

MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON JUNE 16, 2009 AT 7:30 PM

PRESENT: Mayor Gary Katica
Commissioners 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. 315

Mr. Ottinger read Mowing Resolution No. 315 for the record; stated that the effected properties were 349 Barbara Circle owned by Mabel Castaneda, 1701 Cypress Avenue owned by Joseph Kunkle and Tonya McKenna, 1750 Indian Rocks Road owned by Crystina B. Bekier, 1727 Magnolia Road owned by Kim S. Francis, 477 Althea Road owned by Paul DelMonte and Mary Anne DelMonte, 1723 Cypress Avenue owned by Cases G. Jones, 429 Wildwood Way owned by David Rodriguez, 19 Ambleside Drive owned by Jean F. Hakim and Irene Hakim.

Commissioner Shelly moved approval of Mowing Resolution No. 315 for properties stated. Motion seconded by Commissioner Rettstatt and carried unanimously.

SECOND AND FINAL READING - ORDINANCE NO. 461 - PROVIDING CLARIFICATION OF WATER RATES

Mr. Maxwell asked that the second and final reading of Ordinance No. 461 be continued to the July 7 special meeting.

Commissioner Rettstatt moved to continue the second and final reading of Ordinance No. 461 to the July 7 special meeting. Motion seconded by Commissioner Oddo and carried unanimously.

ORDINANCE NO. 462 - EMERGENCY ORDINANCE AUTHORIZING STAYS ON APPEAL

Mr. Ottinger provided background information regarding Emergency Ordinance No. 462; stated that the appeal filed with the circuit court against the town regarding the Belleview Biltmore Hotel had created a hardship for the Hotel owners to comply with the variance requirement to obtain a building permit within one year of granting the variance; that the emergency ordinance was effective for only 60 days; that an ordinance would be proposed to the commission for adoption to incorporate the language of the emergency ordinance.

ORDINANCE NO. 462 (Continued)

Commissioner Rettstatt moved approval of Emergency Ordinance No. 462 authorizing stays on appeal. Motion seconded by Commissioner Shelly and carried unanimously.

FIRST READING - PROPOSED ORDINANCE - REGULATING THE MAINTENANCE OF ABANDONED FORECLOSING PROPERTIES

Mr. Maxwell provided background information regarding the purpose of the proposed ordinance; stated the commission and planning and zoning board had discussed the need for such an ordinance; that at the last planning and zoning board meeting the members reviewed draft ordinance regarding foreclosing properties; that the attorney drafted an ordinance to include suggestions made by the planning and zoning board; that he felt it prudent for the planning and zoning board members to review the draft copy before adoption by the commission.

Mr. Maxwell stated that the proposed ordinance was being brought forward due to the increasing number of foreclosures in town and the negative impact on the town's aesthetics and surrounding neighbors; that there was improper maintenance to such properties.

Mr. Ottinger stated that the foreclosure ordinance was based on ordinances adopted by several Florida cities; that the planning and zoning board wanted to make the ordinance consistent with existing codes; that the main goal of the ordinance was to deal with abandoned and foreclosed properties; that the owner or mortgagee would be required to register with the town so there would be someone to be held responsible in the event of any code violations.

Commissioner Rettstatt inquired about fines imposed; suggested that such a fine schedule be included in the ordinance.

Discussions ensued regarding the method of imposing fines for foreclosed properties who had been notified of code violations.

Commissioner Rettstatt moved to continue first reading of proposed ordinance relating to the maintenance of abandoned and foreclosing properties to the regular meeting scheduled for July 21, 2009 at 7:30 pm after the planning and zoning board had the opportunity to review the draft ordinance. Motion seconded by Commissioner Oddo and carried unanimously.

FIRST READING - PROPOSED ORDINANCE- REGARDING THE REGULATION OF RENTAL PROPERTIES

Mr. Maxwell stated that the propose of the rental ordinance was to provide the town with information regarding rental properties regarding who the tenants were and what properties were considered rental property; that it was in the best interest of the town in order to protect the full time residents and maintain the aesthetics of the town.

FIRST READING - PROPOSED ORDINANCE - RENTAL PROPERTIES (Continued)

Discussions ensued regarding the duration of agreements for rental properties and the reason for limiting the number of rentals per property per year; regarding duplex properties and the proposed method of enforcement for violations; regarding determining the number of tenants per rental property.

Commissioner Shelly moved to continue first reading of proposed ordinance regarding the regulation of rental properties to the regular meeting scheduled for July 21, 2009 at 7:30 pm after the planning and zoning board had the opportunity to review the draft ordinance. Motion seconded by Commissioner Rettstatt and carried unanimously.

CITIZENS' COMMENTS

Robin Babka, 101 Palmetto Road, requested the commission reconsider the solid waste ordinance; suggested that the commission survey the residents for their choice of collection service.

Mayor Katica stated that at the last meeting the commission had decided to revisit the issue in one year.

Will Roper, 221 Ponce de Leon Blvd., concurred with comments made by Mrs. Babka; stated that the residents should be surveyed; that the survey should be sent out sooner than later.

Ida Malay, 100 Oakmont Lane, inquired about the condition of Harold's Lake; stated that there was a large accumulation of plants growing in the lake.

Mr. Maxwell stated that maintenance of the area was underway.

Discussions ensued regarding the matter of solid waste and the services provided by the town; regarding the length of time in which the commission would revisit discussions of the matter; regarding survey questions to be sent to residents; regarding questions about recycling to be included in the survey.

It was the consensus of the commission to place the matter on the agenda for the July 7 work session meeting for continued discussion of possible survey and questions.

Luce Vaicaitis, 1101 Palmview, spoke about recycling and the safety of residents with the collecting of certain materials.

Will Roper, 221 Ponce de Leon Blvd., spoke about the proposed solid waste survey questions and why the commission would wait to send the questions to residents at a later date.

Discussion ensued regarding the time frame for sending the survey to residents.

APPROVAL OF MINUTES

Mayor Katica stated that the commission had for consideration approval of Minutes for the May commission meetings.

Commissioner Shelly moved approval of the Minutes of Special Meeting and Work Session held on Tuesday, May 5, 2009 and Regular Meeting held on May 19, 2009. Motion seconded by Commissioner Rettstatt and carried unanimously.

RESOLUTION NO. 2009-24 - ADOPTING CERTAIN RULES OF PROCEDURE FOR THE TOWN COMMISSION OF THE TOWN OF BELLEAIR

Mr. Maxwell stated that the commission had discussed several procedural items at the May commission meeting related to how the meetings were to be run; that the resolution was the document to codify the rules and procedures for commission meetings.

Commissioner Shelly moved approval of Resolution No. 2009-24. Motion seconded by Commissioner Rettstatt.

Discussions: Commissioner Oddo commented on Rule 10 with regard to citizens speaking at the meeting and who would grant authorization for that speaker to exceed the 3 minutes allowed to speak; that (a) stated the mayor would authorize the time extension and (b) stated authorization by the commission; that she felt that both should be consistent.

It was the consensus of the commission that the mayor would grant the time extension.

Commissioner Rettstatt moved to approve Resolution 2009-24 adopting certain rules of procedure for the town commission of the Town of Belleair, as amended. Motion seconded by Commissioner Oddo and carried unanimously.

Commissioner Shelly moved to withdraw his motion of approval. Motion seconded by Commissioner Rettstatt and carried unanimously.

RESOLUTION NO. 2009-25 - AUTHORIZATION TO DESTROY RECORDS

Mr. Maxwell stated that Florida Statutes allows the destruction of certain obsolete records; that Resolution No. 2009-25 authorizes the destruction of such obsolete and duplicated records.

Commissioner Shelly moved to approve Resolution No. 2009-25 authorization to destroy records. Motion seconded by Commissioner Oddo and carried unanimously.

ESTABLISHING TENTATIVE MILLAGE RATE FOR 2009-2010 FISCAL YEAR

Mr. Maxwell stated that the estimated millage rate for 2009-2010 fiscal year; that the estimated millage rate was the “not to exceed” rate that would be sent out by the county in July; that the proposed budget indicates the millage rate of 4.5605 from the current fiscal year would be maintained.

Mr. Maxwell further discussed options to offset budget expenditures; stated that there was a significant drop in the taxable values for properties in town; that the change in fire services was a factor in reducing the budget for fire suppression services; that there was also a significant savings from a decrease of approximately \$70,000 in insurance premiums paid by the town; that was also a decrease in the professional services line item in the budget due to the settlement of the issues regarding the Belleview Biltmore Hotel; that there was a increase in revenues through the communications services tax as projected by the State; that there was also an increase in utility franchise fees based on the increases in the electric utility rates; that the recreation department has shown an increase in revenues through the programs offered; that he was expecting a balanced budget for coming fiscal year with a surplus of approximately \$60,000.

Mr. Maxwell stated that staff was recommending the addition of a code enforcement officer to deal with code issues throughout town; that the \$60,000 surplus would cover the cost of the code enforcement officer.

Milou McNay, 100 Oakmont Lane, asked the current millage rate and if the rate had changed.

Mr. Maxwell stated that the current millage rate was 4.5605 and staff was proposing that the rate remain for the 2009-2010 fiscal year; that it would be possible to reduce the rate but that the proposed rate could not be increased.

Commissioner Shelly moved to approve the proposed millage rate for 2009-2010 fiscal year at 4.5605. Motion seconded by Commissioner Oddo and carried unanimously.

DISCUSSION OF PROPOSED ORDINANCE AMENDMENTS - SECTION 74-332 - HISTORIC PRESERVATION

Mr. Maxwell stated that the proposed amended ordinance was required in order for the town to become a certified local government regarding historic preservation; that when the town submitted the application for the designation there were certain amendments required in order to meet the criteria; that the historic preservation board unanimously recommended approval of the amendments.

Mr. Maxwell provided a review of the amendments.

It was the consensus of the commission for first reading of ordinance amending Section 74-332 regarding historic preservation placed on the agenda for Special Meeting July 7, 2009.

OTHER BUSINESS

Mr. Maxwell stated that over the past few weeks that was a situation on Roebling Road North regarding a drainage matter; that there were two properties involved; that one on the properties was that of Commissioner Rettstatt; that one property had experienced a collapsed driveway due to an old stormwater pipe; that the second property was the neighbor of the other property; that both properties had very old clay pipes under the driveways; that the second property would more than likely experience the collapsed driveway if the matter was not addressed quickly; that in order to expedite the matter he was asking the commission to waive the policy required for project exceeding \$20,000; that the proposed repair costs were approximately \$37,000; that due to the urgency of the matter he was asking for permission to go ahead with the project; that if not repaired quickly the repair costs could be greater.

Commissioner Rettstatt did recuse herself from discussion or voting on the matter.

Commissioner Shelly moved approval of the expenditure for the emergency repairs for stormwater drainage on Roebling Road North in the amount of \$37,000. Motion seconded by Commissioner Oddo.

Discussion: Commissioner Oddo asked that Mr. Maxwell explain that if the repairs were not made in a timely manner the damage and repairs costs would be greater. Mr. Maxwell stated that he had been advised by the consulting engineer that greater damage could occur within the next 6 months to a year.

Vote on the motion was unanimous.

ADJOURNMENT

There being no further business to come before the commission the regular meeting was adjourned in due form at 8:35 pm.

Town Clerk

APPROVED:

Mayor