

**MINUTES OF WORK SESSION OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON MAY 4, 2010 AT 5:30 PM**

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

Town Manager Micah Maxwell  
Town Attorney David Ottinger

Quorum present on roll call with Mayor Katica presiding; the meeting was called to order at 5:40 pm.

**CITIZENS' COMMENTS**

There were no citizens' comments.

**TOWN MANAGER'S REPORT**

Mr. Maxwell announced that the employee of the month was Susan Lee; stated that Susan had done an outstanding job organizing the employee health fair; announced that Tom Iovino from Pinellas County would be conducting a hurricane work shop at town hall on Wednesday, June 9<sup>th</sup> from 6:00 to 8:00 pm and urged the residents of Belleair to attend; announced that the Florida Institute of Government would be conducting a Citizens Advisory Board Work Shop on May 12<sup>th</sup> in St. Pete Beach.

**TOWN ATTORNEY'S REPORT**

Mr. Ottinger stated that the Belleview Biltmore Hotel's appeal of the code enforcement position of fine was progressing; that the brief had been filed; that he had been talking with Tom Trask the attorney for the code enforcement board regarding a response; that it was a certiorari action and that after the town filed the briefs it would be in the hands of the court to render a decision as to whether the matter should come back to the town for reconsideration.

**MAYOR AND COMMISSIONERS' REPORT/BOARD AND COMMITTEE REPORTS**

Commissioner Oddo stated that she had a comment to make about safety on the roads in Belleair; stated that the town could not pass a law to prohibit texting while driving but asked that residents and the commission sign the Oprah No Texting Pledge that was a no texting or phoning while driving; stated that Mr. Maxwell had indicated that staff already had such a policy in place.

Commissioner Fowler stated that there was a planning and zoning board meeting scheduled for Monday, May 10<sup>th</sup> at 5:30 pm; that items on the agenda was the request for extension for the Belleview Biltmore Hotel and Golf course variances; that there was also a request for variance for property located at 220 Ponce de Leon Blvd.

**MAYOR AND COMMISSIONERS' REPORT (Continued)**

Commissioner Irwin reported on the recreation board meeting; stated that the golf tournament held on May 1<sup>st</sup> had raised approximately \$11,500; that the summer camp programs were filling quickly and urged early registration; commented that the senior programs had slowed during the summer months.

Commissioner Shelly reported on the light rail seminar and the possible routes for Pinellas County.

Mayor Katica stated that the Mayor's Council meeting was scheduled for May 5<sup>th</sup>; reported on the RPD board meeting he had attended on April 26<sup>th</sup>; stated that he would not be at the June work session meetings.

**POLICE CHIEF'S REPORT**

Chief Edwards reported on recent vehicle burglaries in town; reported on senior scams and stated that a suspect had been arrested; reported on criminal mischief activity with the spray painting on a number of vehicles in town; commented on a shooting into a dwelling; reported on a grand theft that occurred on Coe Road; commented on acid bomb activity occurring in Waterfall Park on Sunday evening; commented on recent coyote activity in town.

Discussions ensued regarding coyote population in town; regarding safety issues; regarding the notification of aggressive actions of the animals.

**DISCUSSION OF CHANGES TO BELLEAIR WATER SYSTEM**

Mr. Maxwell stated that there were two issues to discuss; that the first issue was the town's water quality and the THM level being above the allowable levels; that there was a plan to reduce those levels to bring them into compliance by converting the system to chloramines; that the expected cost for the conversion would be \$20,000; that the conversion would require a specific permit for FDEP and the could start once the permit had been issued; that the conversion of the water system could have an impact on kidney dialysis patients and domestic aquatic life; that residents would be notified prior to the actual conversion of the system.

Mr. Maxwell stated that he would like to add to the regular meeting agenda the approval of the purchase order of \$20,000 for the project.

Mr. Maxwell stated that the second issue also related to the water plant infrastructure; that there were some infrastructure issues that needed to be discussed; that TBE had identified \$890,000 worth of potential infrastructure improvements needed for the plant; that the first proposed improvement was a new water well with a cost of approximately \$200,000; that staff had identified the new well as a secondary need for the system; that it was his recommendation to not move forward with that expense at this time; that it was necessary to move forward and budget for in the next budget year was \$690,000 for some replacements to the aeration tank and a roof

**DISCUSSION OF CHANGES TO BELLEAIR WATER SYSTEM (Continued)**

over the tank pursuant to a new rule change by DEP; that the roof structure must be in place by next year; that the proposed cost for all improvements was \$690,000; that expected some different funding options to be discussed in the near future.

Commissioner Oddo stated that she would like to have the finance board review the project costs to determine if there might be options other than the town having to secure a loan for the project such as possible grant funding or a general fund loan.

Commissioner Shelly inquired about the town's water rates at the end of the water plant improvements.

Discussions ensued regarding the water rates.

Mr. Maxwell stated for clarification that the finance board would review the project costs and water rates at the earliest opportunity.

**DISCUSSION OF VISIONING PROCESS**

Mr. Maxwell stated that pursuant to previous commission instruction, staff had been preparing to discuss the visioning process; that with commission approval would be lead by Annette Billingsway Chez; that Annette was the management analyses intern and a USF graduate with a masters in public administration; that Annette would review the process to identify the visioning needs.

Annette Billingsway Chez stated that community visioning was a timeless inspirational guide for determining priorities when dealing with change in the community; that she had provided an outline of the visioning building process she had developed; that there would be workshops to develop the actual visioning statement and supporting initiatives; that there would also be workshops to include community members to gather information on concerns and feedback on proposed initiatives; that a final report would be compiled and submitted to the commission.

Discussions ensued regarding the workshops and the methods and procedures for getting participation from the citizens; regarding identifying the community's strengths and weaknesses.

Lil Cromer, 4 Belleview Blvd., asked about visioning and how the process originated; inquired about identifying the priorities for the town.

Ms. Billingsway Chez stated that the process could be identified as a priority list; that the process was to determine where the town was going and establishing guidelines for establishing the priorities.

Discussions ensued regarding the visioning process and the focus of needs for the community.

**DISCUSSION OF VISIONING PROCESS (Continued)**

Mr. Maxwell read an e-mail regarding the visioning process from Karla Rettstatt opposing the costs for visioning with the need for certain infrastructure improvements more pressing at this time.

Mr. Maxwell stated that his questions was more a time line concern; that to hire a consultant to prepare the visioning report was \$20,000 to \$25,000; that by having Annette lead the discussions would reduce the cost to \$10,000 to \$15,000; that there was previously budgeted funds to identify the vision needs for the town.

Discussions ensued regarding the new members on the commission and a number of younger families in town and their ideas and comments about the future needs of the town; regarding input from residents and their involvement in the process; regarding moving forward with the process; regarding the involvement of the advisory board members in the process as well.

It was the consensus of the commission to move forward with the visioning process.

Mr. Maxwell stated that he would meet individually with commission members to check schedules and availability.

**DISCUSSION OF COMMERCIAL LANDSCAPING RESTRICTIONS ON HOURS OF WORK**

Mayor Katica stated that he had thought about the issue since the matter was presented to the commission; that there were approximately 1700 single family homes, three golf courses, 18 parks and two athletic fields and numerous other things; that there were probably about 275 to 300 mowings per day; that it would be very difficult to limit such activity; that he was fine with the way the process was running now.

Mr. Maxwell stated that a letter was received from Gail Carroll requesting that discussion of the matter be postponed until the June meeting; that a letter had also been received from Karla Rettstatt opposing restrictions on lawn mowing services.

Mayor Katica stated that he could see no reason to postpone the discussions; that the mowing noise was a part of society and the town had more important things to consider.

Commissioner Oddo stated that she wanted to give the resident the opportunity to bring her concerns before the commission.

Discussions ensued regarding the number of required mowing during the summer months; regarding making no changes to the code regarding lawn maintenance; regarding the enforcement of the code in requiring hired lawn maintenance contractors to haul away the debris they crate in the performance of the lawn maintenance

**DISCUSSION OF COMMERCIAL LANDSCAPING RESTRICTIONS (Continued)**

Lil Cromer, 4 Belleview Blvd., commented on recent issues brought before the commission; that it was her suggestion that the commission receive at least five requests before an item is placed on the agenda for consideration.

**DISCUSSION OF AMENDMENTS TO ORDINANCE NO. 457 REGARDING YARD WASTE**

Mr. Maxwell stated that pursuant to discussions of the issue in April, staff had identified two time periods offering a waiver for yard waste pick up; that if the commission was interested the waiver would affect the number of yard waste bags placed at the curb and the number of days the bags may be located at the street; that the proposed months would be March and April in the spring and October and November in the fall; that if the commission wanted to reduce the time period he would suggest the months of March and October.

Discussions ensued regarding the suggestions presented by Mr. Maxwell; that the commission was in agreement with the months of March and April and October and November; regarding a special allowance during hurricane season.

Tom Vourlos, 1711 Cypress Avenue, asked for clarification on the suggestions by Mr. Maxwell regarding the number of days bags would be allowed at the street for yard waste; stated that the suggestions by Mr. Maxwell were totally different than e-mails he had sent to all of the commissioners; that his neighbors on his street had been putting trash bags for up to four days; that he was not in agreement with the recommendations made by Mr. Maxwell.

Discussions ensued regarding the proposed waiver; regarding the number of bags allowed and the increase in cost for the number of bags over the allowed number.

Mr. Maxwell stated that a draft amendment to include the issues discussed would be presented to the commission for consideration at the next meeting.

**DISCUSSION OF SERVICE SHARING CONSOLIDATION ISSUES – CITY OF BELLEAIR BLUFFS AND TOWN OF BELLEAIR**

Mr. Maxwell stated that with regard to previous discussions at the last commission meeting and discussions requested by Mayor Arbutine of Belleair Bluffs with Mayor Katica and Commissioner Oddo, he had provided an outline for the potential joint Belleair-Belleair Bluffs consolidation committee; that the outline proposed eight members with four from each municipality; that the committee members would be named by the respective municipality; that he had included suggestions for potential groups from both cities; that the proposed suggestions would be presented to Belleair Bluffs for review; that the issue was for the sharing of services and not boundaries; that for example it would be for sharing services such as police and recreation facility or building inspections and infrastructure and other such services.

**DISCUSSION OF SERVICE SHARING CONSOLIDATION ISSUES (Continued)**

Discussions ensued regarding sharing infrastructure on Mehlenbacher Road with regard to resurfacing and drainage issues; regarding joint bidding on similar projects in both cities.

Commissioner Oddo suggested that Model 2 be followed since there was a shorter period of time involved.

Discussions ensued regarding providing water for both towns; regarding the current water supply in Belleair; regarding the staff was looking at the issue from a budget point of view.

It was the consensus of the commission to proceed with Model 2 as presented by Mr. Maxwell which would leave Belleair Bluffs to choose how their committee would be selected, leaving the committee appointments for Belleair as suggested by Mr. Maxwell.

**DISCUSSION OF RESOLUTION NO. 2009-24 – RULES OF PROCEDURE FOR TOWN COMMISSION**

Mr. Maxwell stated that with consideration of the newly elected commissioner staff thought it would be best to bring forward Resolution 2009-24 for review; that it was a resolution passed last year with regard to rules of procedure for the town commission; that it was a good opportunity to revisit the document and refresh everyone and have an opportunity for revision if the commission so wished.

Discussion ensued regarding possible revisions to the resolution; that it was suggested that the resolution would also apply to the advisory boards; that it was suggested that speaker sign in sheets be submitted for persons planning to speak at meetings.

It was the consensus of the commission that amended Resolution be added to the agenda for the regular meeting.

**CONTINUED DISCUSSION ON PERMITTED USES ON PARK PROPERTY**

Mr. Maxwell stated that for the past few months staff had been working with PPC in an effort to have the town code become more consistent with the comprehensive plan especially with the placement of structures in parks and open space areas; that PPC had suggested changes to the code; that staff did not have an issue with the proposed changes as there would be no restrictions to staff with regard to placing meters, irrigation systems and the like.

It was the consensus that an ordinance be added to the agenda for first reading be added to the regular meeting agenda.

**DISCUSSION OF BOARD NOMINEES**

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

Commissioner Shelly stated that the members of the park and tree board were interested in serving another term; that those members were Amy Welch, Paul Cozzie and Kathy Gaston.

Mayor Katica stated that the members of the finance board were interested in serving another term; that those members were Tom Olson, Phil Doganiero and Virginia Donahue; that there was a vacancy to fill with the resignation of Vinny Iuppa; that there were four nominees who were Bonnie Ruggles, Bryce Barnes, Peggy Boyer and John Grice.

Commissioner Fowler stated that the members on the planning and zoning board were interested in serving another term; that those members were Gloria Burton, Peter Marich, and Bonnie Sue Brandvik.

Commissioner Oddo stated that the members of the historic preservation board were interested in serving another term.

Discussions ensued regarding the code enforcement board; regarding having a special master rather than the board; regarding the advantages of having a special master.

Mr. Ottinger stated that the town had very few issues going before the court in the past; that there did seem to be some issues with the board following the rules and procedures set forth for the board.

It was the consensus of the commission for staff to explore the special master for code enforcement; that the information would be presented at the next meeting.

**ESTABLISHING AGENDA FOR REGULAR MEETING OF MAY 18, 2010**

Mayor Katica announced the following items scheduled for public hearing at the May 18, 2010 meeting at 7:30 pm:

1. Mowing Resolution.
2. Request for extension of variance approvals – Belleview Biltmore Hotel and Belleview Biltmore Golf Club/Pelican Golf Course Property.
3. Request for variance – 220 Ponce de Leon Blvd. – Theater Properties, LLC
4. Proposed Resolution – Delinquent water service charges.
5. Proposed Resolution – Delinquent sewer service charges.
6. Proposed Resolution – Delinquent solid waste collection service charges.
7. First reading – Proposed Ordinance No. 468 – Amending Ordinance No. 457 – Pertaining to solid waste collection procedures.
8. 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.

**ESTABLISHING AGENDA FOR REGULAR MEETING OF MAY 18, 2010 (Cont'd)**

9. 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.
10. First reading – Proposed Ordinance No. 470 – Amending town of Belleair Code of Ordinances, chapter 66, Administrative and General Procedures, Article II, Boards, Committees and Commissions, Division 4, Code Enforcement Board; Elimination the Code Enforcement Board and providing for a Special Master.

On motion duly made and seconded the following agenda, as amended, was established for the May 18, 2010 regular meeting at 7:30 pm:

**CITIZENS' COMMENTS**

**CONSENT AGENDA**

1. Approval of Minutes – Special Meeting – April 6, 2010  
Work Session – April 6, 2010  
Regular Meeting – April 20, 2010.

**GENERAL AGENDA**

**Consideration of:**

1. Resolution No. 2010-11 – Amending the budget for fiscal year beginning October 1, 2009 and ending September 30, 2010.
2. Resolution No. 2010-12 – Appointing members to serve on the Building Board of Adjustments and Appeal.
3. Resolution No. 2010-13 – Appointing members to serve on the Code Enforcement Board.
4. Resolution No. 2010-14 – Appointing members to serve on the Finance Board.
5. Resolution No. 2010-15 – Appointing members to serve on the Historic Preservation Board.
6. Resolution No. 2010-16 – Appointing members to serve on the Park and Tree Board.
7. Resolution No. 2010-17 – Appointing members to serve on the Planning and Zoning Board.
8. Resolution No. 2010-18 – Appointing members to serve on the Recreation Board.
9. Approval of purchase order for Belleair Water system Design and Permitting.
10. Resolution No. 2010-19 – Amending Resolution No. 2009-24 – Adopting rules and procedures for town commission and advisory board meetings.

**ADJOURNMENT**

There being no further business to come before the commission the work session was adjourned in due form at 6:50 pm.

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**Town Clerk**

**APPROVED:**

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**Mayor**

**Approved: 6/15/2010**