

**MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON APRIL 21, 2009 AT 7:30 PM**

**PRESENT:** Mayor Gary Katica  
Commissioners  
Stephen Fowler  
Tom Shelly  
Karla Rettstatt  
Stephanie Oddo

Town Manager Micah Maxwell  
Town Attorney David Ottinger

Mayor Katica lead the Pledge of Allegiance.

On roll call there was a quorum present with Mayor Katica presiding; the meeting was called to order at 7:30 pm.

**MOWING RESOLUTION NO. 311**

Mr. Ottinger read Mowing Resolution No. 311 into the record; stated that the properties effected were located at 212 Garden Circle and owned by Dale and Jean Mock and 421 Rosery Road owned by Sackley Development Group, LLC; explained that the owners of the property located at 212 Garden Circle had filed bankruptcy.

Commissioner Oddo moved approval of Mowing Resolution No. 311 as read. Motion seconded by Commissioner Rettstatt and carried unanimously.

**SECOND AND FINAL READING - ORDINANCE NO. 459 - AMENDING PARKING FINES (APPENDIX B)**

Mr. Ottinger read Ordinance No. 459 amending parking fines (appendix B) by title only.

Commissioner Fowler moved approval of Ordinance No. 459 amending parking fine (appendix B) on second and final reading. Motion seconded by Commissioner Rettstatt.

Roll call vote: ayes; Rettstatt, Shelly, Fowler, Oddo, Katica. Vote carried unanimously.

**REQUEST FOR VARIANCE - 1725 MAGNOLIA ROAD - WILLIAM AND WENDY SANDERS**

Commissioner Fowler recused himself as he was the architect of record for the project.

Persons planning to speak regarding the request for variance for property at 1725 Magnolia Road were sworn in by the town clerk; there were no ex-parte communications reported.

**REQUEST FOR VARIANCE - 1725 MAGNOLIA ROAD (Continued)**

Mr. Murphy provided background information regarding variance request submitted by William and Wendy Sanders; stated that the applicants were requesting a variance to allow for the construction of a proposed pergola and porch which would encroach into the required minimum 25 foot front yard setback by approximately 5.0 feet; stated that the planning and zoning board had voted unanimously to recommend approval of the variance request.

Wendy Sanders, applicant, stated that they had lived in Belleair since 1996; that they were requesting a variance to enlarge the front porch; that the porch would be open and would utilize pavers.

There were no comments supporting or opposing the variance request.

Commissioner Shelly moved approval of the request for variance for property located at 1725 Magnolia Road owned by William and Wendy Sanders, as submitted. Motion seconded by Commissioner Rettstatt.

Vote on the motion to approve the request for variance: ayes, Rettstatt, Shelly, Oddo, Katica. Motion carried unanimously. (Commissioner Fowler abstained.)

**FIRST READING - ORDINANCE NO. 460 - ESTABLISHING FINE STRUCTURE FOR LOCAL ORDINANCE VIOLATIONS**

Mr. Maxwell stated that the purpose of the ordinance was to establish a uniform fine structure for local ordinance violations; that if adopted the ordinance would follow the fine structure of Pinellas County; that the fines would automatically follow the county fines if they should be changed.

Mr. Ottinger read Ordinance No. 460 establishing fine structure for local ordinance violations by title only.

Commissioner Rettstatt moved approval of Ordinance No. 460 establishing fine structure for local ordinance violation on first reading. Motion seconded by Commissioner Shelly.

Vote on the motion to approve Ordinance No. 460; ayes, Rettstatt, Shelly, Fowler, Oddo, Katica. The motion carried unanimously.

**CONSENT AGENDA**

Commissioner Oddo moved approval of the consent agenda to approve the Minutes of Special Meeting and Work Session held on March 3, 2009 and Regular Meeting held on March 23, 2009, as submitted. Motion seconded by Commissioner Rettstatt and carried unanimously.

**DISCUSSION OF FIRE SUPPRESSION SERVICES**

Mayor Arbutine of Belleair Bluffs had requested that they be allowed to make their presentation last.

It was the consensus of the commission to change the order of presentations to allow Belleair Bluffs to make their presentation for fire suppression services last.

Mr. Maxwell stated that the commission had asked staff to provide information from the City of Clearwater and City of Largo as well as Belleair Bluffs to provide fire suppression and related services to Belleair; that the proposal from the City of Belleair Bluffs was \$533,554; that the proposal from the City of Clearwater was \$464,550; that the proposal from City of Largo was \$453,399.

**CITY OF CLEARWATER:**

Fire Chief Geer from City of Clearwater introduced himself and staff members present; provided information regarding response times, travel time and number of calls for the department; stated that routine inspections would be conducted at no cost and outlined fees for other special inspections; provided a breakdown of costs.

Commissioner Fowler asked about the per capita cost for fire services and if additional staff would be required should Belleair contract with Clearwater for fire suppression and related services.

Chief Geer stated that they did not anticipate the need for additional staff members.

Commissioner Rettstatt asked about the period of time the contract would cover.

Chief Geer stated that contract period would be discussed during negotiations.

Lil Cromer, 4 Belleview Blvd., inquired about the Knox Box systems and if there would be uniformity between Belleair and Clearwater system.

Chief Geer stated that there would not be a problem with the Know Box system.

**CITY OF LARGO:**

Fire Chief Michael Wallace provided background information for himself; explained the method used in determining the cost proposal for Belleair; explained service delivery as well as suppression services; explained response times; review the equipment used by the department and the county dispatch unit; discussed contract period of 5 years with an automatic renewal based on the CPE; explained the community involvement and education programs.

**CITY OF BELLEAIR BLUFFS:**

Fire Chief Compettli commented on the importance of the presentation being made by Belleair Bluffs; commented on the Mutual Aid Agreement of the department in Pinellas County; discussed the services provided and community involvement; spoke about their staff and length of service and organizational operations; commented on staffing during storms of disasters; commented on the communications system; commented on the efficiency of the department; provided a review of the budgets for the department for 2007/2008, 2008/2009 and 2009-/2010; that the proposal was amended to \$523,724; that they were proposing a 5 year contract with a 5% increase per year maximum.

Discussions ensued regarding the proposed services provided by each department; regarding upcoming union contracts for each department and if there would be any impact on the proposals from each department; regarding the on-call staff for each department and response procedures; regarding the possible closing of the Belleair Bluffs fire station.

Mayor Arbutine of Belleair Bluffs stated that if Belleair did not renew their contract with Belleair Bluffs it could be possible that the station would close; commented on the importance of continued partnership between Belleair and Belleair Bluffs; that Belleair Bluffs was proposing a new station and EOS center.

Commissioner Fowler commented on the proposed sharing of services between Belleair Bluffs and Belleair for police and fire services; stated that there had been no response from Belleair Bluffs in that regard; commented on the original contract and cost of service and the increases in service costs.

Mayor Arbutine stated that the increases were based on start-up costs; that the matter of police service would require resident consent.

Mayor Katica stated that he would like the finance board to review the proposals from each department and make a recommendation to the commission.

It was the consensus of the commission that the finance board review the proposals and make recommendations to the commission.

Discussions ensued regarding the scheduling of a special meeting of the finance board to review the proposals for fire suppression services and make a recommendation to the commission.

Commissioner Fowler expressed appreciation to each of the departments for their proposals and participation in the meeting.

**DISCUSSION OF THOMPSON PROPERTY**

Mr. Maxwell stated that Mrs. Eleanor Thompson of 8 North Pine Circle had bequeath the property to the town with the condition that it become a park and the home demolished; that if the property would not become a park it would be remitted back to the estate; provided an estimated cost to the town for accepting the property; that Homestead Exemption on the property would be lifted effective January 1, 2010; that notices were sent to residents of North Pine Circle as well as 500 feet of the property.

Mr. Maxwell read into the record e-mails that had been received from residents regarding the property:

David Watson, 21 North Pine Circle, opposed to the proposed park.

Tammy & Mike Nole, 39 North Pine Circle, opposed to the proposed park.

Kevin & Angela Hawking, 3 Harborside Drive, opposed to the proposed park.

Kudelko Family, 24 Winston Drive, opposed to the proposed park.

Kevin Connely, 37 North Pine Circle, opposed to the proposed park.

Robert & Martha Munce, 36 North Pine Circle, opposed to the proposed park.

Paul Phillips, 34 North Pine Circle, opposed to the proposed park.

Robert Wayland, 50 Coe Road, opposed to the proposed park.

Bill & Connie Shepard, 44 North Pine Circle, opposed to the proposed park.

Paul & Penny Gettig, 38 North Pine Circle, opposed to the proposed park.

“Chip” Zimmerman, parks & streets supervisor, commented on Mrs. Thompson leaving the property to the town; stated that he was in favor of creating a park on the property.

Discussions ensued regarding the current and potential parking problems in the area and enforcing the existing parking restrictions.

Sara Simmons, 33 North Pine Circle, stated that she was not bothered by the people fishing; that she was in favor of a park but was opposed to any kind of boat ramp or launching area on the property.

**DISCUSSION OF THOMPSON PROPERTY (Continued)**

Marianne Bialas, 59 North Pine Circle, commented on Mrs. Thompson's wish to have the property become a park; commented on denying the wish; stated that she felt the property should become green space for everyone to enjoy.

Edward Moran, 32 North Pine Circle, spoke in opposition to a park at 8 North Pine Circle.

George Mariani, 18 North Pine Circle, spoke about the value of the Thompson property and the impact on the town by removing the property from the tax roll; spoke in opposition to the park; spoke about the current problems in the area with enforcement of parking and trash left by people fishing in the area; spoke about the possible increase in crime in the area.

Wendy Hail, 16 North Pine Circle, commented on the wishes of Mrs. Thompson for the park; that the park would be an asset to the town by creating a butterfly garden; stated that the parking could be better enforced; that volunteers could make the park a reality.

Casey Freeman, 1728 Eagles Nest Drive, commented on Mrs. Thompson's wish to have a park on the property; stated that it would be a great asset for the community.

Nate Freeman, 1728 Eagles Nest Drive; stated that he was in favor of a park but was opposed to any type of boat ramp; that parking was already a problem that needed to be addressed.

Mike Nole, 39 North Pine Circle, stated his concern for the safety of children on the street; that the issue should be addressed whether or not there was a park on the property.

Pat Johnson, 23 North Pine Circle, asked if Mrs. Thompson's wish for a boat ramp was stated in her will; spoke about enforcing no fishing and no parking; spoke about the need for green space and play area for children; asked if there had been any appropriations for maintenance in the will.

Discussions ensued regarding the current fishing and parking problems; regarding cost for maintenance of the proposed park.

Tom Webster, 17 North Pine Circle, commented on upgrading and enhancing all of the parks in town; stated that safety and security were a concern to him; commented on repairs to the seawall along the Thompson property; stated that he would like to see more of the parks have more recreational uses; stated that the town should consider how to best capitalize the offer and if it was a good opportunity for the town; recommended that the town not accept the property.

Dick Tutwiler, 51 North Pine Circle, commented on the fishing and parking problem in the area; commented on the future costs of repairs and possible replacement of the seawall; asked if it would be possible to retain a portion of the property and have it dedicated to the memory of Mrs. Thompson.

**DISCUSSION OF THOMPSON PROPERTY (Continued)**

Jason Marquardt, 15 North Pine Circle, commented on safety and security of the area and people walking along private seawalls to fish; commented on upgrading Winston Park; asked that the commission vote no on the park issue.

Chief Edwards spoke about the parking along North Pine Circle; stated that the police department had not had any calls for parking violations; that if “No Parking” signs were placed along the street that it would also apply to residents; spoke about placing “No Trespassing” on private properties.

Mary Connelly, 31 North Pine Circle, stated that the existing parking signs were no enforced.

Chief Edwards stated that there was no crime in that area.

Marilyn Daminato, 6 North Pine Circle, stated that she not seen any parking problems in the area; that there were a lot of service vehicles in the area; that she was in favor of the park.

Jeff Grove, 53 North Pine Circle, expressed his concern for the safety of children in the neighborhood.

Elizabeth Freeman, 1728 Eagles Nest Drive, commented on the use of the park by children in the neighborhood and that it would be good for the children to have a place to play.

Mary Connelly, 31 North Pine Circle, spoke in favor of the park; stated that she never had a problem with a park on the property; commented on the gift to the community.

Mayor Katica commented on the life trust on the Ahlf property; commented on the condition of the seawall on the property.

Casey Freeman, 1728 Eagles Nest Drive, stated that the park would be a good place for the children to hang out and be safe.

Commissioner Oddo moved to accept the Thompson property to be developed as a park. Motion seconded by Commissioner Shelly.

Discussions: Commissioner Oddo commented on the need to enforcement the no fishing and no parking signs in the area; that it was a unique gift to the town and that the impact on revenue would not be that substantial. Commissioner Fowler stated that he was in favor of receiving the great piece of property, that not to accept would send the wrong message; that he was not in favor of any boat ramp or launching facility. Commissioner Shelly concurred with previous comments made; that there should be only resident parking and fishing allowed . Commissioner Rettstatt asked if the police department could enforce the parking and fishing issues.

**DISCUSSION OF THOMPSON PROPERTY (Continued)**

Chief Edwards stated that the department could manage the enforcement in the area; that required parking permits would also apply to lawn maintenance vehicles as well.

Discussions ensued regarding procedures for enforcing parking.

Commissioner Rettstatt asked if FEMA would assist with any repairs or replacement of the seawall; stated that she was in favor of the park; stated that the Ahlf property was different from the Thompson property in that the property could be sold if the town chose to do so; that the Thompson property was to be accepted or returned to the estate.

Commissioner Fowler suggested that the park be named Thompson Park.

Discussions ensued regarding some sort of dedication to Mr. & Mrs. Thompson.

Mayor Katica stated that he was not in favor of not allowing any fishing in the area; that fishing was a family recreation that would no be permitted to residents.

Discussions ensued regarding limiting fishing in the area.

Vote on the motion to accept the Thompson property to be developed as a park was: ayes: Rettstatt, Shelly, Fowler, Oddo, Katica. Motion carried unanimously.

**RECESS**

Mayor Katica called for a recess at 10:15 pm; the meeting was reconvened at 10:30 pm.

**APPROVAL OF STREET LIGHTS**

Mr. Maxwell stated that John Hail was present to provide information regarding the street lights; stated that sample fixtures had been placed in town; that the warm white 54 watt fixture was place on the east side of The Mall; that the beacon light fixture was place on the west side of The Mall; that both fixtures were LED light fixtures; that the beacon fixture displaced 94 watts of light; that the wattage on the cyclone LED fixture could be increased and a better fixture could be constructed.

Commissioner Fowler stated that he was in favor of the cyclone fixture and commented on the ability to adjust the wattage if necessary.

Mr. Hail stated that the fixture could be either a cool white or warm white light.

Chief Edwards stated that the cyclone fixture provided a greater circle of light.

**APPROVAL OF STREET LIGHTS (Continued)**

Jackie Blake, 601 Gardenia Street, stated that she lived on the east side of The Mall and commented on the efficiency of the light placed there.

Commissioner Rettstatt moved that the town select the cyclone light fixture. Motion seconded by Commissioner Oddo.

Discussions: Mr. Maxwell stated that he would begin drafting a contract for the warm light with the clear light globe.

Commissioner Rettstatt moved to amend the motion to include the warm white light with the clear globe. Motion seconded by Commissioner Oddo.

Discussions: Commissioner Oddo inquired about the shape of the globe; stated that she thought a larger globe would be better.

Mr. Hail stated that it would then be a custom globe and would cost more money.

Commissioner Oddo moved to include a slightly larger globe for the fixture. Motion seconded by Commissioner Fowler.

Discussions: Mr. Hail stated that the larger globe could affect the expression of light. Commissioner Oddo stated that the larger globe could provide a better aesthetic.

Vote on the motion for larger globe was: ayes: Oddo; nays: Rettstatt, Shelly, Fowler, Katica. Motion did not carry.

Vote on the motion to select the cyclone fixture with the warm white light and clear globe was: ayes, Rettstatt, Shelly, Fowler, Oddo, Katica. Motion carried unanimously.

**APPROVAL OF BRIDGE REPAIRS - NORTH PINE CIRCLE**

Mr. Maxwell stated that the repairs were necessary for the North Pine Circle Bridge; that JSS Properties provided a bid of \$40,000 for construction costs; that they would need the engineering drawings from TBE for the project; that it was his recommendation that the commission approve the engineering for the bridge for a cost of \$41,390.00

Commissioner Fowler moved to approve the engineering drawings for North Pine Circle Bridge from TBE in the amount of \$41,390. Motion seconded by Commissioner Shelly and carried unanimously.

**RESOLUTION NO. 2009-10 - ADOPTING PHASE IV WATER RESTRICTIONS**

Mr. Maxwell stated that the purpose of the resolution was to codify the discussion of the last meeting for the town to adopt voluntary restrictions imposed by SWFWMD; that the town was in receipt of a letter from former mayor Kent R. Weible and read the letter into the record.

Commissioner Fowler moved to delay adoption of Resolution No. 2009-10 in order to address certain issues and valid concerns addressed by Mr. Weible. Motion seconded by Commissioner Rettstatt.

Discussions: Commissioner Fowler stated that the letter from Mr. Weible brought several issues for consideration; that the new meter system would be able to detect over usage and leaks in a system or broken sprinkler heads. Commissioner Oddo asked about the enforcement of the resolution. Mr. Maxwell stated that car washing for pressure washing could be allowed. Commissioner Shelly suggested changing water usage to 8:00 pm to 12 midnight. Commissioner Oddo stated that resident could turn the system on to check for breakage in their system.

Commissioner Oddo stated that she would support the motion but would consider a motion that allowed residents to wash their cars at home; that the issue was too important to be delayed.

Vote on the motion to delay adoption of Resolution No. 2009-10 was: ayes: Fowler: nays: Rettstatt, Shelly, Oddo, Katica. Motion to delay adoption of Resolution No. 2009-10 did not carry.

Commissioner Rettstatt moved to amend Resolution No. 2009-10 to allow for residential car washing so long as the resident used a hand held hose with a control valve and residential pressure washing. Motion seconded by Commissioner Oddo.

Discussions: Mayor Katica asked if the town could make such changes. Mr. Maxwell stated that the town was under voluntary restrictions as long as there was compliance with Phase III restrictions.

Commissioner Shelly stated that he would still like to amend the hours to 8:00 pm to midnight. Motion seconded by Commissioner Fowler.

Discussions: Commissioner Oddo state that the commission was starting to diverge too much from the point of the SWFWMD restrictions; that she would support Commissioner Rettstatt's motion as stated.

Vote on the motion to amend the hours was: ayes: Shelly, Fowler: nays: Rettstatt, Oddo, Katica. Motion to amend the hours did not carry.

Vote on the motion to amend Resolution No. 2009-10 allowing residential car washing using a hand held hose with a control valve and residential pressure washing was: ayes: Rettstatt, Fowler, Oddo, Katica; nays: Shelly. Motion to amend Resolution 2009-10 carried with a vote of 4 to 1.

**DISCUSSION OF BOARD PROCEDURES**

Commissioner Shelly moved to continue discussion of board procedures to the May 5 work session. Motion seconded by Commissioner Oddo and carried unanimously.

**ADJOURNMENT**

There being no further business to come before the commission the meeting was adjourned in due form at 11:05 pm.

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**Town Clerk**

**APPROVED:**

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**Mayor**

Approved: 5/19/2009