

**MINUTES OF SPECIAL MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON JANUARY 6, 2009 AT 5:30 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 5:30 pm.

**PUBLIC HEARING - MOWING RESOLUTION**

There was no mowing resolution.

**SECOND AND FINAL READING - ORDINANCE NO. 458 - AMENDING BELLEAIR CODE OF ORDINANCES - CHAPTER 22 - ELECTIONS**

Commissioner Fowler moved approval of Ordinance No. 458, amending Belleair code of ordinances Chapter 22 pertaining to elections. Motion seconded by Commissioner Oddo.

Discussion: Mr. Ottinger stated that the purpose of the ordinance was to amend the code by reflecting changes in responsibility for conducting town elections according to contract with Pinellas County Supervisor of Elections office.

Vote on the motion was: ayes, Rettstatt, Shelly, Fowler, Oddo, Katica. Motion carried unanimously.

**APPROVAL OF PURCHASE OF TOWN VEHICLE - WATER DEPARTMENT**

Mr. Maxwell stated that propose purchase was for the water department; that the vehicle was a 2009 Toyota Camry Hybrid; that with the purchase of the new vehicle the pick up truck would be transferred to the water department and the new vehicle would be utilized by administration; that the new vehicle would be more fuel efficient as well as comply with the Green Cities program; that the funds were budgeted for the purchase; that the total purchase cost was \$26,806.00.

Commissioner Rettstatt moved approval of the purchase of 2009 Toyota Camry Hybrid for the purchase price of \$26,806. Motion seconded by Commissioner Shelly and carried unanimously.

**APPROVAL OF PURCHASE OF TOWN PROPERTY BY BILTMORE CONSTRUCTION**

Mr. Maxwell stated that at the last meeting Mr. Ed Parker, Jr. of Biltmore Construction had expressed an interest in the purchase of a parcel of property owned by the town; that the property was contiguous to the Biltmore Construction property; that Mr. Ottinger was to review the requirements regarding the proposed sale of the property.

Mr. Ottinger stated that the current code did not place any restrictions or impose any requirement to request public bids for the sale of property; that under the Florida Home Rule Act it was within the commission's authority to sale the property so long as the sale was prudent; that the offered price was the same or about the same as the independently appraised market value; that if the commission was satisfied with the terms of the sale it was within their authority to enter into such sale.

Commissioner Rettstatt asked if Biltmore Construction and the town could enter into an agreement for allow for joint use of property to be used for parking; that during weekends and evenings there are numerous events going on at the rec center and additional parking was often needed.

Ed Parker, Jr., Biltmore Construction, stated that he was in agreement with the request and asked about installation of a gate; that they could also use the additional parking area at the time of construction for their facility.

Mr. Maxwell stated that the property in question was approximately 4300 square feet between the Biltmore Construction building and the Pinellas County lift station.

Mayor Katica stated that approximately two year ago an independent appraisal was conducted; that the appraised value was determined to be \$32,250; that Mr. Parker had stated that his company was agreeable to purchase the property at that price; that the town was also comfortable with the price.

Mr. Parker stated that in discussions with the former town manager the offer included the purchase of the larger piece of property and that the appraisal was based upon the larger piece of property; that their letter of proposal was also based on the larger piece of property; that if they were not able to purchase the larger piece they would purchase the smaller property based on the cost of \$7.50 per square foot; that they would provide a survey of the property to consummate the deal.

Discussions ensued regarding the placement of temporary modular units and the period of time they were to be located on the property; that the modular units were to moved after a two year period; that language to the time frame for the modular units would be addressed when permits were issued.

**AUTHORIZATION TO PAY INVOICE - GRAY ROBINSON, ATTORNEYS AT LAW**

Mr. Maxwell stated that the invoice presented by the town attorney was regarding the Belleview Biltmore Hotel suit; that the total invoice was in the amount of \$41,421.96; that it was outside the realm of the contractual services of the town attorney.

**AUTHORIZATION TO PAY INVOICE (Continued)**

Mr. Ottinger provided an explanation of the submitted invoice; stated that the invoice was for the October and November billing; that how he had kept record of the time and costs involved with the Belleview Biltmore matter.

Discussions ensued regarding the anticipated final costs to the town regarding the matter of the Belleview Biltmore Hotel matter.

Commissioner Oddo moved approval of the payment of invoice submitted to Gray Robinson Attorneys at Law in the amount of \$41,421.96. Motion seconded by Commissioner Shelly and carried unanimously.

**ADJOURNMENT**

There being no further business to come before the commission the special meeting was adjourned in due form at 5:45 pm.

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**Town Clerk**

**APPROVED:**

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**Mayor**