

**CITY OF TEMPLE TERRACE, FLORIDA  
MAYOR AND CITY COUNCIL  
MINUTES**

**Regular Meeting  
Tuesday, March 18, 2008  
Council Chambers-City Hall**

Having been duly advertised as required by law, the regular meeting of the Mayor and City Council of the City of Temple Terrace, Florida, was held on Tuesday, March 18, 2008, in the Council Chambers at City Hall.

**PRESENT WERE:** Mayor Joe Affronti, Council Members Frank M. Chillura, Alison M. Fernandez, Ron Govin, Ken Halloway, and Mark A. Knapp, City Clerk Lisa Burns, City Manager Kim Leinbach, and City Attorney Mark A. Connolly.

**ALSO PRESENT WERE:** Public Information Officer Mike Dunn, Public Works Director/City Engineer Joe Motta, Code Compliance Director Joe Gross, Community Development Director Charles Stephenson, Redevelopment Director Ralph Bosek, Fire Chief Keith Chapman, Police Chief Tony Velong, Human Resources Director Woody Hubbard, Leisure Services Director James Chambers, Finance Director Diane Reichard, Assistant Community Development Director Ann Sheller, Senior Planner Susanne Hicks, City Planner Brad Parrish, Deputy City Clerk Linda Brewer, Joyce McKenzie, Debbie Carson, Judy A. Govin, Khaled Elfallah, Kathleen Elfallah, Stephen Weinberg, Everett Morrow, Jamie Salvatore, and several other persons.

There being a quorum present, Mayor Affronti called the meeting to order at 7:07 p.m., after which he led the Pledge of Allegiance to the flag, followed by a brief invocation.

**Proclamations, Recognitions, and Special Presentations:**

1. Proclamation – **“Temple Terrace Firefighters Appreciation Month.”**

Mayor Affronti presented a Proclamation to Fire Chief Keith Chapman and members of the Temple Terrace Fire Department, proclaiming the month of April, 2008, as Temple Terrace Firefighters' Appreciation Month in honor of them and their fellow firefighters across the nation who have supported the Muscular Dystrophy Association (MDA) for the past 52 years. On behalf of the Firefighters Local 3582, one of the Firefighters presented a plaque to Mayor Affronti and the City Council on behalf of the entire Temple Terrace Fire Department in recognition of the support they have given them throughout the year, allowing them to do the things they do, such as the Boot Drive for MDA. Secondly, the Firefighter presented a plaque to Fire Chief Keith Chapman for his support of their efforts on a daily basis, allowing them to support MDA and all of their outside functions. Cheryl Kunkel of the Muscular Dystrophy Association commended the efforts of the Temple Terrace Fire Department, stating their support of MDA is second to none; she also recognized and expressed appreciation for the support from the Mayor and Council for their efforts on behalf of the Muscular Dystrophy Association.

2. Proclamation – **“V-Day.”**

Mayor Affronti read a Proclamation proclaiming March 21, 2008, as “V-Day” in Temple Terrace, urging all citizens to take part in activities to end violence against women and girls. He noted events are being held throughout the Tampa Bay area on March 21<sup>st</sup> to raise funds to support programs directed at stopping violence against women. The person who was to accept the Proclamation on behalf of the Spring of Temple Terrace was not present.

3. Recognition – “Do the Right Thing.”

Police Chief Velong read the citation prepared to honor this month’s “Do the Right Thing” recipient, Tiffany Tribble, a student at Hillsborough High School, who was unable to be present this evening. He explained Tiffany overheard other students harassing and tormenting another student at school, and witnessed these same students harassing another boy at lunch, overheard them talking about contaminating his food and throwing it in the trash can. He said the bullying had been occurring for several weeks, and Tiffany was concerned about the student. She reported the events to the administration; thanks to her concern about another student who she did not even know, the administration was able to stop and address the situation of harassment of a student who probably would not have reported the incidents on his own. Chief Velong commented it was pretty brave of her, and he would make sure she received the award.

**Minutes of Previous Meeting:**

Upon motion of Council Member Govin, seconded by Council Member Knapp, and unanimously carried, the **MINUTES** of the March 4, 2008, City Council Meeting were **APPROVED**.

**Public Hearings:**

1. **Zoning Reclassification – 8905 North 78<sup>th</sup> Street (Khaled Elfallah).**

Mayor Affronti opened the Public Hearing and called on the Community Development Department to present the topic of the Public Hearing, the zoning reclassification for 8905 N. 78<sup>th</sup> Street.

Utilizing a PowerPoint presentation, City Planner Brad Parrish introduced RZP#08-01, an application for a zoning reclassification submitted by Khaled Elfallah, applicant, to rezone a 3.5± acre parcel from R-7 (Single Family Residential) to R-MF (Multi-Family Residential). He said the property is located on the east side of N. 78<sup>th</sup> Street, north and west of the Meadowood Condominium community, and approximately 580 feet south of Temple Terrace Highway. He commented the purpose of the zoning reclassification is to allow additional residential units on the property. If approved by the Council, he said it will rezone the property from R-7 to R-MF.

City Planner Parrish continued, stating the property is about 3.5 acres, with an existing land use of Residential-9. Referring to an aerial view on a PowerPoint slide, he pointed out the location of the property, noting it is surrounded by multi-family residential, and just west of it is the Temple Park single family residential subdivision. He noted the subject property currently has one single-family home on the site. He reviewed the adjacent zoning, which is as follows:

- |        |       |   |
|--------|-------|---|
| North: | PD-MU | (Planned Development) – <i>Hillsborough County</i>                    |
|        | RMC-9 | (Residential Multi-Family Conventional) – <i>Hillsborough County</i>  |
| South: | PD    | (Planned Development) – <i>City of Temple Terrace</i>                 |
| East:  | PD    | (Planned Development) – <i>City of Temple Terrace</i>                 |
| West:  | RSC-9 | (Residential Single Family Conventional) – <i>Hillsborough County</i> |

City Planner Parrish then presented the Adjacent Future Land Use designations and the Adjacent Existing Use of Land as follows:

Adjacent Future Land Use Designation:

North: Residential-12 (12 Units/Acre) – *Hillsborough County*  
South: Residential-18 (18 Units/Acre) – *City of Temple Terrace*  
East: Residential-18 (18 Units/Acre) – *City of Temple Terrace*  
West: Residential-9 (9 Units/Acre) – *Hillsborough County*

Adjacent Existing Use of Land:

North: Vacant property and Terrace Trace Apartments  
South: Meadowood Condos  
East: Meadowood Condos  
West: Single Family homes that are oriented internal to the Temple Park Subdivision (across N 78<sup>th</sup> Street)

City Planner Parrish said Staff has reviewed the rezoning request and finds the R-MF (Multi-Family Residential) zoning district is in keeping with the existing development character of the surrounding area. He reviewed the property is located approximately 580± feet south of the Temple Terrace Highway and N 78<sup>th</sup> Street intersection, which includes commercial uses with a traffic signal; multi-family residential uses are located to the north, south and east of the property.

City Planner Parrish said the City’s Development Review Committee has reviewed the application and has indicated that adequate capacity of public facilities and services provided by the City are available to serve the site. Further, he said the Hillsborough County City-County Planning Commission (HCCCPC) has indicated that the recommended R-MF zoning district is consistent with the property’s adopted Residential-9 land use designation, and has no objection to the proposed zoning reclassification.

Based on these findings, City Planner Parrish said staff recommends approval of Zoning Reclassification RZP#08-01 from R-7 (Single Family Residential) to R-MF (Multi-Family Residential).

Council Member Govin stated the applicants are neighbors and friends of his, who came to him with questions early on in the process, and he directed them to Mr. Bosek in the Community Services office. Having checked with the City Attorney and having no financial interest in the subject property, he said there is no apparent conflict of interest that would prevent him from voting on this issue.

Council Member Fernandez asked whether there would be any impact on traffic resulting from changing the zoning on the property from single family to multi-family.

City Planner Parrish responded that there were no specific comments about that from the Development Review Committee; the Hillsborough County City-County Planning Commission indicated that if there was to be a development there, the City would have to take that into consideration.

Council Member Fernandez expressed concern that if they change the zoning, they would have essentially made that consideration. She said she is questioning whether the traffic capacity has already been considered.

City Planner Parrish said that is something that would be considered if and when a site plan is presented for consideration. At this point, he said, they don't have a project before them to review and make that determination.

Reading through the Planning Commission comments, Council Member Govin said the Planning Commission did address that to some degree, stating the traffic impacts at 78<sup>th</sup> Street and the intersections with Temple Terrace Highway and Harney Road are being satisfactorily addressed. He said he understands there are no drawings at this point; in addition, the amount of property there would be somewhat limiting, so he doesn't believe they could put very many units on that site.

Council Member Fernandez said she was concerned that if they have changed the zoning, they have, in effect, changed the density; if the zoning is changed, and the site plan comes in consistent with the zoning, then there would be no reason for them to be able to deny it. She expressed concern for those residents already living in that area and whether or not they will be adversely impacted by this change.

City Planner Parrish said they cannot say what the impacts would be without a project plan in front of them. He acknowledged that changing the zoning to R-MF does allow the increased density up to 31 units, but there are other restrictions that would likely reduce that number, including the Level of Service standards.

There being no further persons wishing to be heard, Mayor Affronti closed the Public Hearing, stating there would be a First Reading of the Ordinance later in the Agenda.

## **2. Zoning Reclassification/Final Site Plan Review – Countryway Townhomes.**

Mayor Affronti opened the Public Hearing and called on the Community Services Department to present the topic of the Public Hearing.

Utilizing a PowerPoint presentation, Senior Planner Susanne Hicks stated RZP#07-01/SPR#07-07 is a zoning reclassification application submitted by Landmark Engineering and Surveying Corporation on behalf of Countryway Townhomes Development, LLC, applicant, for property located on the north side of Harney Road, approximately 400 feet east of 78<sup>th</sup> Street. To the north and east, she said, the property is surrounded by the Meadowood condominium complex, to the south are single-family homes in Hillsborough County, and to the west there is a church.

Senior Planner Hicks reviewed that on December 5, 2006, the Council approved a Planned Development consisting of 17 attached townhomes on a 2-acre parcel, which she pointed out on the displayed map. She explained that at the time of that approval, the additional parcel on the east was not available; since that time it became available and was purchased by the owner/applicant and they would like to incorporate that additional parcel, which is about .91 acre and combine it with the 2-acre parcel, which requires a rezoning, since the new parcel is zoned R-10.

Senior Planner Hicks continued, stating there is a single family home on the lot, which will be removed. Displaying various slides, she noted the project is under construction. The proposed density is the same, she said, with approximately nine units per acre, in keeping with the Residential-9 Comprehensive Plan category. She commented the owner re-submitted the same elevations that were submitted with the last application because the new buildings will match the existing construction.

Senior Planner Hicks explained that even though a property is being rezoned Planned Development, the City Code requires that the developer adhere to the standard zoning district that most resembles the project to be built. In this case, she said it is the R-MF, Residential Multi-Family; therefore, the applicant must request waivers to the R-MF standards. She then reviewed various waivers that would be required:

- 1) Waiver to minimum size of 10 acres to allow size of 2.91 acres  $\pm$
- 2) Waiver to minimum lot width of 480 feet to allow 361 feet width
- 3) Waiver to minimum open space requirement of 1,500 square feet per unit to allow proposed approximately 300 square feet per unit
- 4) Lot width of 18 feet proposed for 16 of the 26 lots (20 feet required)
- 5) Front setbacks of 20 feet for 12 units and 22 feet for 5 units (25 feet required)

As she reviewed the various waivers, Senior Planner Hicks noted that the first two waivers will actually bring the property into more compliance than it was before.

Senior Planner Hicks said the Planning Commission has reviewed this request and found it consistent with the Residential-9 Comprehensive Plan category, and they have no objections to the rezoning. In addition, she said the Development Review Committee (DRC) has reviewed it, and staff is recommending approval, subject to the Conditions of Approval, as presented in the Memorandum to the City Manager dated March 6, 2008, and as set forth below, which she briefly reviewed:

## **CONDITIONS OF APPROVAL**

1. Development shall consist of 26 attached townhomes as shown on the site plan dated January 23, 2008.
2. Marlanas Place will be a private road.
3. Other Agencies Permits –Copies of the approvals from the Health Department (water) and EPC (sewer) shall be required prior to issuance of infrastructure permits for the east parcel containing 9 additional units. [Section 25.725.7]
4. Utilities - Utilities will be private and will be the responsibility of the homeowner's association. All water and sewer lines will be shown on the final construction plans. All off site utility lines shall be constructed and installed in compliance with City of Temple Terrace requirements and specifications. The developer will provide a warranty bond for a period of one year after final acceptance in the amount of 10 percent of the water system construction cost. [Section 25.745.12]

5. Building elevations – All construction on the site will be substantially the same in appearance as shown in the concept elevations submitted with the application.
6. Screening - Mechanical/utility structures over 2.5 feet in height will be screened as required per 25.780.10 of the City Code.
7. Landscaping and Tree Preservation – Interior and perimeter landscaping, including irrigation, will be provided per City code [Section 25.780 and 25.735]. In addition, landscaping of the parking lot, recreational area, and cul de sac area shall be substantially the same as shown on the landscape plan Sheet 12.
8. Fire Department requirements - All FDC locations shall be coordinated with the Fire Department to ensure compliance with all minimum standards including minimum clearance of 10 feet in front of the connection and 3 feet on all other sides.
9. Signs – All signs must be permitted separately and must meet the requirements of City Code for RMF districts [Section 25.765].
10. Exterior Lighting - A certified lighting plan that is coordinated with landscaping and irrigation plans and locations of utilities and fire hydrants, shall be provided prior to issuance of infrastructure permits. All parking lot and area lighting systems shall be designed and certified to meet ANSI/IES for parking lot and area lighting. This lighting plan shall be designed to meet the recommended illuminance and uniformity standards outlined in Section 25.640. [Section 25.640]. Lighting for the recreation area shall be shown on the construction plans.
11. Home Owners Association – Homeowner documents establishing and ensuring the perpetual existence of a mandatory homeowners association to maintain common area improvements, including private street, perimeter wall, signage, common area landscaping, storm water retention ponds shall be provided for review and approval by the City prior to subdivision approval for the east parcel.
12. Storage sheds shall be prohibited. Enclosure of garages and screened enclosures for living space will not be permitted. Construction of rear patio roofs, screen enclosures, and fencing shall be uniform in materials, style, finish and color as per the Homeowners Association documents.

Concluding her presentation, Senior Planner Hicks noted that the applicant’s representative is here to answer any questions.

There being no persons wishing to be heard, Mayor Affronti closed the Public Hearing, announcing there will be a First Reading of the Ordinance for this zoning reclassification and site plan later in the Agenda.

Before proceeding, Mayor Affronti complimented Redevelopment Director Ralph Bosek, stating they were called out to the site by a concerned neighbor who was concerned about the drainage. Mayor Affronti said he received another call from the neighbor two days ago, and she is very pleased with the drainage solution proposed by Public Works Director/City Engineer Joe Motta. Director Bosek mentioned that Community Development Director Charles Stephenson was also involved in the project.

**There were no Persons Wishing to be Heard on Items NOT Listed on the Agenda. There was no Correspondence, Communications, or Petitions before the Council for consideration and action. There were no Presentations to come before the Council and no Site Plan Reviews for consideration and action.**

**Resolutions for Consideration and Action: (Consent Agenda)**

The City Manager briefly reviewed each of the Resolutions before the Council.

Upon motion of Council Member Knapp, seconded by Council Member Govin and unanimously carried, Resolutions E-1 through E-3 were adopted by consent, being:

**RESOLUTION NO. 038-08**, approving the two-year agreement between the City and Dr. Dean Christensen as the City's Advanced Life Support Medical Director, in the amount of \$24,000 per year; payment for said contract to be made from account 001-1531-522.31-34.

**RESOLUTION NO. 039-08**, awarding the contract to furnish and install modular restroom and concession buildings at the Family Recreation Complex and Youth Sports Complex to the low bidder, Concrete Modular Systems, Inc., in the amount of \$173,503.06; further, approving an additional \$41,496.94 to complete the related additional, required site work; payment to be made from accounts 001-1811-572.62-41 and 160-1811-572.62-41.

**RESOLUTION NO. 040-08**, accepting the anonymous donation to the Police Department in the amount of \$50,000, and approving, in accordance with the Donor's direction, various purchases – carpeting, software, taser replacements, emergency response team medic program, in the approximate amount of \$24,000; further, that the remaining \$26,000 be earmarked for the Police Scholarship Fund; payment to be made from account 001-1411-521.64-97.

**Proposed Ordinances for Consideration and Action:**

Following **SECOND and FINAL** reading, by caption, upon motion of Council Member Knapp, seconded by Council Member Govin, **ORDINANCE NO. 1220** was **ADOPTED**, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, PROVIDING FOR THE VOLUNTARY ANNEXATION OF TWO PARCELS OF REAL PROPERTY, LYING WITHIN THE UNINCORPORATED AREA OF HILLSBOROUGH COUNTY, GENERALLY LOCATED EAST OF 56<sup>TH</sup> STREET, APPROXIMATELY 160 FEET SOUTH OF 127<sup>TH</sup> AVENUE, AND AS LEGALLY DESCRIBED HEREIN; REDEFINING THE CORPORATE BOUNDARIES TO**

**REFLECT SAID ANNEXATION; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.** Vote on the motion for adoption being: Council Members Chillura, Fernandez, Govin, Halloway, and Knapp voting “aye,” no “nay.”

Council then heard **FIRST** reading, by caption, of a proposed ordinance, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, REZONING PROPERTY LOCATED EAST OF NORTH 78<sup>TH</sup> STREET, NORTH AND WEST OF MEADOWOOD CONDOMINIUMS, AND APPROXIMATELY 580 FEET SOUTH OF TEMPLE TERRACE HIGHWAY, LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, FROM ZONING CLASSIFICATION R-7, SINGLE FAMILY RESIDENTIAL, TO ZONING CLASSIFICATION R-MF, MULTI-FAMILY RESIDENTIAL; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

Council then heard **FIRST** reading, by caption, of a proposed ordinance, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, REZONING PROPERTY LOCATED ON THE NORTH SIDE OF HARNEY ROAD, APPROXIMATELY 400 FEET EAST OF 78TH STREET, LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, FROM ZONING CLASSIFICATION PD, PLANNED DEVELOPMENT, AND R-10, SINGLE FAMILY RESIDENTIAL, TO ZONING CLASSIFICATION PD, PLANNED DEVELOPMENT; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

**There was no Unfinished Business before the Council for consideration and action.**

**City Manager's Report:**

The City Manager brought to Council's attention that he received a letter from Kenneth Tinkler, an attorney with the law firm of Carlton Fields, representing Atul Solanki. He reviewed Mr. Solanki has tried for a number of years to change the operation of the Beverage Castle; the City's Code does not provide for the manner of operation he desires. He has requested to meet with staff to explore this again, which, of course, staff will do; this will likely come to the Council at some point in the future.

The City Manager mentioned the administration met with their counterparts, including the County Administrator, County Attorney, and Department Directors, in Hillsborough County yesterday in light of the very difficult environment the Legislature is placing upon local governments, to talk about how they might possibly be able to help each other out in terms of cost-savings. He added it is exploratory at this time, but the administration and staff are trying to do everything they can while facing a steep decline in revenues and adverse legislation. He briefly reviewed several of the bills currently under consideration by the Legislature, including the 25% reduction in property tax, a bill to end CRAs after 15 years, and another to post all contracts over \$5,000 on the web. He concluded he has never seen such an adverse climate for cities and counties.

Mayor Affronti commented that a couple of meetings ago the Council mentioned wanting to have Louis Betz come to a meeting to discuss the Legislative issues. The City Manager said they could certainly schedule him to come, adding that he has been talking with him fairly frequently. He said the situation bears watching and letting our Legislators know how untenable it is making the environment for cities and counties to survive.

On a lighter note, the City Manager said that a few weeks ago they asked for citizen input for a new name for the redevelopment area. Several names were submitted, he said, with “Riverfront Center” and “Riverfront Center at Temple Terrace” being the two most frequently mentioned. Mayor Affronti asked whether a motion was necessary, to which the City Manager suggested an “executive directive” to name this.

Council Member Govin said the actual wording was “Riverfront Center at Downtown Temple Terrace.” Council Member Knapp questioned whether they were moving the River. Council Member Govin suggested a motion to have the developers start calling it “Riverfront Center at Downtown Temple Terrace” and merchandising it that way. Mayor Affronti asked for further Council comment.

Council Member Fernandez said the name sounds too long. Council Member Govin acknowledged it will likely be shortened, with everyone calling it the “Riverfront Center.” Mayor Affronti said that if it isn’t going to be an official name, they won’t need a motion. The City Manager concurred and said they could convey the name to the developer. Council Member Govin suggested they start calling it by that name in Council Meetings and legal documents, et cetera.

Council Member Chillura said he doesn’t care what they name it – he just wants to see it built. He commented that the title is long and it is not on the River. He said “Downtown Temple Terrace” is nice. He said if it isn’t on the River, “Riverfront Center at Downtown Temple Terrace” is not a good name for it. He said it is not on the River; it is a quarter of a mile away. Mayor Affronti said that was a good point.

Relative to other pending legislation, Attorney Connolly advised that Police Chief Velong has brought to their attention proposed legislation that would impose onerous disclosure and reporting requirements on the Police Department; and there is pending legislation that would indicate that people who come before the Council to speak would not be required to state their name and address. He said he would echo the City Manager’s comments that regarding some of the things being proposed in Tallahassee, it is hard to fathom how and why these pieces of legislation are being proposed, other than to say the atmosphere right now is very unfavorable for local governments and the City needs to do whatever it can to protect itself.

### **New Business:**

Council Member Govin said he believes all of the Council Members received a letter from Petria Selogie, who was complaining about a \$650 water bill. The City Manager responded that it is being investigated and he will report the outcome to the Council.

**I. Temple Terrace Redevelopment Agency Recommendations.**

Mayor Affronti announced there were no recommendations coming from the Temple Terrace Redevelopment Agency which would require Council consideration and action.

There being no further business to consider, upon proper motion, the meeting was adjourned at 7:45 p.m.

Joseph A. Affronti, Sr.  
Mayor

Frank M. Chillura, Council Member

Ronald A. Govin, Council Member

Alison M. Fernandez, Council Member

Attest:

Ken Halloway, Council Member

Melissa E. Burns, MMC  
City Clerk

Mark A. Knapp, Council Member