



**TOWN OF REDINGTON BEACH
BOARD REGULAR MEETING AGENDA
Wednesday, November 17, 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. Board Regular Meeting Minutes, November 3, 2021
 - B. Bill List for Day Ending November 12, 2021
8. **UNFINISHED BUSINESS**
 - A. Final Reading; Ordinance 2021-13: An Ordinance of the Town of Redington Beach, Florida, Amending Section 7 of the Town Charter to make it consistent with the Current Town Code Related to the Qualifying Date for Town Commission Candidates and the Date of the Election for Town Commission Races; Making Related Findings; Providing for Severability and an Effective Date; and Scheduling a Referendum Date on Which the Town's Qualified Electors will vote on the Amendment.
9. **NEW BUSINESS**
 - A. Discussion on State Appropriation Funding
 - B. Ordinance 2021-14: An Ordinance of the Town of Redington Beach, Florida, Amending 5-30 of the Town Code (Live-Aboard Watercraft) to Incorporate State Statutory Standards; Making Related Findings; and Providing for codification, Severability, and an Effective Date.



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
Wednesday, November 3, 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, November 3, 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: None

Reports:

Public Safety

- Public Safety Day was held and one hundred swag bags were given out. The Sheriff's office, the fire department and the paramedics did a great job. The commissioner thanked the town clerk and deputy clerk for their roles in Safety Day. Next year, we will advertise more and the hope is to get more people to attend.

Building/Code

- Nothing to Report

Public Works/Parks

- The holiday lights will be installed between November 15th and Thanksgiving. Still working with Duke Energy on the interior street lighting when lights burn out. The town is requesting not to have them replaced with LED's.

Finance

- Nothing to Report

Mayor

- Had a meeting with Frontier and they are putting in Fiber Optics, which should be available in January.

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 Regular Meeting Minutes, October 20, 2021

B. Bill list ending for Day Ending October 29, 2021.

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

UNFINISHED BUSINESS

None

NEW BUSINESS

- A. Park Board Appointment (Alternate):** One application was received for the alternate position on the park board. The application was received from Charles Goldstein. Mr. Goldstein spoke on his behalf and stated that he has been attending the park board meetings and would like to be involved with the plans the current board has. A motion by Commissioner Cariello and seconded by Commissioner Kornijtschuk to appoint Mr. Goldstein to the alternate position for a two-year term. No discussion, no public input. Motion passed with all ayes by roll call vote.

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

- B. FY 2020/2021 Budget Amendments: Resolution 2021-11: A Resolution of the Board of Commissioners of the Town of Redington Beach, Florida, Amending the 2020-2021 Annual Fiscal Year Budget; 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 approve the budget amendments.

Town Clerk referred to the memo given to the mayor and commissioners regarding the budget amendments. Three departments were over budget in the General Fund, the Planning Department, Roads and Streets Department and the Parks and Recreation Department. The

overall revenues and expenditures did not change in the general fund. Budgeted monies from the Town Clerk Department and the Legal Department were used to subsidize the departments that were over budget.

The Capital Fund has a budget amendment on both the revenue and expenditure side due to the Pennies for Pinellas monies that were set to expire on September 30th. The town paid Duke Energy for the Undergrounding of Existing Facilities for the West side of Gulf Blvd with the Penny III monies. With this expenditure the town was able to get reimbursed for the same amount of \$623,000.00.

The Stormwater Fund did not have any budget amendments.

No discussion, 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

Vice Mayor Dorgan reported that the next Library Board meeting will be held on November 15th. With no further business, a motion was made by Commissioner Kornijtschuk and seconded by Commissioner Cariello to adjourn. Regular meeting was adjourned at 6:38 p.m.

Adopted: , 2021

Missy Clarke, CMC, Town Clerk

Date: 11/12/2021
Time: 12:28 pm
Page: 1

Date: 11/12/2021
Time: 12:28 pm
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[illegible]

Date: 11/12/2021
Time: 12:28 pm
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Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
101-572-572.462	Maintenance - Gr BEACH HARDWARE	2021-11-12	Hammer, GFCI outlet, sandpape	0	11/12/2021	11/12/2021	173.09
							173.09
101-572-572.522	Gasoline & Oil BEACH HARDWARE	2021-11-12	Hammer, GFCI outlet, sandpape	0	11/12/2021	11/12/2021	30.24
	CHASE CARD SERVICES	654313	SPEEDWAY Diesel	0	11/04/2021	11/04/2021	33.91
							64.15
101-572-572.527	Tools & Equipme BEACH HARDWARE	2021-11-12	Hammer, GFCI outlet, sandpape	0	11/12/2021	11/12/2021	16.99
							16.99
101-572-572.535	Signage OSBURN ASSOCIATES INC	288866	Parking lot signs	0	11/03/2021	11/03/2021	95.03
							95.03
						Total Dept. Parks and Recreation:	410.83
						Total Fund General Fund:	12,536.36
Fund: 400 Storm Water							
Dept: 535 Storm Water							
400-535-535.441	Utility Mailing Co: PINELLAS COUNTY UTILITIE	90002347	October 2021	0	11/09/2021	11/09/2021	597.09
							597.09
400-535-535.650	Engineering Expe TEAM ENGINEERING	2021-11-02	NPDES Reporting	0	11/02/2021	11/02/2021	3,250.00
							3,250.00
400-535-535.800	Storm Drain Repl WINDRIVER ENVIRONMENT,	5201001	Camera truck 10-25-2021	0	10/26/2021	10/26/2021	700.00
	WINDRIVER ENVIRONMENT,	5202128	Camera truck 10-26-2021	0	10/27/2021	10/27/2021	850.00
	WINDRIVER ENVIRONMENT,	5213207	Inspection fee 11-3-2021	0	11/12/2021	11/12/2021	637.50
							2,187.50
						Total Dept. Storm Water:	6,034.59
						Total Fund Storm Water:	6,034.59
						Grand Total:	18,570.95

11/3/2021

10087 Payroll
10088 Payroll
10089 Payroll
10090 Payroll

2,435.81
1,481.93
1,399.98
1,093.09

6,410.81

MAYOR WILL

COMMISSIONER SKJOLDAGER

COMMISSIONER KORNIJTSCHUK

VICE MAYOR DORGAN

ATTEST:

COMMISSIONER CARIELLO

Missy Clarke, CMC, Town Clerk

Regular Meeting of November 17, 2021

ORDINANCE NO. 2021-13

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA, AMENDING SECTION 7 OF THE TOWN CHARTER TO MAKE IT CONSISTENT WITH CURRENT TOWN CODE RELATED TO THE QUALIFYING DATE FOR TOWN COMMISSION CANDIDATES AND THE DATE OF THE ELECTION FOR TOWN COMMISSION RACES; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE; AND SCHEDULING A REFERENDUM DATE ON WHICH THE TOWN'S QUALIFIED ELECTORS WILL VOTE ON THE AMENDMENT.

WHEREAS, Florida Statutes § 166.031(1) provides, in part, that “[t]he governing body of a municipality may, by ordinance, ... , submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality”; and

WHEREAS, § 21 of the Town Charter provides that the Board of Commissioners may, by ordinance, adopt a proposed amendment to the Charter and, thereafter, submit the proposed amendment to the Town’s electors who will vote whether to approve the amendment in a referendum scheduled for the next general election held in the Town or at a special election called for that purpose; and

WHEREAS, § 7(a) of the Town’s 1976 Charter provides that elections for Mayor and Board of Commissioners Members shall be held on the first Tuesday after the first Monday in November of each year; and

WHEREAS, while the Town’s Charter does not establish a set qualifying day, § 7(b) of the Town’s 1976 Charter references that candidate qualifying closes on some date in September, presumably relying on prior Florida statutory law providing for a candidate qualifying date in that month; and

WHEREAS, on July 21st 1998, the Town Commission adopted Ordinance 98-7, § 2 of which amended both Town election and candidate qualifying dates, providing that the opening day for filing for candidacy shall be 9:00 a.m. on the first Friday of December, providing that the closing date for filing for candidacy shall be 1:00 p.m. on the third Friday of December, and requiring elections for positions on the Board of Commissioners, including Mayor, shall be on the second Tuesday of March; and

WHEREAS, while these 1998 ordinance provisions, which are codified at § 8-1 of the Town Code, were inconsistent with the controlling Town Charter, it does not appear that the Town Commission adopted an ordinance proposing to amend the Town Charter to incorporate these new election dates; and

WHEREAS, although the Town has been conducting its election cycles pursuant to the dates set out in § 8-1 of the Town Code, the Town Charter must still be amended to eliminate the

inconsistency created by Ordinance 98-7; and

WHEREAS, the Board of Commissioners of the Town of Redington Beach find that it is in the Town's best interests to recommend the revisions to § 7 of the Town Charter set forth herein to the Town's electors for a referendum vote.

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

Section 1. Section 7(a) of the Charter of the Town of Redington Beach is hereby amended to read as follows:

Qualifying and Elections: Candidates for mayor and commissioner may file their qualifying papers beginning at 9:00 a.m. on the first Friday of December. The qualifying period shall close at 1:00 p.m. on the third Friday of December. Elections of the mayor and members of the Board of Commissioners, pursuant to the provisions of section 6, shall be held in the Town of Redington Beach on the second Tuesday in March first Tuesday after the first Monday in November of each year and the Mayor and each Commissioner elected to office at such election shall serve for a two (2) year term. The newly elected officers shall take their oath of office be sworn and assume office seated at as soon as practicable after December 1st, [at] the first regularly scheduled Commission meeting following the March November election, or as soon as practicable thereafter. The Board of Commissioners shall judge the qualifications and elections of the Mayor and Commissioners and shall determine disputed elections. If no candidate shall run to fill the office of Mayor or Commissioner, then such office shall be considered vacant to be filled according to the provisions of subparagraph (b) which follows.

Section 2. Section 7(b) of the Charter of the Town of Redington Beach is hereby amended to read as follows:

Filling of Vacancies: In the event of a vacancy on the Board of Commissioners, the remaining members of the Commission, together with the Mayor, shall fill the vacancy by appointment. If a vacancy occurs prior to the closing of the qualifying filing date at 1:00 p.m. on the third Friday of December, in September of the first year of a term, the appointment shall be for a term ending on the following March November election and until a successor is elected and qualified. In such event the Commissioner shall be elected at the March November election for a special one (1) year term. If the vacancy in the office of Commissioner occurs on or after the qualifying closing date in September for filing of the first year of the term of the vacant office, the appointment shall be for the balance of such two (2) year term. All officers of the Town, before entering upon the duties of their office, shall take and subscribe to an oath to faithfully perform and carry out the duties of their office. Appointive officers shall, at the expense of the Town, furnish such fidelity bond as the Board of Commissioners may fix and determine.

Section 3. The foregoing Charter amendments shall be placed on a referendum ballot by use of the ballot language set forth in **Exhibit A**, attached to and incorporated into this Ordinance.

Section 4. The referendum for the Town's electors to consider and vote on the foregoing Charter amendments shall occur at a special election on March 15 2022.

Section 5. Should a majority of the Town's electors voting approve of the Charter amendments set forth in Sections 1 and 2 above, then, on the day immediately following the certification of the results of the referendum, the Town Clerk shall transmit this Ordinance to the Town Code's Codifier for codification, and, pursuant to § 21 of the Charter, shall file the revised Charter with the Florida Department of State, at which time the revised Charter shall take effect.

Section 6. Pursuant to Florida Statutes § 100.342, the Town Clerk shall ensure that notice of the referendum is provided by publication in a newspaper of general circulation in the Town. Such publication shall be made at least twice, once in the fifth week and once in the third week prior to the date on which the referendum is to be held.

Section 7. For purposes of codification of any existing section of the Redington Beach Town Charter 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 8. 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 9. The Codifier shall codify the substantive amendments to the Redington Beach Town Charter contained in Sections 1 and 2 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 10. The Mayor is authorized to coordinate and approve all necessary advertisement and election expenses and agreements as may be required to lawfully conduct the referendum.

Section 11. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 20th day of October, 2021, by the Board of Commissioners of the Town of Redington Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the 17th day of November, 2021, by the Board of Commissioners of the Town of Redington Beach, Florida.

David Will, Mayor

Attest:

Missy Clarke, CMC, Town Clerk

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

EXHIBIT A

CHARTER AMENDMENT – REFERENDUM CANDIDATE QUALIFYING AND TOWN ELECTION DATES

This amendment does not change the current Town election or candidate qualifying process, but is intended to make 1976 Town Charter language consistent with the Town's 1998 election code. The amendment to § 7 of the Charter, which currently provides that candidate qualifying closes on an undetermined date in September and that elections for Mayor and Town Commissioner shall be held on the first Tuesday after the first Monday in November, would provide that candidate filing period will be 9:00 a.m. on the first Friday of December through 1:00 p.m. on the third Friday of December, and that elections for Mayor and Commissioner shall be on the second Tuesday of March, as has been provided for in § 8-1 of the Town Code since 1998.

QUESTION

Should § 7 of the Town Charter be amended to establish a filing period for mayor and commissioner candidates from the first Friday of December through 1:00 p.m. on the third Friday of December, and to change the date for elections for mayor and commissioner from the first Tuesday after the first Monday in November to the second Tuesday in March?

Yes _____

No _____

ORDINANCE NO. 2021-14

**AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA,
AMENDING § 5-30 OF THE TOWN CODE (LIVE-ABOARD
WATERCRAFT) TO INCORPORATE STATE STATUTORY
STANDARDS; MAKING RELATED FINDINGS; AND PROVIDING FOR
CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, unless preempted by Florida law, the Town has home rule jurisdiction over certain waters off its shores which lie within its jurisdictional boundaries; and

WHEREAS, Florida Statutes § 327.60, entitled *Local regulations; limitations*, prohibits local governments from adopting ordinances or regulations which, among other things, regulating the anchoring of vessels outside the marked boundaries of city or county mooring fields; and

WHEREAS, notwithstanding that preemption, subsection (2)(f) of the statute does allow local governments to regulate the anchoring of vessels outside the marked boundaries of mooring fields if the vessel is a live-aboard vessel or a commercial vessel (excluding commercial fishing vessels); and

WHEREAS, subsection (3) of the statute provides, “does not prohibit local governmental authorities from the enactment or enforcement of regulations that prohibit or restrict the mooring or anchoring of floating structures, live-aboard vessels, or commercial vessels, excluding commercial fishing vessels, within their jurisdictions”; and

WHEREAS, based on that authority, on November 20th 2019, the Town Commission adopted Ordinance 19-11 which created § 5-30 of the Town Code, entitled *live-aboard watercraft*; and

WHEREAS, subsection (b) of that new section provided, in relevant part, “It shall be unlawful for any person to live aboard any watercraft within or upon the waterways of the Town”; and

WHEREAS, subsection (b) went on to provide a definition of what live-aboard meant; and

WHEREAS, the Town, seeking to ensure the live-aboard prohibition was enforceable, requested an opinion from the Florida Attorney General; and

WHEREAS, the Florida Attorney General’s opinion was that, to be enforceable, the Town needs to use the exact definition of live-aboard found in Florida Statutes § 327.02(23); and

WHEREAS, the Town Commission desires to ensure that should persons attempt to moor or anchor a live-aboard vessel within the Town’s jurisdictional waters that it will be able to enforce § 5-30(b) and so desires to amend the code to incorporate the statutory definition; and

WHEREAS, the Town Commission determines that it is in the interest of the public health, safety, and welfare of the Town’s residents and property owners 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 5-30 of the Town Code of the Town of Redington Beach is hereby amended to read as follows:

Sec. 13-32. – Operation of vehicles on beaches.

- (a) For purposes of this section, a watercraft shall mean a ship, vessel, boat, yacht, raft, barge, houseboat, live-aboard, or other floating structure. A commercial fishing vessel is expressly excluded from this definition. In the event any definition of any word or term in this chapter 5 differs from the definition provided in Florida Statutes § 327.02, the statutory definition shall prevail and be applied to the relevant code section.
- (b) It shall be unlawful for any person to anchor or moor a live aboard ~~vessel~~any watercraft within or upon the jurisdictional waters~~ways~~ of the ~~Town~~. For the purposes of this section, live aboard vessel means a vessel used solely as a residence and not for navigation, a vessel for which a declaration of domicile has been filed pursuant to Florida Statutes § 222.17, or a vessel used as a residence that does not have an effective means of propulsion for safe navigation. A commercial fishing vessel is expressly excluded from the term live-aboard vessel.~~to use any watercraft principally as a residence, or to represent any vessel as a place of business, a professional or other commercial enterprise, or a legal residence, and provide or serve, on a short term or long term basis, the essential services or functions typically associated with a structure or other improvement to real property, and, if used as a means of transportation, this use is a secondary or subsidiary use.~~
- (c) It shall be unlawful for any unattended watercraft to be anchored or moored to any public sign, marker, or buoy within the jurisdictional, ~~or beside waters of the Town unless expressly allowed in this Chapter.~~
- (d) Nothing in this section shall be construed so as to keep an owner or operator of any boat or watercraft from temporarily leaving such boat or watercraft at the waters edge during daylight hours while the boat or watercraft is in use by the owner or operator. Nothing in this section shall be deemed to invalidate the mooring of watercraft as described in §~~Sec. 5-26 of the Town Code.~~
- (e) Any person who violates any of the provisions of this section shall be subject to the penalties provided in Sec. 1-14 of the Town Code.

Section 2. 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 3. 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 4. The Codifier shall codify the substantive amendments to the Redington Beach Town Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 5. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 17th day of November, 2021, by the Board of Commissioners of the Town of Redington Beach, Florida.

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

Attest:

David Will, Mayor

Missy Clarke, CMC, Town Clerk

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