



**TOWN OF REDINGTON BEACH
BOARD REGULAR MEETING**

AGENDA

Wednesday, June 5th, 2024

6:30 P.M.

Town Hall

Assembly Hall

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. Presentation:** Brian Quinlin, from Clifton Larson Allen, LLP will present the findings from the audit of the Town's 2022-2023 Fiscal year.
- 6. 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, **about a NON-AGENDA item**, please fill out a "Speakers Card" and give it to the Town Clerk prior to the start of the meeting.
- 7. REPORTS**
 - Public Safety
 - Building/Code
 - Public Works/Parks
 - Finance
 - Mayor
 - Town Clerk
 - Town Attorney
 - Boards & Committees
- 8. CONSENT AGENDA**
 - A. Board Regular Meeting Minutes, May 1st, 2024
 - B. Bill List for Day Ending May 31st, 2024
- 9. UNFINISHED BUSINESS**
 - A. **Second and Final Reading: Ordinance 2024-03:** An Ordinance Of The Town Of Redington Beach, Florida, Amending Article XI Of Chapter 6 Of The Town Code Regarding Building Variance Procedures; Making Related Findings; Providing For Codification, Severability, And For An Effective Date.
- 10. NEW BUSINESS**
 - A. **Planning Board Appointment**
 - B. **Resolution 2024-02:** A Resolution Of The Commission Of The Town Of Redington Beach, Florida, Adopting The National Institute Of Standards And Technology Cybersecurity Framework; Authorizing The Town Clerk Or Designee To Adopt Policies And Procedures As Necessary To Implement The Framework And Comply With Section 282.3185, Florida Statutes; Authorizing The Town Clerk Or Designee To Affirm Compliance With Section 282.3185, Florida Statutes; And Providing An Effective Date.



11. OTHER BUSINESS

12. ADJOURNMENT

Note: The Town of Redington Beach Board of Commissioners meet the First 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 5.

Presentation of Audit for
Fiscal Year Ending 9/30/2023
by Brian Quinlin
of Clifton Larson, Allen, LLP



Honorable Mayor and Members of the Board of Commissioners
Town of Redington Beach, Florida

We have audited the financial statements of the governmental activities, the business-type activities, and each major fund of the Town of Redington Beach, Florida (the Town) as of and for the year ended September 30, 2023, and have issued our report thereon dated May 23, 2024. We have previously communicated to you information about our responsibilities under auditing standards generally accepted in the United States of America and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit in our Statement of Work dated September 25, 2023. Professional standards also require that we communicate to you the following information related to our audit.

Significant audit findings or issues

Qualitative aspects of accounting practices

Accounting policies

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Town are described in Note 1 to the financial statements.

As described in Note 1, the Town changed accounting policies related to the subscription-based information technology arrangements by adopting Statement of Governmental Accounting Standards Board (GASB) Statement No. 96, *Subscription-Based Information Technology Arrangements*, in 2023.

We noted no transactions entered by the entity during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. There were no accounting estimates affecting the financial statements which were particularly sensitive or required substantial judgments by management.

Financial statement disclosures

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. There were no particularly sensitive financial statement disclosures.

The financial statement disclosures are neutral, consistent, and clear.

Significant Unusual Transactions

We identified no significant unusual transactions.

Difficulties encountered in performing the audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Uncorrected misstatements

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management did not identify and we did not notify them of any uncorrected financial statement misstatements.

Corrected misstatements

Management did not identify and we did not notify them of any financial statement misstatements detected as a result of audit procedures.

Disagreements with management

For purposes of this communication, a disagreement with management is a disagreement on a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. No such disagreements arose during our audit.

Management representations

We have requested certain representations from management that are included in the management representation letter dated May 23, 2024.

Management consultations with other independent accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the entity's financial statements or a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Significant issues discussed with management prior to engagement

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to engagement as the entity's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our engagement.

Required Supplementary Information

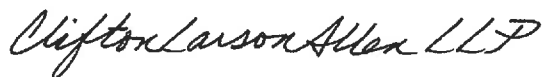
With respect to the required supplementary information (RSI) accompanying the financial statements, we made certain inquiries of management about the methods of preparing the RSI, including whether the RSI has been measured and presented in accordance with prescribed guidelines, whether the methods of measurement and preparation have been changed from the prior period and the reasons for any such changes, and whether there were any significant assumptions or interpretations underlying the measurement or presentation of the RSI. We compared the RSI for consistency with management's responses to the foregoing inquiries, the basic financial statements, and other knowledge obtained during the audit of the basic financial statements. Because these limited procedures do not provide sufficient evidence, we did not express an opinion or provide any assurance on the RSI.

Supplementary Information in Relation to the Financial Statements as a Whole

With respect to the Budgetary Comparison Schedule – Capital Projects Fund (collectively, the supplementary information) accompanying the financial statements, on which we were engaged to report in relation to the financial statements as a whole, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period or the reasons for such changes, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves. We have issued our report thereon May 23, 2024.

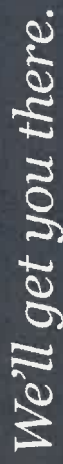
* * *

This communication is intended solely for the information and use of the Honorable Mayor and Members of the Board of Commissioners and management of the Town of Redington Beach, Florida and is not intended to be, and should not be, used by anyone other than these specified parties.



CliftonLarsonAllen LLP

Tampa, Florida
May 23, 2024



Town of Redington Beach, Florida

Audit of the Fiscal Year Ended September 30, 2023

©2024 CliftonLarsonAllen LLP. C/LA (CliftonLarsonAllen LLP) is an independent network member of C/LA Global. See claglobal.com/disclaimer. Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor.



The information herein has been provided by CliftonLarsonAllen LLP for general information purposes only. The presentation and related materials, if any, do not implicate any client, advisory, fiduciary, or professional relationship between you and CliftonLarsonAllen LLP and neither CliftonLarsonAllen LLP nor any other person or entity is, in connection with the presentation and/or materials, engaged in rendering auditing, accounting, tax, legal, medical, investment, advisory, consulting, or any other professional service or advice. Neither the presentation nor the materials, if any, should be considered a substitute for your independent investigation and your sound technical business judgment. You or your entity, if applicable, should consult with a professional advisor familiar with your particular factual situation for advice or service concerning any specific matters.

CliftonLarsonAllen LLP is not licensed to practice law, nor does it practice law. The presentation and materials, if any, are for general guidance purposes and not a substitute for compliance obligations. The presentation and/or materials may not be applicable to, or suitable for, your specific circumstances or needs, and may require consultation with counsel, consultants, or advisors if any action is to be contemplated. You should contact your CliftonLarsonAllen LLP or other professional prior to taking any action based upon the information in the presentation or materials provided. CliftonLarsonAllen LLP assumes no obligation to inform you of any changes in laws or other factors that could affect the information contained herein.



Financial Statement Overview



©2024 CliftonLarsonAllen LLP. CLA (CliftonLarsonAllen LLP) is an independent network member of CLA Global. See cla.global.com/disclaimer. Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor.

Financial Statement Takeaways

As of September 30, 2023

General Fund

- Unassigned fund balance as a percentage of current year expenditures is 311%.
- Net change in fund balance was approximately \$1.5 million.

Capital Projects Fund

- Restricted fund balance was approximately \$2.6 million.

Stormwater Utility Fund

- Unrestricted Net Position was approximately \$915,000 and increased \$50,000 from the previous year.
- Net increase in cash was approximately \$64,000.





Results of Procedures



©2024 CliftonLarsonAllen LLP. CLAI (CliftonLarsonAllen LLP) is an independent network member of CLAI Global. See [CLAIglobal.com/disclaimer](https://clai.global.com/disclaimer). Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor.

Audit and Examination Services Performed

Financial Statements

- Financial statement audit for the year ended September 30, 2023, in accordance with *Government Auditing Standards*

State Compliance

- Examination of compliance with investment provisions of F.S. 218.415



Results of Procedures

Independent Auditors' Report

- Unmodified Opinion

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters (GAS)

- No material weaknesses identified
- No instances of noncompliance reported

Management Letter

- No items of note

Independent Accountants' Report

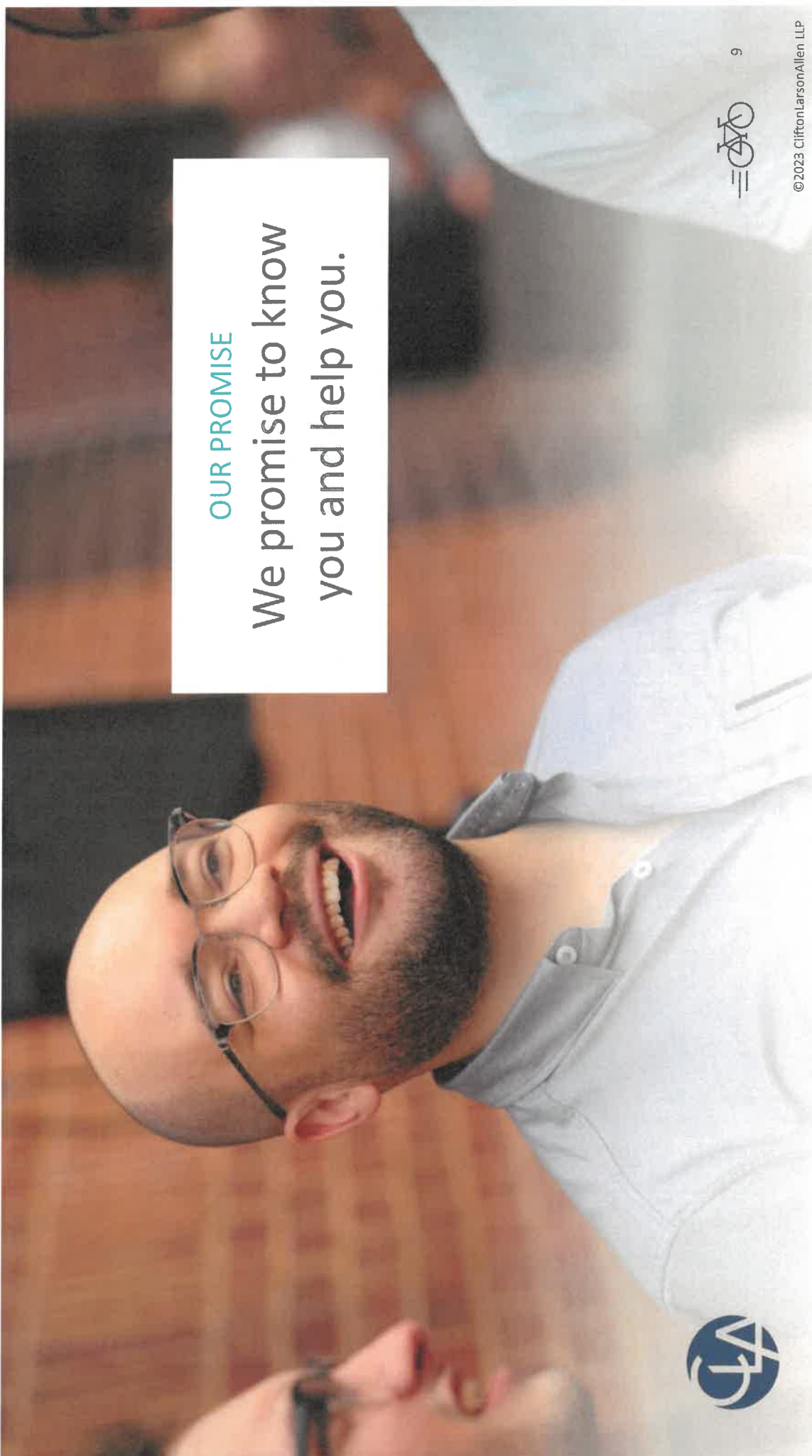
- Unmodified Opinion



Required Communications

Required Communication with Governance					
Qualitative Aspects of Accounting Practices	No Difficulties encountered in performing the audit	Corrected and Uncorrected Misstatements	No Disagreements with Management	Management Representation	No Consultations with Other Auditors





OUR PROMISE

We promise to know
you and help you.



Brian Quinlin, CPA
Signing Director
brian.quinlin@CLAconnect.com
863-202-8121



CLAconnect.com



CPAs | CONSULTANTS | WEALTH ADVISORS

©2024 CliftonLarsonAllen LLP. CLA (CliftonLarsonAllen LLP) is an independent network member of CLA Global. See [CLAGlobal.com/disclaimer](https://claglobal.com/disclaimer). Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor.

Agenda Item 8. CONSENT AGENDA

A. Board Regular Meeting minutes, May 1st, 2024

B. Bill List for Day Ending May 31st, 2024



TOWN OF REDINGTON BEACH, FLORIDA
BOARD REGULAR MEETING MINUTES
Wednesday, May 1st, 2024
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, May 1st, 2024 at 6:30 pm**, 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
Vice Mayor Cariello	X	
Commissioner Murray	X	
Commissioner Thompson	X	
Commissioner Kornijtschuk	X	
Mayor Will	X	
Town Attorney Eschenfelder	X	
Town Clerk Nieves	X	

Approval of Agenda: A motion by Commissioner Kornijtschuk and seconded by Vice Mayor Cariello to approve the agenda. No public comment. Motion passed unanimously.

Public Forum:

Francesca Di Cosmo, 15736 1st St E., asked if the "Private Property" signs she observed behind some beachfront properties are allowed. Attorney Eschenfelder reminded Ms. DiCosmo about the code enforcement portal on the Town's website. She also asked for an update regarding beach nourishment. Mayor Will stated that the Town has not ever been part of the renourishment projects throughout the years.

RJ Myers, of Shumaker Advisors Florida, LLC, asked if the Town would like to reconsider terminating the agreement between Shumaker and the Town since his efforts were successful in 2023. Mayor Will noted that the Town's decision was final.

Reports:

Public Safety

- Nothing to report

Building/Code

- Commissioner Thompson reported that Redington Shores will be ready to operate as the Town's Building Department on June 17th, 2024. Mayor Will stressed that Redington Shores Building Department must be fully functional to handle the Town's needs.

Public Works/Parks

- Vice Mayor Cariello reported that Shenandoah Contractors is scheduled to repair the 7 broken valves but they need to wait for the tides to be very low in order to access those valves.

Finance

- Commissioner Kornijtschuk reported that the Town is in the middle of its annual audit and things are progressing nicely.

Mayor

- Mayor Will reported that sea turtle season is 5/1 through 10/31 and to please be careful of the nests.

Town Clerk

- The Town Clerk reported that one application for the Code Enforcement officer position was received.

Town Attorney

- Attorney Eschenfelder thanked the witnesses who testified in the Customary Use trial and noted he is encouraged by the Judge's comments at the end of the trial. He reported that the ruling would be available in a couple of months.

Boards and Committees

- Nothing to report

CONSENT AGENDA

- A. Board Regular Meeting Minutes, April 3rd, 2024**
- B. Bill List for Day Ending April 26th, 2024**
- C. Proclamation – Older Americans Month**

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

UNFINISHED BUSINESS - NONE

NEW BUSINESS

A. Appointment of Park Board member:

Applicant Mike Baker was unable to attend. Vice Mayor Cariello was able to speak about his experience while working with him on the Park Board.

Vice-Mayor Cariello motioned to appoint Mike Baker as Park Board member. Second by Commissioner Kornijtschuk. No discussion. No public comment. Motion passed unanimously.

B. First Reading: Ordinance 2024-04: AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA, AMENDING § 13-30(e) TO CLARIFY CERTAIN PROHIBITED ACTIVITIES ON THE BEACH; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

Attorney Eschenfelder read by title only.

Mayor Will reported that the revision will make the code simpler and more enforceable. Vice-Mayor Cariello recommended adding language to create a distinction between a tent and a canopy. He referred to the written recommendation of the Park Board, which clarified the specifications of canopies and tents. Attorney Eschenfelder confirmed that the common definition of "tent" includes canopies. Continued discussion among the Commission members.

Public comment:

Francesca DiCosmo, 15736 1st St E., asked for clarification of where Beach Park and Moon Park are located and if tents are allowed in those Town-owned areas.

Attorney Eschenfelder noted that if tents at the Town-owned areas becomes a problem, the Commission has the ability to re-visit the issue and change the policy.

David Barron 16232 Gulf Blvd reported that he has noticed “selective enforcement” of the current code regarding tents. He asked for the reasoning behind the tent prohibition. Attorney Eschenfelder mentioned aesthetics, abandonment, and grouping several tents together for a large crowd.

John Hurlbert, 16006 2nd St E., asked if the beachfront property owners were allowed to have tents on the beach. Attorney Eschenfelder let him know that no they are not allowed.

Pam Gracean, 16120 Gulf Blvd., asked for confirmation that beachfront property owners were NOT allowed to have tents on the beach, which was confirmed by Attorney Eschenfelder. He also noted that the Sheriff's Deputies enforce laws that the Town gives them. The Deputies can use discretion and judgement but the Town cannot tell the police how to enforce them. Ms. Gracean also asked if the Town would be installing signs at the beach entrances.

Claudia McCorkle, 16030 Gulf Blvd, asked if she would be able to have a tent erected on the beach behind her house for a party or fundraiser she may host. Attorney Eschenfelder assured Ms. McCorkle that she could come before the Commission and ask for special permission.

Linda Wilson, 16109 5th St E asked if the last line of the revision should read “Commission” and not “the Town” for permission to have a tent at a Town-owned property. Mayor Will noted that if tents at Town-owned properties becomes an problem, the issue will be revisited by the Commission.

No more public comment.

Commissioner Kornijtschuk motioned to approve Ordinance 2024-04. Second by Commissioner Murray.

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

Motion passed with a 4-1 roll call vote.

OTHER BUSINESS - None

Adjournment: With no further business, motion was made by Commissioner Kornijtschuk and seconded by Commissioner Murray to adjourn. Regular meeting was adjourned at 7:20pm.

Adopted: June 5, 2024

Adriana Nieves, CMC, Town Clerk

INVOICE APPROVAL LIST BY FUND REPORT

Date: 05/01/2024

Time: 11:27 am

Page: 1

Town of Burlington Beach

Fund/Dept/Account	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Fund: 101 General Fund							
Dept: 512 Town Clerk							
101-512-512.230	Group Insurance FLORIDA MUN INSURANCE			0	04/30/2024	04/30/2024	947.88
							947.88
101-512-512.231	Life Insurance FLORIDA MUN INSURANCE			0	04/30/2024	04/30/2024	9.75
							9.75
101-512-512.232	Dental Insurance FLORIDA MUN INSURANCE			0	04/30/2024	04/30/2024	110.27
							110.27
101-512-512.421	Stamps.com CHASE CARD SERVICES	April302024	Stamps.com Month of May	0	04/30/2024	04/30/2024	19.99
							19.99
101-512-512.440	Utilities- Water/EI DUKE ENERGY	400490000572	Townwide March 13th-April 15th	0	04/24/2024	04/24/2024	306.13
							306.13
101-512-512.473	Newsletter CHASE CARD SERVICES	April30,2024	Mailchimp Month of May	0	04/30/2024	04/30/2024	26.50
							26.50
101-512-512.480	Promotion/Public ESCOT BUS LINES LLC	20520	Tnsprt witness's to Fed Crt	0	04/22/2024	04/22/2024	5,265.00
							5,265.00
101-512-512.490	Advertising MOSTON'S BUISNESS & SP	24639	Workshirts P/W Dept \$93.00	0	04/30/2024	04/30/2024	45.90
							45.90
101-512-512.510	Office Supplies CHASE CARD SERVICES	22226	Beach pizza Birthday lunch	0	04/19/2024	04/19/2024	39.01
	PIECZONKA TROPHY OF FL	68566	(2) Bench plates- engraved	0	04/18/2024	04/18/2024	50.00
							89.01
101-512-512.542	Dues & Subscrip I.I.M.C.	May1-2024	Clerks Annual Dues thru 6/30/25	0	05/01/2024	05/01/2024	185.00
							185.00
101-512-512.640	Equipment CHASE CARD SERVICES	6289816	Amazon MULTI-SET audio cable	0	04/23/2024	04/23/2024	144.44
	CHASE CARD SERVICES	7669839	Amazon Digital Mixer/XLR cable	0	04/23/2024	04/23/2024	637.71
							782.15
Total Dept. Town Clerk:							7,787.58
Dept: 513 Finance & Admin							
101-513-513.230	Group Insurance FLORIDA MUN INSURANCE			0	04/30/2024	04/30/2024	935.39
							935.39
101-513-513.231	Life Insurance FLORIDA MUN INSURANCE			0	04/30/2024	04/30/2024	9.75
							9.75
101-513-513.232	Dental Insurance FLORIDA MUN INSURANCE			0	04/30/2024	04/30/2024	33.61
							33.61
101-513-513.400	Janitorial Service ALL PURPOSE CLEANING	0062	Office cleaning 4/8 4/12 4/26	0	04/22/2024	04/22/2024	210.00

INVOICE APPROVAL LIST BY FUND REPORT

Date: 05/01/2024

Time: 11:27 am

Page: 2

Town of Redington Beach

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
							210.00
							Total Dept. Finance & Admin: 1,188.75
Dept: 514 Legal Counsel							
101-514-514.121	Litigation LAW OFFICE OF LUKE LIRO	41864	Buending vs Town (March)	0	04/02/2024	04/02/2024	180.00
							180.00
							Total Dept. Legal Counsel: 180.00
Dept: 521 Law Enforcement							
101-521-521.340	Law Enforcement PINELLAS COUNTY SHERIFF	1454547	Law Enforcement May 2024	0	05/01/2024	05/01/2024	26,176.00
							26,176.00
							Total Dept. Law Enforcement: 26,176.00
Dept: 539 Department of Public Works							
101-539-539.230	Group Insurance FLORIDA MUN INSURANCE			0	04/30/2024	04/30/2024	935.39
							935.39
101-539-539.231	Life Insurance - C FLORIDA MUN INSURANCE			0	04/30/2024	04/30/2024	9.75
							9.75
101-539-539.232	Dental Insurance FLORIDA MUN INSURANCE			0	04/30/2024	04/30/2024	110.27
							110.27
101-539-539.440	P/W Utilities DUKE ENERGY	200032565298	Public Works bldg Mar 13-Apr10	0	04/12/2024	04/12/2024	131.08
							131.08
							Total Dept. Department of Public Works: 1,186.49
Dept: 541 Roads & Streets							
101-541-541.467	Maint - Street Lig DUKE ENERGY	400490000572	Townwide March 13th-April 15th	0	04/24/2024	04/24/2024	3,737.63
							3,737.63
							Total Dept. Roads & Streets: 3,737.63
Dept: 572 Parks and Recreation							
101-572-572.430	Utilities DUKE ENERGY	200032565299	Beach park Mar. 13th -Apr 10th	0	04/12/2024	04/12/2024	40.34
	DUKE ENERGY	400490000572	Townwide March 13th-April 15th	0	04/24/2024	04/24/2024	64.94
	PINELLAS COUNTY UTILITIES	50900280249	Feb 2 - April 3@105-164th Ave	0	04/15/2024	04/15/2024	183.74
	PINELLAS COUNTY UTILITIES	50500280227	Feb 2 - April 3	0	04/15/2024	04/15/2024	63.75
	PINELLAS COUNTY UTILITIES	50900281944	Feb 2 - April 3	0	04/22/2024	04/22/2024	18.50
	PINELLAS COUNTY UTILITIES	50000050666	Feb 2 - April 3	0	04/23/2024	04/23/2024	55.54
							426.81
101-572-572.461	Maintenance - Bu HOME DEPOT CREDIT SERV	1524842	Window unit A/C	0	04/25/2024	04/25/2024	293.92
	PINELLAS PLUMBING	10921	Hot water heater-P/W building	0	04/30/2024	04/30/2024	1,685.00
							1,978.92
101-572-572.510	Maintenance Equ EVERGLADES FARM EQUIPMENT	W64770	Tractor oil pan /gasket replmnt	0	04/23/2024	04/23/2024	3,993.16
							3,993.16
101-572-572.520	Uniforms MORTON'S BUSINESS & SPORTS	24639	Workshirts P/W Dept \$93.00	0	04/30/2024	04/30/2024	124.90

Date: 05/01/2024

Time: 11:27 am

Page: 3

Town of Redington Beach

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
							124.90
						Total Dept. Parks and Recreation:	6,523.79
						Total Fund General Fund:	46,780.24
Fund: 400	Storm Water						
Dept: 535	Storm Water						
400-535-535.548	NPDES Drain Cle						
	PINELLAS COUNTY BOARD	April 16-2024	Ambient Wtr Qlty Monitoring	0	04/16/2024	04/16/2024	923.79
							923.79
						Total Dept. Storm Water:	923.79
						Total Fund Storm Water:	923.79
						Grand Total:	47,704.03

INVOICE APPROVAL LIST BY FUND REPORT

Date: 05/08/2024

Time: 12:33 pm

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							
101-512-512.310	Professional Ser ANDREW TESS	3221	Acct service 4/22/2024	0	05/06/2024	05/06/2024	750.00
							750.00
101-512-512.410	Telephone TAMPA BAY TELEPHONE	33764	Maint contract June - Aug 2024	0	05/01/2024	05/01/2024	99.00
							99.00
101-512-512.461	Building Mainten: PYE BARKER FIRE & SAFET	IV00174132	Annual Fire Ext Insp 5/6/2024	0	05/06/2024	05/06/2024	299.00
							299.00
101-512-512.510	Office Supplies AREA PRINTING	83379	B/C (Tim T.) + Window Envelope	0	05/03/2024	05/03/2024	117.15
							117.15
101-512-512.515	Office Copier/Lea KONICA MINOLTA BUSINESS	293586270	4-1 thru 4-30 2024	0	04/30/2024	04/30/2024	121.19
							121.19
101-512-512.520	Office Copier/Use KONICA MINOLTA BUSINESS	293586270	4-1 thru 4-30 2024	0	04/30/2024	04/30/2024	286.64
							286.64
Total Dept. Town Clerk:							1,672.98
Dept: 513 Finance & Admin							
101-513-513.415	Fund Balance Su TYLER TECHNOLOGIES.INC	025-457553	Fundbalance Annual fee 2024	0	04/01/2024	04/01/2024	1,328.90
							1,328.90
Total Dept. Finance & Admin:							1,328.90
Dept: 514 Legal Counsel							
101-514-514.124	Town Attorney TRASK, DAIGNEAULT, LLP A	4023	April 2024 services	0	05/01/2024	05/01/2024	1,200.00
							1,200.00
Total Dept. Legal Counsel:							1,200.00
Dept: 515 Comprehensive Planni							
101-515-515.310	Planning PINELLAS CO. PLANNING CO	373	1st & 2nd qtr Oct2023-Mch 2024	0	05/06/2024	05/06/2024	2,108.00
							2,108.00
Total Dept. Comprehensive Planning:							2,108.00
Dept: 524 Protective Services							
101-524-524.310	Code Enforcement PINELLAS COUNTY SHERIFF	1437257	Feb, Code Enforcement	0	03/02/2024	03/02/2024	2,671.68
	PINELLAS COUNTY SHERIFF	1450849	March Code Enforcement	0	04/02/2024	04/02/2024	2,671.68
	PINELLAS COUNTY SHERIFF	1457907	April Code Enforcement	0	05/06/2024	05/06/2024	2,671.68
							8,015.04
Total Dept. Protective Services:							8,015.04
Dept: 572 Parks and Recreation							
101-572-572.430	Utilities PINELLAS COUNTY UTILITIE	50900283342	Feb 2 - April 3	0	04/29/2024	04/29/2024	27.77
							27.77
101-572-572.462	Maintenance - Gr						

Date: 05/08/2024

Time: 12:33 pm

Page: 2

Town of Redington Beach

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
	CHASE CARD SERVICES	400060332	lightbulbsurplus-F/P globes(2)	0	05/02/2024	05/02/2024	156.13
	HOME DEPOT CREDIT SERV	620434	Trashbags	0	04/06/2024	04/06/2024	24.97
	WASTE CONNECTIONS OF F	3985948W416	Garage sale roll-off Mar 2024	0	03/31/2024	03/31/2024	55.00
							236.10
101-572-572.522	Gasoline & Oil						
	CHASE CARD SERVICES	TRNO 182	Diesel gas - tractor	0	05/03/2024	05/03/2024	52.77
	WEX BANK	4-24-2024	Unleaded - 6988 Rich 04/23/202	0	04/24/2024	04/24/2024	78.76
	WEX BANK	478651	Unleaded - 5951Dave 4/30/2024	0	04/30/2024	04/30/2024	84.87
	WEX BANK	05-02-2024	Unleaded - 6988 Rich 5/1/2024	0	05/02/2024	05/02/2024	79.26
	WEX BANK	5-8-2024	Interest - May	0	05/08/2024	05/08/2024	9.68
							305.34
						Total Dept. Parks and Recreation:	569.21
						Total Fund General Fund:	14,894.13
Fund: 400	Storm Water						
Dept: 535	Storm Water						
400-535-535.340	Street Sweeping						
	USA SERVICES OF FLORIDA	USA1233180	Street sweeping svc 4/23/2024	0	04/30/2024	04/30/2024	375.00
							375.00
400-535-535.441	Utility Mailing Co:						
	PINELLAS COUNTY UTILITIE	90006164	Stormwater-postage Mar/April	0	05/01/2024	05/01/2024	549.90
							549.90
400-535-535.650	Engineering Expe						
	TEAM ENGINEERING	2022-04-02	NPDES - Permitting Cycle4	0	02/09/2024	02/09/2024	3,575.00
							3,575.00
						Total Dept. Storm Water:	4,499.90
						Total Fund Storm Water:	4,499.90
						Grand Total:	19,394.03

Date: 05/31/2024

Time: 1:55 pm

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							
101-512-512.230	Group Insurance FLORIDA MUN INSURANCE	06012024	Dental/Health/Vision June 2024	0	05/21/2024	05/21/2024	947.88
							947.88
101-512-512.231	Life Insurance FLORIDA MUN INSURANCE	06012024	Dental/Health/Vision June 2024	0	05/21/2024	05/21/2024	9.75
							9.75
101-512-512.232	Dental Insurance FLORIDA MUN INSURANCE	06012024	Dental/Health/Vision June 2024	0	05/21/2024	05/21/2024	110.27
							110.27
101-512-512.310	Professional Sen ANDREW TESS	3230	Acct services 5/16/2024	0	05/20/2024	05/20/2024	750.00
							750.00
101-512-512.410	Telephone CHARTER COMMUNICATION	167052701050724	Ph & Int May 8 - June 7	0	05/07/2024	05/07/2024	199.96
							199.96
101-512-512.411	Internet Services CHARTER COMMUNICATION	167052701050724	Ph & Int May 8 - June 7	0	05/07/2024	05/07/2024	159.98
							159.98
101-512-512.490	Advertising TIMES PUBLISHING COMPAI	0000340790	Ordinance 2024-3	0	05/22/2024	05/22/2024	49.60
	TIMES PUBLISHING COMPAI	0000343647	Ordinance 2024-4	0	05/22/2024	05/22/2024	49.60
							99.20
101-512-512.510	Office Supplies APEX OFFICE PRODUCTS	2567860-0	Copy paper / Dry erase markers	0	05/09/2024	05/09/2024	56.69
							56.69
101-512-512.542	Dues & Subscrip BARRIER ISLAND GVNMT CO	yr 2024	Yearly dues 2024	0	05/13/2024	05/13/2024	100.00
							100.00
Total Dept. Town Clerk:							2,433.73
Dept: 513 Finance & Admin							
101-513-513.230	Group Insurance FLORIDA MUN INSURANCE	06012024	Dental/Health/Vision June 2024	0	05/21/2024	05/21/2024	935.39
							935.39
101-513-513.231	Life Insurance FLORIDA MUN INSURANCE	06012024	Dental/Health/Vision June 2024	0	05/21/2024	05/21/2024	9.75
							9.75
101-513-513.232	Dental Insurance FLORIDA MUN INSURANCE	06012024	Dental/Health/Vision June 2024	0	05/21/2024	05/21/2024	33.61
							33.61
101-513-513.320	Audit Fee CLIFTON LARSON ALLEN LL	L241301436	Auditing svcs for 09/30/2024	0	05/07/2024	05/07/2024	3,780.00
							3,780.00
Total Dept. Finance & Admin:							4,758.75
Dept: 514 Legal Counsel							
101-514-514.121	Litigation LAW OFFICE OF LUKE LIRO	42010	Legal representation Apr 2024	0	04/30/2024	04/30/2024	16,456.25
							16,456.25

INVOICE APPROVAL LIST BY FUND REPORT

Date: 05/31/2024

Time: 1:55 pm

Page: 2

Town of Redington Beach

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
101-514-514.310	Legislative Couns						
	SHUMAKER ADVISORS FLOI	4857	Legisl council for May2024	0	05/08/2024	05/08/2024	2,750.00
							2,750.00
						Total Dept. Legal Counsel:	19,206.25
Dept: 521 Law Enforcement							
101-521-521.340	Law Enforcemen						
	PINELLAS COUNTY SHERIFI	1447208	Service - April 2024	0	04/01/2024	04/01/2024	26,176.00
							26,176.00
						Total Dept. Law Enforcement:	26,176.00
Dept: 539 Department of Public V							
101-539-539.230	Group Insurance						
	FLORIDA MUN INSURANCE	06012024	Dental/Health/Vision June 2024	0	05/21/2024	05/21/2024	935.39
							935.39
101-539-539.231	Life Insurance - L						
	FLORIDA MUN INSURANCE	06012024	Dental/Health/Vision June 2024	0	05/21/2024	05/21/2024	9.75
							9.75
101-539-539.232	Dental Insurance						
	FLORIDA MUN INSURANCE	06012024	Dental/Health/Vision June 2024	0	05/21/2024	05/21/2024	110.27
							110.27
101-539-539.440	P/W Utilities						
	DUKE ENERGY	0154	Public works April 11-May 10	0	05/14/2024	05/14/2024	198.81
	DUKE ENERGY	0476	Street lights April 11-May 16	0	05/30/2024	05/30/2024	600.36
							799.17
						Total Dept. Department of Public Works:	1,854.58
Dept: 541 Roads & Streets							
101-541-541.467	Maint - Street Lig						
	DUKE ENERGY	0476	Street lights April 11-May 16	0	05/30/2024	05/30/2024	3,737.63
							3,737.63
						Total Dept. Roads & Streets:	3,737.63
Dept: 572 Parks and Recreation							
101-572-572.430	Utilities						
	DUKE ENERGY	2024April 29	March 27th-April 25	0	04/29/2024	04/29/2024	0.02
	DUKE ENERGY	0155	Beach park April 11-May 10	0	05/14/2024	05/14/2024	37.56
	DUKE ENERGY	0476	Street lights April 11-May 16	0	05/30/2024	05/30/2024	64.92
							102.50
101-572-572.460	Maint - Automotiv						
	HOME DEPOT CREDIT SERV	3885	Tow bar / ball hitch	0	05/10/2024	05/10/2024	68.94
							68.94
101-572-572.461	Maintenance - Bu						
	BEACH HARDWARE	416184	Impact drill, Socket, a/c fitr	0	05/04/2024	05/04/2024	146.34
	BEACH HARDWARE	416188	paint,rollers,drill bits, bulb	0	05/25/2024	05/25/2024	44.09
	HOME DEPOT CREDIT SERV	6304-2	Fabreeze,	0	05/22/2024	05/22/2024	11.94
							202.37
101-572-572.462	Maintenance - Gr						
	BEACH HARDWARE	416188	paint,rollers,drill bits, bulb	0	05/25/2024	05/25/2024	73.91
	HOME DEPOT CREDIT SERV	9779	gloves 2-cycle oil potting mix	0	05/09/2024	05/09/2024	73.36
	HOME DEPOT CREDIT SERV	6304-3	Paint B-ball court spray paint	0	05/22/2024	05/22/2024	212.00
							359.27
101-572-572.510	Maintenance Equ						

Date: 05/31/2024

Time: 1:55 pm

Page: 3

Town of Redington Beach

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
	HOME DEPOT CREDIT SERV	9779	gloves 2-cycle oil potting mix	0	05/09/2024	05/09/2024	21.88
	HOME DEPOT CREDIT SERV	2897	Paint for basketball court	0	05/29/2024	05/29/2024	65.64
							87.52
101-572-572.522	Gasoline & Oil						
	CHASE CARD SERVICES	95487249145	Diesel gas - tractor	0	05/30/2024	05/30/2024	32.86
	WEX BANK	742833	Unleaded	0	05/09/2024	05/09/2024	46.06
	WEX BANK	893008	unleaded	0	05/14/2024	05/14/2024	78.77
	WEX BANK	05-20-2024	Unleaded	0	05/20/2024	05/20/2024	55.42
	WEX BANK	2024-05-23	Unleaded	0	05/23/2024	05/23/2024	86.27
							299.38
						Total Dept. Parks and Recreation:	1,119.98
Dept: 573 Board of Parks & Recre							
101-573-573.462	Grounds Mainten						
	BEACH HARDWARE	416188	paint,rollers,drill bits, bulb	0	05/25/2024	05/25/2024	37.96
	HOME DEPOT CREDIT SERV	6304	paint rollers, tape	0	05/22/2024	05/22/2024	82.12
	HOME DEPOT CREDIT SERV	2897	Paint for basketball court	0	05/29/2024	05/29/2024	212.00
							332.08
						al Dept. Board of Parks & Recreation:	332.08
						Total Fund General Fund:	59,619.00
						Grand Total:	59,619.00

5/1/2024	11462 PAYROLL	\$	2,206.13
	11463 PAYROLL	\$	1,334.43
	11464 PAYROLL	\$	1,627.42
	11465 PAYROLL	\$	1,277.78
5/13/2024	11466 PAYROLL	\$	2,206.13
	11467 PAYROLL	\$	1,370.94
	11468 PAYROLL	\$	1,627.42
	11469 PAYROLL	\$	1,277.78
5/24/2024	11470 PAYROLL	\$	197.05
	11471 PAYROLL	\$	277.05
	11472 PAYROLL	\$	277.05
	11473 PAYROLL	\$	217.05
	11474 PAYROLL	\$	461.75
	11475 PAYROLL	\$	2,241.96
	11476 PAYROLL	\$	1,334.44
	11477 PAYROLL	\$	1,658.21
	11478 PAYROLL	\$	1,277.78
	EFT Retirement	\$	1,853.56
	EFT Payroll taxes	\$	5,643.65
	TOTAL	\$	28,367.58

MAYOR WILL

VICE MAYOR CARIELLO

COMMISSIONER KORNJITSCHUK

Regular Meeting of June 5, 2024

COMMISSIONER THOMPSON

COMMISSIONER MURRAY

ATTEST:

Adriana Nieves, CMC, Town Clerk

Agenda Item 9 A.

ORDINANCE NO. 2024-03

An Ordinance Of The Town Of Redington Beach, Florida, Amending Article XI Of Chapter 6 Of The Town Code Regarding Building Variance Procedures; Making Related Findings; Providing For Codification, Severability, And For An Effective Date.

ORDINANCE NO. 2024-03

**AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA,
AMENDING ARTICLE XI OF CHAPTER 6 OF THE TOWN CODE
REGARDING BUILDING VARIANCE PROCEDURES; MAKING
RELATED FINDINGS; PROVIDING FOR CODIFICATION,
SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

WHEREAS, in land-use law, a variance seeker must demonstrate an exceptional and unique hardship to the individual landowner not shared by other property owners in the area, *Nance v. Town of Indialantic*, 419 So.2d 1041 (Fla. 1982); and

WHEREAS, a variance which permits a use not authorized by existing zoning restrictions for a neighborhood is not justified unless no reasonable use can be made of the land without the variance, *Bernard v. Town Council of Palm Beach*, 569 So.2d 853 (Fla. 4th DCA 1990); and

WHEREAS, a hardship must be such that it renders it virtually impossible to use the land for the purpose for which it is zoned, *Town of Indialantic v. Nance*, 485 So.2d 1318, 1320 (Fla. 5th DCA); and

WHEREAS, a hardship must arise from circumstances peculiar to the realty alone, unrelated to the conduct or to the self-originated expectations of any of its owners or buyers, *City of Coral Gables v. Geary*, 383 So.2d 1127 (Fla. 3d DCA 1980); and

WHEREAS, neighboring property owners have a right to rely on existing zoning conditions and they had a right to a continuation of those conditions in the absence of a showing that a variance was necessary, *Friedland v. City of Hollywood*, 130 So.2d 306 (Fla. 2d DCA 1961); and

WHEREAS, Article XI (Board of Adjustment) of Chapter 6 (Buildings and Building Regulations) addresses the rules and procedures related to seeking variances to the application of the Town's building codes and setback requirements; and

WHEREAS, § 6-290(1) of the Town Code provides that a variance applicant may be represented at a variance hearing by an agent who is not an attorney; and

WHEREAS, this provision creates the potential that a non-attorney agent of an applicant may be in violation of Florida Statutes § 454.23, which provides that it is a felony of the third degree for a person not an attorney to practice law in Florida; and

WHEREAS, Article XI contains in various locations provisions with gender-specific references to the Board of Adjustment's Chairperson; and

WHEREAS, § 6-288(e) of the Town Code provides that the Board of Adjustment has direct authority to expend Town funds, which provision is inconsistent with § 13(7) of the Town Charter, which provides that the Town Commission makes decisions related to the expenditure of Town funds; and

WHEREAS, in light of the foregoing, and to provide other useful updates to Article XI of Chapter 6 of the Town Code, the Town Attorney has recommended that the Commission consider adoption of the revisions set forth in this Ordinance; and

WHEREAS, the Commission has considered the recommended revisions to the Town Code set forth in this Ordinance, as well as any feedback provided by Town residents related to the revisions, and finds that it is in the best interest of the Town and its citizens to adopt the Code amendments set forth in this Ordinance.

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

Section 1. Article XI (BOARD OF ADJUSTMENT) of Chapter 6 (BUILDINGS AND BUILDING REGULATIONS) of the Redington Beach Town Code is hereby amended as follows:

ARTICLE XI. - BOARD OF ADJUSTMENT

Sec. 6-288. General.

- (a) A board of adjustment is hereby established, to consist of five members and two alternates, designated as such to be appointed by the town commission, each for a term of three years. ~~Terms shall be staggered so as to ensure that the odd numbered seats (regular seats 1, 3 and 5, and alternate seat 1) shall expire on alternating years from the even numbered seats (regular seats 2 and 4, and alternate seat 2); provided that in initial appointments, three terms shall be for one year, two for two years, and two alternates for three years. Members appointed mid term shall serve out the remainder of the unexpired term and thereafter be eligible for appointment to a full term.~~ All members must be electors of the town. No member of the board shall be an official or employee of the town.
- (1) *Alternate members.* Alternate members may ~~attend all meetings of the board, but may not participate and vote only~~ in the temporary absence or disability of any regular member, or when a regular member is ~~required to otherwise~~ disqualified ~~her or himself~~ in a particular case.
- (2) *Member removal.* ~~Pursuant to § 13(2) of the charter, the commission may remove a member of the board at any time may be removed from office for cause by the town commission on written notice and after public hearing.~~
- (3) *Vacancies.* Vacancies shall be filled by the ~~town~~ commission ~~within 30 days after a the~~ vacancy occurs for the unexpired term of ~~a the member affected.~~
- (b) The board shall ~~on an annual basis, elect a chairman and vice chairman who shall be a from among its regular members of the board of adjustment. Terms of all offices under this subsection shall be for one year, with eligibility for reappointment.~~
- (c) The board shall adopt rules for ~~the conduct transaction~~ of its business, ~~which rules shall not be inconsistent with any provision of the town's charter, code, or resolutions of the commission. The town clerk, and shall keep a record of the board's orders and its resolutions,~~

~~findings and determinations, which shall be public record. The board shall keep meeting minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote indicating such fact.~~

- (d) Meetings of the board shall be held at the call of the chairman or as scheduled by the town clerk and at such times as the board may determine. Minutes of the board shall be filed promptly in the office of the town clerk.
- (e) The town commission ~~will~~ is authorized and empowered to budget for and appropriate such funds as that are necessary to facilitate conduct the work of the board. The town commission will, from time to time, is authorized to establish a schedule of fees to be charged to applicants seeking relief from by the board. The board shall have the authority to expend all sums made available for its use from fees and other sources for the purpose and activities authorized by this chapter.

Sec. 6-289. Powers and duties.

The board of adjustment shall have the following powers and duties:

- (1) To authorize upon application in specific cases such variances from the terms of the building or zoning Town's C code, of Ordinances unless such variances are prohibited by the code or state law, otherwise specifically excepted, that as will not be contrary to the public interest and which satisfy the variance criteria of this article where, owing to special conditions, a literal enforcement of those provisions would result in unnecessary and undue hardship.
- (2) ~~The board may not grant a variance unless the applicant files a complete written application using the variance application form developed by the town, pays all applicable application fees, and establishes, through relevant, competent, and substantial evidence and testimony presented to the board, to consider written applications for a variance when it is demonstrated that:~~
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building for which the variance is being sought, involved and which are not applicable to other similarly situated lands, structures, or buildings in the same zoning district; ~~and~~
 - b. A literal interpretation of the provisions of the applicable code would deprive the applicant of rights commonly enjoyed by other similarly situated properties in the same zoning district under the terms of the applicable code;
 - c. ~~No variance shall be granted unless the applicant demonstrates by relevant, competent, and substantial evidence that the following criteria have been satisfied:~~
 - ~~1.~~ The property has an unusual hardship not suffered by other similarly situated properties within the same district;
 - d. _____
 - ~~2.~~ The hardship of the property was not self-created by the applicant and was not the result of an action taken with the applicant's prior knowledge or approval. Further,

no variance may be granted arising from illegal construction of a structure or an illegal use of the premises which would otherwise have required a permit to be issued, and which construction was commenced illegally. Further, no variance may be granted for any property in the town where the property has a pending unresolved code violation, or where the owner has failed to satisfy any recorded code enforcement lien or to have complied with any court or magistrate order related to a code enforcement violation within the town. Under such conditions, the ~~property~~ owner shall have no legal right to obtain ~~apply for~~ a variance, and the board shall have no legal right to grant a variance;

e. _____

3. The requested variance is the minimum variance necessary to permit the reasonable use of the property;

f. _____

4. The requested variance will not confer on the applicant any special privilege that is denied by the applicable code to other similarly situated property owners;

g. _____

5. The literal interpretation of the applicable code would deprive the applicant of rights commonly enjoyed by other similarly situated property owners;

h. _____

6. The requested variance will not be contrary to the public interest and will be in harmony with general intent and purpose of the applicable code.

(3) To hear and decide appeals where it is alleged there is error in any order, decision, or determination of the building code administrator in the administration or interpretation of the regulations of the town. This appeals process is limited to the provisions of the ~~T~~town's ~~C~~code and does not allow for appeals of interpretation or application of the state building code, or other similar code which the town may adopt from time to time.

(4) *Prohibited variances.* The board ~~of adjustment~~ is specifically prohibited from hearing and granting any variance from:

a. The provisions of appendix A to the ~~T~~town's ~~C~~code ~~of Ordinances~~ restricting, providing, and establishing certain zones and zoning of the town;

b. The overall height of buildings and structures within the town as set forth in § 6-58(6), section 20 of the Charter of Redington Beach and subsections 5(c) and (d) of the building regulations of the town's land development code ~~appendix A of the Redington Beach Code~~;

c. Any provision of the town's comprehensive plan.

(5) The board shall not consider any petition or application for the same request for a period of 120 days from the date of the order on a previous petition or application.

(6) For purposes of subsection (2) of this section, the phrase "reasonable use of the property" shall mean the use of the property according to its zoning classification, even if that use is

not the maximum use of the property which could occur were the variance granted. The phrase "unusual hardship not suffered by other similarly situated properties" does not apply merely because a lot was platted with a non-standard shape (including pie-shaped lots) where similar such non-standard lots also exist in the town.

Sec. 6-289.1. De minimis variances, approval by the building code administrator.

- (a) *Statement of purpose and intent.* The town recognizes that:
- (1) De minimis discrepancies may exist between code-compliant construction and actual construction; and
 - (2) Therefore situations exist wherein a structure exists that is nonconforming pursuant to the Town's Code; and
 - (3) Such nonconformity may occur with respect to setbacks, vertical features in required setbacks, landscaping, lot grading or elevations, utility connections, or other requirements of the town's land development and related regulations; and
 - (4) There is a rebuttable presumption that said discrepancies are the result of errors in the design, construction and/or permit administration processes and are not the result of malfeasance; and
 - (5) Said rebuttable presumption may be overcome only by clear and convincing evidence of malfeasance; or
 - (6) Said de minimis discrepancies are the result of code changes since an existing building was constructed; and
 - (7) In the absence of malfeasance in the creation of the de minimis discrepancy, it is in the public interest to waive strict compliance with the relevant codes or to allow property improvements that incorporate the de minimis discrepancy; and
 - (8) It is in the public interest that said de minimis variances may be granted by the building code administrator without the need for a full board of adjustment proceeding.
- (b) *De minimis variance defined.* For the purposes of this Code, a de minimis variance is a variance relating to new or existing construction related activities which does not exceed 12 inches for setbacks and accessory structure heights, or one percent for all other measurements including those pertaining to lot dimensions or area. All prohibitions on the granting of variances contained in subsection 6-289(4) above are applicable to de minimis variances.
- (c) *Criteria for granting a de minimis variance.* A de minimis variance is intended to provide relief as to new or existing construction related activities when the literal or strict enforcement of the provisions of the town's land development and related regulations causes unusual, exceptional, unnecessary difficulties or hardship because of the size of the tract, parcel or lot, the topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, including existing construction features. In such circumstances, the building code administrator, after conferring with the building commissioner may grant a de minimis by submitting to the town clerk, a memorandum making the following findings:

- (1) The variance request complies with the requirements of Code subsections 6-289(2) and (4);
 - (2) The structure or use which is the subject of the requested variance or which is the cause of the requested variance was constructed or commenced lawfully and with the proper permits. In the event that the town records are incomplete or unclear with respect to the previous construction activity, there is a rebuttable presumption that said activity was lawfully commenced and completed in accordance with all requisite permits and in compliance with all applicable codes and laws;
 - (3) Such a variance would not be contrary to the public interest or give special benefit to the property owner requesting such a variance; and
 - (4) The variance, if granted, would not be in violation of the town's comprehensive plan.
- (d) *Appeals from the grant or denial of a de minimis variance.* Denial of a de minimis variance may be appealed to the board of adjustment subject to the variance criteria set forth in subsections 6-289(2) and (4). When a de minimis variance is granted by the building code administrator any "person affected" by the grant of said variance may, within 21 days of the grant of the de minimis variance, appeal the granting of the variance to the board of adjustment as provided for in subsection 6-289(3) of the Town Code. A "person affected" by the grant of a de minimis variance is a person who would be entitled to notice of a board of adjustment hearing on a non-de minimis variance pursuant to Code section 6-290. No other person shall have standing to appeal the granting of a de minimis variance.

Sec. 6-290. Procedures.

When an application for variance is submitted:

- (1) A quasi-judicial public-hearing shall be held. ~~Any~~ party must ~~ay~~-appear in person, ~~by agent, or through by an~~ attorney. While architects, engineers or contractors may be called by the applicant as witnesses during the hearing, in accordance with Florida Statutes § 454.23, such persons may not present arguments, offer evidence, or examine or cross-examine witnesses, or otherwise represent an owner.
- (2) Except as provided herein, due notice of the ~~public~~-hearing shall be given by no less than 30 days' written notice mailed to the applicant and to all property owners within 150 feet of any property line of the applicant as determined by the county property appraiser's office. For a dock variance application for a property located on an inside radius as such is defined herein, notice of the variance application shall be given to all property owners with property that fronts on the inside radius. For the purposes of this subsection, "inside radius" means a curvilinear length of shoreline wherein the shoreline recedes from the waterway, thereby creating a cove, inlet or bay or similar physical feature.
- (3) The board ~~of adjustment~~ shall make findings as to whether the requirements as set forth in § section 6-289 have been met by the applicant.
- (4) The board ~~of adjustment~~ shall further make a finding whether the reasons set forth in the application justify the granting of the variance, and whether the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure of the applicant.

- (5) The board ~~of adjustment~~ shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of, the applicable provisions of the ~~T~~town ~~C~~code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- (6) The board ~~of adjustment~~, in granting any variance, may impose appropriate conditions and safeguards in conformity with the applicable code sections violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the ~~Town~~ Ccode.
- (7) Any variance granted under the provisions of this Ccode shall expire within 60 days from the date of the executed order granting the variance, unless a building permit for construction or alteration has been issued in accordance with the plans and conditions upon which the variance was granted. The building official may grant extensions to this deadline if that official determines that the applicant is proceeding in good faith.
- (8) Upon receiving a request in writing at least 30 days prior to the scheduled expiration date of the variance, the board ~~of adjustment~~ may, in its discretion, grant a one-time 30 day extension calculated from the date the original variance would have expired, provided proper public notice by mail has been given and the request is one made in good-faith and there is good cause shown for the extension.

Sec. 6-291. Appeals from decisions of the board of adjustment.

Any person aggrieved by any decision of the board, may seek judicial review of such decision by petition for writ of certiorari in a court of competent jurisdiction as provided by law. The decision of the board ~~of adjustment~~ shall be considered a final administrative action, and shall only be subject to review based upon the record established at the hearing before the board.

Sec. 6-292. Appeals to the board of adjustment.

It is the intent of this article that all questions of interpretation and enforcement of the ~~B~~building ~~C~~code ~~and Building Regulations~~ of the ~~T~~town ~~of Redington Beach~~ shall be first presented to the building code administrator.

- (1) Appeals to the board ~~of adjustment~~ concerning interpretation or administration of the town's building regulations may be taken by any person aggrieved by any decision, determination, or requirement of the building code administrator.
- (2) Such appeals shall be taken within 30 days, by filing a notice of appeal specifying the grounds of appeal with the building code administrator. The building code administrator shall forthwith transmit to the board ~~of adjustment~~ all papers constituting the record upon which the building code administrator took the action appealed.
- (3) The board ~~of adjustment~~ shall fix a reasonable time for the hearing of the appeal, giving public notice thereof in the same manner as for variances, as provided in § section 6-290, as well as due notice to the parties in interest, and decide the same within a reasonable time. ~~At the hearing, any party may appear in person or by agent or attorney.~~

- (4) An appeal stays all proceedings in furtherance of the action appealed unless the building code administrator, from whom the appeal is taken, certifies to the board after notice of appeal is filed that, in the administrator's opinion, a stay would cause a hazard to life or property. In such event, the proceedings shall not be stayed except by a supermajority vote by the board or by an injunction issued by a court of competent jurisdiction, on notice to the administrator and with good cause shown.

Sec. 6-293. Schedule of fees, charges and expenses.

- (a) ~~The town commission shall establish a schedule of fees, charges, and expenses and a collection procedure for review by the board of adjustment. The schedule of fees established by the commission for proceedings before the board shall be posted on the town's website for review by the public in the office of the building code administrator and town clerk, and may only be amended by the town commission.~~
- (b) The fee and administrative costs for a variance heard by the board ~~of adjustment~~ shall be \$~~24~~50.00 and \$50.00 for administrative or de minimis variances. There shall be no additional fee for an appeal as set forth in section 6-291.
- (c) Until all applicable fees, costs and expenses have been paid in full, no action shall be taken on any application or appeal.
- (d) In addition to the fee schedule outlined above, the ~~applicant petitioner~~ shall be responsible for the payment of any extraordinary expenses incurred by the town, at a cost consistent with the reasonable expenses in analyzing or reviewing all or any part of an application. The extraordinary expenses may be occasioned by the town's retention of the services of a third party consultant. The ~~applicant petitioner~~ will be advised of the necessity of such expense prior to it being incurred. The ~~applicant petitioner~~ and the building code administrator must jointly approve an estimated cost amount before these charges can be authorized. Upon the request of the ~~applicant petitioner~~, the ~~town commission~~ may review such extraordinary expenses as to its necessity and amount. The charges for extraordinary expenses will be paid prior to the costs being incurred by the town and prior to the town's further action on the application~~in advance to the town in the form of cash or certified check at the agreed-upon cost.~~

~~Sec. 6-294. Severability clause.~~

~~—Should any section or provision of this article be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the balance of this article.~~

Section 2. Pursuant to Florida Statutes § 166.041(4)(a), prior to the date the public notice of the public hearing for this Ordinance was published, the Town prepared and posted on its website a business impact estimate which included: a) a summary of the Ordinance, a statement of the public purpose to be served by the Ordinance, b) an estimate of the direct economic impact

of the Ordinance on private, for-profit businesses in the Town, c) an estimate of direct compliance costs that businesses may reasonably incur due to the Ordinance, d) identification of any new charge or fee on businesses created by the Ordinance or for which businesses will be financially responsible, e) an estimate of the Town's regulatory costs and of revenues from any new charges or fees imposed on businesses to cover such costs, and f) a good faith estimate of the number of businesses likely to be impacted by the Ordinance.

Section 3. 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 4. 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 5. 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 6. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 3rd day of April, 2024, by the Board of Commissioners of the Town of Redington Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the 5th day of June 2024, by the
Board of Commissioners of the Town of Redington Beach, Florida.

Attest:

David Will, Mayor

Adriana Nieves, CMC, Town Clerk

Agenda Item 10A.

Appointment of Planning Board Member



TOWN OF REDINGTON BEACH, FLORIDA

APPLICATION FOR APPOINTMENT

NAME: Ed Fernandez

ADDRESS: 402 161ST AVE Redington Beach, FL 33708

PRIMARY PHONE #: 727 460 9166 SECONDARY PHONE #: _____

How long has Applicant been a Redington Beach resident? 38 years

Applicant is a qualified elector of the Town: ☒ YES ☐ NO

SEEKING APPOINTMENT TO: (Check one)

☐ Board of Commissioners ☒ Planning Board

☐ Park Board

☐ Board of Adjustment ☐ Finance Committee

☒ Regular Member ☐ Alternate Member

EDUCATIONAL BACKGROUND:

College: FSU Location: TALL.

Major: _____ Degree: _____

EMPLOYMENT INFORMATION:

☒ Currently Employed ☐ Retired

Most recent employment:

Employer: FERNANDEZIGN INC Phone: 727 460 9166

Address: 19005 GULF BLVD City, State, Zip Code: INDIAN SHORES,

Position: OWNER How long: 1987

Why do you want to serve on the Commission? HAVE SERVED FOR SINCE 2007

Applicant Signature

Date

For Office Use Only:

Date Considered by Commission: _____

Date of Appointment: _____

Term: _____

Term Expires on: _____

Agenda item 10B.

Resolution 2024-02

A Resolution Of The Commission Of The Town Of Redington Beach, Florida, Adopting The National Institute Of Standards And Technology Cybersecurity Framework; Authorizing The Town Clerk Or Designee To Adopt Policies And Procedures As Necessary To Implement The Framework And Comply With Section 282.3185, Florida Statutes; Authorizing The Town Clerk Or Designee To Affirm Compliance With Section 282.3185, Florida Statutes; And Providing An Effective Date.

RESOLUTION 2024-02

A RESOLUTION OF THE COMMISSION OF THE TOWN OF REDINGTON BEACH, FLORIDA, ADOPTING THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CYBERSECURITY FRAMEWORK; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO ADOPT POLICIES AND PROCEDURES AS NECESSARY TO IMPLEMENT THE FRAMEWORK AND COMPLY WITH SECTION 282.3185, FLORIDA STATUTES; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO AFFIRM COMPLIANCE WITH SECTION 282.3185, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 282.3185(4)(a), Florida Statutes, requires that each local government adopt cybersecurity standards that safeguard its data, information technology, and information technology resources to ensure availability, confidentiality, and integrity; and

WHEREAS, Town Commission finds that the National Institute of Standards and Technology Cybersecurity Framework should be adopted; and

WHEREAS, the Town of Redington Beach is committed to maintaining cybersecurity standards pursuant to Section 282.3185, Florida Statutes; and

WHEREAS, it is in the best interests of the public that this resolution be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF REDINGTON BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That the Town Commission of the Town of Redington Beach hereby adopts the National Institute of Standards and Technology Cybersecurity Framework ("Framework").

Section 2. That the Town Clerk or designee is hereby authorized to adopt policies and procedures as necessary to implement the Framework and comply with

Section 282.3185, Florida Statutes.

Section 3. That the Town Clerk or designee is hereby authorized to affirm compliance with Section 282.3185, Florida Statutes, via the Florida Digital Service portal before the January 1, 2025 deadline.

Section 4. That this resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF REDINGTON BEACH, FLORIDA, THIS ____ DAY OF _____, 2024.

David Will, Mayor
Town of Redington Beach

ATTEST:

Adriana Nieves, CMC
Town Clerk
Town of Redington Beach

APPROVED AS TO FORM:

Robert Eschenfelder
Town Attorney
Town of Redington Beach

Resolution 2024-02

STAFF REPORT



TOWN OF REDINGTON BEACH

105-164th AVENUE
REDINGTON BEACH, FL 33708
PHONE: 727-391-3875
FAX: 727-397-6911
www.townofredingtonbeach.com

Date: May 31, 2024
To: Mayor and Commissioners
From: Adriana Nieves, Town Clerk
Re: Cybersecurity Framework Adoption

BACKGROUND

As required by Florida Statutes Section 282.3185, each local government must notify the Florida Digital Service of its compliance with 282.3185(4)(d). Each local government must submit an attestation statement indicating a cybersecurity framework was adopted prior to 1/1/2025.

THE ISSUE

Cybersecurity remains an important aspect of security in general among municipalities. Ransomware, phishing attacks and malware, to name a few, have been used to disable entire networks. The Town strives to reduce the risk of a cyber-attack.

ANALYSIS

The Town will adopt the National Institute of Standards and Technology Cybersecurity Framework. The framework consists of an outline of best practices designed to help the Town decide where to focus its time and money for cybersecurity protection. The NIST Cybersecurity Framework suggests focusing on these five areas: Identify, Protect, Detect, Respond, and Recover. In response, Town staff has received training in cybersecurity awareness and will continue to stay up to date on cybersecurity advances in technology.



NIST Cybersecurity Framework core structure

NIST Cybersecurity Framework

includes *functions*, *categories*, *subcategories* and *informative references*.

Functions give a general overview of security protocols of best practices. Functions are not intended to be procedural steps but are performed “concurrently and continuously to form an



TOWN OF REDINGTON BEACH

105-164th AVENUE
REDINGTON BEACH, FL 33708

PHONE: 727-391-3875

FAX: 727-397-6911

www.townofredingtonbeach.com

operational culture that addresses the dynamic cybersecurity risk.” Categories and subcategories provide more concrete action plans for specific departments or processes within an organization.

Examples of NIST functions and categories include:

- **Identify:** To protect against cyberattacks, the cybersecurity team needs a thorough understanding of the organization's most important assets and resources. The identify function includes categories such as asset management, business environment, governance, risk assessment, risk management strategy and supply chain risk management.
- **Protect:** The protect function covers much of the technical and physical security controls for developing and implementing appropriate safeguards and protecting critical infrastructure. These categories are identity management and access control, awareness and training, data security, information protection processes and procedures, maintenance and protective technology.
- **Detect:** The detect function implements measures that alert an organization to cyberattacks. Detect categories include anomalies and events, security, continuous monitoring and detection processes.
- **Respond:** The respond function categories ensure the appropriate response to cyberattacks and other cybersecurity events. Specific categories include response planning, communications, analysis, mitigation and improvements.
- **Recover:** Recovery activities implement plans for cyber resilience and ensure business continuity in the event of a cyberattack, security breach or other cybersecurity event. The recovery functions are recovery planning improvements and communications.

The NIST CSF's *informative references* draw a direct correlation between the functions, categories, subcategories and the specific security controls of other frameworks. These frameworks include:

1. The Center for Internet Security (CIS) Controls®
2. COBIT 5
3. International Society of Automation (ISA) 62443-2-1:2009
4. ISA 62443-3-3:2013
5. International Organization for Standardization and the International Electrotechnical Commission 27001:2013
6. NIST SP 800-53 Rev. 4

The NIST CSF does not tell how to inventory the physical devices and systems or how to inventory the software platforms and applications; it merely provides a checklist of tasks to complete. An organization can choose its own method on how to perform the inventory. If an organization needs further guidance, it can refer to the informative references to related controls in other complementary standards. The Town will select the tools that best suit the cybersecurity risk management needs of the Town.



TOWN OF REDINGTON BEACH

105-164th AVENUE

REDINGTON BEACH, FL 33708

PHONE: 727-391-3875

FAX: 727-397-6911

www.townofredingtonbeach.com

This will satisfy the state mandate as well as reduce the risk of a disabling cyber-attack.

RECOMMENDATION

STAFF RECOMMENDS THAT THE TOWN ADOPT THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CYBERSECURITY FRAMEWORK.

SECTION 282.3185

FLORIDA STATUTES

282.3185 Local government cybersecurity.—

(1) **SHORT TITLE.**—This section may be cited as the “Local Government Cybersecurity Act.”

(2) **DEFINITION.**—As used in this section, the term “local government” means any county or municipality.

(3) **CYBERSECURITY TRAINING.**—

(a) The Florida Digital Service shall:

1. Develop a basic cybersecurity training curriculum for local government employees. All local government employees with access to the local government’s network must complete the basic cybersecurity training within 30 days after commencing employment and annually thereafter.

2. Develop an advanced cybersecurity training curriculum for local governments which is consistent with the cybersecurity training required under s. [282.318\(3\)\(g\)](#). All local government technology professionals and employees with access to highly sensitive information must complete the advanced cybersecurity training within 30 days after commencing employment and annually thereafter.

(b) The Florida Digital Service may provide the cybersecurity training required by this subsection in collaboration with the Cybercrime Office of the Department of Law Enforcement, a private sector entity, or an institution of the State University System.

(4) **CYBERSECURITY STANDARDS.**—

(a) Each local government shall adopt cybersecurity standards that safeguard its data, information technology, and information technology resources to ensure availability, confidentiality, and integrity. The cybersecurity standards must be consistent with generally accepted best practices for cybersecurity, including the National Institute of Standards and Technology Cybersecurity Framework.

(b) Each county with a population of 75,000 or more must adopt the cybersecurity standards required by this subsection by January 1, 2024. Each county with a population of less than 75,000 must adopt the cybersecurity standards required by this subsection by January 1, 2025.

(c) Each municipality with a population of 25,000 or more must adopt the cybersecurity standards required by this subsection by January 1, 2024. Each municipality with a population of less than 25,000 must adopt the cybersecurity standards required by this subsection by January 1, 2025.

(d) Each local government shall notify the Florida Digital Service of its compliance with this subsection as soon as possible.

(5) **INCIDENT NOTIFICATION.**—

(a) A local government shall provide notification of a cybersecurity incident or ransomware incident to the Cybersecurity Operations Center, Cybercrime Office of the Department of Law Enforcement, and sheriff who has jurisdiction over the local government in accordance with paragraph (b). The notification must include, at a minimum, the following information:

1. A summary of the facts surrounding the cybersecurity incident or ransomware incident.

2. The date on which the local government most recently backed up its data; the physical location of the backup, if the backup was affected; and if the backup was created using cloud computing.
3. The types of data compromised by the cybersecurity incident or ransomware incident.
4. The estimated fiscal impact of the cybersecurity incident or ransomware incident.
5. In the case of a ransomware incident, the details of the ransom demanded.
6. A statement requesting or declining assistance from the Cybersecurity Operations Center, the Cybercrime Office of the Department of Law Enforcement, or the sheriff who has jurisdiction over the local government.

(b)1. A local government shall report all ransomware incidents and any cybersecurity incident determined by the local government to be of severity level 3, 4, or 5 as provided in s. [282.318](#)(3)(c) to the Cybersecurity Operations Center, the Cybercrime Office of the Department of Law Enforcement, and the sheriff who has jurisdiction over the local government as soon as possible but no later than 48 hours after discovery of the cybersecurity incident and no later than 12 hours after discovery of the ransomware incident. The report must contain the information required in paragraph (a).

2. The Cybersecurity Operations Center shall notify the President of the Senate and the Speaker of the House of Representatives of any severity level 3, 4, or 5 incident as soon as possible but no later than 12 hours after receiving a local government's incident report. The notification must include a high-level description of the incident and the likely effects.

(c) A local government may report a cybersecurity incident determined by the local government to be of severity level 1 or 2 as provided in s. [282.318](#)(3)(c) to the Cybersecurity Operations Center, the Cybercrime Office of the Department of Law Enforcement, and the sheriff who has jurisdiction over the local government. The report shall contain the information required in paragraph (a).

(d) The Cybersecurity Operations Center shall provide a consolidated incident report on a quarterly basis to the President of the Senate, the Speaker of the House of Representatives, and the Florida Cybersecurity Advisory Council. The report provided to the Florida Cybersecurity Advisory Council may not contain the name of any local government, network information, or system identifying information but must contain sufficient relevant information to allow the Florida Cybersecurity Advisory Council to fulfill its responsibilities as required in s. [282.319](#)(9).

(6) AFTER-ACTION REPORT.—A local government must submit to the Florida Digital Service, within 1 week after the remediation of a cybersecurity incident or ransomware incident, an after-action report that summarizes the incident, the incident's resolution, and any insights gained as a result of the incident. By December 1, 2022, the Florida Digital Service shall establish guidelines and processes for submitting an after-action report.

History.—s. 3, ch. 2022-220.