

MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON MAY 18, 2010 AT 7:30 PM

PRESENT: Mayor Gary Katica
Commissioners
Stephen Fowler
Tom Shelly
Stephanie Oddo
Patricia Irwin

Town Manager Micah Maxwell
Town Attorney David Ottinger

Mayor Katica lead the Pledge of Allegiance.

Quorum present on roll call with Mayor Katica presiding; the meeting was called to order at 7:30 pm.

MOWING RESOLUTION NO. 327

Mr. Ottinger read Mowing Resolution No. 327 into record; stated that the properties in violation of Section 26-141 of the Code of Ordinances were located at 101 Osceola Road owned by Ryan Wagner; 1723 Cypress Avenue owned by Casey Graydon Jones; and 295 Belleview Blvd. owned by Andy Yasparro.

Commissioner Fowler moved approval of Mowing Resolution No. 327 as read by Mr. Ottinger. Motion seconded by Commissioner Shelly.

Discussions ensued regarding the letter received from Mr. Casey Jones at 1723 Cypress Avenue regarding a records request.

Vote on the motion approving Mowing Resolution No. 327 was unanimous.

SWEARING-IN FOR PUBLIC HEARINGS

Persons planning to speak regarding the request for extension of variances and request for variance were sworn in by the town clerk.

REQUEST FOR EXTENSION OF VARIANCE APPROVALS – BELLEVIEW BILTMORE HOTEL AND BELLEVIEW BILTMORE GOLF CLUB/PELICAN GOLF COURSE PROPERTY

Mr. Ottinger provided background information regarding the request for extension; stated that in June 2008 the commission granted site plan approvals and variances in connection with the redevelopment of the hotel and golf course; that an appeal to that decision was filed shortly after the approvals were granted; that the appeal was not decided until May 2009; that the town code provides that once variance approvals are granted the applicant would have one year in which to apply for necessary development and building permits; that the effective date of those variances was deferred until the conclusion of the appeal which occurred in May 2009; that the town code

REQUEST FOR EXTENSION OF VARIANCE APPROVALS (Continued)

allows the applicant can request a one year extension for making necessary applications for development and building permits to keep variances in affect; that pursuant state law notice was given to the town prior to December 31, 2009 requesting a relief under last year SB 360 which provided for a two year extension or any pending development permits; that the requested extension would extend the time that the permit could be obtained until May 2011.

No ex parte communications were reported.

George Rahdert, representative for the applicant, stated that there had been substantial litigations with the Hotel; that the project as a whole included the hotel and golf course property that variances had been requested and granted; that there was a third property located on Sand Key at Clearwater Beach which was also a part of the project; that the development plan for the Sand Key property presented to City of Clearwater was also challenged in court and an appeal filed; that the challenge did not conclude until March 2010; that with litigations pending it was not feasible to go financial markets to secure necessary financing; that the litigations encountered had all been resolved in favor of the project; that as a result of the litigations and appeals the applicant was now requesting the additional one year extension with respect to the project.

Richard Heisenbottle, architect for the project, provided an update on the project; that efforts were made daily to move the project forward; that they were all very optimistic with regard to the project and felt confident in securing the necessary funding.

Commissioner Fowler moved approval of the request for a one year extension for variances granted to the Belleview Biltmore Hotel and Belleview Biltmore Golf Club/Pelican Golf Course Property and that said extension would be effective until May 2011. Motion seconded by Commissioner Oddo.

Vote on the motion was: ayes; Commissioner Irwin, Commissioner Shelly, Commissioner Fowler, Commissioner Oddo and Mayor Katica. Motion carried unanimously.

REQUEST FOR VARIANCE – 220 PONCE DE LEON BLVD. – THEATHER PROPERTIES, LLC

Mr. Murphy provided background information for the variance request for 220 Ponce de Leon Blvd.; stated that the applicant was requesting a variance to allow for the proposed construction of a front yard fence that would align with the adjacent property's front yard fence; that the proposed fence would encroach into the required minimum 25 foot front yard setback by 19feet 5 inches resulting in an front yard setback of approximately 5 feet 7 inches; that the planning and zoning board had voted unanimously to recommend approval of the requested variance.

Gary Batters of Shoreline Design Group spoke on behalf of the applicants; stated that the applicants were trying to align the fence to the adjacent property.

Mr. Ottinger inquired about the location of the sanitary sewer line.

REQUEST FOR VARIANCE – 220 PONCE DE LEON BLVD. (Continued)

Mr. Batters stated that the situation had been resolved and expected a letter of approval from Pinellas County.

Mr. Maxwell stated that a permit could not be issued until all matters were resolved.

Commissioner Shelly moved approval of the variance request for 220 Ponce de Leon Blvd. to allow for the construction of a front yard fence that would align with the adjacent property's front yard fence that would encroach into the required minimum 25 foot front yard setback. Motion seconded by Commissioner Fowler.

Vote on the motion to approve request for variance were: ayes; Commissioner Irwin, Commissioner Shelly, Commissioner Fowler, Commissioner Oddo, Mayor Katica. Motion carried unanimously.

RESOLUTION NO. 2010-20 – AUTHORIZING FILING OF LIENS FOR DELINQUENT WATER SERVICE CHARGES

Mr. Murphy stated that there were two properties with delinquent water service charges; that the first property had a delinquency amount of \$194.95 since December 31, 2009 and the property was located at 101 Osceola Road and owned by Ryan Wagner; that the second property had a delinquency amount of \$ 54.66 since October 31, 2009 and the property was located at 1701 Cypress Avenue and owned by John Kunkle and Tonya McKenna.

Commissioner Oddo moved approval of Resolution No. 2010-20 authorizing filing of liens for delinquent water service charges as read into the record. Motion seconded by Commissioner Shelly and carried unanimously.

RESOLUTION NO. 2010-21 – AUTHORIZING FILING OF LIENS FOR DELINQUENT SEWER SERVICE CHARGES

Mr. Murphy stated that there were two properties with delinquent sewer service charges; that the first property had a delinquency amount of \$162.32 since December 31, 2009 and the property was located at 101 Osceola Road and owned by Ryan Wagner; that the second property had a delinquency amount of \$62.10 since October 31, 2009 and the property was located at 1701 Cypress Avenue and owned by John Kunkle and Tonya McKenna.

Commissioner Oddo moved approval of Resolution No. 2010-21 authorizing filing of liens for delinquent sewer service charges as read into the record. Motion seconded by Commissioner Fowler and carried unanimously.

RESOLUTION NO. 2010-22 – AUTHORIZING FILING OF LIENS FOR DELINQUENT SOLID WASTE COLLECTION SERVICE CHARGES

Mr. Murphy stated that there were two properties with delinquent solid waste collection service charges; that the first property had a delinquency amount of \$133.68 since December 31, 2009 and the property was located at 101 Osceola Road and owned by Ryan Wagner; that the second property had a delinquency amount of \$109.91 since October 31, 2009 and the property was located at 1701 Cypress Avenue and owned by John Kunkle and Tonya McKenna.

Commissioner Fowler moved approval of Resolution No. 2010-22 authorizing filing of liens for delinquent solid waste collection service charges as read into the record. Motion seconded by Commissioner Shelly and carried unanimously.

FIRST READING – PROPOSED ORDINANCE NO. 468 – AMENDING ORDINANCE NO. 457 – PERTAINING TO SOLID WASTE COLLECTION PROCEDURES

Mr. Maxwell stated that staff was proposing a change to the solid waste ordinance to allow for a waiver during the months of March, April, October and November of each year to allow for an additional six approved containers at the curb; that the additional containers must contain yard recyclable materials only.

Commissioner Shelly moved approval of Ordinance No. 468 amending Ordinance No. 457 pertaining to solid waste collection procedures. Motion seconded by Commissioner Fowler.

Discussions: Commissioner Oddo asked if an acceptable container was a lawn bag for leaves. Mr. Maxwell stated that it was an acceptable container.

Vote on the motion was: ayes; Commissioner Irwin, Commissioner Shelly, Commissioner Fowler, Commissioner Oddo and Mayor Katica.

Motion carried unanimously.

FIRST READING – PROPOSED ORDINANCE NO. 469 – AMENDING TOWN OF BELLEAIR CODE OF ORDINANCES, CHAPTER 74, ARTICLE II, ZONING DISTRICTS, DIVISION 3, DISTRICT REGULATIONS, SECTION 74-82, SCHEDULE OF DISTRICT REGULATIONS, PERTAINING TO PUBLIC DISTRICTS

Mr. Maxwell stated that it was an amendment to Chapter 74 that inserts subsection (3) to Section 74-83 pertaining to allowed uses in certain zoning districts; that the new language allows property designated as public zoning district to also be designated as Recreation/Open space on the town's future land use map; that the purpose of the amendment was to have the code of ordinances be compliant with the comprehensive plan.

Commissioner Oddo moved approval of Ordinance No. 469 pertaining to amendment to the zoning districts, on first reading. Motion seconded by Commissioner Fowler.

FIRST READING – PROPOSED ORDINANCE NO. 469 (Continued)

Vote on the motion was: ayes; Commissioner Irwin, Commissioner Shelly, Commissioner Fowler, Commissioner Oddo, Mayor Katica.

Motion carried unanimously.

FIRST READING – ORDINANCE NO. 470 – AMENDING TOWN OD BELLEAIR CODE OF ORDINANCES, CHAPTER 66, ADMINISTRATIVE AND GENERAL PROCEDURES, ARTICLE II, BOARDS, COMMITTEES AND COMMISSIONS, DIVISION 4, CODE ENFORCEMENT BOARD, ELIMINATING THE CODE ENFORCEMENT BOARD AND PROVIDING FOR A SPECIAL MASTER

Mr. Maxwell stated that the proposed ordinance would dissolve the code enforcement board and initiate the office of a special master; that in the future the special master would hear all code violation cases brought forward by the code enforcement officer.

Discussions ensued regarding the cost difference between having a special master and the code enforcement board; regarding the attorney fees for the attorney for the code enforcement board; regarding the decisions made by the special master in matters of code violations and any appeals filed on those decisions.

Commissioner Fowler moved approval of Ordinance No. 470 eliminating the code enforcement board and instituting the office of special master for code violation matters, on first reading. Motion seconded by Commissioner Shelly.

Discussions: Mr. Ottinger stated that ordinance would provide that the town manager would be the one to make the selection of the special master; that the commission would approve the amount of compensation for the special master.

Vote on the motion was: ayes; Commissioner Irwin, Commissioner Shelly, Commissioner Fowler, Commissioner Oddo, Mayor Katica.

Motion carried unanimously.

CHANGE IN ORDER OF THE AGENDA – DISCUSSION OF FIRE AT 155 BAYVIEW

Mayor Katica announced a change in the order of the agenda; that Chief Wallace of the Largo Fire Department would make a presentation regarding the fire at 155 Bayview Drive that occurred on May 8th.

Chief Wallace provided a time line of events and response time regarding the fire at 155 Bayview Drive; stated that the fire was accidental and was apparently caused by grill being placed too close to the structure; that the owner had used pine straw mulch around the landscaping for the home; that the decorative trim around the windows was a highly flammable

DISCUSSION OF FIRE AT 155 BAYVIEW (Continued)

material and was the cause for most of the damage to the structure; that there was no sprinkler system in place in the structure.

Discussions ensued regarding the town's building code and making certain changes to those codes; regarding the placement of grills within a certain distance to structures; regarding the rumors concerning the response time by the fire departments.

Commissioner Irwin inquired about the adequacy of the water pressure during the efforts to extinguish the fire; regarding the hurricane resistant windows and any problems in gaining entrance to a structure.

Chief Wallace stated that the levels of water pressure were adequate; that in anticipation of the possible need for more water the water department had been asked to make a second pump available should it be needed; that the second pump never kicked on because the water pressure never dropped to a level that would require the other pump.

Chief Wallace stated that the fire department stated that the fire department did have means to enter those windows.

Commissioner Oddo inquired about foam insulation used in the structure; expressed appreciation to Chief Wallace and the firefighters for a job well done and the injured firefighter as well.

Les Muma, 100 Palmetto Road, spoke about having a meeting with Chief Wallace to discuss fire prevention and measures homeowners could take to better prepared in such emergencies; expressed appreciation to the fire department for their efforts and their willingness to assist the homeowners.

Discussions ensued regarding the benefit of having residential sprinklers in homes and reduction in insurance rates for those homes.

Jim Worman, Deputy Chief, provided statics on residential fires; stated that sprinkler systems did make a difference in the instance of residential fires.

Discussions ensued regarding the scheduling of a work shop to discuss possible amendments to the code with requirements that any structure over a certain level or a remodel project greater than 50% would trigger the requirement for installation of residential sprinklers.

It was the consensus or the commission to schedule such discussions at a future meeting.

CITIZENS' COMMENTS

Steve Johnson, 1717 Indian Rocks Road, spoke in opposition to the town's proposed visioning program; that he felt that there was enough intelligent people on the commission and board members and staff to perform the job; that he did not think the town need to spend \$10,000.

CITIZENS' COMMENTS (Continued)

Virginia Donahue, 1351 Indian Rocks Road, inquired about the visioning program; if demographics regarding the different age groups in town would be included; if funding was included in the budget.

Mr. Maxwell stated that staff would be reaching out to different demographic groups to be involved in the visioning program discussions; that the costs would be covered by the budget.

Commissioner Oddo asked that the commission look into and consider senior homestead exemptions; that a few letters had been received from residents; that Belleair was one of the few communities in the county that did not offer some type of relief for low income seniors.

It was the consensus that the matter be added to a work shop agenda for discussions.

Mr. Maxwell stated that the discussion for service consolidation with Belleair Bluffs was not approved at the Belleair Bluffs level; that they did not want to go through the conversation.

Mayor Katica stated that Belleair Bluffs had approached the town to initiate the conversations regarding service consolidation.

CONSENT AGENDA

Commissioner Fowler moved approval of the consent agenda for the Minutes of the Special Meeting and Work Session held on April 6, 2010 and Regular Meeting held on April w0, 2010, as submitted. Motion seconded by Commissioner Shelly and carried unanimously.

RESOLUTION NO. 2010-11 – AMENDING THE BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010

Mr. Murphy stated that the expenditures provided a direct reason for each individual line item; that the expenditures were off-set by revenues already received during the current fiscal year or prior year; that the two large expenditures in the recreation department one for professional services at a budget of \$60,000; that staff was asking for an increase of \$6,000; that the increase was based on the methodology used in paying instructors; that now the town received all revenues for any program and the instructors were then paid directly for the expenditure budget; that the change established a better way to track and account of funds; that the other large expenditure was for recreation programs with an off-set revenue of funds received from the golf tournament; that there were donations for the 85th Anniversary celebration to off-set the additional expenditures for that event; that the total budget amendment was \$70,250.00.

Commissioner Shelly moved approval of Resolution No. 2010-11 amending the budget for fiscal year 2009-1020. Motion seconded by Commissioner Fowler and carried unanimously.

RESOLUTION NO. 2010-12 – APPOINTING MEMBERS TO SERVE ON THE BUILDING BOARD OF ADJUSTMENT AND APPEAL

Commissioner Oddo stated that all members had expressed an interest in serving another term on the board; that those members were Kevin Piccarreto and Lil Cromer.

Commissioner Oddo moved approval of Resolution No. 2010-12 appointing Kevin Piccarreto and Lil Cromer to serve two year terms on the Building Board of Adjustment and Appeals. Motion seconded by Commissioner Shelly and carried unanimously.

RESOLUTION NO. 2010-13 – APPOINTING MEMBERS TO SERVE ON THE CODE ENFORCEMENT BOARD

Mr. Maxwell stated that it would not be necessary for appointments to the code enforcement board.

RESOLUTION NO. 2010-14 – APPOINTING MEMBERS TO THE FINANCE BOARD

Mayor Katica stated that all the finance board members were interested in serving another two year term; that there was one vacancy to be filled and there were three nominees who were Mary Boyer, John Grice and Bonnie Ruggles.

Commissioner Fowler moved that nominations for finance board members be closed. Motion seconded by Commissioner Oddo.

After a vote of the commission members John Grice receive two votes and Bonnie Ruggles received three votes and was selected to serve on the finance board.

Commissioner Fowler to approve Resolution No. 2010-14 appointing members to serve on the finance board; that those members were Thomas Olson, Virginia Donahue, Philip Doganiero and Bonnie Ruggles. Motion seconded by Commissioner Oddo and carried unanimously.

RESOLUTION NO. 2010-15 – APPOINTING MEMBERS TO SERVE ON THE HISTORIC PRESERVATION BOARD

Commissioner Oddo stated that all members of the historic preservation board were interested in serving another term on the board; that there was a vacancy with the election of Commissioner Irwin to the commission; that she would like to nominate Andrea Ayers Layman to the board as a new member.

Commissioner Fowler moved to close nominations. Motion seconded by Commissioner Oddo and carried unanimously.

Commissioner Oddo moved approval of Resolution No. 2010-15 appointing members to the historic preservation board; that those members were David Hutcheson, Don White and Andrea Ayers Layman. Motion seconded by Commissioner Shelly and carried unanimously.

RESOLUTION NO. 2010-16 – APPOINTING MEMBERS TO SERVE ON THE PARK AND TREE BOARD

Commissioner Shelly stated that all members of the park and tree board were interested in serving another term on the board.

Commissioner Shelly moved approval of Resolution No. 2010-26 appointing members to serve on the park and tree board; that those members were Paul Cozzie, Kathy Gaston and Amy Welch. Motion seconded by Commissioner Oddo and carried unanimously.

RESOLUTION NO. 2010-17 – APPOINTING MEMBERS TO SERVE ON THE PLANNING AND ZONING BOARD

Commissioner Fowler stated that all members of the planning and zoning board were interested in serving another term on the board; that Bonnie Sue Brandvik had stated that she was about to have her book on the Belleview Biltmore Hotel published and was concerned about serving on the board and voting on issues that would come before the board regarding the hotel.

Commissioner Oddo moved to close nominations. Motion seconded by Commissioner Fowler.

Commissioner Fowler moved approval of Resolution No. 2010-17 appointing members to serve on the planning and zoning board; that those members were Gloria Burton, Peter Marich and Bonnie Sue Brandvik. Motion seconded by Commissioner Shelly and carried unanimously.

RESOLUTION NO. 2010-18 – APPOINTING MEMBERS TO SERVE ON THE RECREATION BOARD

Commissioner Irwin stated that all members of the recreation board were interested in serving another term on the board; that those members were Molly Fowler, Natalie Moyles, Patricia Ryan and Cheryl Franzese.

Commissioner Irwin moved approval of Resolution No. 2010-18 appointing members to serve on the recreation board; that those members were Molly Fowler, Natalie Moyles, Patricia Ryan and Cheryl Franzese. Motion seconded by Commissioner Shelly and carried unanimously.

APPROVAL OF PURCHASE ORDER FOR BELLEAIR WATER SYSTEM DESIGN AND PERMITTING

Mr. Maxwell stated that the commission was being asked to approve the change from a chlorine treatment system to a Chloramines treatment system; that at the last meeting he had expressed that the cost would probably not be the proposed \$27,375; that without a concrete cost at this time he would like the commission to approve the \$27,375 amount with the understanding that staff believes the cost would be lower than that amount.

APPROVAL OF PURCHASE ORDER (Continued)

Commissioner Fowler moved approval of the purchase order for the water system design and permitting in the amount of \$27,375. Motion seconded by Commissioner Oddo and carried unanimously.

RESOLUTION NO 2010-19 – AMENDING RESOLUTION NO. 2009-24 – ADOPTING RULES AND PROCEDURES FOR TOWN COMMISSION AND ADVISORY BOARD MEETINGS

Mr. Maxwell stated that Resolution No. 2010-19 was discussed at the last meeting amending rules and procedures for town commission and advisory board meetings with the requested changes.

Commissioner Fowler moved approval of Resolution No. 2010-19 amending rules and procedures for town commission and advisory board meetings. Motion seconded by Commissioner Shelly and carried unanimously.

ADJOURNMENT

There being no further business to come before the commission the regular meeting was adjourned in due form at 8:55 pm.

Town Clerk

APPROVED:

Mayor

Approved: 6/15/2010