

DUNEDIN, FLORIDA

CITY COMMISSION REGULAR

MEETING OF JANUARY 17, 2008

6:30 PM

PRESENT: Mayor Bob Hackworth, Vice-Mayor Deborah Kynes, Commissioners Dave Eggers, Julie Scales and Julie Ward Bujalski

ALSO PRESENT: City Manager Robert DiSpirito, City Attorney John Hubbard, City Clerk Jerie Guegan, Acting Director of Community Services/Zoning Administrator Matthew Campbell, Director of Public Works and Utilities Doug Hutchens, Planner II Jeff Dow, Fire Chief Bud Meyer, Director of Maintenance Keith Fogarty and approximately twenty-five attendees. The Press was represented by the Suncoast News and the St. Petersburg Times.

Mayor Bob Hackworth called the meeting to order at 6:30 P. M. City Attorney John Hubbard gave the invocation.

Mayor Bob Hackworth led the Pledge of Allegiance.

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PROCLAMATIONS

1. [TAMPA BAY HAZARDOUS MATERIALS AWARENESS WEEK A proclamation designating Sunday, January 20 through Saturday, January 26, 2008 as Tampa Bay EPCRA Awareness Week. \(Requested by Vice-Mayor Kynes\)](#)
[Appearance: Mr. Bill Lofgren, Staff Coordinator](#)

[HAZARDOUS MATERIALS AWARENESS](#)

Vice-Mayor Kynes introduced Bill Lofgren, Staff Coordinator, Tampa Bay Regional Planning Council, expert on hazardous material.

Mr. Lofgren expressed his appreciation to the Commission for passing this proclamation. He explained the stewardship in the handling of chemicals that are hazardous waste. He acknowledged the important job that the firefighters and HAZMET teams do in this regard.

Mayor Hackworth read the proclamation and presented it to Mr. Lofgren who accepted with thanks.

2. **DIVERSE-CITY WEEK A proclamation designating Saturday, January 19 through Friday, January 25, 2008 as Diverse-City Week.**
Appearance: Rev. Clem Bell, Shiloh Missionary Baptist Church

DIVERSE CITY WEEK

Mayor Hackworth read the proclamation and presented it to Reverend Bell who accepted with thanks.

Reverend Bell commented that it is great that the City of Dunedin has embraced this great American Dream. He noted that there are many activities going on all week including a parade, a march and a breakfast. He explained that also there are different merchants involved in the week's activities. He expressed appreciation to the City as a whole for embracing the idea that in America race, color or gender does not matter and anyone can be a part of the American Dream.

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PRESENTATIONS

1. **RETURNING SERVICEMEN - PFC ERIK MOORE, UNITED STATES ARMY**

Mayor Hackworth advised that the returning serviceman PFC Erik Moore, United States Army who was to be welcomed with this presentation was unable to attend as he has been badly injured; however, was able to come home and the City continues to express sincere appreciation for his service. He explained that the Certificate of Appreciation was delivered to PFC Moore through his mother. Mayor Hackworth read the Certificate of Appreciation.

2. **SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) PRESENTATION REGARDING REGIONAL DROUGHT (Requested by Vice-Mayor Kynes) Appearance: Ed Hobin**

SWFWMD

Vice-Mayor Kynes introduced Ed Hobin, Outreach Project Coordinator for the Southwest Florida Water Management District (SWFWMD). She commented that the City works actively with SWFWMD and the City appreciates their assistance.

Mr. Hobin provided a Power Point presentation (part of the official file) and explained what SWFWMD is doing in the short term regarding the drought and in the long term with alternative water supply projects coming on line. Mr. Hobin commented that SWFWMD is providing education to the community by reaching

out to homeowners associations, civic organizations and churches to make everyone aware of the serious situation. He emphasized that over 50% of the water in the district is used for landscape; therefore, it is important to educate on that issue.

Mr. Hobin explained that he toured Dunedin's Water Plant and SWFWMD uses Dunedin as a model when speaking to the various utilities.

Mr. Hobin explained that there is a lot going on in alternative water supplies and the goal is for diversification. Mr. Hobin provided information which illustrates water conservation efforts and rain gauges. He reiterated the importance of managing the watering for landscaping.

Vice-Mayor Kynes asked about signs that SWFWMD will be placing to remind people about conservation.

Mr. Hobin explained there will be a huge emphasis in the media for education.

Mayor Hackworth commented that Dunedin is an example of water conservation efforts beginning back with the efforts of Bob Brotherton and the continued stewardship of those who followed in his footsteps and the Commissions that have followed since then have set Dunedin in a good position in relation to other communities.

3. **PINELLAS SUNCOAST TRANSIT AUTHORITY (Requested by Vice-Mayor Kynes) Appearance: Tim Garling, Executive Director PSTA**

Vice-Mayor Kynes introduced Tim Garling, Executive Director PSTA and explained that his ideas of livable communities and how to progress to a sophisticated system for this community is what brought him to PSTA.

Mr. Garling explained that in 2007 the PSTA had a record ridership and a lot of work has been done on the transit system; however, there is much more that needs to be done. He discussed the integration of public transit with the community noting that transit works together with the community. Communities and PSTA need to work together for the transit system in terms of land use and pedestrian issues. Mr. Garling explained that there was a joint meeting of the PSTA and Pinellas Mobility Initiative at which they discussed a single vision of public transit in Pinellas County and an important target was set to double ridership in the next ten years by providing more service and more frequent service. Mr. Garling provided written information on the PSTA.

4. **FIREFIGHTERS' APPRECIATION (Requested by Commissioner Bujalski)**

Mayor Hackworth acknowledged the great response to the recent fire at the Imago building by the Dunedin Fire Department.

Commissioner Bujalski commented on the team effort in the incident at the Imago building and acknowledged the firefighters who went out the next day to help the artists pick through the rubble for hours to find artwork and supplies to salvage to help the artists recover.

Chief Meyer commented that large fires like this are uncommon for Dunedin firefighters and expressed the importance of training and being ready to respond. He recognized individual firefighters and their jobs on the scene. He also acknowledged those who helped the next day to search through the rubble. He commented that it was a good operation in that the fire did not leave the building that it started in, no one died and everyone went home without injury.

Commissioner Bujalski read and presented the firefighters present with Certificates of Appreciation for their service.

Firefighters who fought the fire: James Murphy, Howard Rein, Thomas Cameron, Chad Carver, William Hulbert, Michael Lowry, Kevin Naylor, Justin Ascherman, Joseph Barbara, Tajh Clark, Erik Edwards, Steven Forster and Chris Lindau.

Firefighters who went out on their own time to help the artists: Tim Riley, Shale Saeger, Jason Griggs and Michael Lowry.

Commissioner Bujalski acknowledged Fire Chief Bud Meyer, Bill McElligott and Jeff Parks.

Mayor Hackworth commented that he received many letters of appreciation from members of the community and especially those close to the building that was burned and stated that he shared those letters with the firefighters.

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CITIZEN INPUT

Paul Aittama, 1305 North Lotus Drive, stated that he was here on September 20 and he received a call from a Commissioner who said she would bring up his problem the first meeting of the month and he asked if that was done and if it was resolved.

Commissioner Scales stated that she saw some memos on this matter and she knows that Mr. Gross looked into the situation.

City Manager DiSpirito explained that Mr. Gross spent some time reviewing different aspects of this matter including the proposed noise ordinance and clarifying the language that was on the books with respect to recreational equipment and how that was defined in the interpretation.

Commissioner Scales commented that Mr. Gross concluded that the best pursuit would be under the noise ordinance regarding inflatable objects in yards, as there is nothing in the ordinances that prohibit inflatables.

Mr. Aittama explained that Mr. Gross gave him a copy of Section 134.1363 of the Code and Section 134.1364. His problem with the noise ordinance is that he does not believe that it can be enforced. He stated that he wants something like this banned and he does not understand how it should be allowed. He stated that if motor homes, trailers and things of that nature are not allowed parked in yards and this particular waterslide is about 30 feet long, 16 feet high and approximately 10 feet wide and it was on the easement by 8 or 10 feet. He stated that Mr. Gross said that it was okay to be on the easement. Mr. Aittama explained the events with the inflatable, the small pool and the tent that was up almost three months and was blown down.

Commissioner Scales believes the memo states that there are no ordinances covering this specific issue, she asked if there could be research of other jurisdictions to see how they deal with these situations and if it is feasible.

City Manager DiSpirito stated that is correct that there is no ordinance that addresses the situation; however, Mr. Gross is continuing to look at it.

Mayor Hackworth commented that there are two different issues; one is that which is in the code that can be enforced and then there is the issue as suggested that is a change in the code or some adjustment which is in the process of being looked into.

Kimberly Holtorf, resident and business owner on Douglas Avenue expressed concern regarding the construction on Douglas Avenue and its affect on the businesses with a loss of business. She expressed her displeasure for the decision to have the City's Christmas Parade on Douglas Avenue with the road closure on one of their highest income producing days of the year. She stated that she has written letters and made phone calls offering suggestions and ideas and alternatives on how to deal with the parades and she has asked to be involved and what she received from the city was a one-sided phone conversation that no matter what she said it was wrong or dismissed. She stated that the City does not fully understand or acknowledge the impact these parades have on local businesses. She has tried to go through the proper channels and she is not getting anywhere.

Mayor Hackworth commented that the City is aware of the consequences of scheduling a parade that goes by businesses and tries to be sensitive to that. He stated that there has been a sincere effort to evaluate the change from the old parade route to the new parade route to make sure that considerations are given to

some of the concerns and that effort will continue and Ms. Holtorf is welcome to participate.

City Manager DiSpirito asked Ms. Holtorf to contact him directly regarding her thoughts and suggestions on the issue.

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PUBLIC HEARINGS

1. **LAND USE PLAN AMENDMENT/REZONING/ PRELIMINARY SITE PLAN & PRELIMINARY PLAT APPROVAL A public hearing to receive comment on a request for land use plan amendment, rezoning and preliminary site plan and preliminary plat approval to develop a Habitat for Humanity townhouse development. Property located at the southeast corner of Howell Street and Martin Luther King Jr. Avenue. Owner/Representative: Habitat for Humanity of Pinellas County - Ron Spoor/Roger Larson, esq. Application No.: LUP-Zo-S/D 07-57.03 Z/C**

LUP-Zo-S/D 07-57.03 Z/C APPLICATION

City Manager DiSpirito explained that this proposal for Habitat for Humanity affordable housing townhomes was previously occupied by Highlander Village. He advised that the concept for redevelopment is in keeping with the City's long-range goals encouraging providing affordable housing options for the working class. He advised that the Engineering Department and Fire Department personnel are recommending conditional approval of the submitted preliminary site plan and plat subject to a checklist of items on the final site plans and plat upon submittal. He advised that the Local Planning Agency (LPA) unanimously approved the subject petition. City Manager DiSpirito advised that staff is recommending conditional approval based on City departmental review comments.

a. LUP Ordinance 07-25

City Attorney Hubbard read LUP Ordinance 07-25 by title only for the first time.

Mr. Campbell reviewed the staffing (a part of the application file) and advised that the applicant's request is consistent with the other Comprehensive Plan zoning categories within the surrounding area and staff does not object to that request as stated.

Roger Larson, representing the applicant, explained the request for the Land Use amendment to bring it in line with the P-1 zoning and bring the density down is consistent with the project to be built on the property.

The public hearing was opened and closed, with no one to speak either for or against LUP Ordinance 07-25.

MOTION: Motion was made by Vice-Mayor Kynes and seconded by Commissioner Eggers and to approve LUP Ordinance 07-25 on the first reading.

Mayor Hackworth clarified that the request for a decrease in density is in line with the applicant's mission and they are not being limited by the City as to the amount of affordable housing they are able to provide.

Mr. Larson explained that the request is to be consistent with the P-1 zoning and acknowledged that they are unwilling to build 20 units as before because it conflicts with the trees.

VOTE: Motion carried with Commissioners Eggers, Kynes, Scales and Bujalski voting aye. Mayor Hackworth voting aye. Voting nay, none.

b. Rezoning Ordinance 07-20

City Attorney Hubbard read Rezoning Ordinance 07-20 by title only for the first time.

City Attorney Hubbard explained the quasi-judicial procedure and swore in staff, the applicant, the applicant's representative and citizens present to testify. There was no one that had ex parte contact with any interested parties.

Commissioner Eggers advised that he had a discussion with the City's Economic Development Director regarding the design of the infrastructure versus a potential alternative.

Staff Presentation

Mr. Campbell reviewed the staffing (a part of the application file) and explained that the existing zoning on the property is Multi-Family 15 which allows up to 15 units per acre and the applicant is requesting to rezone the property to PR-1 (Planned Residential -1) which allows up to 10 units per acre. He advised that the requested zoning is less intensive than the surrounding zoning patterns. He explained that the PR-1 designation allows for additional flexibility of orientation of the units on the property and staff recommends approval.

Applicant Presentation

Mr. Larson stated that the applicant accepts the testimony of the City and Mr. Campbell.

Proponent Presentation

None.

Opponent Presentation

None.

Cross Examination

None.

Applicant Summary

None.

Staff Summary

None.

Commission Action

MOTION: Motion was made by Commissioner Bujalski and seconded by Vice-Mayor Kynes to approve Rezoning Ordinance 07-20 on the first reading.

VOTE: Motion carried with Commissioners Kynes, Bujalski, Eggers, and Scales voting aye. Mayor Hackworth voting aye. Voting nay, none.

c. **[Preliminary Site Plan Approval \(quasi-judicial\)](#)**

City Attorney Hubbard advised the same quasi-judicial process will be followed as previously. He advised that if someone decides they want to speak later who has not been sworn in he will swear them in at that time.

Staff Presentation Mr. Campbell stated that staff review of the preliminary site plan was straightforward in reviewing from a technical aspect as referenced in the memorandum in the staff report which indicates some minor conditions that will still need to be met by the applicant and can be easily integrated on the final site plan. He explained that based upon what is proposed by the applicant for the 19 town houses which will be clustered in buildings of two and three residential units each producing a net residential density of 8.6 units per acre which is consistent with the subjects zoning. He stated that the project is compatible with the existing and emerging development pattern within the general area. The most part the architecture referenced by the applicant is a Coastal Vernacular style with several elements that staff has been working with the applicant since

May 2007 to integrate into the project as referenced in the renderings provided by the applicant. He stated that some of the more noteworthy elements seen are the front porches, the columns that line the porches, the raised metal roof and the window treatments. He stated that the applicant has provided a color scheme that is alternating throughout the development that gives definition to each of the buildings. Mr. Campbell stated that staff is reminded of Habitat for Humanity's long-standing strategy for reliance on volunteer efforts associated with producing the product; therefore, staff felt that the applicant has done a very good job in doing that and they have been very good to work with. Mr. Campbell advised that the City's Engineering and Fire Department personnel are recommending conditional approval and staff is recommending approval accordingly based on the applicant's adherence to the checklist items outlined within each of these departments memorandums dated December 19, 2007 and November 15, 2007.

Applicant Presentation

Mr. Larson commented on the beauty of the site with all the trees and emphasized the redesign in order to stay out of conflict with the trees. He stated that the product is one of the first multi-family products of Habitat for Humanity in Pinellas County and one of the few in Florida. He discussed the Florida Statute Chapter 720 regarding homeowner's associations and explained that Habitat for Humanity will create a way for the maintenance, landscaping and insurance for the properties. He explained that fee simple ownership may not exactly exist as it might be a leasehold estate to make sure those issues are maintained. He explained that the street in the common areas will be maintained by the owners and the community and with respect to the underground infrastructure those will be dedicated to the City with the appropriate easements as well as other items that the City felt are important to be maintained will be worked out with the declaration of covenants and other issues.

Mr. Larson advised that Project Manager Ron Spoor and Engineer Dan Stowers were in attendance to answer questions. Mr. Larson stated that the applicant accepts the testimony of the City and Mr. Campbell as being accurate and complete and they respectfully request that the Commission approve the site plan with conditions of staff.

Vice-Mayor Kynes inquired regarding the color being shown is the same as what is in the packet.

Mr. Larson explained that the architectural renderings might be a little subdued in the background. He explained that the City's architectural firm has reviewed the renderings.

Mayor Hackworth clarified that what the Commission has in the packet will be conditionally attached to the approval.

Vice-Mayor Kynes explained that she questioned it because the architect at Cooper/Smith recommended that various colorization throughout would enhance the project and her understanding is that is what the applicant chose to do.

Mr. Larson stated that they are compliant with whatever the City's architect has asked to be done in terms of the palette.

Mr. Spoor explained that Cooper, Johnson/Smith sent them a group of colors and they matched those with siding colors and then sent those colors to the agency that did the rendering so they are the best match.

Mayor Hackworth clarified with the applicant that they are accepting that what is being provided as renderings is what is intended to be built and it will be attached to the preliminary site plan as a condition of approval.

Mr. Larson agreed.

Commissioner Scales asked the anticipated sales price of the units.

Mr. Larson stated that they cannot say at this time; however, typically Habitat for Humanity sells homes at cost with a zero interest mortgage; therefore, it is further along in the process before that cost can be established. Typically the range is \$120,000 with the land cost and building costs including paid subcontractors and materials.

Commissioner Scales asked Mr. Larson to describe the difference between the previous housing on the property in this new project.

Mr. Larson stated that he did not physically see the previous housing; however, the way that it was organized to his understanding was that the residents were not owners of the housing; therefore, that would be one of the key differences as these residents would own the homes and make payments. He added that the families who will live in these homes will help to build them with the process of "sweat equity" for an additional sense of ownership. He explained that the homeowners will go through a series of classes on budget counseling as well as home maintenance. He stated that they feel that the physical layout of the units and the ownership structure is significantly different.

Commissioner Eggers asked the reasonable equity that a purchaser would expect versus what the market might have.

Mr. Larson explained that the home will be appraised and the actual number that will be recorded for the transfer property is that appraised number so that as far as comparables it does not diminish the neighborhood. He explained that typically the first mortgage is the one paid that is zero interest and essentially there is an equity sharing so that if the homeowner wants to sell then there is a formula so that the homeowner receives some equity and the Habitat receives some equity.

Commissioner Eggers commented that the homeowner builds equity but is not encouraged to resell the home.

Commissioner Eggers inquired regarding the street lights.

Mr. Larson explained that Progress Energy has just provided a design and there will be five street lights recommended by the architect that are ornamental.

Commissioner Bujalski asked the median income and the application process.

Mr. Larson explained that they serve families between 30% and 80% of the area median income. He advised that there are three key criteria for an applicant, to establish the need of housing. They cannot own their own home; the ability to repay the mortgage, taxes and insurance; and the ability to partner with the Habitat for Humanity and the sweat equity of building a home with other volunteers. He believes that the median income in Pinellas County is in the \$50,000 range making the 30% in the teens and the 80% in the forties.

Proponent Presentation

None.

Opponent Presentation

None.

Cross Examination

None.

Applicant Summary

None.

Staff Summary

None.

Commission Action

MOTION: Motion was made by Commissioner Bujalski and seconded by Vice-Mayor Kynes to approve Preliminary Site Plan for Application No.: LUP-Zo-S/D 07-57.03 Z/C subject to the staff recommended conditions and items outlined within each of the Fire Department and Engineering Department memorandums dated December 19, 2007 and November 15, 2007 and accepting the renderings presented as a condition of approval.

Commissioner Bujalski commented that everyone did a great job in listening and there was a great partnership and the project will benefit Dunedin.

Vice-Mayor Kynes commented that this would be a model project for others in the County for Habitat for Humanity. She expressed her appreciation for the thought that went into the details of the project that will create the community and pride of ownership.

Commissioner Eggers commented that he is happy to have the Habitat for Humanity project come to fruition and the City will continue to look for these types of opportunities for affordable housing.

Commissioner Scales commented that this project has come a long way from what was previously on the property and it is very nice and she is pleased with the partnership with Habitat for Humanity.

Mayor Hackworth commented that the City is very fortunate to be partnering with Habitat for Humanity for this project that will be a benefit to the community at large with the affordable housing being made available and to the revitalization of that area of the City.

VOTE: Motion carried with Commissioners Scales, Bujalski, Eggers and Kynes voting aye. Mayor Hackworth voting aye. Voting nay, none.

d. **[Preliminary Plat Approval \(quasi-judicial\)](#)**

Staff Presentation

Mr. Campbell explained that the plat is proposed to be divided into 19 individual lots which coincide with the building unit locations depicted on the preliminary site plan. He stated that staff recommends approval of this plat based upon the conditions as outlined within the City's Engineering Department and Fire Department memorandums dated December 19, 2007 and November 15, 2007.

Applicant Presentation Mr. Larson stated that the applicant accepts the testimony of the City and Mr. Campbell and requests that the Commission approve staff recommendation.

Proponent Presentation
None.

Opponent Presentation
None.

Cross Examination
None.

Applicant Summary
None.

Staff Summary
None.

Commission Action

MOTION: Motion was made by Commissioner Bujalski and seconded by Vice-Mayor Kynes to approve Preliminary Plat for Application No.: LUP-Zo-S/D 07-57.03 Z/C subject to the staff recommended conditions and items outlined within each of the Fire Department and Engineering Department memorandums dated December 19, 2007 and November 15, 2007.

Commissioner Bujalski asked when the project would begin. Mr. Larson expects it might be fall of this year.

VOTE: Motion carried with Commissioners Bujalski, Eggers, Kynes and Scales voting aye. Mayor Hackworth voting nay. Voting nay, none.

e. [Motion to transmit LUP Ordinance to county](#)

MOTION: Motion was made by Commissioner Scales and seconded by Vice-Mayor Kynes to transmit the LUP Ordinance 07-25 to Pinellas County.

The public hearing was opened. The public hearing was closed with no one to speak.

VOTE: Motion carried unanimously.

2. [FINAL SITE PLAN/DETERMINATION OF FAIR MARKET VALUE & PARKLAND DEDICATION FEE A public hearing to receive comment on a request for final site plan approval and determination of fair market value and parkland dedication fee for a townhouse development \(Alinda Villas\). Property located at 1341 Bayshore Boulevard. Owner/Applicant: Rule, LLC/Louis Leouis. Application No.: S/D-LDO 07-58.01 Z/C](#)

[S/D-LDO 07-58.01 Z/C](#)

City Manager DiSpirito reviewed the location of the subject property noting that it was originally developed as an auto service station and that the current proposal is to reinstate the originally approved site plan to develop 13 townhomes. He explained the market and construction delays prevented the original site plan from moving forward. He advised that the Local Planning Agency (LPA) recommended approval; however, two Board members shared concerns regarding density and compatibility of the proposed project with the surrounding development pattern. City Manager DiSpirito advised that based on staff review the applicant's request is compatible with similar neighboring projects recently completed. He advised that staff review finds that the submitted site plan is identical to the original site plan and staff is recommending approval. City Manager DiSpirito advised that staff recommends that the Fair Market Value of the property be set at \$556,603.77 per acre; therefore, the Parkland Dedication Fee be set at \$89,056.60.

a. **Final Site Plan Approval** City Attorney Hubbard explained the quasi-judicial procedure and swore in staff, the applicant, the applicant's representative and citizens present to testify. There was no one that had ex parte contact with any interested parties.

Staff Presentation

Mr. Campbell explained that this application is a request for the approval to construct 13 townhomes. He explained that this final site plan previously went through a rezoning in 2005; however, due to market conditions the developer was

unable to follow through with the plans and there is a 12 month time limit on site plans; therefore, the applicant had to reapply. He stated that the site plan is virtually identical to the one submitted in 2005. He noted that direct access will be to Wilson Street with no vehicle access to Alternate U. S. 19/Bayshore Boulevard. Mr. Campbell advised that the proposed project type and mass, including the configuration of the units is compatible with the existing development pattern that is present within the surrounding area. He stated that the site is adequate for the proposed use as presented in the site plan and complies with the requirements of the PR-2 (Planned Residential-2) zoning district. Mr. Campbell advised that the applicant did go before the City Commission in December for the preliminary site plan review and a set of architectural renderings were provided at that time and then they went to the LPA in January and presented those same renderings and those renderings have not changed and staff has found that those renderings are consistent with that Mediterranean Revival architectural style and staff is recommending ratification of the renderings provided by the applicant to be accepted in the record. He advised that staff is recommending approval of the final site plan.

Applicant Presentation

Ralph Rugo, representing the applicant, agreed with staff presentation.

Proponent Presentation

None.

Opponent Presentation

None.

Cross Examination

None.

Applicant Summary

None.

Staff Summary

None.

Commission Action

MOTION: Motion was made by Commissioner Scales and seconded by Commissioner Eggers to approve Final Site Plan for Application No.: S/D-LDO 07-58.01 Z/C.

Commissioner Bujalski stated it was her understanding that there was no ability to change, or the applicant decided not to change the architecture on the Pinellas Trail side and there is nothing by law that says they have to.

City Attorney Hubbard commented that if Commissioner Bujalski felt there is a conflict between the trail and the site plan being suggested and if it can be defined, that is an issue that can be brought up.

Commissioner Bujalski stated that it was defined and the Commission gave the applicant the opportunity to make those adjustments and the applicant has chosen not to do so. She stated that she appreciates what the applicant has done in working with the City in regard to the project and the architectural standards and she is glad the project is back in motion.

Vice-Mayor Kynes commented that the Commission did specifically speak about barrel tile awnings on the back view from the Pinellas Trail and was told in fact that the applicant would do it; however, the renderings have not changed. She stated that she felt there is an issue because she placed it on the record that she withheld any sense of compatibility and she asked that there should be more demonstrating and detailing on the view from the Pinellas Trail; therefore, she thinks that it can be a condition of the final site plan approval that the applicant does what he said at the first hearing.

Mayor Hackworth clarified that at the previous proceeding it was said that this was the rendering that the Commission had to consider and did make it a condition of the preliminary site plan approval and understood that by doing so that was at least a pass on the issue of compatibility and Vice-Mayor Kynes vote was not to approve that based on her objection to its compatibility; therefore, it is at the point again where there has to be a set of renderings to go with this project and if there is objection to the set provided at this point then that has to be voiced as to the approval of the plan.

Vice-Mayor Kynes stated that the Commission did not receive the comments from the LPA as the minutes were not able to be done in time; however, those comments can be told to the Commission from the two negative votes.

Mr. Campbell advised that one Board member had indicated concerns in 2005 during their initial review of the subject project regarding overall density on the site and felt that since the proposal was the same did not want to reverse his vote as given before. He advised that the second concern was overall compatibility of the project with the surrounding area as to the height and number of units being inconsistent with neighboring properties to the west. He explained that staff brought up the issues to support that the applicant's request at the time was compatible with the site, zoning and land use; however, those Board members felt that it was of their opinion and concern that based upon those issues they would not be able to recommend approval of the subject project as presented.

Mayor Hackworth commented that the objections were related to density even though the density was established as meeting the requirements and the issue of compatibility is subjective and each person has to make their own assessment.

Vice-Mayor Kynes asked if compatibility means that it melds with the surrounding area.

Mr. Campbell stated that it does and there was one other item he can discuss that the LPA raised that might help. He explained that the issue raised was the “F” rated roadway and he reviewed the calculations which came out to still cutting in half the density and the project is still under those units allowed on the site. He stated that because the site is on a corner the trips would access Wilson Street or San Christopher. The trip count is half of what it would be if 100% of the trip count was on Alternate U. S. 19 which would be a density issue.

Vice-Mayor Kynes commented that it already looks very dense in the area and asked if compatibility takes in the surrounding area, if there is a point at which it is bordering on wall-to-wall buildings; and is there any leverage on this density to prevent that from happening. She stated that it is going to be very dense with those three developments.

City Attorney Hubbard explained that the concern regarding compatibility is essentially whether it integrates itself into the portion of the community in which it is located and it does not adversely affect its neighbors or adversely affect some other major city policy or issue relative to that portion of the community. He stated that as long as the Commission felt that it is appropriately located and integrates itself into the community that is one of the compatibility issues that the Commission is allowed to look at. He commented that it often is something of a subjective viewpoint as to whether the project integrates itself into the area relating to density, height, tree coverage and so forth.

Mayor Hackworth commented that each member of the LPA judged it differently and that might be what happens with the Commission; however, it is an individual assessment a Commissioner is authorized to make; however, there is no criteria that says the project exceeds the density. He stated that the project meets the required density allowed and in fact the previous Commission action was to give residential density at this number because it was commercial previously. He stated that the limiting of the road is tricky because it is not a limit of 50% density, it is a limit of 50% of allowable trips based on the density and this project meets those concurrency management standards. He commented that a Commissioner can judge the project as compatible or incompatible but not based on density.

Vice-Mayor Kynes stated that she felt that the way compatibility comes in is when staff says that it meets Code; however, the Commission has seen some examples of things that meet code that the Commission wishes had not been built. She stated that she is looking at the pattern of development in a certain area and saying what

is the trump there. She stated that she does not see in this project the importance of detail and design.

Commissioner Bujalski asked the height of the buildings across the street.

Mr. Campbell believes it is two stories above parking and the proposed project next door will be similar.

Commissioner Eggers commented that some of the concerns being voiced are issues that the Commission needs to look at more broadly; however, as far as this project is concerned this applicant has made considerable changes in architectural styling and is well within the density rights. He commented that in considering the neighborhood, clearly it fits reasonably within the neighborhood that has industrial, commercial down the street and a church. He stated that the questions about size and tunnel effect and so forth can be dealt with on another day; however, this project is exactly what the City has been trying to convince folks to do.

Commissioner Scales commented that when this discussion started there was a mention that several years ago an overlay district was adopted that permitted this type of project and at the time she asked for some information regarding that overlay project as to what was allowed before and why the overlay was passed and what that allows.

Mr. Campbell explained that this parcel was included in that overlay area.

Mayor Hackworth stated that he is not sure the overlay affects the issues being discussed. He explained that what was done was that the land use was changed from commercial to residential at the request of the applicant giving it a density consistent with adjoining properties. It was at that point density was established and concurrency requirements were determined.

Mayor Hackworth reviewed that the motion is to approve the final site plan including the renderings previously submitted and accepted by a 4-1 vote as to meeting the criteria of compatibility with the City's Architectural Review Guidelines.

VOTE: Motion carried with Commissioners Eggers, Scales and Bujalski voting aye. Mayor Hackworth voting aye. Voting nay, Vice-Mayor Kynes.

- b. Determination of Fair Market Value at \$556,603.77 per acre
- c. Determination of Parkland Dedication Fee at \$89,056.60

Mr. Campbell explained the Fair Market Value requirement of the code to determine an actual value per acre on the subject property from which it is

determined the Parkland Dedication amount based on the number of units proposed. He explained that an appraisal is provided by the applicant no older than 12 months and that the applicant has provided a revised appraisal dated October 10, 2007. Mr. Campbell reviewed the calculations for the recommended amounts.

MOTION: Motion was made by Commissioner Eggers and seconded by Commissioner Scales to approve Fair Market Value at \$556,603.77 per acre and determination of Parkland Dedication Fee at \$89,056.60.

The applicant indicated he had no comments regarding the Fair Market Value at \$556,603.77 per acre and Determination of Parkland Dedication Fee at \$89,056.60.

The public hearing was opened. The public hearing was closed with no one wishing to make comment.

VOTE: Motion carried unanimously.

3. **[COMPREHENSIVE PLAN A public hearing to receive comment to proposed amendments to the Comprehensive Plan regarding public schools.](#)**

[COMP PLAN AMENDMENT - ORD. 07-12](#)

City Manager DiSpirito reviewed the City Manager's Memorandum dated January 7, 2008 (a part of the official file) explaining that this proposed ordinance will bring a new element to the *Dunedin 2015 Comprehensive Plan* as required by state statutes, includes interagency cooperation and intergovernmental coordination and is exempt from the semi-annual limitation on comprehensive plan amendments. He advised that staff recommends approval of Ordinance 07-12.

Ordinance 07-12

City Attorney Hubbard read Ordinance 07-12 by title only for the second time.

Mr. Dow reviewed the staffing explaining that the ordinance creates the Public Schools Facilities Element (PSFE) and amends the intergovernmental coordination and capital improvements elements in order to focus on improved coordination in planning the implementation of school concurrency, the siting of public schools, the co-location of public facilities, improving student safety and using public schools as emergency shelters. He noted that each school element within Pinellas County must be consistent with those adopted by the other local governments within the County. He stated that the Florida Department of Community Affairs has reviewed this and has recommended several changes all of which have been accommodated in the second reading version.

The public hearing was opened. The public hearing was closed with no one to speak either for or against Ordinance 07-12.

MOTION: Motion was made by Vice-Mayor Kynes and seconded by Commissioner Eggers to adopt Ordinance 07-12.

Vice-Mayor Kynes commented that this is to give a better sense of school capacity and concurrency within the City's infrastructure and a better partnership with the School Board. She pointed out the co-location element which Dunedin has already done once and perhaps can look forward to doing more and also the two-mile rule that is referenced noting that the City may require sidewalks for new development to be provided at the cost of the developer. She noted that because the City has already dealt with the problems regarding schools being built for emergency shelters and this ordinance deals with that issue in that schools shall be renovated or built to emergency shelter standards.

Commissioner Bujalski commented that this will now be a part of the development process with plans going to the School Board to determine if the local school will have enough room to accommodate a residential development of 25 units or more and is another element of compatibility to be considered.

Commissioner Eggers commented that specific concern for Dunedin is capacity and clearly the City was under capacity and should be fine for upcoming development. He noted that the element of supporting infrastructure and sidewalks was interesting and that cooperation is already in place between the City and the School Board.

The public hearing was opened. The public hearing was closed with no one to speak either for or against Ordinance 07-12.

VOTE: Motion carried with Commissioners Kynes, Scales, Bujalski and Eggers voting aye. Mayor Hackworth voting aye. Voting nay, none.

4. **COMPREHENSIVE PLAN A public hearing to receive comment to proposed amendments to the Comprehensive Plan regarding Capital Improvement element.**

COMP PLAN AMENDMENT - ORD. 07-13

City Attorney Hubbard read Ordinance 07-13 by title only for the second time.

City Manager DiSpirito reviewed his memorandum dated January 7, 2007 (part of the official file) explaining that Ordinance 07-13 would add two land use categories, adds a policy relating to one, includes a revision to one and makes modifications to the Capital Improvements Element Project Listings in the *Dunedin 2015-The Comprehensive Plan*. He explained that the policies are being

modified to better represent existing conditions and the Capital Improvements Element Project Listings are being updated to reflect a change in the current fiscal year and to show any changes in project timings. He advised that the Florida Department of Community Affairs (DCA) has reviewed the amendments and made several recommendations which are detailed in the staffing. He advised that staff recommends approval.

Mr. Dow explained that the DCA has recommended that the density and mixed-use percentages be added for the Planned Redevelopment Mixed-Use category which has been done noting that the figures are upper limits and a special area plan is still required.

Mr. Dow explained also an additional change is being suggested in Section 4 under the “Existing natural features (e.g. wetlands, open space)” as follows:

The elimination or substantial reduction of waterfront vistas for the general public and from adjacent properties.

Commissioner Eggers asked if the 90% cap is based on the number of units per acre.

Mr. Dow explained that proposal is for 30 units per acre and the 90% residential would be the maximum that any developer could have on a Planned Redevelopment Mixed-Use category to insure that it is not 100% residential or commercial. He explained that up to 90% of the parcel could, for example, be residential with the remaining 10% of the parcel being commercial. He noted that the remaining policy the special area plan would look at compatibility, land uses and so forth which might change the mix to other percentages and density depending on the location of the parcel.

City Attorney Hubbard questioned what DCA intended when they said 90%, the square footage or some other element.

Mr. Dow stated that it would be 90% of the parcel under consideration in a mixed-use, which generally would have a 60/40 split.

Commissioner Eggers commented that he is thinking it is square footage of the building.

City Attorney Hubbard suggested that the ordinance needs to state square footage of structures and asked if Mr. Dow sees any reason to think that DCA did not intend that or if they were any more specific.

Mr. Dow explained that the DCA comment was that pursuant to State requirements, any mixed-use category has to have a density associated with it and it has to specify the amount of residential versus commercial.

City Attorney Hubbard asked if it was illogical to state “90% of the square footage of structures”

Mr. Dow stated that he does not think anything would preclude doing that.

City Attorney Hubbard asked how else it would be measured.

Mr. Dow commented if there is more than one structure.

City Attorney Hubbard suggested the following “90% of the square feet of the structures on the property” and if for any reason DCA says that is not what is intended then it can be brought back to the Commission for an amendment.

Mayor Hackworth commented that he felt that it is only establishing that any proposal will not have 100% residential and they are using 90% as an upper level.

City Attorney Hubbard commented that it is acceptable that an immediate amendment can be made to the language.

Mayor Hackworth asked the opportunity to postpone this to the next meeting for clarification.

Mr. Dow advised that the City has 60 days from the date of receipt of the DCA report and the next meeting would exceed that time limit.

City Attorney Hubbard suggested that the Commission amend the proposed language now.

Mr. Dow explained that this language is not specifically from DCA.

City Attorney Hubbard explained that they can check with DCA to make sure it is okay and if so it can be amended.

Commissioner Bujalski noted that DCA said 90% of the use.

Mr. Campbell stated that it seems to be the consensus of the Commission to follow City Attorney Hubbard’s recommendation; however, his interpretation was that with a Planned Redevelopment Mixed-Use category they do not want 100% of one particular use, but guarantee of the mixed use; therefore, it seemed to be a generalized statement in the ordinance not to exceed 90% of the use.

Mayor Hackworth asked why not pass it tonight as written and then amend it later if necessary.

Commissioner Eggers stated it his opinion that this would be clarifying now as opposed to leaving something that is not clear.

Consensus of the Commission was to amend the proposed language.

City Attorney Hubbard suggested the following language:

90 percent of the square footage of the uses.

Commissioner Eggers referred to the sentence under “Existing natural features” regarding substantial reduction of waterfront vistas.... and suggested adding language to the effect to “monitor as necessary”.

Mayor Hackworth suggested the following language:

That a plan be reviewed with all efforts made to limit the reduction of waterfront vistas

Commissioner Bujalski commented that while the Capital Improvement Plan was approved at the budget cycle, there still has not been the meeting to discuss the Capital Improvement Plan, the Penny-for-Pinellas and future projects and she would like to have that meeting as quickly as possible.

City Manager DiSpirito recalled that the Commission requested that issue at the first workshop of 2008 which will be in March.

The public hearing was opened. The public hearing was closed with no one to speak either for or against Ordinance 07-13.

MOTION: Motion was made by Commissioner Eggers and seconded by Vice-Mayor Kynes to adopt Ordinance 07-13 as amended.

VOTE: Motion carried with Commissioners Scales, Bujalski, Eggers and Kynes voting aye. Mayor Hackworth voting aye. Voting nay, none.

5. **MISCELLANEOUS UTILITY FEES A public hearing to receive comment on an ordinance amending sections 37, 212, 213 and 220 of Chapter 78 of the Code of Ordinances of the City of Dunedin regarding miscellaneous utility fees.**

MISC UTILITY FEES

Ordinance 08-02

City Attorney Hubbard read Ordinance 08-02 by title only for the first time.

City Manager DiSpirito explained that the primary purpose of this ordinance is to provide staff the ability to be reactive to changes in costs associated with meters and backflow assemblies. He explained that it will also increase Utility Billing fees associated with turn on and turn off of service to reflect the City's current business practices and staying current with costs incurred.

Mr. Stanek explained that during the budget workshops staff was challenged to review charges and fees to insure that costs are being recovered and based on that review there were recommendations to four sections of the Code of Ordinances. He stated that two sections deal with the Water Division, the back flow prevention section and the meter section and the other two sections deal with Utility Billing including a change from \$6.00 to \$10.00 for the turn on and turn off service. Mr. Stanek pointed out that the meter and back flow assembly charges are for new customers only and mostly for residential 2 inches or smaller as anything larger would be a contractor or developer's responsibility.

Commissioner Eggers clarified that these issues are being taken out of the ordinance and being written in resolution form in order to have more flexibility.

Mr. Stanek commented that the City has changed business practices since these charges were last updated in 1981 and 1982 one of the elements being the back flow prevention assembly charge which is to protect the potable water supply.

Commissioner Eggers clarified with Mr. Stanek that the proposed fees are comparable to other cities.

Mr. Stanek explained that other cities were polled and all the fees reviewed. He noted that the fees for the City have gone up and this will help recover costs and changing to resolution staff will be able to be more reactive. He advised that there will be increases in meters by 4% in February and back flows will be increasing by 40%.

Commissioner Bujalski asked the meaning of "new customers".

Mr. Stanek explained that it would be new build and the only other time would be if a customer wanted a larger meter for some reason.

Commissioner Bujalski clarified with Mr. Stanek that these cost savings were not planned in this year's budget and any savings realized in this budget cycle will just cover the cost of doing business.

Vice-Mayor Kynes commented regarding recovery of costs and that it has been twenty-five years since the costs have been reviewed. She read into the record: *During the last year City of Dunedin personnel installed 37 new meter and backflow assemblies, revenue received from the 37 new installations was \$14,936*

with an approximate cost to the city of over \$35,000. She noted that is a tremendous disparity in just recovering the cost for the services provided.

Commissioner Scales commented regarding City Manager DiSpirito charging staff citywide to look at fee schedules and clarified that is still ongoing. She commented that in the past she has mentioned that there should be a mechanism to review fees periodically so that it does not go for twenty-five years.

City Manager DiSpirito commented that reviews should be done every couple of years relative to the City's costs and changes every three to five years might be a reasonable time that is comparable to what other cities do.

The public hearing was opened. The public hearing was closed with no one to speak either for or against Ordinance 08-02.

MOTION: Motion was made by Commissioner Eggers and seconded by Vice-Mayor Kynes to approve Ordinance 08-02 on the first reading.

VOTE: Motion carried with Commissioners Bujalski, Eggers, Kynes and Scales voting aye. Mayor Hackworth voting aye. Voting nay, none.

Mayor Hackworth read the announcement:

There will be a second public hearing on Thursday, February 7, 2008 to receive comment on the second reading of Ordinance 08-02 amending sections 37, 212, 213 and 220 of Chapter 78 of the Code of Ordinances of the City of Dunedin regarding miscellaneous utility fees.

6. [ELECTION CODE AMENDMENT, CHAPTER 26, ARTICLE V, CANVASSING BOARD A public hearing to receive comment on an ordinance amending Article V of Chapter 26 of the Code of Ordinances of the City of Dunedin regarding the canvassing board. \(Postponed from January 3, 2008\)](#)

[ELECTION CODE AMENDMENT](#)

Ordinance 08-01

City Attorney Hubbard read Ordinance 08-01 by title only for the first time.

Ms. Guegan explained that during each election the commissioners that are not running as a candidate sit as the City's Canvassing Board to oversee the logic and accuracy tests, tabulation of ballots and review of absentee and provisional ballots for legality. She advised that this ordinance amends the Election Code to allow the City Commission to delegate the County Canvassing Board to do this task and this is solely at the discretion of the Commission.

Commissioner Bujalski asked the cost savings.

Ms. Guegan explained that the cost savings would be advertising costs and staff and commissioners time who attend those meetings which is minimal.

The public hearing was opened. The public hearing was closed with no one to speak either for or against Ordinance 08-01.

MOTION: Motion was made by Commissioner Eggers and seconded by Commissioner Bujalski to approve Ordinance 08-01 on the first reading.

Mayor Hackworth explained that should this ordinance pass both readings it will be determined that the County shall take up this task at the next election; however, does not obligate the Commission to do that in the future and gives the Commission the opportunity to make that determination for each election.

VOTE: Motion carried with Commissioners Eggers, Kynes, Scales and Bujalski voting aye. Mayor Hackworth voting aye. Voting nay, none.

Mayor Hackworth read the announcement:
There will be a second public hearing on Thursday, February 7, 2008 to receive comment on the second reading of Ordinance 08-01 amending Article V of Chapter 26 of the Code of Ordinances of the City of Dunedin regarding the canvassing board.

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5 MINUTE BREAK

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CONSENT AGENDA

- 1. APPROVAL OF MINUTES Approval of minutes of the December 6 and December 20, 2007 and January 3, 2008 regular meetings.**

MOTION: Motion was made by Commissioner Eggers and seconded by Commissioner Scales to approve the Consent Agenda.

VOTE: Motion carried unanimously.

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NEW BUSINESS

1. **BIDS/CONTRACTS/AGREEMENTS Consider a motion to award a contract to Royal Concrete Concepts, Inc. of West Palm Beach, FL in the amount of \$564,613.00 to furnish and install a new modular concrete building for the Public Services Division.**

ROYAL CONCRETE CONCEPTS

City Manager DiSpirito reviewed the City Manager's Memorandum dated January 7, 2008, (a part of the official file). He advised that the Public Services Division budgeted for the construction of a new building during the current fiscal year and the new building will be used by the division's administrative staff. He explained that the existing Public Services buildings will be used for storage and as a site to transfer the work of the City's sign shop from the old Traffic Division site on Lake Haven Avenue. He advised that also the new building will serve as an Emergency Operations Center for Public Services staff. City Manager DiSpirito discussed the use of a modular concrete building that is manufactured offsite and that City staff worked with the contractor on a building design based on the various components of the Public Services Department. He advised that staff recommends approval. Mr. Fogarty explained that this is a continuation of the reorganization discussed at the budget workshops incorporating the Traffic Control Operations in response to the study in 2000 that indicated the Traffic Control facility was in dire need of upgrade or replacement.

Commissioner Eggers inquired regarding the building being an emergency facility.

Mr. Fogarty advised that the building will be a Category 5 rated facility which will be the first in the City. He explained that this type of construction is being used by schools and one reason is that the modular construction allows them to be moved. He commented regarding the need for a secure facility for City employees and this would be the staging area for employees and there would be no evacuation.

Commissioner Scales inquired regarding LEED compliance and whether the new codes will include the effort to have the new facilities LEED certified.

Mr. Fogarty commented that even if this facility cannot achieve the silver certification they will go through the steps and advised that this is the first request for commercial green facilities; however, Royal Concrete Concepts has been awarded by the Green Building Council for their residential construction.

Commissioner Scales commented that it is best for contractors to know from the start that the City wants a green facility.

Mayor Hackworth commented that this was not bid out; however, Mr. Fogarty is confident in the cost on a square foot basis.

Mr. Fogarty commented that it is inexpensive for a Category 5 rated facility.

MOTION: Motion was made by Commissioner Eggers and seconded by Vice-Mayor Kynes to award contract to Royal Concrete Concepts, Inc. in the amount of \$564,613.00.

VOTE: Motion carried unanimously.

2. BOARDS & COMMITTEES NOMINATION PROCESS

BOARDS & COMMITTEE NOMINATIONS

Commissioner Eggers expressed concern that the nominating process for the various boards and committees seems to be a little different each time, sometimes without any backup or rationale. He related that when he served on boards and committees it was never discussed how recommendations would be given to the Commission and he does not know if the members realize they have the ability to discuss alternatives. He stated his thought was that it would be nice if all of the nominations were done in the same way; however, there might be some peculiarity about each committee to do it in a different way. He suggested that direction be given to the committees to review the process and see if they are comfortable or if they want it to be the Chair's recommendation or a committee recommendation. He stated that he thinks each of the committees would have strong opinions about the way they make recommendations.

Vice-Mayor Kynes commented that it is reasonable to make the committees aware that different committees handle it differently and have them discuss it.

Commissioner Eggers also stated that committees should either reaffirm the way they are doing it or change it.

Mayor Hackworth acknowledged that a recommendation from Ms. Guegan is to send a letter to each of the committees indicating that the Commission would like for them to do that review and determine a method for the committee.

Ms. Guegan stated that she can send a letter to each Chair for the committee to discuss. She asked if the Commission wants the committees to have a uniform method.

Mayor Hackworth clarified that the letter should indicate that the Commission would like for them to review their procedure and then to decide on an individual procedure per committee, but indicating per the established procedure the Commission would like to have a Chair or committee recommendation.

City Attorney Hubbard reviewed Resolution 99-13, paragraph F. He advised that he believes that this language was not intended to be the personal opinion of the Chairperson, it was intended to be a person speaking for the committee and he suggested that this be brought to the attention of the committee members.

Mayor Hackworth agreed that attention should be called to the resolution and in addition the Commission is allowing for the committees to have their own review of their process and to decide on something as long as it comports to the established procedures by resolution.

City Attorney Hubbard suggested that “paragraph F” be emphasized to make sure the nomination is not a personal opinion, but a reflection of the opinion of the committee.

Commissioner Bujalski expressed concern for having several different ways for all these boards and committees to be nominated and commented that it would not be very efficient. She agreed with getting feedback from the committees; however, suggested deciding on the way the majority wants to use for a standard nominating process.

Mayor Hackworth commented that the Commission is asking the committees to review their process and decide on a Chair or committee recommendation and make sure that is passed on to the City Clerk before it goes to the Commission prior to the meeting. He stated that it should be emphasized as an important piece of information that a person who is currently serving who wishes to be reappointed is to be considered automatically nominated; therefore, a case where the Chair does not recommend a sitting person is contrary to the resolution. He suggested that each committee have a copy of the resolution to follow. He commented that it does not matter whether there is a diversity of methods the committees use for recommending members as long as the Commission follows its resolution, unless there is an interest on the part of the Commission to change the resolution.

Commissioner Scales stated her support for the suggestion by Commissioner Eggers. She suggested that the issue does not need to be exaggerated noting that recently there were two instances that came up, one with the Chair recommending that an incumbent not be nominated; however, no one knew that was contrary to the resolution which was a rather isolated incident and the other instance was when the Chair on the day of the Commission meeting requested postponement of the unanimous decision of the committee and she felt that can be prevented and should not be done unless a reason is given.

Commissioner Eggers clarified that the Chairs should be told that the Commission wants them to do the review.

Mayor Hackworth stated that the Commission wants the committees to review the resolution.

Ms. Guegan stated that they will talk with the Chairs regarding if there is a request for postponement to try to give a reason.

Mayor Hackworth commented that it should be recognized that the Commission values the recommendations and nominations.

Commissioner Eggers clarified that the incumbents are automatically nominated if they want to be reappointed, not chosen, but nominated for appointment and then the Chair and/or committee could also make a nomination.

3. CITY MANAGER'S EVALUATION

MEMO

Mayor Hackworth advised that City Manager DiSpirito provided the Commission with a lengthy memo regarding his year of employment which was helpful and is an impressive list of items he has had an active hand in over the year.

MOTION: Motion was made by Vice-Mayor Kynes and seconded by Commissioner Scales to authorize a merit increase of 3% for City Manager DiSpirito.

Vice-Mayor Kynes commented that City Manager DiSpirito deserves a high merit increase; however, the Commission has given a 3% maximum to employees and she felt the Commission should follow that lead.

Commissioner Bujalski reviewed that there was quite a process bringing City Manager DiSpirito to the City. She commented that he has brought new leadership to the City, balance, effectiveness, fairness and new ideas. She is happy with his performance and appreciates his ability to compromise, easiness to work with and ability to communicate and his caring for the citizens and accessibility to them.

Commissioner Scales commented that City Manager DiSpirito came into a turbulent situation and in the middle of several major projects; however, he managed it very well. She commented that he is responsive and deserves the maximum merit authorized for an employee.

Commissioner Eggers shared the comments of the other Commissioners. He felt that City Manager DiSpirito in addition to the points that have been worked on delivered a balanced budget in a difficult time and he felt confident that in the next challenge with the minimal loss of service that will have to be considered that City Manager DiSpirito will deliver another balanced budget that will be fair and he will listen to his staff and the Commission and to the citizens. Commissioner Eggers commented that City Manager

DiSpirito is a worker, a listener, a planner, a doer and a decision maker that is a classic leader. He concurred with the 3% increase.

Mayor Hackworth stated that he will make it unanimous and he shared with City Manager DiSpirito that he was extremely satisfied with his performance this year recognizing that it was a difficult situation to come into and he lived up to the highest expectations of how he would handle it. Mayor Hackworth stated that he felt there is a complete understanding of the form of government in that the Commission sets policy for the city manager to implement and he holds his employees accountable to follow those policies for what everyone felt is in the best interest of the City. He supports the 3% increase. Mayor Hackworth stated that also City Manager DiSpirito gives many hours to the City and that is appreciated and consideration should be given in that regard.

City Manager DiSpirito stated that he is humbled and expressed appreciation for the patience shown this year and the time and effort the Commission has given in working with him and his staff. He also thanked his senior staff and all City employees for their patience and being gracious with their time and interest in addressing the agenda of the City. He stated that they are all excited about the coming year. He noted that everyone puts in long hours including the Commission. He clarified that the list he provided the Commission is a team effort and many are initiatives from the Commission, some of which were in place before he came and some just beginning to be worked on.

VOTE: Motion carried unanimously.

4. **BOARDS AND COMMITTEES Committee on Aging Consider motion to appoint 4 members.**

COMMITTEE ON AGING

City Clerk Guegan advised that Chair Edwards recommends appointment of Earl Tapley and Carmen Wilson as regular members and Michael Whalen and Debbie Williams as alternate members.

MOTION: Motion was made by Commissioner Eggers and seconded by Vice-Mayor Kynes to appoint Earl Tapley and Carmen Wilson as regular members and Michael Whalen and Debbie Williams as alternate members to the Committee on Aging.

VOTE: Motion carried unanimously.

5. **CITY CLERK'S UPDATE Verbal status report relative to significant matters affecting the city.**

City Clerk Guegan congratulated City Manager DiSpirito on the excellent job he has done and commented that she has never seen such a hardworking employee.

6. **MANAGER'S UPDATE Status report relative to significant matters affecting the city.**

MANAGER'S UPDATE

City Manager DiSpirito acknowledged that his written report is provided and is part of the official record. He advised that the report is available on the website and in hard copy at City Hall for the public.

Mayor Hackworth commented that the City Manager's Update is a good way to keep up with the projects throughout the City and is filled with information on what is going on in the City.

7. **LEGAL UPDATE Verbal status report by the city attorney relative to significant legal matters affecting the city.**

City Attorney Hubbard congratulated City Manager DiSpirito and commented that he is a pleasure to work with. He stated that he had nothing else specific to bring to the Commission this evening.

8. **COMMISSION DISCUSSION Exchange of ideas and open discussion relative to any concerns of the mayor and/or individual commissioners.**

Commissioner Eggers commented that traditionally during election time the City has had a number of groups hold public forums in order for the citizens to see how the candidates answer questions and handle themselves in front of a group. He explained that a couple of organizations that traditionally hold the forums have elected not to do it this year and he is concerned that it might be down to only one public forum. He questioned whether the Commission can make available a facility and look for a third party group such as the League of Women Voters to conduct a public forum for the citizens. He commented that it is late in the process for some organizations to prepare.

Mayor Hackworth explained that the Dunedin Chamber of Commerce and the Dunedin Council of Organizations have elected not to hold public forums for this election cycle.

Commissioner Scales advised that Royal Stewart Arms is having a public forum.

Vice-Mayor Kynes asked if the Chamber made their decision because of the immediacy of the Amendment 1 forum.

Commissioner Eggers has heard that they are doing a forum at a quarterly lunch which would be members only. He explained that he felt the need for a public forum for the public outside of these organizations to attend.

Mayor Hackworth commented that in the past the Chamber forum was recorded for television and was shown multiple times on *Dunedin 15* which is of significant value in that even if the hall is not filled a lot of people watched.

Commissioner Scales suggested that the Royal Stewart Arms forum could be filmed.

Vice-Mayor Kynes commented that Gus Cooper was the person who always interviewed the candidates for *Dunedin 15* and questioned if someone is going to do that.

Mayor Hackworth stated that he believes that will continue and staff is working on that and the last time that was done with the League of Women Voters.

Commissioner Bujalski commented that the Chamber forum was the largest and most publicized and widely attended at Mease Manor. She noted that *Dunedin 15* has moved and not everyone has access now. She commented that the live action with citizens is very important and expressed concern from going from three forums to one and felt that there should be at least two. She commented that the City of Clearwater had a forum/debate at City Hall so it is not unusual for the City to be involved. She expressed concern that the forum at Royal Stewart Arms would be focused on their issues such as the Causeway and not on the entire city.

Mayor Hackworth asked what the City can do and what is appropriate for the City to do and expressed concern for the timeframe.

Vice-Mayor Kynes felt that Royal Stewart Arms would be open to other issues since it is open to the public. She suggested discussing with Jack Martin the possibility of filming at Mease Manor and asking the League of Women Voters to run the forum.

Mayor Hackworth clarified the consensus direction to staff to contact the League of Women Voters and encourage their participation in organizing an election forum and work out the details. He noted the importance of televising the forum.

Commissioner Bujalski commented that for the last couple of years the City has been reviewing the Development Codes in response to the condominium market; however, now the County has been discussing density and the need for hotels. She stated that it is probably safe to say that when development begins again that hotels might be the development of choice; therefore, the City should be proactive in researching the Codes as to hotels and where they can be located and make sure that the codes meet the attributes of hotels.

Mayor Hackworth commented that work is being done on the issue of hotels with the County passing an ordinance for cities to make those future determinations.

Commissioner Scales reviewed that the Commission asked for the inventory of hotels in the city and where it is currently allowed to have them in the city. She noted she had asked about reviewing the density.

Commissioner Bujalski commented that the way she presented the question to City Manager DiSpirito he did not indicate that it was being worked on; however, he did say it was a good idea.

City Manager DiSpirito commented that Mr. Kevin Campbell and Mr. Matthew Campbell have devoted time to the issue and he will need to talk with Mr. Matthew Campbell about it. He stated his understanding that Commissioner Bujalski is asking for a comprehensive review.

Vice-Mayor Kynes commented that tonight another land use category was added that specifically addresses transient accommodations.

Mayor Hackworth commented that he is certain that staff has been given direction on the issue as he has talked with both Kevin and Matt with City Manager DiSpirito on several occasions regarding the City's need to respond to the Commission direction and the new ordinance from the County.

City Manager DiSpirito commented that it is clear direction and it is a work in progress.

9. **COMMISSION COMMENTS Comments from the mayor and commissioners relative to pertinent issues and the various committees on which they serve.**

Vice-Mayor Kynes commented on the Teacher's Appreciation Breakfast, Milliken Luncheon and Mardi Gras celebrations.

Commissioner Eggers announced a Principal's Meeting on January 30, 2008 at 8:00 A. M. at which there will be a presentation regarding Sustainability in relation to the schools and having a contact person at the schools. He asked if there are other issues the Commission wants discussed to give it to him or let him know if they wish to make a presentation.

Commissioner Eggers commented on the importance of *Diverse-City Week* in the City and invited everyone to participate in the many events available, and noted that there is a detailed schedule on the website.

Vice-Mayor Kynes commented regarding *Diverse-City Week* that she has had many positive comments regarding the Chinese New Year with so many Americans adopting Chinese children and it is a great enrichment to their lives.

Commissioner Scales commented regarding the Imago building that the Pinellas County Arts Council Foundation voted this morning to contribute \$3,000 towards the effort to help the artists in that situation and that brings the total amount raised to almost \$40,000 through the efforts of the Dunedin Fine Arts Center, Pinellas County Association of Official Artists, the Clearwater Arts Foundation and individual contributions.

Commissioner Scales advised that last Saturday the Sterling Society which is an arm of the Dunedin Fine Arts Center had a luncheon honoring the founders of the Art Center and there will be a video airing on *Dunedin 15* and it will be at the Historical Society. She explained that this was a group of young women who forged ahead with a partnership with what was then the Junior Service League of Dunedin, the City of Dunedin and Mease Hospital.

Mayor Hackworth reiterated Diversity Week that is a wonderful opportunity for a fun and enlightening event and he is especially interested in a good turnout for the march that is a new event on Saturday morning at 11:00 A. M. from Pioneer Park to the Martin Luther King Jr. Center where there will be a program with a featured speaker.

10. AGENDA APPROVAL Commission approval of the proposed agenda for the Regular meeting of February 7, 2008.

[PROPOSED AGENDA](#)

MOTION: Motion was made by Commissioner Eggers and seconded by Vice-Mayor Kynes to approve the proposed agenda.

VOTE: Motion carried unanimously.
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The meeting was adjourned at 10:10 P. M.

NOTE: The meeting was completely recorded and the recordings are in the official file. This meeting also broadcast by *Dunedin 15*.

Mayor

ATTEST:

City Clerk