

MINUTES
BOARD OF COMMISSIONERS
CITY OF TARPON SPRINGS
REGULAR SESSION – JANUARY 23, 2018

THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, MET IN REGULAR SESSION IN THE CITY HALL AUDITORIUM/COMMISSION CHAMBERS, 324 E. PINE STREET, ON TUESDAY, JANUARY 23, 2018 AT 6:30 P.M. WITH THE FOLLOWING PRESENT:

CHRIS ALAHOUZOS	MAYOR
DAVID BANTHER	VICE MAYOR
REA SIEBER	COMMISSIONER
SUSAN MICCIO-KIKTA	COMMISSIONER
JACOB KARR	COMMISSIONER

ALSO PRESENT:	MARK G. LeCOURIS	CITY MANAGER
	ERICA AUGELLO	CITY ATTORNEY
	IRENE S. JACOBS	CITY CLERK & COLLECTOR

CALL TO ORDER:

Mayor Alahouzos called the meeting to order at 6:30 p.m.

ROLL CALL:

City Clerk Jacobs called the roll.

INVOCATION:

Pastor Curt Snare, St. Timothy Lutheran Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Alahouzos led the Pledge of Allegiance to the Flag.

ANNOUNCEMENTS:

Mayor Alahouzos announced that Agenda Item 6 has been pulled and would be rescheduled to a later date.

PUBLIC COMMENTS:

Peter Dalacos, 514 Ashland Avenue, former Commissioner, wished that all had Happy New Year and a fruitful Epiphany; and referenced J.F. Kennedy author of a book named a "Nation of Immigrants". He read some excerpts and urged the Board to look into their hearts and not allow immigrants to be taken away.

PRESENTATION:

1. CERTIFICATE OF APPRECIATION: SOUTHEAST PERSONNEL LEASING, INC. FOR DONATION OF NEW ROOF FOR THE COPS & KIDS YOUTH CENTER

Mayor Alahouzos presented a certificate of appreciation to Southeast Personnel Leasing, Inc. for the donation of a new roof for the Cops & Kids Youth Center. Major Jeff Young, Tarpon Springs Police Department, said that the Cops & Kids Youth Center was the hallmark of the Community and cannot thank Southeast Personnel Leasing enough for their donation. Mayor Alahouzos also expressed his gratitude for their generous donation to the kids and youth center.

CONSENT AGENDA:

2. ATTORNEY'S FEES:

- A. TRASK & DAIGNEAULT, LLP: INVOICE # 55330
 - B. JOHNSON JACKSON, LLC: INVOICE # 2097
 - C. JOHNSON JACKSON, LLC: Invoice # 2098
-

3. SPECIAL EVENTS:

- A. GREEK INDEPENDENCE DAY PARADE: MARCH 18, 2018
 - B. NIGHT IN THE ISLANDS: APRIL – OCTOBER 2018
-

4. APPROVE NAME CHANGE: LEGGETTE, BRASHEARS & GRAHAM, INC. RFQ NO. 140052-S-JJ

5. AWARD FILE NO. 180076-N-RS: PUBLIC SAFETY HEALTH SCREENINGS

6. APPROVE ADDITIONAL SERVICES AUTHORIZATION NO. 1 TO RFQ NO. 160066-S-JJ: ENGINEERING SERVICES FOR CULTURAL CENTER REFURBISHMENT OF WINDOWS AND EXTERIOR

(This item was pulled and would be rescheduled at a later date)

7. AWARD FILE NO. 180064-C-CM: CAB AND CHASSIS TRUCKS AND OTHER FLEET EQUIPMENT UTILIZING FLORIDA SHERIFF'S ASSOCIATIO CONTRACT NO. 17A17-VEH15.0

Commissioner Karr asked if anyone had looked at the cost of renting vs. buying, and City Manager LeCouris replied yes, that was evaluated.

8. AWARD BID NO. 180054-B-RS: FURNISH AND INSTALL AUTOMATIC TRANSFER SWITCH

9. APPROVE AMENDED JOB DESCRIPTION FOR BUILDING DEVELOPMENT DIRECTOR

10. APPROVE LETTER REGARDING HOME RULE

Mayor Alahouzos advised that the letter was sent to express opposition by the Board on doing away with Home Rule. The Vice Mayor and Commissioners also noted their feelings that it was important to maintain home rule.

PUBLIC COMMENTS:

Peter Dalacos, 514 Ashland Avenue, did not understand and felt in a way the City was being assaulted by the legislators trying to remove Home Rule. He also urged the Board to also make known their displeasure with the additional \$ 25,000 tax exemption. Mr. Dalacos said that the citizens must be educated that the City made it through the hurricane and economic times because of the reserves and what would happen if Home Rule was taken away.

(Continued)

CONSENT AGENDA (Continued):

MOTION: VICE MAYOR BANTHER
SECOND: COMMISSIONER SIEBER

To approve agenda items 2A, 2B, 2C, 3A, 3B,
4, 5, 7, 8, 9, and 10.

Vote on Motion – Upon roll call vote the motion carried unanimously as follows:

Commissioner Karr	Yes
Commissioner Miccio-Kikta	Yes
Commissioner Sieber	Yes
Vice Mayor Banther	Yes
Mayor Alahouzos	Yes

SPECIAL CONSENT

11. REQUEST TO SETTLE CODE ENFORCEMENT LIEN:

City Attorney Augello gave the background of this item and that the new owner of the property was as a result of a foreclosure. Due to case law, code enforcement liens are not priority over mortgage liens and because the first lien was wiped out in the mortgage foreclosure, the second lien was unenforceable so the recommendation was to accept the settlement offer of \$ 3,500.00 in exchange for a partial release of property at 512 Wideview Avenue with the code enforcement liens remaining in effect as to all other non-homesteaded real property owned by Mindy Dirienzo.

Commissioner Karr wanted clarification on what was not enforceable to which City Attorney Augello clarified. He then asked to recuse himself because he looked at the property to purchase which City Attorney Augello said since there was no private gain; therefore, he could not do so and was required to vote on it. Commissioner Karr felt that the bank would profit on this. City Attorney Augello advised that the liens would still attach to the prior owner. Vice Mayor Banther and the rest of the Board agreed that they do not want to get involved with who was purchasing, but looks to Attorney's recommendations to cover City's cost.

MOTION: COMMISSIONER SIEBER
SECOND: VICE MAYOR BANTHER

To accept the settlement offer of \$ 3,500.00 in exchange for a partial release of the property at 512 Wideview Avenue. The code enforcement liens would remain in effect as to all other non-homesteaded real property owned by Mindy Dirienzo.

Vote on Motion – Upon roll call vote the motion carried 4 to 1 as follows:

Commissioner Karr	No
Commissioner Miccio-Kikta	Yes
Commissioner Sieber	Yes
Vice Mayor Banther	Yes
Mayor Alahouzos	Yes

ORDINANCES AND RESOLUTIONS:

12. ORDINANCE 2018-01: TOWING AUTHORITY (1ST READING)

City Attorney Augello read the following Ordinance by title only:

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING CHAPTER 18: TRAFFIC, ARTICLE I. – IN GENERAL, SECTION 18-3 – CITY MANAGER AUTHORIZED TO ESTABLISH SPEED LIMITS, PARKING REGULATIONS AND CHAPTER 18: TRAFFIC, ARTICLE II. – PARKING, STOPPING AND STANDING, DIVISION 1- GNERALLY, SECTION 18-11 TO AUTHORIZE THE TOWING OF VEHICLES PARKED IN DESIGNATED NO PARKING AREAS: PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCE IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF TARPON SPRINGS, FLORIDA; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

City Attorney Augello announced that the legal advertisement requirements were met and this public hearing was called by virtue of this Ordinance being published in the “Tampa Bay Times” by title only on January 12, 2018.

There was no new information from the last meeting.

Public Comments:

Peter Dalacos, 514 Ashland Avenue, had concerns on the process. Additionally, he said that due to tourism that there was significant signage for awareness. He also asked how towing companies were hired out and who determined the charges as this information was not part of the Ordinance.

Mayor Alahouzos asked for Board comments and there were none.

MOTION: VICE MAYOR BANTHER
SECOND: COMMISSIONER MICCIO-KIKTA/COMMISSIONER KARR

That Ordinance 2018-01 be adopted on its second and final reading.

Vote on Motion – Upon roll call vote the motion carried unanimously as follows:

Commissioner Karr	Yes
Commissioner Miccio-Kikta	Yes
Commissioner Sieber	Yes
Vice Mayor Banther	Yes
Mayor Alahouzos	Yes

(Continued)

ORDINANCES AND RESOLUTIONS (Continued):

13. ORDINANCE 2017-35: APPLICATION 17-119; LAND DEVELOPMENT CODE (1ST READING)

City Attorney Augello read the following Ordinance by title only:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE OF THE CITY OF TARPON SPRINGS AS FOLLOWS: APPENDIX A. ARTICLE XIII. SECTION 230.00 TECHNICAL REVIEW COMMITTEE (TRC): REVISING AND RENUMBERING SECTION 230.00 (B) PROVIDING FOR TRC MEMBERSHIP; ADDING SECTION 230.00 (I) PROVIDING FOR TRC USE OF REVIEW CONSULTANT; AND; APPENDIX A. ARTICLE XV. SECTION 246.00 FEES: PROVIDING FOR ADDITION TO FEE SCHEDULE TO COVER COST OF TRC USE OF CONSULTANT AND OTHER FEES; PROVIDING FOR MODIFICATIONS THAT MAY ARISE AT PUBLIC HEARING; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF TARPON SPRINGS, FLORIDA; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

City Attorney Augello announced that this Ordinance was approved on its 1st Reading, the 2nd Reading would be hold on February 6, 2018 and was and would be published in the "Tampa Bay Times" by title only on December 29, 2017 and January 27, 2018.

Heather Urwiller, Planning and Zoning Director said that the purpose of this Ordinance was to update the membership of the City of Tarpon Springs Technical Review Committee to be consistent with current City Staff organization, to provide the Technical Review Committee with access to outside and development review expertise when required, and, to provide for the collection of fees to cover the costs that the City is currently incurring for development review services and advertising, mail, and property posting. Additionally, she said that this issue went before the Planning and Zoning Board and main issues were: that various re-organizations changed titles in the TRC makeup and trying to rectify that, and, trying to recoup development cost. Recouping the development cost was a contentious issue with the Planning and Zoning Board so at this time was only amending Ordinance to remove this section. No mechanism to capture those cost. This section would be brought back and update the fee schedule for the actual cost incurring charged back to the applicant.

Mayor Alahouzos asked if the fee schedule was compatible to other cities, and Ms. Urwiller explained. Commissioner Sieber inquired as to what was the Planning and Zoning concerns, and Ms. Urwiller replied that they felt that the developers contributing jobs, so they did not feel was relevant to charge developers. City Manager LeCouris advised that the first and third component needed to be done, and second component would be coming back. Vice Mayor Banther thanked Ms. Urwiller and wanted to be sure this was competitive with other cities. He would like to see something in the middle, but should also realize the investments developers are making in the community and the goal was to cover the hard cost.

Mayor Alahouzos asked for public comments and there were none.

(Continue)

ORDINANCES AND RESOLUTIONS (Continued):

13. ORDINANCE 2017-35: APPLICATION 17-119; LAND DEVELOPMENT CODE (1ST READING)

MOTION: VICE MAYOR BANTHER
SECOND: COMMISSIONER MICCIO-KIKTA

That Ordinance 2017-35 be approved as amended on its first reading.

Vote on Motion – Upon roll call vote the motion carried unanimously as follows:

Commissioner Karr	Yes
Commissioner Miccio-Kikta	Yes
Commissioner Sieber	Yes
Vice Mayor Banther	Yes
Mayor Alahouzos	Yes

14. ORDINANCE 2018-03: REPEAL OF MEDICAL CANNABIS (1ST READING)

City Attorney Augello read the following Ordinance by title only:

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, REPEALING CERTAIN SECTIONS OF ARTICLE I, LOCAL BUSINESS TAXES, SECTION 11-24, SCHEDULE OF LOCAL BUSINESS TAXES TO INCLUDE MEDICAL CANNABIS DISPENSING FACILITIES AND SETTING THE BUSINESS TAX FEE; REPEALING CERTAIN SECTIONS APPENDIX A (COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE) OF THE CODE OF ORDINANCES OF THE CITY OF TARPON SPRINGS, FLORIDA, BY REPEALING ARTICLE II, OF APPENDIX A, SECTION 24.07 PROHIBITION ON THE SITING OF MEDICAL CANNABIS DISPENSARIES IN ALL ZONING DISTRICTS EXCEPT THE HB, HIGHWAY BUSINESS DISTRICT; AMENDING SECTION 25.12 HB, HIGHWAY BUSINESS DISTRICT TO REMOVE MEDICAL CANNABIS DISPENSARIES; REMOVING SECTION 27.00 SUPPLEMENTAL REGULATIONS FOR SITING OF MEDICAL CANNABIS DISPENSARIES; TO REPEAL CERTAIN SECTIONS OF APPENDIX B (COMMUNITY REDEVELOPMENT AREA AND SPONGE DOCKS SMARTCODE), OF THE CODE OF ORDINANCES OF THE CITY OF TARPON SPRINGS, FLORIDA; BY AMENDING TABLE 4F SPECIFIC FUNCTIONS & USE TO REMOVE REFERENCES TO MEDICAL CANNABIS DISPENSARIES, AND AMENDING SECTION 6.1 TO REMOVE DEFINITIONS OF MEDICAL CANNABIS DISPENSARIES AND PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE.

City Attorney Augello announced that this Ordinance was approved on its 1st Reading, the 2nd Reading would be hold on February 6, 2018 and was and would be published in the “Tampa Bay Times” by title only on January 6, 2018 and January 27, 2018.

Heather Urwiller, Planning and Zoning Director said that back on April 18, 2017 the Board passed a series of amendments regulating placement of medical marijuana dispensing facilities. At that time the use was restricted to the Highway Business Zoning District within the US-19 corridor. Since passage of the City’s amendments the state has changed the laws governing the regulation of Medical Marijuana (Cannabis). Currently, not consistent with state law.

(Continued)

ORDINANCES AND RESOLUTIONS (Continued):

14. ORDINANCE 2018-03: REPEAL OF MEDICAL CANNABIS (1ST READING)

Mayor Alahouzos said that this was a state law to be treated as a cash based business, and Ms. Urwiller said that even though treated as a pharmacy this was the way the state had set up process. Vice Mayor Banther said this was an example of home rule, and Tallahassee saying they know better. We were one of the lead cities on approving medical cannabis and does not have a problem with the way state wants to handle; however, does not like being told what to do. City Manager LeCouris said that you cannot vote no, but could ban. The City had a good Ordinance with no objection, but being dictated what to do. Commissioners Karr, Sieber, and Miccio-Kikta echoed the Vice Mayor's comments and felt that rules would be changed again, but should move forward.

Public Comments:

John Brushwood, St. Petersburg, Florida; student of St. Pete College, supports this Ordinance as the City needed to be in compliance, and because it was important to allow patients with debilitating medical issues to have effective palatable care.

MOTION: COMMISSIONER MICCIO-KIKTA
SECOND: VICE MAYOR BANTHER

That Ordinance 2018-03 be approved as presented on its first reading.

Vote on Motion – Upon roll call vote the motion carried unanimously as follows:

Commissioner Karr	Yes
Commissioner Miccio-Kikta	Yes
Commissioner Sieber	Yes
Vice Mayor Banther	Yes
Mayor Alahouzos	Yes

(Continued)

ORDINANCES AND RESOLUTIONS (Continued):

15. ORDINANCE 2018-04: ADOPTION OF THE FLORIDA FIRE PREVENTION CODE (1ST READING)

City Attorney Augello read the following Ordinance by title only:

AN ORDINANCE OF THE CITY OF THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING SECTION 7-12 OF THE CODE OF ORDINANCES TO PROVIDE FOR ADOPTION OF THE FLORIDA FIRE PREVENTION CODE; PROVIDING FOR MODIFICATIONS THAT MAY ARISE AT PUBLIC HEARING; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF TARPON SPRINGS, FLORIDA; AND PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE.

City Attorney Augello announced that this Ordinance was approved on its 1st Reading, the 2nd Reading would be hold on February 6, 2018 and was published in the "Tampa Bay Times" by title only on January 19, 2018.

Heather Urwiller, Planning and Zoning Director, said that this was updating the Ordinance with the latest fire code. Mayor Alahouzos asked if the Fire Marshal had any additions and Fire Marshal Kinney added that it was a mandate already adopted by state statute.

Mayor Alahouzos asked for Board or public comment and there were none.

MOTION: COMMISSIONER SIEBER
SECOND: COMMISSIONER MICCIO-KIKTA

That Ordinance 2018-04 be approved as presented on its first reading.

Vote on Motion – Upon roll call vote the motion carried unanimously as follows:

Commissioner Karr	Yes
Commissioner Miccio-Kikta	Yes
Commissioner Sieber	Yes
Vice Mayor Banther	Yes
Mayor Alahouzos	Yes

MISCELLANEOUS

16. APPLICATION 17-113: REVOKE LICENSE TO ENCROACH TALLAHASSEE DRIVE CARPORT

Heather Urwiller, Planning & Zoning Director, gave the background advising that a license to encroach was approved by the Board of Commissioners on May 15, 2012 to allow a carport erected by the previous owners (Ledbetters) without a permit to resolve the issue. The Ledbetter's then sold the property to Ms. Gialousis and the new neighbor Mr. Clark wants this structure removed. If this is revoked, a letter would be written giving Ms. Gialousis 30 days to apply for a demolition permit and remove.

There was a lengthy discussion of the Board questioning usage, existing structure, process, and if Mr. Clarke was currently using the space. The Board felt this was not the appropriate venue for this and felt very uncomfortable. City Attorney Augello reminded the Board that no citizen owns the property and recommended that the Board stays out of trying to mediate.

Public Comments:

The following spoke in favor of revoking:

Bill Vinson, Attorney for Mr. Clark (Exhibit 1)
Gary Clark (Exhibit 2)

The following spoke against revoking:

Eleni Gialousis (Exhibit 3)
Fannie Gialousis

The following felt both parties should have been aware of this when they bought their properties and that the Board should not get into a civil dispute:

Mike Eisner, 1515 Riverside Drive
Peter Dalacos, 514 Ashland Avenue

MOTION: VICE MAYOR BANTHER
SECOND: COMMISSIONER MICCIO-KIKTA

To deny application 17-113: to revoke license to encroach Tallahassee Drive carport.

Vote on Motion – Upon roll call vote the motion carried unanimously as follows:

Commissioner Karr	Yes
Commissioner Miccio-Kikta	Yes
Commissioner Sieber	Yes
Vice Mayor Banther	Yes
Mayor Alahouzos	Yes

(Continued)

MISCELLANEOUS (Continued)

17. DISCUSSION: BOARD OF ADJUSTMENTS SUGGESTED AMENDMENTS TO LAND DEVELOPMENT CODE

Attorney Augello gave the background of this item stating that the Board of Commissioners agreed to allow the Board of Adjustment an opportunity to suggest amendments to the City's Land Development Code. She said that the Board of Adjustments Board does not have the right to change code and that staff does not support the changes as proposed. Attorney Augello said that variances run with the land and not the property owner, and if they allow flexibility, they would allow the Board of Adjustments to act as a legislative body when they are not.

The Board thanked members of the Board of Adjustments for the service and wealth of knowledge. City Manager LeCouris then clarified the proper procedure for issues to be reviewed. Commissioner Miccio-Kikta would like to have copies of other municipality codes regarding this. Vice Mayor Banther said for the Board of Adjustments not to be upset with the Attorney as the Attorney works for the BOC and they have to be leaned on for legal counsel. The Board assured the Board of Adjustment members that this was not on deaf ears; however, would like to look at other municipality codes.

Public Comments:

The following spoke on the need of flexibility, and stated the BOC was in charge:

Mike Eisner (BOA Member)
Tod Eckhouse, 820 Compass Circle
John Glenser, (BOA Member)
Herb Elliott (BOA Chairman)
Chris Hrabovsky (BOA Member)
George Bouris (BOA Member)

18. DISCUSSION: IMPROVEMENTS IN CRA DISTRICT, SPONGE DOCKS AND SUNSET BEACH – COMMISSIONER KARR

Commissioner Karr presented this item and the need for beautification around the City (Exhibit 4). There was also a letter from the Tarpon Springs Merchants Association received (Exhibit 5). The Board appreciated Commissioner Karr bringing these items forth; however, felt that there should be a work session to discuss.

There was a consensus of the Board for City Manager LeCouris to bring this back at a work shop for more discussion then bring back a plan for the Board to vote on.

Board and Staff Comments:

Tampa Bay Lightning Game: Chief Kochen informed the Board that the Police Department Color Guard would be the color guard for the upcoming Lightning game. Commissioner Miccio-Kikta and Commissioner Sieber said it was an honor for them to do this and commended them for a great job.

Citizen's Academy: Chief Kochen noted that the Citizen's Academy would be held at the Police Department on Thursday, January 24, 2018.

Firefighters Pension: City Manager LeCouris was happy to announce that the agreement was approved by both sides and he would bring back for approval around the second week of February. Vice Mayor Banther and Commissioner Sieber were happy to hear the great news.

Spaghetti Dinner Fundraiser: Vice Mayor Banther reminded all that a Spaghetti Dinner Fundraiser would be held to assist with medical cost for Baby Rhett Julian who is the child of one of our firefighters and was very ill. He announced that tickets could be purchased or donations made through the City Clerk's Office or the Fire Department. Commissioner Sieber said that she would be donating a basket from her store for the silent auction.

Ireland Trip: Vice Mayor Banther announced that he would be visiting Ireland and has the opportunity to visit with the Mayor of Dublin Lord Mayor, and present him with the Key to the City.

Anclote River: Commissioner Sieber spoke to Representative Sprowls about the dredge project and felt that we should send representatives to Tallahassee.

MAYOR'S ANNOUCEMENT:

Friday, January 26th – Movies at Craig Park – 6:00 p.m.

Monday, January 29th – Open Forum Discussion at City Hall with Congressman Bilirakis, Consulate General of Greece and Ambassador of Greece to the U.S. – 10:30 a.m. to 11:30 a.m. – All Are Welcome

Thursday, February 1st – Sunset Beach Concert – 7:00 p.m.

Friday, February 2nd – First Friday – 5:00 p.m. – Downtown Tarpon Avenue, Hibiscus Street and Safford.

Celebrating on January 24th the Opening of "The Villages" – special thank you to the Tarpon Springs Housing Authority, City Staff and all involved in this important project for the community.

ADJOURNMENT:

The meeting adjourned at 10:31 p.m.

CHRIS ALAHOZOS
MAYOR

ATTEST:

IRENE S. JACOBS, CMC
CITY CLERK & COLLECTOR

CITY CLERK'S NOTE: This meeting has been recorded in its entirety and the recordings are kept on file in the City Clerk's Office for the required retention period.

Unofficial Copy