts FDEP to provide written notice to COUNTY regarding FDEP'S intention to submit individual invoices for the Annual Surveillance Fee to COUNTY and the remaining CO-PERMITTEES for the remaining Calendar Years covered under this Agreement, COUNTY shall promptly forward such notice to all remaining CO-PERMITTEES, and this Agreement shall terminate upon the receipt of such notice by all remaining CO-PERMITTEES. Any CO-PERMITTEE that withdraws from this Agreement understands that it may receive a separate invoice from FDEP for its share of the Annual Surveillance Fee, which COUNTY and the remaining CO-PERMITTEES shall not be responsible for.

COUNTY may terminate this Agreement by notifying all CO-PERMITTEES no later than May 1 of the prior Calendar Year.

SECTION 6. NON-APPROPRIATION

Notwithstanding the deadlines set forth in SECTION 6. ("WITHDRAWAL") of this Agreement, COUNTY and CO-PERMITTEES understand that each Party's performance of this Agreement is contingent upon annual appropriation of funds by that Party's governing body for obligations hereunder. If a CO-PERMITTEE'S governing body eliminates or reduces appropriations for its obligations hereunder, that CO-PERMITTEE shall promptly notify COUNTY; upon receipt of such notice by COUNTY, that CO-PERMITTEE shall have withdrawn from this Agreement. If COUNTY's governing body eliminates or reduces appropriations for its obligations hereunder, COUNTY shall promptly notify all CO-PERMITTEES; upon receipt of such notice by all CO-PERMITTEES, this Agreement shall terminate.

SECTION 7. MS4 PERMIT REVOCATION OR EXPIRATION

If any CO-PERMITTEE is removed, either voluntarily or involuntarily, as a co-permittee of the Pinellas County MS4 Permit, that CO-PERMITTEE shall promptly notify COUNTY; upon receipt of such notice by COUNTY, that CO-PERMITTEE shall have withdrawn from this Agreement. If COUNTY is removed, either voluntarily or involuntarily, as a co-permittee of the Pinellas County MS4 Permit, COUNTY shall promptly notify all CO-PERMITTEES; upon receipt of such notice by all CO-PERMITTEES, this Agreement shall terminate. As of the effective date of this Agreement, the Pinellas County MS4 Permit expires on June 30, 2023. If the Pinellas County MS4 Permit is not extended, renewed, or re-issued by FDEP, this Agreement shall terminate on the date of Pinellas County MS4 Permit expiration.

SECTION 8. LIABILITY

Each Party shall be responsible for its own negligence under this Agreement. Nothing herein shall be construed as a waiver of sovereign immunity, or the provisions of F.S. § 768.28, by any Party. Nothing herein shall be construed as consent by any Party to be sued by third parties, including FDEP, for any matter arising from this Agreement.

SECTION 9. CHOICE OF LAW

This Agreement and the rights and obligations of the Parties shall be governed and construed according to the laws of the State of Florida. Any State litigation arising from this Agreement shall be filed in a court of competent jurisdiction in Pinellas County, Florida. Any Federal litigation arising from this Agreement shall be filed in the Middle District of Florida, Tampa Division.

SECTION 10. COMPLIANCE WITH LAWS

The Parties shall comply with all applicable Federal, State, and local laws, including but not limited to Florida laws regarding the retention and disclosure of public records.

SECTION 11. ENTIRE AGREEMENT AND MODIFICATION

This Agreement embodies the whole agreement of the Parties. There are no promises, terms, conditions, or allegations other than those contained herein, and this Agreement shall supersede all previous communications, representations, and agreements, whether written or verbal, between the Parties.

This Agreement may be amended or extended by mutual written agreement of the Parties at any time.

SECTION 12. SEVERABILITY

If any clause or portion of a clause in this Agreement is determined to be invalid by a court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect.

SECTION 13. NOTICE

All notices, invoices, payments, and other written communications between the Parties ("Notices") shall be sent by electronic mail, certified U.S. mail, or courier delivery service. Notices shall be considered effective when delivered as reflected by electronic mail read receipt, certified mail delivery receipt, or courier service delivery receipt.

Notices shall be delivered to each Party at the contact information provided below. Any CO-PERMITTEE may designate alternative contact information at any time, effective upon receipt of notice by COUNTY. COUNTY may designate alternative contact information at any time, effective upon receipt of notice by all CO-PERMITTEES.

Belleair Bluffs:

Public Works Supervisor
City Clerk
City of Belleair Bluffs
2747 Sunset Blvd.
Belleair Bluffs, FL 33770

Belleair:

Public Services Manager
Town of Belleair
901 Ponce De Leon Blvd.
Belleair, FL 33756-1096

Clearwater:

Lead Environmental Specialist
Engineering Department
City of Clearwater
P.O. Box 4748
Clearwater, FL 33758-4748

Belleair Beach:

City Manager
City of Belleair Beach
444 Causeway Boulevard,
Belleair Beach, Florida 33786

Gulfport:

Public Works Director
City of Gulfport
2401 53rd St. South
Gulfport, FL 33707

Dunedin:

Environmental Manager
City of Dunedin
1405 County Road 1
Dunedin, FL 34698

Kenneth City:

Town Manager
Town of Kenneth City
6000 54th Ave. N.
Kenneth City, FL 33709-1800

Indian Rocks Beach:

Public Services Director
City of Indian Rocks Beach
1507 Bay Palm Blvd.
Indian Rocks Beach, FL 33785-2899

Madeira Beach:

City Manager
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708-1996

Largo:

City Engineer
City of Largo
P.O. Box 296
Largo, FL 33779-0296

Oldsmar:

Public Works Director
City of Oldsmar
100 State Street West
Oldsmar, FL 34677-3756

North Redington Beach:

Town Clerk
Town of N. Redington Beach
190 173rd Avenue
North Redington Beach, FL 33708-1397

Redington Beach:

Town Clerk
Town of Redington Beach
105 164th Ave.
Redington Beach, FL 33708-1519

Pinellas Park:

Transport. & Stormwater Div. Director
City of Pinellas Park
6051 78th Ave. N.
Pinellas Park, FL 33781

Safety Harbor:

City Manager
City of Safety Harbor
750 Main St.
Safety Harbor, FL 34695

Redington Shores:

Deputy Town Clerk
Town of Redington Shores
17425 Gulf Blvd.
Redington Shores, FL 33708-1299

Seminole:

Public Works Director
City of Seminole
9199 113th Street North
Seminole, FL 33772

South Pasadena:

Public Works Director
City of South Pasadena
7047 Sunset Dr. S.
South Pasadena, FL 33707-2895

St. Pete Beach:

Public Works Director
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, 33706-1839

Tarpon Springs:

Streets and Stormwater Supervisor
City of Tarpon Springs
325 E. Pine Street
Tarpon Springs, FL 34689

Treasure Island:

Public Works Director
Treasure Island Public Works
152 108th Avenue
Treasure Island, FL 33706

Pinellas County:

NPDES Coordinator
Pinellas County Public Works
22211 US Hwy 19 N, Bldg 10
Clearwater, FL 33765

IN WITNESS WHEREOF, the Parties have caused this Agreement to be
executed on the day and year first above written.

PINELLAS COUNTY, FLORIDA, by and
through its Board of County Commissioners

By: _____
David Eggers, Chair

ATTEST:

Deputy Clerk

APPROVED AS TO FORM:

Brendan Mackesey, Assistant County Attorney