



**TOWN OF REDINGTON BEACH
BOARD REGULAR MEETING AGENDA
Wednesday, September 21, 2022
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 Murray
Building/Code	Commissioner Skjoldager
Public Works/Parks	Commissioner Cariello
Finance	Vice Mayor Kornijtschuk
Mayor	David Will
Town Clerk	Adriana Nieves
Attorney Eschenfelder	
Boards & Committees	
Library Report	

7. CONSENT AGENDA

- A. Board Regular Meeting Minutes, September 7, 2022**
- B. First Budget Hearing Minutes, September 6, 2022**
- C. Final Budget Hearing Minutes, September 12, 2022**
- D. Bill List for Day Ending September 16, 2022**

8. UNFINISHED BUSINESS

- a. Final Reading: Ordinance 2022-11:** An Ordinance of the Town of Redington Beach, Florida, Amending 6-65 (Setbacks), 6-234 (Location), 6-235 (Pool Deck Height), 6-284 (Fence Height), and 19.5-3 (Driveways) of the Town Code Providing for Codification, Severability, and for an Effective Date.

9. NEW BUSINESS

- a. Approval of revised Attorney contract**

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)**

AGENDA ITEM 7

CONSENT AGENDA

- A. Board Regular Meeting Minutes, September 7, 2022**
- B. First Budget Hearing Minutes, September 6, 2022**
- C. Final Budget Hearing Minutes, September 12, 2022**
- D. Bill List for Day Ending September 16, 2022**



**TOWN OF REDINGTON BEACH, FLORIDA
BOARD REGULAR MEETING MINUTES
Wednesday, September 7, 2022
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 7, 2022, 6:30 pm**, in Redington Beach Town Hall at 105 164th Avenue, Redington Beach, Florida.

Mayor Will called the **Regular Meeting** to order at 6:30pm and led the pledge of allegiance, followed by a moment of silence in memory of Wally Hawthorne.

Roll Call:

	Present	Absent
Commissioner Cariello	X	
Commissioner Murray	X	
Commissioner Skjoldager	X	
Vice Mayor Kornijtschuk	X	
Mayor Will	X	
Town Attorney Eschenfelder	X	
Town Clerk Nieves	X	

Agenda: Mayor Will asked for approval of the agenda. A motion by Vice Mayor Kornijtschuk and seconded by Commissioner Cariello to accept the agenda as presented. No public comment. Motion passed with all ayes.

Public Forum: Claire Pillarelli, 16112 2nd St E, requested the Town assist her in receiving the 15% discount on her flood insurance policy. The Town has a CRS rating of 7 which means residents receive a 15% discount. Town Clerk Nieves is the CRS Coordinator for the Town and told Ms. Pillarelli to forward all the information to Town Hall for assistance.

Reports:

Public Safety

- Nothing to Report

Building/Code

- Commissioner Skjoldager reported that she updated the Code Enforcement online reporting tool so that now Deputy DeAngelo receives the notifications as well as Town Hall.

Public Works/Parks

- Nothing to Report

Finance

- Nothing to Report

Mayor

- Mayor Will reminded everyone about the 9/11 memorial events coming up – Madeira Beach at 8:45am and then in Friendship Park at 10:30am.

Town Clerk

- Nothing to Report

Town Attorney

- Attorney Eschenfelder reported that the Special magistrate hearing on 8/26 resulted in a violation being found and the property owners must comply by September 23rd or face a \$250 per day fine. There are 3 additional hearings scheduled for September 16th.

Boards and Committees

- Nothing to Report

Library Report

- Commissioner Cariello reported that the Library is installing new bathrooms.

CONSENT AGENDA

A. Board Regular Meeting Minutes, August 17, 2022

B. Bill list ending for Day ending September 2, 2022

A motion by Vice Mayor Kornijtschuk and seconded by Commissioner Cariello to approve the consent agenda as presented. No discussion, no public comment. Motion passed unanimously.

UNFINISHED BUSINESS

- A. Road Resurfacing:** Vice Mayor Kornijtschuk reported that the city of Indian Rocks Beach uses this company, CivilSurv. The company will be onsite during Redington Beach's project. Attorney Eschenfelder explained that if the Commission approves, the contract can be executed tonight. The Town will then issue a work order prior to any work starting. Piggybacking on the contract saves the Town the added expense of issuing an RFP. Commissioner Skjoldager noted that the contract with Indian Rocks Beach is dated 1998 and asked if everything in the contract is current. Attorney Eschenfelder assured her that it is current. No Public comment. A motion was made by Vice Mayor Kornijtschuk and seconded by Commissioner Cariello to accept the Piggyback Agreement.

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

- B. Final Reading: Ordinance 2022-11 – This advertised Ordinance will be continued until the next regular Commission meeting on September 21st, 2022.**

- C. Final Reading: Ordinance 2022-12: An Ordinance of the Town of Redington Beach, Florida, Creating 11-23 of the Town Code Concerning Solicitation Activities at Residential Property; Providing for Codification, Severability, and for an Effective Date.:** Attorney Eschenfelder read the Ordinance by title only. Mayor Will noted that solicitors are allowed in Redington

Beach and wants residents to know that if a solicitor comes to their door, that they can ask to see the solicitor's permit and a business card. Mayor Will explained that Ordinance 2022-12 restricts the times and days solicitors are allowed in the Town – ONLY Monday-Friday, 9am-5pm. Residents are allowed to put up "No Trespassing" signs on their property to discourage door to door salespeople. No public comment. A motion was made by Vice Mayor Kornijtschuk and seconded by Commissioner Cariello to adopt the Ordinance on its final reading. Motion passed unanimously by roll call vote.

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

NEW BUSINESS
NONE

OTHER BUSINESS

- A. Commissioner Murray reported that he is unable to attend the Final Budget Hearing on Monday, September 12th in person but plans to attend telephonically.

With no further business, a motion was made by Vice Mayor Kornijtschuk and seconded by Commissioner Cariello to adjourn. Regular meeting was adjourned at 6:45 p.m.

Adopted: September 21, 2022

Adriana Nieves, CMC
Town Clerk



**TOWN OF REDINGTON BEACH
PUBLIC BUDGET HEARING
MINUTES
Tuesday, September 6, 2022
5:01pm**

Having been duly advertised as required by law, the **Public Budget Meeting** of the Board of Commissioners of the Town of Redington Beach, Florida, was held on **Tuesday, September 6, 2022, at 5:01pm** in Redington Beach Town Hall at 105 164th Avenue, Redington Beach, Florida.

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

Roll Call

	Present	Absent
Commissioner Cariello	X	
Commissioner Murray		X
Commissioner Skjoldager	X	
Vice Mayor Kornijtschuk	X	
Mayor Will	X	
Town Clerk Nieves	X	

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

Public Forum: None

NEW BUSINESS

A. 2022-2023 Budget Update: Vice Mayor Kornijtschuk reported the following:

1. General Fund

Revenues: Current millage rate 1.8149 expected revenue approx. - \$1,158,300

No other revenue news

Expenditures: Salaries increased by 5%, General liability increased 9%, Law enforcement increased 4.41% and Fire and EMS increased 5%

2. Capital Fund

Revenues: Total revenues increased because we are transferring in capital for the roads and streets resurfacing project.

Expenditures: Increased due to the roads and streets resurfacing project

3. Stormwater Fund

Revenues: Stormwater revenues are flat - same stormwater fees as last year

Expenditures: Valve installation project is near completion. No major expenditures anticipated.

No other public comment

Mayor Will asked for a motion to approve the proposed budget. Vice Mayor Kornijtschuk motioned to approve the proposed budget. Commissioner Cariello seconded the motion.

	Aye	Nay	Absent
Commissioner Cariello	X		
Commissioner Murray			X
Commissioner Skjoldager	X		
Vice Mayor Kornijtschuk	X		
Mayor Will	X		

OTHER BUSINESS

With no further business, motion made by Vice-Mayor Kornijtschuk and seconded by Commissioner Cariello to adjourn. Budget hearing was adjourned at 5:08 p.m.

Adopted: September ----, 2022

Adriana Nieves, CMC
Town Clerk



**TOWN OF REDINGTON BEACH, FLORIDA
FINAL BUDGET HEARING
MINUTES
Monday, September 12, 2022
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 12, 2022, 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 Murray	X	
Commissioner Skjoldager	X	
Vice Mayor Kornijtschuk	X	
Mayor Will	X	
Town Clerk Nieves	X	

*Commissioner Murray appeared telephonically

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

No Public Forum

NEW BUSINESS

- A. Resolution 2022-06: 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 2022-2023; and providing for an effective date.**

Mayor Will read Resolution 2022-06 by title only. No public comments or board discussion. **Motion was made by Vice Mayor Kornijtschuk and seconded by Commissioner Cariello to adopt Resolution 2022-06 setting the final levy of Ad Valorem taxes with a millage 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 Murray			X		
Commissioner Skjoldager			X		
Vice Mayor Kornijtschuk	X		X		
Mayor Will			X		

B. Resolution 2022-07: 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 2022-2023; and providing for an effective date.

Mayor Will read Resolution 2022-07 by title only. No public comments. **Motion made by Vice Mayor Kornijtschuk and seconded by Commissioner Cariello to adopt Resolution 2022-07 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 Murray			X		
Commissioner Skjoldager			X		
Vice Mayor Kornijtschuk	X		X		
Mayor Will			X		

OTHER BUSINESS

With no further business, motion made by Vice Mayor Kornijtschuk and seconded by Commissioner Cariello to adjourn. Regular session was adjourned at 5:03 p.m.

Adopted: _____, 2022

Adriana Nieves, CMC Town Clerk

Date: 09/16/2022
Time: 11:12 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: 511 Legislative							
101-511-511.111	Registration						
	CHASE CARD SERVICES	107850	Inst. for Elected Officials	0	08/17/2022	08/17/2022	300.00
							<u>300.00</u>
						Total Dept. Legislative:	300.00
Dept: 512 Town Clerk							
101-512-512.410	Telephone						
	CHARTER COMMUNICATION	167052701090722	9/8-10/7/22	0	09/07/2022	09/07/2022	199.96
							<u>199.96</u>
101-512-512.411	Internet Services						
	CHARTER COMMUNICATION	167052701090722	9/8-10/7/22	0	09/07/2022	09/07/2022	147.97
							<u>147.97</u>
101-512-512.420	Postage						
	CHASE CARD SERVICES	2022-09-07	Postage	0	09/07/2022	09/07/2022	100.00
							<u>100.00</u>
101-512-512.421	Stamps.com						
	CHASE CARD SERVICES	2022-09-15	Stamps.com	0	09/15/2022	09/15/2022	17.99
							<u>17.99</u>
101-512-512.461	Building Maintenance						
	CHASE CARD SERVICES	2000101-99881671	Clock	0	09/15/2022	09/15/2022	48.11
							<u>48.11</u>
101-512-512.490	Advertising						
	TIMES PUBLISHING COMPANY	244466	FY23 Budget Summary ad	0	09/07/2022	09/07/2022	436.40
							<u>436.40</u>
101-512-512.510	Office Supplies						
	APEX OFFICE PRODUCTS	2365619-0	Paper cutter, paper	0	08/25/2022	08/25/2022	119.68
	CHASE CARD SERVICES	MPP-202633	Parking Stickers	0	08/04/2022	08/04/2022	459.00
	WATER BOY INC	61070983	Water Delivery	0	09/12/2022	09/12/2022	40.75
							<u>619.43</u>
101-512-512.515	Office Copier/Lease						
	KONICA MINOLTA BUSINESS	282298278	8/1-8/31/22	0	08/31/2022	08/31/2022	121.19
							<u>121.19</u>
101-512-512.520	Office Copier/Usage						
	KONICA MINOLTA BUSINESS	282298278	8/1-8/31/22	0	08/31/2022	08/31/2022	40.60
							<u>40.60</u>
101-512-512.542	Dues & Subscriptions						
	PINELLAS COUNTY MUNICIPALITY	2022-09-15	NIEVES FY22-23	0	09/15/2022	09/15/2022	25.00
							<u>25.00</u>
						Total Dept. Town Clerk:	1,756.65
Dept: 514 Legal Counsel							
101-514-514.310	Legislative Council						
	SHUMAKER ADVISORS FLOIDA	3062	September 2022-Consulting	0	09/01/2022	09/01/2022	2,750.00
							<u>2,750.00</u>
						Total Dept. Legal Counsel:	2,750.00
Dept: 524 Protective Services							
101-524-524.310	Code Enforcement						
	M. T. CAUSLEY, LLC	107429	STR Code Enf. August 2022	0	08/31/2022	08/31/2022	7,920.00
							<u>7,920.00</u>

Date: 09/16/2022
Time: 11:12 am
Page: 2

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Total Dept. Protective Services:							7,920.00
Dept: 572 Parks and Recreation							
101-572-572.522	Gasoline & Oil						
	HOME DEPOT CREDIT SERV	015423/9511355	Gas Cans	0	09/15/2022	09/15/2022	90.38
	WEX BANK	273672	Unleaded	0	09/02/2022	09/02/2022	55.01
	WEX BANK	289033	Diesel fuel	0	09/15/2022	09/15/2022	46.74
							192.13
101-572-572.524	Fertilizer & Mulch						
	SITE ONE LANDSCAPE SUP	123275890-001	Pestiside	0	09/12/2022	09/12/2022	486.43
							486.43
101-572-572.527	Tools & Equipment						
	HOME DEPOT CREDIT SERV	012827/2511011	Buoy materials, pitchfork	0	09/12/2022	09/12/2022	39.98
	PINELLAS CENTRAL ACE	17294/1	Edger blades	0	09/12/2022	09/12/2022	53.79
							93.77
101-572-572.599	Swim Buoys						
	HOME DEPOT CREDIT SERV	012827/2511011	Buoy materials, pitchfork	0	09/12/2022	09/12/2022	29.44
							29.44
Total Dept. Parks and Recreation:							801.77
Dept: 573 Board of Parks & Recreation							
101-573-573.462	Grounds Maintenance						
	CHASE CARD SERVICES	2542317	159th Ave Reclaimed box	0	08/15/2022	08/15/2022	807.78
	MARK SHEETS IRRIGATION	2186	159th Ave. Irrigation	0	09/06/2022	09/06/2022	2,800.00
							3,607.78
Total Dept. Board of Parks & Recreation:							3,607.78
Total Fund General Fund:							17,136.20
Grand Total:							17,136.20

9/2/2022	10539 PAYROLL	2,083.83
	10540 PAYROLL	1,400.31
	10541 PAYROLL	1,093.09

4,577.23

MAYOR WILL

COMMISSIONER SKJOLDAGER

COMMISSIONER CARIELLO

Regular Meeting of September 21, 2022

VICE MAYOR KORNIJTSCHUK

COMMISSIONER MURRAY
ATTEST:

Adriana Nieves, CMC, Town Clerk

AGENDA ITEM 8a

Final Reading: Ordinance 2022-11



TOWN OF REDINGTON BEACH

105-164th AVENUE

REDINGTON BEACH, FL 33708

PHONE: 727-391-3875

FAX: 727-397-6911

www.townofredingtonbeach.com

M E M O

To: Town Commission

From: Bruce Cooper, Building Official

Date: September 16, 2022

Re: Swimming pool amendment

You have the revised ordinance amendment regarding swimming pools. The following are the changes since the last meeting:

- 1. Section 6-65 (c) has added language suggested by the attorney.**
- 2. Section 6-234 (a), (b) and (c) has eliminated the 5-foot setback requirement from the home foundation. An engineer can ensure that the pool shell will not interfere with the home foundation.**
- 3. Section 6-235 has changed to require pools and pool decks to be no higher than 12 inches above the lowest dwelling slab level that exits onto the rear yard. The current code allows the pool to be 3 feet high in the rear yard but not the deck unless it meets setbacks.**

Attached is a cross-section of a proposed pool that would meet the new code. The garage slab level is at 6.5 and the pool and deck are at 7 which is 6 inches above the slab. The spa is higher but meets the rear setback.

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA, AMENDING § 6-65 (SETBACKS), § 6-234 (LOCATION), § 6-235 (POOL DECK HEIGHT), § 6-284 (FENCE HEIGHT), AND § 19.5-3 (DRIVEWAYS) OF THE TOWN CODE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, § 6-65 of the Town Code sets forth setback regulations for a variety of secondary structures on property; and

WHEREAS, § 6-234 of the Town Code sets forth the location of pools; and

WHEREAS, § 6-235 of the Town Code sets forth the maximum height for above-ground pools; and

WHEREAS, § 6-284 of the Town Code sets forth regulations regarding the height of fences within the Town; and

WHEREAS, § 19.5-3 of the Town Code sets forth regulations related to the construction of residential driveways; and

WHEREAS, as part of his normal duties, the Town's Building Official monitors the usefulness and clarity of those construction-related portions of the Town Code over which he has regulatory and enforcement authority, and periodically makes recommendations to the Commission as to revisions to those codes to make them more understandable or to more accurately reflect Town policies and priorities; and

WHEREAS, the Building Official has recommended the amendments to § 6-65 set forth below to more specifically address the setback requirements for pools and pool decks; and

WHEREAS, the Building Official has recommended the amendments to § 6-235 set forth below to more specifically address the height requirements for in-ground pools and pool decks, and related waterfall features; and

WHEREAS, the Building Official has recommended the amendments to § 6-284 set forth below to provide additional specificity as to how the height of residential fences will be measured; and

WHEREAS, the Building Official has recommended the amendments to § 19.5-3 set forth below to recognize and provide for the circular driveway with two access points which has become a common design solution to homes constructed under FEMA regulations; and

WHEREAS, the Town Attorney has reviewed the Building Official's recommendations and has advised they are legally sufficient; and

WHEREAS, the Board of Commissioners finds that the Building Official's recommended code revisions set forth in this Ordinance are in the best health, safety, welfare and aesthetic interests of the Town and its residents.

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 Redington Beach Town Code is hereby amended 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 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 144 square feet (measured along the exterior of the walls). The maximum square footage of any single utility shed shall be 144 square feet. The maximum height of any utility shed shall be eight feet.

- (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) are 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. Pools must maintain side yard setbacks.
 - (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 6-234 of the Redington Beach Town Code is hereby amended as follows:

Sec. 6-234. Location.

- (a) *Gulf-front property.* A swimming pool may be constructed on any property lying between Gulf Boulevard and the Gulf of Mexico, provided the pool is set back at least 20 feet from the coastal construction control line as said line is established by the state, ~~and is at least five feet from the foundation of the residence.~~ Side lot line restrictions shall apply as provided for in appendix A, section 5, of this Code.
- (b) *Intracoastal-frontage property.* A swimming pool may be constructed in the rear yard of intracoastal frontage property, provided the pool is set back at least 12 feet from the seawall and does not interfere with seawall deadmen or tiebacks, ~~and is at least five feet from the foundation of the residence.~~ If the rear set back is less than 18 feet, an inspection by the building official during excavation shall be mandatory. Side lot line restrictions shall apply as provided for in appendix A, section 5 of this Code.
- (c) *Non-waterfront property.* A swimming pool may be constructed in rear yards of inside non-gulf-front and non-intracoastal frontage lots, provided the pool is set back at least five feet from the rear lot line, ~~and is at least five feet from the foundation of the residence.~~ Side lot line restrictions shall apply as provided for in appendix A, section 5, of this Code.
- (d) *Notwithstanding the setback requirements of subsections 6-234(a) and (b), when the engineer of record certifies to the building official that the proposed swimming pool along with all existing or proposed seawalls can be safely engineered so that foundations, deadmen, tiebacks, and all other structural features of both the swimming pool and the seawall meet the requirements of the state building code as well as sound engineering and construction practices, the building official may, if the engineering of the seawall and pool so permit, administratively vary the gulf front setback to no less than 12 feet from the coastal construction control line and the required setback on Intracoastal-frontage properties to no less than five feet from the center of the seawall cap.* The certification required by this paragraph shall be in writing to the town building official on a form to be provided by the town.

For the purposes of this section, the "engineer of record" is defined in section 10-10.

Section 3. Section 6-235 of the Redington Beach Town Code is hereby amended as follows:

Sec. 6-235. Maximum height.

~~Maximum height of aboveground is three feet in gulf-front or waterfront yards and four feet in nonwaterfront yards. In-ground pools and decks shall not be higher than 12 inches above the lowest dwelling slab level that exits onto the rear yard unless erected within the building setback requirements. All pools shall meet side yard setbacks. All height measurements shall be from average ground level. Freestanding pools or spas shall not exceed 4 feet above average ground level on non-waterfront yards and shall meet side yard setbacks and the rear setback shall be a minimum of 10 feet. On waterfront lots, freestanding pools or spas shall meet all setbacks.~~

Section 4. Section 6-284 of the Redington Beach Town Code is hereby amended as follows:

Sec. 6-284. - Maximum height; placement.

- (a) *Front yard.* From the building line to the right-of-way, fences, walls and hedges located may not exceed three feet in height. An additional one foot of fencing may be added on top of a three-foot wall or fence provided that the additional fencing has a minimum three-inch opening between all vertical members, and each vertical member is not greater than one and one-half inch in width and that the additional fencing is either chain link, or has a minimum three-inch opening between all horizontal members and each horizontal member is not greater than one and one-half inch in width except for the top horizontal member can't exceed three and one-half inches. Notwithstanding the foregoing, no fence, wall or hedge may impair visibility for a driver of a motor vehicle exiting from the driveway or other means of ingress or egress from any property within the town, when such fence, wall or hedge is within the building setback area of the front portion of the property.
- (b) *Rear yard.* A fence, wall or hedge no greater in height than six feet may be constructed in a rear yard that is not waterfront. On waterfront or gulf-front property, fences, walls or hedges located within the setback area of the rear yard shall not exceed three feet in height. An additional one foot of fencing may be added on top of a three-foot wall or fence provided that the additional fencing has a minimum three-inch opening between all vertical members, and each vertical member is not greater than one and one-half inch in width and that the additional fencing is either chain link, or has a minimum three-inch opening between all horizontal members and each horizontal member is not greater than one and one-half inch in width except for the top horizontal member can't exceed three and one-half inches.

Section 5. Section 19.5-3 of the Redington Beach Town Code is hereby amended as follows:

Sec. 19.5-3. Constructions standards.

- (a) No corner property with frontage on Gulf Boulevard (State Road 699) shall have a driveway on Gulf Boulevard.
- (b) No property in unified control at the time of the issuance of building permits for ~~new~~ construction shall be permitted more than ~~one~~ two driveways to a public right-of-way.
- (c) All driveways shall comply with the following dimensional requirements:
 - (1) Minimum width, single family dwelling: Ten feet;
 - (2) Minimum width, duplex dwelling: 20 feet; and
 - (3) Maximum width: 30 feet- for a single driveway or two driveways with a maximum combined width of 30 feet.

Section 6. 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 7. 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 8. The Codifier shall codify the substantive amendments to the Redington Beach Code contained in Sections 1-4 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 9. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 3rd day of August, 2022, by the Board of Commissioners of the Town of Redington Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the 21st day of September, 2022,
by the Board of Commissioners of the Town of Redington Beach, Florida.

Attest:

David Will, Mayor

Adriana Nieves, CMC, Town Clerk

AGENDA ITEM 9a.

**Approval of revised
Attorney contract**

**AGREEMENT BETWEEN THE TOWN OF REDINGTON BEACH
AND TRASK · DAIGNEAULT, LLP, FOR LEGAL SERVICES**

THIS AGREEMENT is entered into this 7th day of September, 2022, between the Town of Redington Beach, a Florida municipal corporation (“Town”) and Trask · Daigneault, LLP (“the Firm”).

WHEREAS, the Firm has represented the Town as Town Attorney since 2011 and the Firm’s most current agreement with the Town was entered on August 4th 2021; and

WHEREAS, due to significant inflation in the national and Florida economy, the Firm has requested an hourly rate increase of \$20, to become effective October 1st 2022; and

WHEREAS, the Firm has substantial expertise and long experience in representing Florida municipal governments on municipal law matters; and

WHEREAS, § 13(2) of the Town Charter vests in the Town Commission the authority to appoint all Town officials, including a Town Attorney; and

WHEREAS, the Town Commission desires to continue receiving legal services from the Firm in the manner set forth herein.

NOW THEREFORE, and in consideration of the mutual promises and covenants set forth in this Agreement, the Parties agree as follows:

1. The Town retains the Firm to serve as its Town Attorney’s Office. The Firm shall designate one of its attorneys to serve as the Town Attorney, and that designated attorney shall perform all of the functions of Town Attorney as are set forth in the Town Charter and the Town’s Code of Ordinances and Resolutions.
2. The Town Commission reserves the right to request the designation of a different Firm attorney should it so desire. In the absence or unavailability of the assigned Town Attorney, the Firm may assign one or more other qualified attorneys to serve as Town Attorney.
3. Pursuant to § 9(a) of the Town Charter, the Mayor shall provide general oversight and direction of the work of the Town Attorney. Legal services requests may be submitted to the Town Attorney, either directly or through the Town Clerk, by the Town Commission, the Mayor, and an individual Commissioner.
4. The Parties agree that the ultimate client of the Firm is the Town. If the requested legal services may, in the professional judgment of the Town Attorney, result in a conflict of interest or otherwise not be in the legal interests of the Town, the Town Attorney shall follow the steps to consult with the Town as are set forth in the Rules Regulating The Florida Bar, and any applicable laws.
5. Notwithstanding the foregoing, to the extent no conflict exists, the Town Attorney shall

be authorized to provide legal opinions, advice and counsel to the individual Town Commissioners and Town officers regarding their exercise of their respective duties under the Town Charter, Town Code and other applicable laws.

6. The Firm shall be compensated for attorney services at the rate of \$180 per hour for attorney work through September 31st 2022, and \$200 per hour as of October 1st 2022. Paralegal services shall be billed at the rate of \$80 per hour for all work performed under this Agreement. The Firm will bill the Town on a monthly basis for all legal fees and costs incurred in the prior month, sending invoices to the Town Clerk or such other official as the Town designates. The Town shall pay these invoices in accordance with the Florida Prompt Payment Act.

7. The Town shall pay all costs incurred or advanced by the Firm in representing the Town pursuant to this Agreement. Such costs include, but are not limited to, courtfiling fees, deposition charges, photocopying charges, long distance telephone charges, shipping/courier charges, computer research fees, and other out-of-pocket costs.

8. Travel shall not be charged to the Town for legal services performed at Town Hall, but shall be charged at the applicable hourly rate for those services that require travel outside of the Town.

9. Bond and bank loan legal opinions shall be billed separately on a set fee based on the size of the loan or bond issue.

10. The Firm will bill the Town on a monthly basis.

11. This Agreement is terminable by either the Town (acting through its Town Commission) or the Firm (acting through its Managing Partner) for any or no reason on thirty (30) days written notice to the other Party.

12. In the event the Town terminates the Firm's services under this Agreement, the Firm shall be entitled to be compensated according to the terms of this Agreement for all services rendered or costs incurred prior to the effective date of the termination. Thereafter, the Firm shall be compensated for any continuing legal services rendered to or on behalf of the Town at the hourly rate of \$200 per hour for attorney services and \$90 per hour for paralegal services.

13. All notices and communications required under this Agreement shall be in writing and shall be deemed to have been duly given when delivered personally or by registered or certified mail to the following persons:

For the Town: Town Clerk
 Town Hall
 105 164th Avenue
 Redington Beach, FL 33708

For the Firm: Jay Daigneault, Esq., Managing Partner

Trask · Daigneault, L.L.P
1001 South Fort Harrison Avenue, Suite 201
Clearwater, FL 33756

Either Party may change the person or address to which notices and other communications are to be sent by giving written notice of the change in the manner specified in this paragraph.

14. This Agreement shall be effective upon the date entered in the introductory paragraph of this Agreement notwithstanding the actual date(s) of approval or execution by the Parties, and shall be effective until terminated by either Party as provided for herein.

The Parties have caused this Agreement to be executed on the date set forth above.

TOWN OF REDINGTON BEACH

TRASK · DAIGNEAULT, L.L.P

By: _____
David Will, Mayor

By: _____
Jay Daigneault, Esq.,
Managing Partner