



City of South Pasadena

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SOUTH PASADENA, FLORIDA 33707
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A G E N D A

AGENDA MEETING
SOUTH PASADENA, FLORIDA

TUESDAY, MAY 6, 2025
COMMISSION CHAMBERS 9:00 A.M.

CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE
ROLL CALL

PROPOSED AGENDA FOR THE TUESDAY, MAY 13, 2025 REGULAR COMMISSION MEETING

DISCUSSION ITEMS

PUBLIC HEARING

NONE

UNFINISHED BUSINESS

NONE

CONSENT AGENDA

Resolutions and Motions of a non-controversial nature may be placed on the Consent Agenda. One motion for approval is required to pass the entire Consent Agenda; however, any item(s) may be removed prior to motion for approval.

1. APPROVAL OF COMMISSION MEETING MINUTES FOR THE MONTH OF
APRIL 2025 ON FILE IN CITY CLERK'S OFFICE
AGENDA MEETING, APRIL 1, 2025; ADMINISTRATIVE WORKSHOP,
APRIL 1, 2025; REGULAR COMMISSION MEETING, APRIL 8, 2025;
AND ADMINISTRATIVE WORKSHOP, APRIL 15, 2025.

AGENDA MEETING
TUESDAY, MAY 6, 2025 - 9:00 A.M.

NEW BUSINESS

2. ORDINANCE NO. 2025-01 - AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA, AMENDING ORDINANCE NO. 2024-05, THE CITY'S 2024/2025 FISCAL BUDGET, BY REMOVING ESTIMATED PROCEEDS TOTALING \$1,288,150 FOR THE SALE OF FIRE STATION #20 LOCATED AT 911 OLEANDER WAY, AND BY INCREASING CERTAIN GENERAL FUND AND CAPITAL IMPROVEMENT FUND APPROPRIATIONS TOTALING \$265,205 FOR PUBLIC SAFETY AND HURRICANE RECOVERY EXPENDITURES APPROVED IN COMMISSION WORKSHOPS; PROVIDING FOR AN EFFECTIVE DATE - FIRST READING - NEIDINGER.
3. RESOLUTION NO. 2025-06 - A RESOLUTION OF THE CITY OF SOUTH PASADENA, FLORIDA, REPEALING RESOLUTION NO. 2020-03 AND ADOPTING THE 2025 PINELLAS COUNTY LOCAL MITIGATION STRATEGY - MCALEES.
4. RESOLUTION NO. 2025-07 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH PASADENA, FLORIDA, AMENDING THE EMPLOYEE HANDBOOK SECTION 1-6 EMPLOYMENT OF RELATIVES - PENNY.
5. MOTION - TO APPROVE INTERLOCAL AGREEMENT WITH PINELLAS COUNTY FOR MULTIMODAL IMPACT FEE COORDINATION - MCALEES.

ADJOURN

This meeting is open to the public. Ordinances may be inspected by the public in the office of the City Clerk at City Hall from 8:00 a.m. to 4:00 p.m. Monday through Friday with the exception of holidays. Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of South Pasadena is committed to providing reasonable accommodation for access for the disabled. In accordance with the Americans with Disabilities Act and F.S. 286.26, anyone needing assistance with regard to this meeting should contact the City Clerk's Office in writing at least 48 hours prior to the meeting. For more information or assistance please contact the City Clerk's office at 727-347-4171.

1. APPROVAL OF COMMISSION MEETING MINUTES FOR THE MONTH OF APRIL 2025 ON FILE IN CITY CLERK'S OFFICE
AGENDA MEETING, APRIL 1, 2025; ADMINISTRATIVE WORKSHOP, APRIL 1, 2025; REGULAR COMMISSION MEETING, APRIL 8, 2025; AND ADMINISTRATIVE WORKSHOP, APRIL 15, 2025.

CITY OF SOUTH PASADENA



AGENDA SUBMITTAL FORM

Ordinance: NO. 2025-01 Date Submitted: 05/01/2025

Resolution: Agenda Meeting Date: 05/06/2025

Motion: Regular Meeting Date: 05/13/2025

Information Only Submitted By: COMM. NEIDINGER

No Action Needed: Written By:

Discussion:

Subject Title: (If Ordinance or Resolution, state number and title in full.)

ORDINANCE NO. 2025-01 - AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA, AMENDING ORDINANCE NO. 2024-05, THE CITY'S 2024/2025 FISCAL BUDGET, BY REMOVING ESTIMATED PROCEEDS TOTALING \$1,288,150 FOR THE SALE OF FIRE STATION #20 LOCATED AT 911 OLEANDER WAY, AND BY INCREASING CERTAIN GENERAL FUND AND CAPITAL IMPROVEMENT FUND APPROPRIATIONS TOTALING \$265,205 FOR PUBLIC SAFETY AND HURRICANE RECOVERY EXPENDITURES APPROVED IN COMMISSION WORKSHOPS; PROVIDING FOR AN EFFECTIVE DATE.

Motion Proposed:

TO PASS ORDINANCE NO. 2025-01 ON FIRST READING

SUBMIT ORIGINAL TO CITY CLERK FOR INCLUSION ON AGENDA BY WEDNESDAY.

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA, AMENDING ORDINANCE NO. 2024-05, THE CITY'S 2024/2025 FISCAL BUDGET, BY REMOVING ESTIMATED PROCEEDS TOTALING \$1,288,150 FOR THE SALE OF FIRE STATION #20 LOCATED AT 911 OLEANDER WAY, AND BY INCREASING CERTAIN GENERAL FUND AND CAPITAL IMPROVEMENT FUND APPROPRIATIONS TOTALING \$265,205 FOR PUBLIC SAFETY AND HURRICANE RECOVERY EXPENDITURES APPROVED IN COMMISSION WORKSHOPS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in previous workshops, Department Heads and the City Commission discussed whether to sell the old Fire Station 20 located at 911 Oleander Way, or to use it for other city purposes, and

WHEREAS, the consensus was to consider the transfer of Public Works to the 911 Oleander Way location and, due to this plan, the property will not be sold in fiscal 2025, finance recommends that the budgeted sales proceeds be removed from the Budget, and

WHEREAS, hurricanes Helene and Milton have placed additional administrative, permitting and inspection burdens on the Community Improvement workload, and

WHEREAS, outside funding for additional help has expired as of March 27, 2025 and the Community Improvement Director has determined that approximately 750 hours of services for inspections and plan examination may be needed for the remainder of fiscal 2025 at an estimated cost of \$82,500, and

WHEREAS, the City Commission ratified an Agreement with Bureau Veritas North America, Inc. to provide building inspections and plan review services through March of fiscal 2026 on April 8, 2025, and

WHEREAS, the Community Improvement Director has requested additional administrative assistance and at the April 15, 2025 administrative workshop requested adding a new full-time temporary Office Assistant position with an estimated cost for the remainder of fiscal 2025 of \$33,250, and

WHEREAS, the Community Improvements Department needs to add two Enterprise Permitting and Licensing user licenses for new

positions which would require an increased computer consulting budget of \$3,205 for the remainder of fiscal 2025, and

WHEREAS, on February 4, 2025, the City Commission approved a \$1,500 donation to the John Morroni Legacy Foundation which allows attendance of City Commissioners and personnel at the 29th Annual Law Enforcement and First Responder Appreciation Dinner, and

WHEREAS, an increase of \$750 to the original \$750 budget is needed to fund the approved amount, and

WHEREAS, amounts were budgeted for security cameras in the fiscal 2024 annual budget but were never rolled forward to fiscal 2025, and

WHEREAS, the security cameras were approved by the Commission and installed by Phone-Link, FL, LLC at a cost of approximately \$13,600 for the City Hall offices and \$12,500 for the Community Improvement Annex office, and

WHEREAS, the Fire Chief has collected quotes for fuel tank removal at the old fire station (located at 911 Oleander Way) and is requesting \$14,500 to budget the removal before fiscal year-end by Pinellas Tank Removals as the most cost effective vendor, and

WHEREAS, on February 4, 2025 after reviewing several options, the City Commission approved the Public Safety request to purchase a refurbished 2003 Stewart & Stevenson High Water Vehicle for a cost not to exceed \$80,000, and

WHEREAS, at the April 15, 2025 administrative workshop the City Administrator discussed the need to replace the Community Improvement Department 2017 Nissan Pathfinder that has sustained \$7,000 in damage due to a rusting undercarriage and informed the Commission of the immediate availability of a 2025 Ford Maverick crew cab pickup truck for approximately \$24,900 after a \$5,000 trade-in allowance for the Nissan, and

WHEREAS, on April 15, 2025 the City Commission approved the purchase of the 2025 Ford Maverick under the Sourcewell Contract through Alan Jay Fleet Sales, and

WHEREAS, at the March 4, 2025 administrative workshop the City Commission approved the purchase of a Koolaire Ice Machine

for the Public Works shop using unspent funds under its 2025 vehicle purchase budget in the amount of \$4,845.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of South Pasadena, Florida:

SECTION 1. Section 1 of Ordinance No. 2024-05 is hereby amended as follows:

1. General Fund Appropriations - Public Safety is hereby increased by \$118,955 from \$5,707,075 to \$5,826,030, and
2. General Fund Appropriations - Human Services is hereby increased by \$750 from \$8,500 to \$9,250, and
3. General Fund - Total Appropriations and Transfers is hereby increased by \$119,705 from \$9,242,075 to \$9,361,780, and
4. General Fund - Reserves is hereby decreased by \$119,705 from \$260,350 to \$140,645, and
5. General Fund Total Appropriations, Transfers and Reserves is unchanged at \$9,502,425, and
6. Capital Improvements Fund - Fund Balance is hereby increased by \$1,433,650 from \$4,975 to \$1,438,625, and
7. Capital Improvements Fund - Sale of Assets is hereby decreased by \$1,288,150 from \$1,288,150 to \$0, and
8. Capital Improvements Fund Total Estimated Revenue, Transfers and Fund Balance is hereby increased by \$145,500 from \$3,676,925 to \$3,822,425, and
9. Capital Improvements Fund Appropriations - General Government is hereby increased by \$13,600 from \$684,635 to \$698,235, and
10. Capital Improvements Fund Appropriations - Public Safety is hereby increased \$131,900 from \$1,107,340 to \$1,239,240, and
11. Capital Improvements Fund - Total Appropriations and Transfers is hereby increased \$145,500 from \$3,676,925 to \$3,822,425, and
12. Capital Improvements Fund Total Appropriations, Transfers and Reserves is hereby increased by \$145,500 from \$3,676,925 to \$3,822,425.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon final passage.

Arthur Penny, Mayor

ATTEST:

Carley Lewis, City Clerk

PASSED ON FIRST READING _____, 2025.

PASSED ON SECOND AND FINAL READING _____, 2025.

THIS IS TO CERTIFY THAT I, the undersigned City Clerk did cause the noticing of the above ordinance in accordance with Chapter 166.041 of the Florida Statutes.

Carley Lewis, City Clerk

THIS ORDINANCE HAS BEEN APPROVED AS TO FORM AND CONTENT BY THE CITY ATTORNEY.

City Attorney

CITY OF SOUTH PASADENA



AGENDA SUBMITTAL FORM

Ordinance:	Date Submitted:	05/01/2025
Resolution: NO. 2025-06	Agenda Meeting Date:	05/06/2025
Motion:	Regular Meeting Date:	05/13/2025
Information Only	Submitted By:	COMMISSIONER MCALEES
No Action Needed:	Written By:	
Discussion:		

Subject Title: (If Ordinance or Resolution, state number and title in full.)

RESOLUTION NO. 2025-06 - A RESOLUTION OF THE CITY OF SOUTH PASADENA, FLORIDA, REPEALING RESOLUTION NO. 2020-03 AND ADOPTING THE 2025 PINELLAS COUNTY LOCAL MITIGATION STRATEGY.

Motion Proposed:

TO PASS RESOLUTION NO. 2025-06

SUBMIT ORIGINAL TO CITY CLERK FOR INCLUSION ON AGENDA BY WEDNESDAY.

RESOLUTION NO. 2025-06

A RESOLUTION OF THE CITY OF SOUTH PASADENA,
FLORIDA, REPEALING RESOLUTION NO. 2020-03 AND
ADOPTING THE 2025 PINELLAS COUNTY LOCAL
MITIGATION STRATEGY.

WHEREAS, South Pasadena is located in an area that is
vulnerable to natural and man-made disasters; and

WHEREAS, South Pasadena supports efforts to make our
community more disaster-resistant, thereby reducing the costs of
disasters, preventing or mitigating their impact to our residents
and reducing time needed for recovery; and

WHEREAS, the Local Mitigation Strategy (LMS) represents a
unified county-wide strategy toward a more disaster-resistant
community; and

WHEREAS, the Local Mitigation Strategy provides the
consistent framework for future pre-disaster mitigation efforts
and post-disaster redevelopment, regardless of the type of future
threat faced by our community; and

WHEREAS, the Local Mitigation Strategy includes a section
describing the method and schedule of monitoring, evaluating, and
updating the mitigation plan within a five-year cycle; and

WHEREAS, the Executive Summary is available on a website
established by Pinellas County (www.pinellaslms.org) and copies of
the plan have been available through the Pinellas County Planning
Department to gain public comment regarding the plan pursuant to
federal regulations; and

WHEREAS, the City of South Pasadena has previously approved
two five-year updates to the Local Mitigation Strategy (Resolution
No. 2015-07 and Resolution No. 2020-03; and

WHEREAS, the 2025 update of the Local Mitigation Strategy
includes the 10-step planning process which is consistent with
FEMA's multi-hazard mitigation planning regulations pursuant to
the Disaster Mitigation Act of 2000 and serves as the County's
Floodplain Management Plan; and

WHEREAS, a Multi-jurisdictional Program for Public
Information has been included in Appendix H of the Local Mitigation

Strategy to satisfy the floodplain management requirements of the City's Community Rating System (CRS Activity 330); and

WHEREAS, a Repetitive Loss Area Analysis has been included in Appendix I of the Local Mitigation Strategy to satisfy the floodplain management requirements of the City's Community Rating System (CRS Activity 510); and

WHEREAS, two publicly noticed workshops were held at a central location in Pinellas County at the Lealman Exchange (5175 45th Street N., St. Petersburg, FL) on April 15th, 2024 and virtually on October 17th, 2024 to inform the public and obtain public comments; and

WHEREAS, an online and paper surveys were released to gain public input on the LMS plan's hazard identification and risk assessment both in English and Spanish; and

WHEREAS a LMS SharePoint site was established to coordinate the LMS plan's planning process with all participating jurisdictions and to gain their input in updating the plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION of the City of South Pasadena, Florida that the city hereby adopts the Pinellas County Local Mitigation Strategy developed by the Local Mitigation Strategy Working Group entitled Pinellas County 2025 Local Mitigation Strategy. This resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2025.

Arthur Penny, Mayor

ATTEST:

Carley Lewis, City Clerk

THIS RESOLUTION HAS BEEN APPROVED AS TO FORM AND CONTENT BY THE
CITY ATTORNEY.

City Attorney

CITY OF SOUTH PASADENA



AGENDA SUBMITTAL FORM

Ordinance:	Date Submitted:	05/01/2025
Resolution: NO. 2025-07	Agenda Meeting Date:	05/06/2025
Motion:	Regular Meeting Date:	05/13/2025
Information Only	Submitted By:	MAYOR PENNY
No Action Needed:	Written By:	
Discussion:		

Subject Title: (If Ordinance or Resolution, state number and title in full.)

RESOLUTION NO. 2025-07 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH PASADENA, FLORIDA, AMENDING THE EMPLOYEE HANDBOOK SECTION 1-6 EMPLOYMENT OF RELATIVES.

Motion Proposed:

TO PASS RESOLUTION NO. 2025-07

SUBMIT ORIGINAL TO CITY CLERK FOR INCLUSION ON AGENDA BY WEDNESDAY.

RESOLUTION NO. 2025-07

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF SOUTH PASADENA, FLORIDA, AMENDING
THE EMPLOYEE HANDBOOK SECTION 1-6
EMPLOYMENT OF RELATIVES.

WHEREAS, the Employee Handbook currently prohibits the employment of relatives in any capacity where one relative may supervise the other and does not allow for relatives to be employed within the same City department or within departments that collaborate regularly; and

WHEREAS, the City has recognized that there are positions within departments that do not offer the potential to supervise other positions within the same department; and

WHEREAS, the City has found the prohibition of employment of related parties within one department or within departments that collaborate regularly to be unnecessary and a potential hindrance to the employment of quality candidates; and

WHEREAS, the City finds that prohibiting related individuals from being employed in a capacity where an employee may supervise their relative is sufficient protection against favoritism; and

WHEREAS, the City finds that these positions are not the types of positions covered by 112.3135, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of South Pasadena, Pinellas County, Florida, that the City of South Pasadena Employee Handbook Section 1-6 Employment of Relatives is hereby amended as follows:

1-6 Employment of Relatives

Relatives of City Commissioners or current employees shall not be employed in any capacity which would call for one relative to supervise or direct the work of another. ~~Further, to prevent the possibility of actual or alleged favoritism, the City likewise prohibits family members from working within the same departments, or departments that collaborate together regularly.~~ This policy will not apply to employees hired prior to the effective date of the most recent version of the Employee Handbook. The employment of relatives shall also be governed by the restrictions contained in Section 112.3135, Florida Statutes.

1. The term "relative" is defined here to cover the following: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, step-son, step-daughter, step-brother, step-sister, half-brother, and half-sister.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2025.

Arthur Penny, Mayor

ATTEST:

Carley Lewis, City Clerk

THIS RESOLUTION HAS BEEN APPROVED AS TO FORM AND CONTENT BY
THE CITY ATTORNEY.

City Attorney

CITY OF SOUTH PASADENA



AGENDA SUBMITTAL FORM

Ordinance:	Date Submitted:	05/01/2025
Resolution:	Agenda Meeting Date:	05/06/2025
Motion: X	Regular Meeting Date:	05/13/2025
Information Only	Submitted By:	COMMISSIONER MCALEES
No Action Needed:	Written By:	
Discussion:		

Subject Title: (If Ordinance or Resolution, state number and title in full.)

INTERLOCAL AGREEMENT WITH PINELLAS COUNTY FOR MULTIMODAL IMPACT FEE COORDINATION

Motion Proposed:

TO APPROVE INTERLOCAL AGREEMENT WITH PINELLAS COUNTY FOR MULTIMODAL IMPACT FEE COORDINATION.

SUBMIT ORIGINAL TO CITY CLERK FOR INCLUSION ON AGENDA BY WEDNESDAY.

**INTERLOCAL AGREEMENT
BETWEEN PINELLAS COUNTY AND LOCAL GOVERNMENTS
FOR
MULTIMODAL IMPACT FEE COORDINATION**

THIS INTERLOCAL AGREEMENT FOR MULTIMODAL IMPACT FEE COORDINATION (“the Agreement”), is made and entered into this ____ day of _____, 2025, by and between Pinellas County, a political subdivision of the State of Florida (the “County”) and the Town of Belleair, the City of Clearwater, the City of Dunedin, the City of Gulfport, the Town of Indian Shores, the City of Largo, the City of Madeira Beach, the Town of North Redington Beach, the City of Pinellas Park, the Town of Redington Beach, the Town of Redington Shores, the City of St. Pete Beach, the City of St. Petersburg, the City of Seminole, the City of South Pasadena, the City of Tarpon Springs, and the City of Treasure Island (individually as the “Municipality,” collectively as the “Municipalities”), and jointly referred to from time to time throughout this Agreement as the “Parties”.

Recitals

WHEREAS, the Parties are authorized to enter into this Agreement pursuant to Florida Statutes § 163.01, also known as the “Florida Interlocal Cooperation Act of 1969”; and

WHEREAS, the County established a countywide mobility management system pursuant to its home rule authority which governs 1) the process of managing transportation impacts of development projects and 2) the assessment, collection, and expenditure of multimodal impact fees, pursuant to Florida Statutes § 163.31801; and

WHEREAS, the countywide multimodal transportation system consists of all transportation facilities and public rights-of-way, including roads, bridges, transit infrastructure, trails, and sidewalks that facilitate the movement of people and goods within the geographic boundaries of Pinellas County and provide connections to the broader region through a variety of travel choices; and

WHEREAS, the County and the Municipalities recognize the importance of developing and maintaining a safe, efficient, and convenient multimodal transportation

system that has adequate capacity to meet the mobility needs of all users and promote and protect public health and safety; and

WHEREAS, the County has established, as provided in Pinellas County Ordinance No. 16-21, that land development activities generate impacts to the multimodal transportation system and new development shall bear a proportionate share of the cost of capital expenditures for new or expanded multimodal transportation facilities required by such development in order to maintain adopted level of service standards and improve capacity of the countywide multimodal transportation system; and

WHEREAS, Forward Pinellas, acting in its capacity as the Pinellas County Metropolitan Planning Organization, has adopted the Pinellas County Mobility Plan to replace local transportation concurrency management programs with a countywide system that provides local governments with the means to manage the traffic impacts of development projects and increase mobility for all roadway users through local site plan review processes and the use of multimodal impact fees to fund mobility improvements; and

WHEREAS, the County has adopted a mobility management system designed to implement the Pinellas County Mobility Plan as outlined in Chapter 150 of the Pinellas County Land Development Code; and

WHEREAS, Chapter 150, Article II of the Pinellas County Land Development Code (the “Multimodal Impact Fee Ordinance”) establishes the processes by which the County and the Municipalities assess, collect, and expend multimodal impact fees (the “Impact Fees”); and

WHEREAS, the County and the Municipalities share responsibility for collection of Impact Fees for developments that will generate additional traffic impacts to the countywide multimodal transportation system; and

WHEREAS, Section 150-39 of the Pinellas County Land Development Code requires that no County or municipal certificate of occupancy, use permit, or occupational license for any activity requiring payment of the Impact Fee shall be issued unless and until the Impact Fee has been paid;

WHEREAS, Florida Statutes § 163.3180(5)(j) requires that counties and municipalities that charge developers of new developments or redevelopments a fee for transportation capacity impacts enter into an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts; and

WHEREAS, though both the County and the Municipalities operate pursuant to the processes and procedures established by Chapter 150, Article II of the Pinellas County Land Development Code for the assessment, collection, and expenditure of Impact Fees, there is no interlocal agreement in place memorializing the cooperative mitigation of transportation impacts; and

WHEREAS, both the County and the Municipalities wish to enter into this Agreement pursuant to Florida Statutes § 163.3180(5)(j) which will serve to memorialize their cooperative mitigation of transportation impacts.

NOW THEREFORE, in consideration of the recitals above and the mutual covenants, promises, and representations herein contained, and for other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

SECTION 1 RECITALS

The above recitals are hereby incorporated fully into this Agreement as adopted findings of fact and intent.

SECTION 2 IMPOSITION AND COLLECTION OF MULTIMODAL IMPACT FEES

2.1 Pursuant to Florida Statutes § 163.3180(5)(j)(4), Impact Fees are imposed countywide, including in the incorporated and unincorporated areas of the County, as provided in Section 150-49 of the Pinellas County Land Development Code.

2.2 Pursuant to Section 150-39 of the Pinellas County Land Development Code, any person who seeks a certificate of occupancy for land development activity or seeks to change a use by applying for issuance of a local business tax receipt, land use permit, development order or municipal equivalent thereof which will generate additional traffic shall be required to pay a multimodal impact fee in the manner and amount set forth by Chapter 150, Article II of the Pinellas County Land Development Code.

2.3 Pursuant to Florida Statutes § 163.31080(5)(j)(2), the County and the Municipalities agree that payment and collection of Impact Fees shall be collected by each Municipality, as part of the building and permitting processes of each Municipality as provided in Section 150-41 of the Pinellas County Land Development Code. The amount of the required Impact Fees shall be computed in the manner set forth in Section 150-40 of the Pinellas County Land Development Code.

2.4 Pursuant to Section 150-42 of the Pinellas County Land Development Code, each Municipality which collects and administers Impact Fee funds shall establish a trust account which shall be used exclusively for Impact Fees collected under the terms of Chapter 150, Article II of the Pinellas County Land Development Code. Pursuant to Section 150-43(e) of the Pinellas County Land Development Code, the fees shall be held by each Municipality until the end of the fiscal year in which collected. On the beginning of each new fiscal year (October 1), the Municipalities shall transfer one-half of all fees collected, and the interest accrued thereon, less the amount retained by each Municipality for administering the Impact Fee program, to the County for placement in the appropriate County Impact Fee trust account. The remaining one-half shall be deposited in the Municipalities' respective trust accounts.

2.5 The Municipalities and County shall use their respective share of the collected Impact Fees in a manner consistent with the provisions of Chapter 150, Article II of the Pinellas County Land Development Code.

2.6 The Municipalities and County agree that any new development or redevelopment shall not be charged twice for the same transportation capacity impacts.

SECTION 3 NONPAYMENT OF MULTIMODAL IMPACT FEES

The Parties agree that in the event of non-payment of Impact Fees by the fee payer, no certificate of occupancy, or other such license permit, or municipal equivalent requiring payment of an Impact Fee pursuant to Chapter 150, Article II of the Pinellas County Land Development Code shall be issued unless and until the Impact Fee has been paid.

SECTION 4 REFUND

Nothing in this Agreement alters the right of a fee payer to request refunds pursuant to Section 150-44 of the Pinellas County Land Development Code.

SECTION 5 IMPACT FEE CREDITS

5.1 Nothing in this Agreement modifies, waives, or alters the method for

calculating the required Impact Fees pursuant to section 150-40 of the Pinellas County Land Development Code, nor does it modify, waive, or alter the authority of each Municipality to approve alternative methods of calculation of Impact Fees and/or accept an offer by the feepayer to construct mobility improvements consistent with the comprehensive plan or other plans of the Municipality, or Forward Pinellas' LRTP, for credit against the assessed Impact Fee pursuant to Section 150-41 of the Pinellas County Land Development Code.

5.2 Impact Fee credits may be transferred pursuant to section 150-43 of the Pinellas County Land Development Code.

SECTION 6 INDEPENDENT CALCULATION

Nothing in this Agreement modifies or prevents the right of any feepayer to determine their multimodal impact by providing an independent fee calculation study pursuant to the provisions of Section 150-40(d) of the Pinellas County Land Development Code.

SECTION 7 RIGHT-OF-WAY USE PERMITS; RIGHT-OF-WAY PERMITS

Nothing in this Agreement modifies, waives, alters, or transfers County jurisdiction over the County Road System or the Municipalities' jurisdiction over their respective Municipal Road System or the ability to issue right-of-way permits or use permits for improvements to roads.

SECTION 8 ENTIRE AGREEMENT

This Agreement embodies all of the promises, covenants, agreements, conditions, and understandings between the Parties with respect to the subject matter hereof, and supersedes all prior and contemporaneous communications, representations, inducements, and/or agreements, whether written or verbal, expressed or implied, between the Parties hereto, except as herein contained.

SECTION 9 OFFICIAL NOTICE

All notices, consents, approvals, waivers, and elections required by law or by this Agreement to be given by one party to the other shall be in writing and shall be sent to the following respective addresses:

COUNTY: Pinellas County Housing and
Community Development

Glenn Bailey, Interim Director
310 Court Street
Clearwater, FL 33756
gbailey@pinellascounty.org

MUNICIPALITY: See Contact Information on Signature page

SECTION 10 FILING WITH THE CLERK

Prior to its effectiveness, this Agreement and any subsequent amendments thereto must be filed with the Clerk of the Circuit Court of Pinellas County pursuant to Florida Statutes § 163.01.

SECTION 11 EXECUTION, EFFECTIVE DATE, TERM AND TERMINATION

11.1 This Agreement may be signed in counterparts and will become effective as to each Municipality after execution and upon filing with the Clerk of the Circuit Court of Pinellas County in accordance with Section 10 and shall continue until terminated by either Party.

11.2 This Agreement may be terminated upon thirty (30) days written notice. In the event this Agreement is terminated, the Parties shall be subject to the requirements of Florida Statutes § 163.3180(5)(j)(4)(b).

SECTION 12 NO WAIVER OF SOVEREIGN IMMUNITY

Both the County and the Municipalities expressly retain all rights, benefits and immunities of sovereign immunity in accordance with Florida Statutes § 768.28, as amended from time to time. Notwithstanding anything set forth in any section of this Agreement to the contrary, nothing in this Agreement shall be deemed as a waiver of immunity or limits of liability beyond any statutory limited waiver of immunity or limits of liability which may have been or may be adopted by the Florida Legislature, and the cap on the amount and liability of the County or the Municipalities for damages, regardless of the number or nature of claims in tort, equity, or contract, shall not exceed the dollar amount set by the legislature for tort. Nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim against the County or the Municipalities, which would otherwise be barred under the doctrine of sovereign immunity or by operation of law.

SECTION 13
APPLICABLE LAW

This agreement shall be governed by the laws of the State of Florida. The Parties agree that venue of all legal and equitable proceedings related to disputes under this Agreement shall be situated in Pinellas County, Florida.

IN WITNESS WHEREOF, the Parties hereto, governed by the laws of Florida, have caused these presents to be executed by their duly authorized officers and their official seals hereto affixed, with an effective date as set forth in Section 11.1 above.

PINELLAS COUNTY, by and
through its County Administrator

By: _____ Barry A. Burton
County Administrator

TOWN OF BELLEAIR

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

CITY OF CLEARWATER

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

CITY OF DUNEDIN

By: _____

Print Name: _____

Title: _____

ATTEST: _____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

CITY OF GULFPORT

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

TOWN OF INDIAN SHORES

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review:_____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

CITY OF LARGO

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

CITY OF MADEIRA BEACH

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

TOWN OF NORTH REDINGTON BEACH

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

CITY OF PINELLAS PARK

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

TOWN OF REDINGTON BEACH

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

TOWN OF REDINGTON SHORES

By: _____

Print Name: _____

Title: _____

ATTEST: _____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

CITY OF ST. PETE BEACH

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

CITY OF ST. PETERSBURG

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

CITY OF SEMINOLE

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

CITY OF SOUTH PASADENA

By: _____

Print Name: _____

Title: _____

ATTEST: _____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

CITY OF TARPON SPRINGS

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review: _____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail:

CITY OF TREASURE ISLAND

By:_____

Print Name:_____

Title:_____

ATTEST:_____

Legal review:_____

(MUNICIPAL SEAL)

Contact Information for Notification

Name:

Title:

Address:

Phone:

E-mail: